

Public and Stakeholder Consultations on
**Coastal Protection
Legislation in
Nova Scotia**

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What We Heard document prepared for
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Coastal Protection Legislation in Nova Scotia
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Executive Summary

The government of Nova Scotia sought to conduct public and stakeholder consultations to inform the development of coastal protection legislation. This would be provincial legislation with the goal of protecting Nova Scotia's coastline.

Overall, the general public, municipalities and the other stakeholders were satisfied that the province was beginning the process of developing coastal protection legislation, as many felt it was urgently required. There was consensus that the goal for the province should be creating legislation that balances the protection of the environment (specifically, Nova Scotia's coastline) with economic growth and development.

In order to inform the development of this legislation, in-person and online consultations were conducted with municipalities, the general public and other stakeholders to share their views on the government's proposed approach to coastal protection legislation. The overall goal of the consultations was to increase government transparency in environmental decision-making, and to ensure that the new legislation would take into consideration the thoughts, ideas and concerns of Nova Scotians.

The research objectives of the public and stakeholder consultations were to gauge Nova Scotians' thoughts on the following three themes:

1. What areas that should be covered by a coastal protection zone;
2. What types of activities should be restricted within this protected zone, as well as what exceptions should be made; and
3. Thoughts on the administration, monitoring and compliance of the legislation.

Municipal stakeholders were largely concerned about resources for administration and enforcement of new regulations. Concerns were also raised about overlap between existing legislation at different levels of government, and how this legislation would fit into what already exists. Other stakeholders were interested in how exceptions, variances and grandfathering would be handled with the new legislation.

Public survey respondents felt that dumping of waste materials, altering the natural contour of the land, and new construction should be activities that are regulated by this legislation. Stakeholders also suggested the regulation of other activities, such as shoreline hardening and building upon existing structures that may fall within the coastal protection zone.

Conversations about the zone centred around the creation of both a horizontal and a vertical setback, where the vertical setback would account for elevation. Stakeholders also suggested determining the protected zone based on the type of land on the coastline, rather than using a "one-band" approach that assumes homogeneity of Nova Scotia's coastline.

Introduction

About the Consultation

In 2009, the *State of the Coast* report estimated that 70% of Nova Scotia's population resides within 20km of the coast. Furthermore, sea levels in Nova Scotia are expected to rise between 70cm and 140cm by the end of the 21st century¹. As a result, the future threats of serious coastal flooding, high rates of erosion and more frequent storm surges put Nova Scotia at great risk, environmentally and economically. The government of Nova Scotia has committed to developing comprehensive legislation that will provide coastal protection to the province's most vulnerable areas, as well as areas that could be at risk in the future.

Currently, all three levels of government regulate activities on coastal areas throughout Nova Scotia. For example, on the federal level there is the Oceans Act, at the provincial level there is the Beaches Act, and at the municipal level there are land use by-laws. In addition to government interests, outside stakeholders have vested interests in Nova Scotia's coastline. This would include industries and business, such as fishing and aquaculture; professional groups such as insurance companies and realtors; advocacy and research groups (e.g., environmental groups, wildlife researchers); recreational groups (e.g., hikers); First Nations interest groups; and private citizens/land owners.

The three key components of the coastal protection legislation are the following:

1. **Defining a Coastal Protection Zone:** The idea for a coastal protection zone is that there will be a *setback*, potentially from the high-water mark, that would protect properties (commercial or private) with coastal frontage, roads, estuaries (e.g., Bras d'Or lakes), and other provincial/Crown-owned land.
2. **Regulating Activities within the Coastal Protection Zone:** This component of the legislation is proposed to include activities that would either be restricted or prohibited within the coastal protection zone. Some examples of activities that could be considered are shoreline hardening, adding to existing structures, or waste disposal.
3. **Creating Provisions for Administration, Monitoring and Compliance:** This component of the legislation would address issues relating to how the legislation will be implemented and how the province and municipalities will enforce regulations with land owners.

This report synthesizes stakeholder feedback received from the public survey, in-person consultations (municipalities and other stakeholders) and written submissions and summarizes them under each of the three main proposed legislation components stated above.

¹This information has been summarized from Nova Scotia Environment's consultation presentation

Approach and Methodology

How Nova Scotians Gave Their Views

Feedback from stakeholders was gathered using three approaches: (a) a public online survey; (b) in-person consultation sessions with municipalities and other stakeholders; and (c) written submissions. These approaches are described in detail below. For reference, a consultation document was posted on the provincial government's website² so that individuals could have information on the province's initial thoughts on drafting the legislation.

Public Survey

The public survey was intended to allow the public to provide input on coastal protection legislation. This survey was launched on June 26th and could be accessed until August 17th, 2018. The survey was posted on the government's website, where Nova Scotians and individuals who own land in Nova Scotia were invited to complete the survey in English or in French. Participants were encouraged to read the consultation document before completing the survey.

While the survey was primarily online, individuals could request a hard copy and mail the survey after completion. In total, 1,306 surveys were completed (three were hard copies; nine surveys were completed in French). A copy of the questionnaire is presented in Appendix A.

In-person Consultations and Written Submissions

Between July 9th and October 4th, 2018, a total of 16 in-person consultation sessions were held with stakeholders throughout Nova Scotia.

From July 9th–13th, six municipality sessions were held in the following locations: Yarmouth, Bridgewater, Halifax, Truro, Wolfville and Port Hawkesbury. In total, the sessions represented 36 municipalities³ and six other related groups. The list of municipality session attendees is provided in Appendix B.

Following the six municipality sessions, an additional six sessions were held with other stakeholder groups, including professional associations, NGOs, tourism, fisheries and agriculture. These sessions were held in Halifax, Truro, Port Hawkesbury and Bridgewater. Lastly, four additional sessions were conducted outside of the scheduled sessions. These were conducted as individual sessions. This included three groups that were unable to attend the scheduled sessions (two associations and one municipal council), and one First Nation interest group. In total, the sessions represented 24 different stakeholder groups. The list of stakeholder attendees is provided in Appendix B.

Fourteen (14) stakeholders provided written submissions, out of which ten had been represented in an in-person consultation session. The written submissions largely echoed the feedback found through the in-person stakeholder consultations. The list of organizations and individuals who provided written submissions is provided in Appendix B. Because the written submissions largely echoed what was found through the in-person consultations, the written submissions results are summarized in point-form within the summaries of stakeholder feedback.

