



Nova Scotia Environment

# Developing Coastal Protection Legislation

July 2018



# Coastal Protection Legislation

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## Today's Presentation