²novascotia.ca/coast/

³This was determined using the "List of Municipalities" (Rural, Town, Regional) from canada.ca/en/revenue-agency/services/charities-giving/other-organizations-that-issue-donation-receipts-qualified-donees/other-qualified-donees-listings/list-municipalities-nova-scotia.html

Stakeholder Feedback

This section of the report summarizes the stakeholder feedback received from the public survey, in-person consultations (municipalities and other stakeholders) and written submissions, organized into the following sections:

- Defining a coastal protection zone;
- Regulation of activities in the coastal protection zone;
- Provisions for administration, monitoring and compliance;
- Additional feedback and considerations.

Part I: Defining a Coastal Protection Zone

Setting the Coastal Protection Zone

With regards to setting the coastal protection zone, *elevation* was a frequently mentioned factor as a number of stakeholders stressed the importance of considering the vertical component of the coastal protection band. A “one-band approach”, with no account for elevation, would not be beneficial as it would not account for storm surges. Additionally, elevation is important as certain areas need to be more protected than others; for example, land that is susceptible to erosion versus land that is not.

Additionally, stakeholders suggested the legislation should set a *minimum setback line* that all municipalities must follow to ensure a minimum standard is being followed. The majority of respondents to the public survey (79%) also agreed that elevation should be a factor in determining the coastal protection zone.

The public survey⁴ found that 71% of respondents agreed that the coastal protection zone should be a band that covers the entire coastline (Figure 1). Slightly less than half of survey respondents (46%) felt that the reference line for the zone should be the high-water mark (Figure 2). The text box below displays comments from public survey respondents who did not feel a “band approach” would be effective.

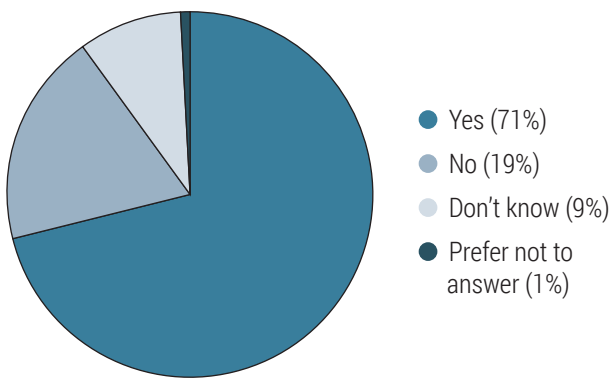
“A one-solution-fix for different problems (or perceived problems) never succeeds. Different land profiles, different tides, different probable outcomes require different approaches.”

“Different types of coastline need to be addressed differently.”

PUBLIC SURVEY

⁴Detailed results of the public survey, including questions that are not discussed in the body of the report, are presented in Appendix C.

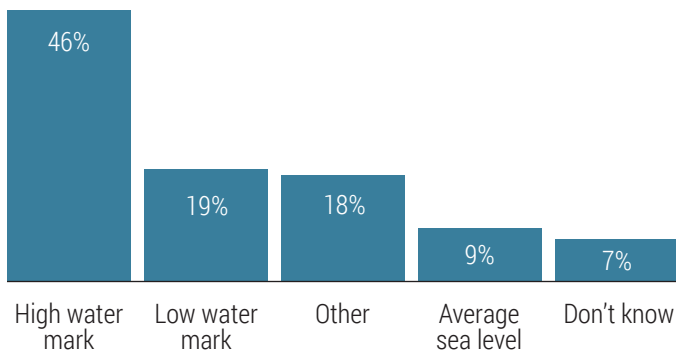
Figure 1: A coastal protection zone could be a band of area around our entire coastline. Do you feel this is a good way for the legislation to define the Coastal Protection Zone?



One stakeholder noted that the zone should consider multiple scenarios; for example, defining level of risk for different degrees of water rise to account for the possibility of more aggressive erosion. There was also a question about whether the setback would consider the depth of inland flooding in a particular area.

Similarly, a suggestion was made to model the planning of the coastal band/setback line based on the worst case scenario (Scenario Modeling). This approach would involve taking an active segment of the coastline and modeling the most extreme, worst case scenario outcome. The model would consider all possible variances⁵ and exceptions, as well as potential for erosion, etc. The coastal band would then be determined based on this worst case scenario. This would allow the province to find a balance between protecting public and economic interests and environmental protection.

Figure 2: What do you feel the reference line or starting point for the zone should be?



⁵A variance is a request to deviate from current zoning requirements. Variances, if granted, allow activities (e.g., construction) that would not have been otherwise permitted.

Zone Considerations

A number of stakeholders had questions about the specifics of what would be covered by the legislation. For example, there were questions about whether *pre-Confederation water lots* would fall under the legislation, as they are under the water. Other stakeholders inquired about whether the legislation would cover *offshore coastal islands* in Nova Scotia. Some stakeholders expressed that the legislation should offer protection to coastal islands due to the ongoing conservation work happening on them, while another stakeholder was concerned about the impact of the legislation on recreational users (for hunting and angling) who make use of these offshore islands.

One municipal stakeholder asked about how *delineation* would work. If this legislation is looking at provisions to save waterfront communities, how will the regulations differentiate between coastlines that are on the rural landscape and what is a small town or village (e.g., would it be based on biospheres)?

Questions were raised about whether the Act would apply on First Nations reserves, and if so, what exemptions would be contemplated on reserves. First Nation stakeholders expressed that many reserves have coastal land, and if a setback were put in place, it would restrict opportunities for development.

Mapping

Finally, there was a high degree of agreement that mapping would be essential to appropriately designing coastal protection legislation. Stakeholders suggested that it would be beneficial for the province to produce a detailed map that can be used and accessed by businesses, insurance companies, real estate and the general public (e.g., private land owners, researchers). The importance of accurate and publicly available mapping was also brought up in relation to purchasing property, which is discussed further in Part III.

In some municipality sessions, there were questions about whether the province would use LIDAR mapping to map the entirety of the coastline.

“I think the mapping piece is key.”

“The province should provide coastal mapping that can be accessed by all.”

CONSULTATION SESSION

WRITTEN SUBMISSION FEEDBACK

The written submissions provided feedback that reiterated discussions from the in-person sessions regarding defining the coastal protection zone.

- » It was suggested that province acknowledge the fluidity of the coastline, in that it will continually be changing over the years. The legislation should adapt and be revised accordingly in the future.
 - » The coastal band should consider elevation/topography of the coastline, as well as type of land (e.g., rocky, cliffs, sandy, etc.).
 - » Consideration of the well-being of the coastal habitat should be highlighted in this legislation (some areas will have high biodiversity values as well).
 - » Availability of maps as part of future consultations on this legislation would be beneficial.
 - » The province should consider erosion rates – the legislation should have two classes of “medium to high risk” areas and “low risk” areas, where those classified as “medium to high risk” would be subject to further risk assessment.
-

Part II: Regulation of Activities in the Coastal Protection Zone

Activities Related to Economic Development

With regards to the regulation of specific activities within the coastal protection zone, the main concerns expressed by municipalities were centered around economic activity and development. There were concerns that adding another layer of restrictions on coastal development might negatively impact growth of the province. Some argued that part of what draws outsiders to Nova Scotia is the coast and the water, and the legislation should not create complex obstacles for individuals who want to open businesses.

Smaller municipalities in particular expressed this concern. Some smaller communities are entirely on the water, and if coastal protection legislation adds more protected areas that cannot be used for development, it would harm the economic well-being and growth of the community. Municipalities also stated it is important to keep in mind that there are already certain areas where municipalities have proposed development (i.e., where plans for development exist but there are no physical structures yet).

“Concern that it adds more protected land and as a result it may inhibit development.”

CONSULTATION SESSION

On the other hand, some municipality sessions had discussions around whether there would be a set of rules and regulations for industry around building near the coastline.

A number of stakeholders, outside of the municipality sessions, asked about the extent to which the legislation would impact structures related to fishing and aquaculture industries. For example, one stakeholder brought up fishing wharfs and other related structures in salt water - the material used to build them and their ecological impact. There was conversation around grandfathering in current materials (e.g., pressure-treated wood), but prohibiting future use of harmful materials.

Stakeholders also suggested regulating activities related to preventing future erosion of susceptible land. In particular, there were suggestions to place heavy restrictions on *shoreline hardening*, which contributes to the acceleration of erosion, as well as threats to wildlife.

Concerns were raised about whether this legislation would add more regulation in terms of new development. Specifically, stakeholders within the construction industry felt development/construction was already difficult in the current regulatory environment.

Recreational Activities

One stakeholder expressed the desire for the province to create legislation that balances environmental/coastal protection with recreational activities. This would include activities such as fishing/angling, hunting and hiking trails in protected areas.

“No high-density developments.”

“Developments in keeping with the rural areas.”

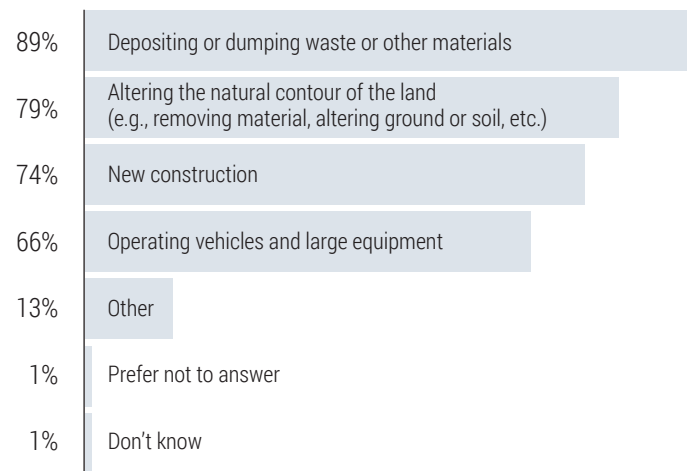
“A strong coastline protection policy will help keep NS beautiful and keep tourists coming.”

PUBLIC SURVEY

Restricted Activities and Exceptions

While regulation discussions in the in-person stakeholder sessions centered on the impact restrictions might have more generally to recreation and economic development, the public survey asked respondents to highlight specific activities and exceptions that should be regulated in the legislation. Figure 3 shows results from the public survey that indicate that the dumping of waste materials (89%), altering the natural contour of the land (79%) and new construction (74%) were the top three activities that respondents believed should be prohibited or restricted by coastal protection legislation.

Figure 3: What activities should the new legislation prohibit or restrict within the coastal protection zone?



Survey respondents also expressed that exceptions be made for activities with low, or positive, environmental impacts (22%), activities related to the fishing industry (19%), and exceptions for private property owners (17%).

WRITTEN SUBMISSION FEEDBACK

The written submissions provided feedback primarily with regard to economic development.

- » There are concerns that this legislation might place restrictions that would impede economic development and population growth, particularly for small, rural municipalities.
 - » This legislation must strike a balance between coastal protection and the economic well-being of small rural communities in Nova Scotia.
 - » For the mining industry, it is essential that easy access to tidewater remain.
 - Tidewater quarries should be allowed to continue to operate, and this legislation should not prevent new ones from opening in the future.
 - » There should be protection of public access to the coastline, where appropriate, for recreational purposes such as hiking.
-

Part III: Provisions for Administration, Monitoring and Compliance

A large portion of stakeholder feedback, particularly from municipal stakeholders, centered around administration and enforcement of any new regulations the legislation might impose. Municipal stakeholders wanted to know the details of how the legislation would be administered and who would be responsible for communicating and enforcing regulations. Concerns were raised about a shortage of resources to administer and enforce the legislation. Other concerns were raised about property values, how grandfathering would be handled within the legislation and adding to the already large degree of overlap between existing legislation at different levels of government (federal, provincial, municipal).

Administration

Stakeholder feedback was mixed on how the legislation should be administered. Many stakeholders were concerned about municipalities having to administer the legislation and felt it should be handled by the province, while others felt that the logical course of action was for municipalities to take what the province legislated and put procedures in place within existing municipal permits. One stakeholder noted that conditions on building permits already exist where approval might be required by the Department of Transportation or the Department of Environment, and the incorporation of coastal protection legislation would just be one more step in the approval process.

Stakeholders had concerns about the municipalities taking on the burden of administering the legislation and felt the province should regulate and administer the legislation directly. Stakeholders cited the amount of additional work taking on administration of the legislation would be for the municipalities and development officers specifically. In addition to concerns about a lack of municipal resources, one stakeholder noted that administration and enforcement by the province would encourage consistency in the application of this legislation.

Stakeholders questioned how conflicts would be handled between any new provincial legislation and existing municipal laws. Concerns were raised about how the legislation would impact the municipality's existing standards. Some stakeholders suggested that municipal land use laws would need to be amended to incorporate the new legislation.

One stakeholder suggested that the legislation begin with a *soft movement*. The province could impose a soft limit on regulations during the initial administration and implementation period that would reduce the impact on industry professionals and property owners. Over time, the regulations can be "tightened up", so that the province does not need to amend the Act itself; rather, just update the regulations.

Enforcement

A large portion of the municipal discussions centered on monitoring and compliance. In addition to the discussions around permitting and administration, municipal stakeholders wanted to know who would be responsible for communicating and enforcing regulations. Municipal stakeholders were concerned about the potential cost of enforcement of new regulation. One stakeholder noted that more regulations were being put in place while some federal money to support existing regulations may be falling away.

“What comes along with regulation enforcement... Where do you see that falling? Who is responsible? Will municipalities have to pick up enforcement?”

CONSULTATION SESSION

Shortage of Resources

A large number of stakeholders expressed concern over the amount of regulation that already exists, and that adding additional regulation would overburden the field staff (e.g., conservation officers) and discourage development. There was discussion about how conservation officers are already burdened with a high workload in enforcing existing legislation. One stakeholder warned that overworking existing conservation officers might result in staff having to prioritize certain regulations or Acts over others.

“Anything you can do to streamline the regulation process will be appreciated, as we have to consider Acts at all three levels of government.”

CONSULTATION SESSION

There was also conversation around an *expert gap*; that is, a shortage of subject-matter experts for conducting land assessments. Specifically, there is a shortage in Nova Scotia of coastal geomorphologists and geoscientists, who are responsible for conducting land assessments, which would be required as part of this legislation. This would create problems for implementation of the legislation; for example, variance applications at the municipal level that require a geoscientist’s expert recommendation.

Finally, a few stakeholders asked about who would be responsible for hiring a subject-matter expert to ensure they are following regulations set by the coastal protection legislation. For example, a rural homeowner may have to pay out of their pocket for an expert to do an assessment on their property, while urban areas may already have provisions for this.

Grandfathering

A number of stakeholders, across all sessions, brought up the topic of *grandfathering*. Questions were raised around the specifics of what would be allowed under any grandfathering provisions, for example expansion of existing structures within the coastal zone, rebuilding structures within the zone that had been grandfathered in. Some stakeholders warned against creating a “perpetual state of grandfathering”, where properties within the coastal protection zone continue to be rebuilt after major damage has occurred. As a result, there was consensus that there should be strict monitoring of any grandfathering that is built into the legislation.

Some stakeholders suggested that the province set an example for private land owners with regards to grandfathering, where grandfathering would not be allowed for provincially-owned or Crown-owned land (or provincial/Crown-funded land). This way, the government would be a role model for private land owners. It was also suggested that clear language in the legislation that places restrictions of perpetual grandfathering situations would be critical.

Land Value - Private Land Owners and Buyers

There was concern in municipal sessions about the impact of the legislation to land value. Professional and municipal stakeholders questioned how property disclosures would be handled to a potential property buyer, if the land falls within the coastal protection zone, including voluntary seller disclosures. One suggestion was made that the province make mapping publicly available that highlights land within the protected zone, for potential property buyers to consult.

“Landowners...need to understand laws as they apply to right of way, usage and property lines. Mailings, webpages, ongoing surveys to see how people understand these rules would be helpful.”

PUBLIC SURVEY

There was also discussion around incentivizing private property owners to push their properties back, if they were to fall within the zone. These incentives could come in a variety of forms, such as rebates or tax incentives. There was consensus that initiative from private land owners to move out of the demarcated zone would further help to maintain a healthy coastline.

Overlapping Legislation

Stakeholders brought up concerns over duplication and complication in adding another layer of regulations to follow. Stakeholders felt it was incumbent upon the provincial government to ensure that duplication is kept to a minimum in order to simplify administration of the Act. This would involve communication and coordination between departments, at the federal, provincial and municipal levels.

One example that was provided in a session was whether there would be overlap between the provincial coastal protection legislation and regulations set up by the Department of Fisheries and Oceans Canada (DFO). And if there was overlap, there should be specifications about whether the province's regulations would supersede the DFO regulations, or vice versa.

WRITTEN SUBMISSION FEEDBACK

The written submissions provided feedback that echoes what was stated in the consultation sessions.

- » There are concerns that enforcement of this Act would fall to the municipal governments, and resources are already stretched within municipalities.
 - » There should be clear rules for the grandfathering process set out in this legislation. The province must be wary of creating a perpetual grandfathering situation.
 - The province should be a model to private landowners and not grandfather any Crown properties that get damaged.
 - » To what extent will liability of risk fall on the personal responsibility of private land owners? What rights will private land owners have regarding the level of risk they are willing to accept when buying/building a property?
 - » There is already confusion about who has jurisdiction over what activities in the coastal areas – this legislation would add to that confusion, unless there is coordination with other departments and jurisdictions, as well as a clear streamlining process.
 - » Future consultations must address how/if this act will supersede other legislation.
 - » Additional resources (conservation enforcement staff) would be required to implement compliance and promotion of the new act, as their jobs are already burdened.
 - » Consider incentives for land owners to relocate out of the protected zone – a retreat strategy.
 - Examples of incentives include coastal stewardship programs, rebates and tax exemptions.
 - » Exceptions/variances: must require a geologist and coastal engineer to sign off on any exceptions.
 - The province should have coastal geomorphologists and civil engineers that are trained in soft engineering practices to assess properties and work with property owners who are applying for variances.
-

Additional Feedback and Considerations

Public Survey

For additional feedback, public survey respondents were asked whether there were any other provisions they would like to see in the coastal protection legislation. While few provided suggestions, the top two suggestions included provisions for banning waste and drainage dumping in coastal waters (10%) and wildlife protection (7%).

Finally, when asked about how this legislation might affect them (i.e., the public), 39% of respondents felt that coastal protection legislation would create a positive environmental impact for them.

Municipality Sessions

A number of municipalities expressed that this legislation is urgently needed in the province. Concerns were expressed regarding the “now” – what should be done now with regards to mitigating current concerns related to coastal protection. Participants also wanted to know if there would be a timeline for implementation of the Act and suggested that there should be a process in place that would start to address issues now rather than waiting any longer.

“It can’t come soon enough. There is too much development in areas where it doesn’t belong and we need to come to terms with that as soon as we can.”

CONSULTATION SESSION

Participants in one municipal session expressed concern about the level of data presented during the consultation as the basis for initial ideas for this legislation. One participant suggested that perhaps the province needed to go father back into historical data when making future projections on environmental changes. Another participant expressed concern that the legislation did not acknowledge the urgency of coastal protection that is needed in Nova Scotia. They indicated that environmental data is constantly being superseded by new data, and as a result, the data used in the consultation may in fact underestimate the future environmental damage.

Finally, some municipalities expressed concern about the short timeframe of this consultation given that coastal protection is of vital importance in Nova Scotia. Some participants stated that many councils do not meet in the month of August due to the time of year. Suggestions were made to extend the consultation process so that councils are provided with enough time to read the consultation document and meet on the subject.

“Based on the discussion here today it is important that this legislation isn’t rushed...I think it’s important that municipalities are given another opportunity once the legislation is drafted. It’s important that the municipalities have matter of fact legislative language to consult on...The regulations will be where the rubber hits the road.”

“You are also dealing with a group of stakeholders who will be at the front line, so it’s important to give every opportunity to give that dialogue more than what we have seen today.”

CONSULTATION SESSION

Additional Stakeholder Sessions

Stakeholders across multiple sessions expressed that education for the public will be critical to inform homeowners and business owners about coastal legislation, particularly with regards to building close to the coastal band. Stakeholders, particularly those representing NGOs, expressed that this legislation is an opportunity to appeal to the majority of Nova Scotians. The public should be aware of what is at stake if coastal protection legislation is not introduced, and there should be education around what Nova Scotians could gain from this legislation (i.e., how this legislation would feed into public interest).

Most stakeholders agreed that the initial ideas for this legislation is on a great track, as it addresses the value of ecosystems, which has not always been a topic of conversation in the past. Stakeholders also expressed that it would be the provincial government’s prerogative to have conversations with other departments to ensure full protection of Nova Scotia’s coastline. Many stakeholders asked to be kept informed and updated on future progress on this legislation.

One stakeholder group raised concerns over how this legislation would impact the restrictions on disposing of pyritic slate⁶, particularly in the Halifax Regional Municipality area, where excavating for buildings requires treatment or disposal of this material as saltwater sites, which are currently licensed by the federal or provincial government.

Finally, one stakeholder added that regulations for *watershed management* be included this Act, as water drains directly into the coastal zone, causing pollutants to enter the water.

Written Submissions

Finally, there was some notable additional feedback expressed through the written submissions. First, as was expressed during the municipality consultations, there was disappointment that not enough time was given to municipalities to discuss the consultation document, particularly as this consultation process was held in the summer months when there is often a seasonal hiatus. The consultation document was seen as a good first step, but some expressed that there needed to be a second, more comprehensive consultation with a more specific framework given to stakeholders.

Second, some organizations reiterated the need for this legislation be simple, clear and straightforward, so that the public (in particularly private land owners) can clearly understand the rules.

Third, with regard to insurance of properties, it was highlighted that mitigation of risk needs to be discussed in future consultations for this legislation. In particular, properties (either existing or new) that fall within the coastal protection zone could face higher risks, which would translate into higher insurance rates if coverage is offered to the property owner.

One submission pointed out that the consultation document does not mention *riverine flooding*⁷, which impacts both inland and coastal communities. This type of flooding should be considered in future consultations when assessing vulnerability of properties in coastal areas.

⁶A naturally-occurring, sulfide-bearing slate that yields an acidic runoff, and is found in bedrock throughout the Halifax region.

⁷Riverine flooding: when a river's water level overruns the banks and has the potential to threaten the immediate area due to overflow.

Conclusions

The following section outlines some of the key concerns and issues that stakeholders brought forth to be considered as the legislation is developed.

Defining the Coastal Protection Zone

There was general agreement from the public survey that the coastal protection zone should be a band that covers the entire coastline. Stakeholders attending the municipal and stakeholder sessions highlighted some important considerations when defining the coastal protection zone, such as considering elevation and susceptibility of the coastline to erosion. Stakeholders also stressed the importance of accurate publicly available coastline mapping.

Stakeholders had questions about how the legislation might apply to pre-Confederation water lots, offshore coastal islands and waterfront communities. Municipal stakeholders, in particular, wanted to know if, and how, the legislation would differentiate between coastlines that are on the rural landscape versus urban areas, and small towns/villages.

Suggestions were made to define the coastal band using a range, such as “medium to high risk” and “low risk” areas. Additionally, there were suggestions to examine what might happen within 2 or 3 standard deviations of predicted water rise. The use of “worst case scenario” modeling to define the band was also suggested.

Regulation of Activities in the Coastal Protection Zone

Much of the feedback that was provided on the regulation of specific activities within the coastal protection zone was focused on balancing protection of the environment with economic development.

Stakeholders had questions about what extent the legislation would impact structures related to fishing and aquaculture industries, recreational activities and how grandfathering would be addressed within the legislation. Multiple stakeholders highlighted their concerns with regard to creating perpetual cycles of grandfathering in properties within the protected zone after damage has occurred (and re-occurred).

There were concerns that adding another layer of restrictions on coastal development might negatively impact growth of the province, particularly in smaller and more rural municipalities. It was noted that in certain areas, adding additional protected areas that could not be used for development would significantly harm the economic well being of smaller communities that are almost entirely on the coast.

The top three activities identified through the public online survey that individuals felt should be prohibited by coastal protection legislation were: the dumping of waste materials, altering the natural contour of the land and new construction. Stakeholders suggested regulating activities related to preventing future erosion of susceptible land. In particular, there were suggestions to place restrictions on shoreline hardening, which contributes to high rates of erosion.

With regards to exceptions for activities within the coastal protection zone, the top three exceptions mentioned by respondents in the online survey were activities with low, or positive, environmental impacts, activities related to the fishing industry and exceptions for private property owners.

Stakeholders indicated a desire to provide additional feedback once more specific regulations and exceptions were proposed within the legislation. The importance of specific wording and details on *how* the legislation would be interpreted were deemed important issues that warranted further discussion as specifics to the regulations outlined in the legislation are proposed.

Provisions for Administration, Monitoring and Compliance

A large portion of stakeholder feedback, particularly from municipal stakeholders, centered around administration and enforcement of new regulations the legislation might impose. Municipal stakeholders wanted to know the details of how the legislation would be administered and who would be responsible for communicating and enforcing them. Concerns were raised about a shortage of resources to administer and enforce the Act, including the availability of subject matter experts to conduct land assessments. Concern was also raised about the potential cost to municipalities if they were tasked with enforcement and administration. Other concerns were raised about property values and adding to the already large degree of overlap between existing legislation at different levels of government.

The issue of how grandfathering would be handled within the legislation was raised by a number of stakeholders across all sessions. Questions were raised around the specifics of what would be

allowed under any grandfathering provisions. Some stakeholders suggested that the province set an example for private land owners with regards to grandfathering, where grandfathering would not be allowed for provincially or Crown-owned (or funded) land. It was suggested that clear language in the legislation that places restrictions on perpetual grandfathering situations would be critical, and that there should be strict monitoring of any grandfathering that is built into the legislation.

Public survey respondents were asked to provide suggestions on how the province could make this legislation easy for the public to understand and comply with. Respondents primarily suggested advertising, and increasing awareness through websites (e.g., the provincial government website).

Final Thoughts

This report has detailed the feedback that stakeholders provided through an online survey, in-person consultation sessions and written submissions on the proposed coastal protection legislation for Nova Scotia. It is important to acknowledge that this legislation is still in the early stages of development. Many stakeholders suggested that there were few specifics to comment on regarding how the coastal protection zone will be defined, what regulations will be included in the legislation and how it will be administered and implemented. As such, much of the feedback provided by stakeholders was seeking additional information or focused on potential concerns or issues that stakeholders hoped to be considered as the legislation is drafted. A common theme running through all in-person consultations was the desire to be engaged further as the legislation takes shape so that more specific feedback could be provided.

Appendix A: Public Survey

Nova Scotia's Coastal Protection Legislation

Public Online Survey

June 25 11am

Introduction

The Nova Scotia Department of Environment intends to introduce legislation that will provide legal protection for Nova Scotia's coastline. To inform the development of this legislation, it is important to hear from Nova Scotians, business and coastal land owners.

Specifically, government is interested in getting Nova Scotians' thoughts on what areas should be covered by coastal protection legislation, as well as what types of activities should be allowed or restricted in protected zones.

The Nova Scotia Department of Environment has published a consultation document concerning the coastal protection legislation. You can view it here: novascotia.ca/coast

This online survey is intended as an opportunity for all interested Nova Scotians as well as non-resident land owners (e.g. seasonal cottage owners), to provide their opinions on the proposed approach to this legislation.

S1. To begin, into which of the following categories does your age fall?

- Less than 18 01
- 18 to 24 02
- 25 to 34 03
- 35 to 44 04
- 45 to 54 05
- 55 to 65 06
- 65 or older 07
- Prefer not to answer 98

Q1a. Are you completing this survey on behalf of...

If more than one category applies to you, please select the one that best describes how you will be answering the questions.

- Yourself 01 [Skip to Q2a]
- As a coastal land owner 02 [Skip to Q2a]
- As a representative of a Nova Scotia association 03
- As a representative of a Nova Scotia branch/
chapter of a national association 04
- As a representative of a business 05
- Other, please specify _____ 06

Q1b. If Q1a=03/04/05/06:

If you wish to do so, please specify which association or organization you are completing this survey on behalf of. Please do not write any information that can identify you personally:

- Prefer not to answer 98

Q2a. Is Nova Scotia your primary place of residence (i.e. do you live in Nova Scotia more than 6 months out of the year)?

- Yes 01
- No 02
- Prefer not to answer 98

Q2b. Which of the following statements applies to you? *If more than one category applies to you, please select the one that best describes how you will be answering the questions.*

	Select one
01. I own land in Nova Scotia with salt water frontage.	<input type="checkbox"/>
02. The association I represent is involved or concerned with coastal land in Nova Scotia.	<input type="checkbox"/>
03. The business I represent operates on coastal land in Nova Scotia.	<input type="checkbox"/>
04. None of these statements apply to me.	<input type="checkbox"/>
98. Other	Record response
99. Prefer not to answer	<input type="checkbox"/>

Q2c. IF YES in Q2a: Please enter the first 3-digits of your Nova Scotia postal code. Your answer will help us understand if opinions vary in different areas of the province.

Q2d. IF 01, 02, or 03 selected in Q2b: Where is the coastal land located?

Annapolis	01	Kings	11
Antigonish	02	Lunenburg	12
Cape Breton	03	Pictou	13
Colchester	04	Region of Queens Municipality	14
Cumberland	05	Richmond	15
Digby	06	Shelburne	16
Guysborough	07	Victoria	17
Halifax Regional Municipality	08	Yarmouth	18
Hants	09	Other, please specify _____	19
Inverness	10	Prefer not to answer	98

Where the Law Applies

The new law needs to clearly define where the law applies - the coastal protection zone – and where it does not. The following questions are intended to gather your opinions on where the legislation should apply.

Q3. A coastal protection zone could be a band of area around our entire coastline. Do you feel this is a good way for the legislation to define the Coastal Protection Zone?

- | | |
|--------------------------------|-----------------|
| Yes | 01 [Skip to Q5] |
| No | 02 |
| Prefer not to answer | 98 [Skip to Q5] |
| Don't know/not sure/no opinion | 99 [Skip to Q5] |

Q4. If Q3 = 02: Why do you feel that a zone or band of area around our entire coastline is not a good way for the legislation to define the coastal protection zone?

Q5. A reference line is the starting point from which a boundary, like a coastal protection zone would be measured. What do you feel the reference line or starting point for the zone should be?

- | | |
|--------------------------------|----|
| High water mark | 01 |
| Low water mark | 02 |
| Average sea level | 03 |
| Unsure | 04 |
| Other, please specify _____ | 05 |
| Prefer not to answer | 98 |
| Don't know/not sure/no opinion | 99 |

The coastal protection zone would an area where new construction of buildings, houses and other types of structures would be prohibited or restricted.

Q6. How far inland do you think this zone should extend?

Between 30 and 50 meters	01
Between 50 and 70 meters	02
Between 70 and 90 meters	03
Over 90 meters	04
Other, please specify _____	05
Prefer not to answer	98
Don't know/not sure/no opinion	99

Elevation plays a role in risk of coastal flooding and storm surges.
For example, a cottage near the ocean at sea level is more vulnerable than one near the ocean but on a hill.

Q7. Should the coastal protection zone include elevation in its calculations?

Yes	01
No	02
Prefer not to answer	98
Don't know/not sure/no opinion	99

Restrictions and Exclusions

The goals of coastal protection are to:

- Prevent damage to sensitive coastal ecosystems and wildlife habitat - like salt marshes and coastal wetlands
- Reduce risk of public safety and property damage to future homes, cottages, businesses – from storm surges, erosion and flooding damage

But we must achieve these goals with consideration for our coastal way of life:

- The vibrancy of our coastal lifestyle – fishing communities, downtown working waterfronts, and industries that depend on direct access to coastal waters
- The economic activity that involves our coastal assets – how we make a living here

As we work out the provisions of the new law, we will need to get specific.

The following questions will ask about what activities the new legislation should prohibit or restrict within the coastal *protection zone*.

Q8. What activities should the new legislation prohibit or restrict within the coastal protection zone? Please select all that apply

New construction	01
Altering the natural contour of the land (e.g. removing material, altering ground or soil etc.)	02
Operating vehicles and large equipment	03
Depositing or dumping waste or other materials	04
Other, please specify _____	05
Prefer not to answer	98
Don't know/not sure/no opinion	99

Q9. What types of exceptions do you think should be made for activities in the coastal zone?

Q10. Are there any other provisions you would you like to see introduced into the coastal protection legislation?

We want to make it as easy as possible for Nova Scotians to understand and comply with the new legislation. For example, we don't want people to invest a great deal of time and money in planning to build a structure that the new legislation won't allow.

Q11. How do we make the new rules easy to know about and comply with?

Q12. How do you think coastal protection legislation might affect you?

Q13. Are there any ideas in the consultation document that you would like to see removed from consideration? Why?

No 97

If you have not had the opportunity to review the coastal protection legislation consultation document, it can be reviewed here: novascotia.ca/coast

Q14. Do you have any additional thoughts to share?

Please do not include any information that can identify you personally

No further comments

97

Demographics

Now we have just a few final questions to help with analyzing the views of Nova Scotians.

D1. Are you:

Male	01
Female	02
Other	03
Prefer not to answer	98

D2. What is the highest level of education you have completed?

Less than high school	01
Completed high school	02
Some college or university	03
Completed college or university	04
Prefer not to answer	98

Closing: Thank you for contributing to the feedback. This information will be used to inform Nova Scotia's approach to developing coastal protection legislation.

Appendix B: Stakeholder Session Attendees

Municipal Attendees

Municipalities Represented	
Yarmouth	Antigonish
Digby	Port Hawkesbury
Barrington	Cape Breton
Halifax	Victoria
Bridgewater	Mulgrave
Chester	Guysborough
Lunenburg	St. Mary's
Mahone Bay	New Glasgow
Shelburne	Richmond
Region of Queens	Inverness
Wolfville	Kings
Annapolis Royal	Kentville
West Hants	Annapolis
Berwick	Middleton
Truro	Amherst
Pictou	Westville
Stewiacke	East Hants
Colchester	Oxford
Cumberland	
Other Stakeholders Represented	
Nova Scotia Federation of Municipalities	Department of Municipal Affairs
Cape Breton Partnership	Valley Regional Enterprise Network (ValleyREN)
Truro and Colchester Partnership for Economic Prosperity	Cumberland Business Connector

Other Stakeholder Attendees

Insurance Bureau of Canada	Nova Scotia Department of Fisheries and Aquaculture
Nova Scotia Real Estate Commission	Association of Eastern Shore Communities Protecting Environment and Historic Access
Nova Scotia Land Surveyors	Nova Scotia Federation of Agriculture
Bird Studies Canada	Northumberland Fisherman's Association
Ecology Action Centre	Gulf Nova Scotia Fishermen's Coalition/Gulf Nova Scotia Fleet Planning Board
Tourism Industry Association of Nova Scotia	Town of Bridgewater
Clean Nova Scotia Foundation	Coldwater Lobster Association
Nova Scotia Nature Trust	Atlantic Salmon Federation
Dalhousie University, School of Planning	Maritime Fishermen's Union
East Coast Environmental Law	Acadian Seaplants Limited
Nova Scotia Federation of Anglers and Hunters	Construction Association of Nova Scotia
Collaborative Environmental Planning Initiative (CEPI) Management Committee	Confederation of Mainland Mi'kmaq (Environmental Advisory Committee)

Written Submissions

A total of 14 written submissions were received from a mix of municipalities, environmental organizations, professional associations and one post-secondary institution. While ten submissions were from parties who had attended a consultation session, others were from parties who were unable to attend an in-person session. The written submissions included feedback from:

Municipalities/Towns (7)

- Halifax Regional Municipality
- Municipality of the District of Digby
- Municipality of the County of Antigonish
- Municipality of the County of Cumberland (received via email)
- Municipality of West Hants
- Municipality of the District of St. Mary's
- Town of Lunenburg

Environmental Organizations and Related Associations (4)

- Ducks Unlimited Canada
- Bird Studies Canada
- Hike Nova Scotia
- Bluenose Coastal Action Foundation

Professional Associations (2)

- Insurance Bureau of Canada
- Mining Association of Nova Scotia

Post-Secondary Institution (1)

- Dalhousie University (Marine Affairs Program, Faculty of Science)

Appendix C: Public Survey Results

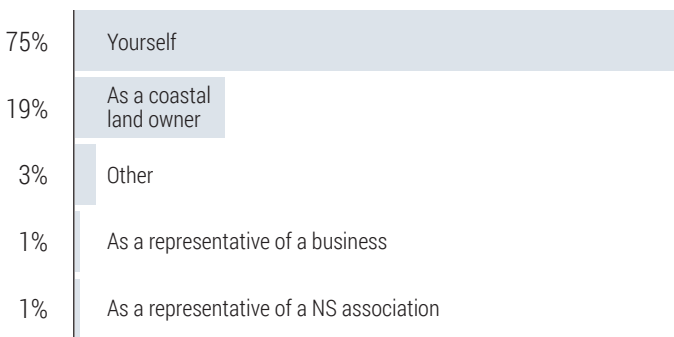
Who Responded to the Survey?

The demographic makeup of the survey respondents was as follows:

- 47% males and 52% females;
- 95% had their primary residence in Nova Scotia;
- 79% had obtained a college/university diploma/degree; and
- 42% aged between 45 and 64 years.

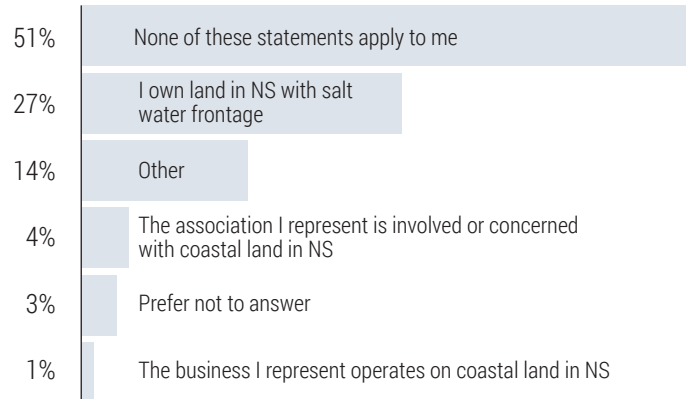
The majority of survey respondents (75%) completed the survey on behalf of themselves, and 19% responded they were completing the survey as a coastal land owner.

Figure 1: Are you completing this survey on behalf of...



Twenty-seven percent of respondents indicated they owned land in Nova Scotia with salt water frontage. Among those who owned land with salt water frontage, 24% stated the land was in the Halifax Regional Municipality (HRM), followed by 13% in Pictou and 9% in Cape Breton.

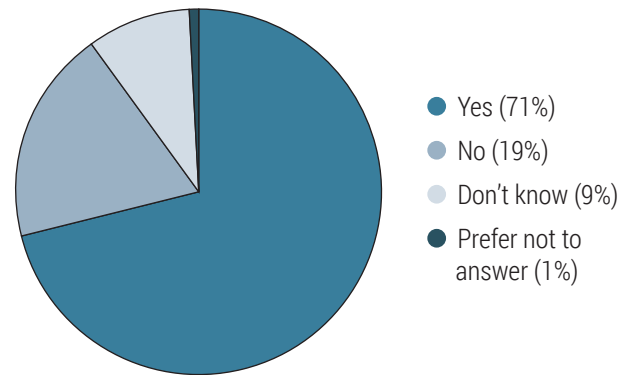
Figure 2: Which of the following statements applies to you?



Detailed Survey Findings

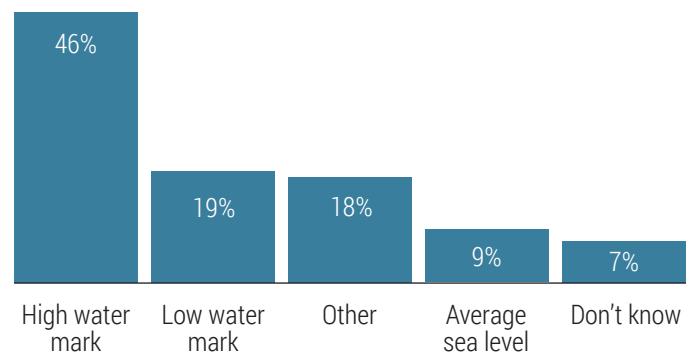
Seven in ten respondents (71%) feel that defining the coastal protection zone as a band around the entire coastline would be a good way for the legislation to define the zone. Among those who disagreed with this statement (19%), 46% believed the approach was too broad, 26% believed the focus should be on areas requiring protection, and another 11% believed this zone would be unfair to existing business/land owners.

Figure 3: A coastal protection zone could be a band of area around our entire coastline. Do you feel this is a good way for the legislation to define the Coastal Protection Zone?



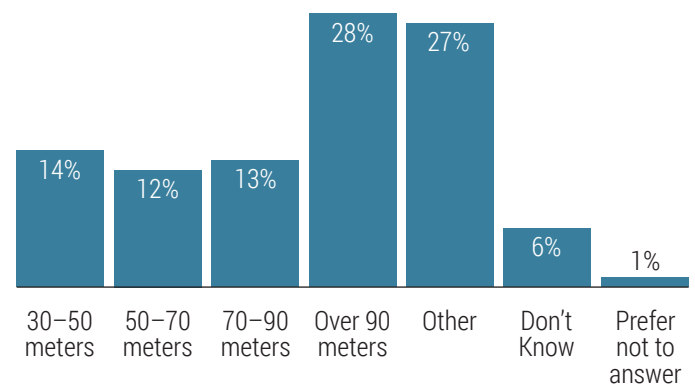
Close to half of the respondents felt that the reference line, or starting point, for the zone should be the high-water mark (46%), while 19% felt it should be the low-water mark.

Figure 4: What do you feel the reference line or starting point for the zone should be?



Respondents were told that the coastal protection zone would be an area where the new construction of buildings, houses, and other structures would be prohibited or restricted. They were then asked to indicate how far inland they thought the zone should extend. Over one-quarter of respondents stated the coastal protection zone should extend over 90 metres inland⁸.

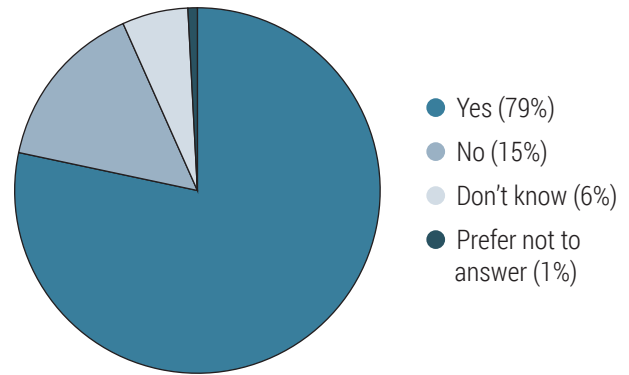
Figure 5: How far inland do you think this zone should extend?



⁸Within "Other", the bulk of responses stated that coastal areas should be assessed individually.

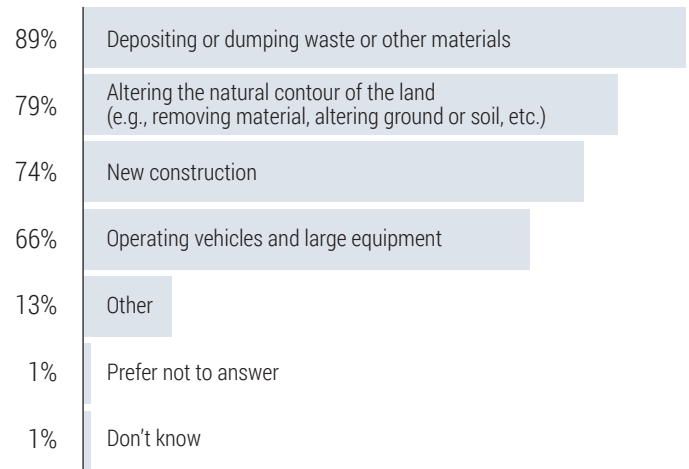
Respondents were asked to consider whether elevation (as a factor in coastal flooding and storm surges) should be included in the coastal protection zone calculations. The majority of respondents (79%) said elevation should in fact be included in the calculations for the coastal protection zone.

Figure 6: Should the coastal protection zone include elevation in its calculations?



When respondents were asked what activities should be restricted or prohibited within the coastal protection zone, respondents cited a number of activities, including those related to depositing/dumping waste materials (89%), activities that alter the natural contour of the land (79%), new construction (74%), and the use of large vehicles/equipment (66%).

Figure 7: What activities should the new legislation prohibit or restrict within the coastal protection zone?



With regards to exceptions for activities within the coastal protection zone, the top three exceptions mentioned were activities with low, or positive, environmental impacts (22%), activities related to the fishing industry (19%), and exceptions for private property owners (17%).

Respondents were asked, as an open-ended question, whether there were any additional provisions they would like to see in the coastal protection legislation. One-third (34%) did not have anything more to add. The top two suggestions include provisions for banning waste and drainage dumping in coastal waters (10%) and wildlife protection (7%).

Respondents were asked to provide suggestions on how this legislation's rules can be made easy for the public to know about and to comply with (i.e., awareness and compliance). Respondents primarily suggested advertising (42%), followed by awareness through websites (19%), providing guidelines on future applications for coastal development/point of land sales (17%), using language that is easy to understand (15%) and informing key players of any new rules (11%).

Finally, when asked about how this legislation might affect them, 39% of respondents felt that coastal protection legislation would create a positive environmental impact for them, while 13% stated it would have no impact.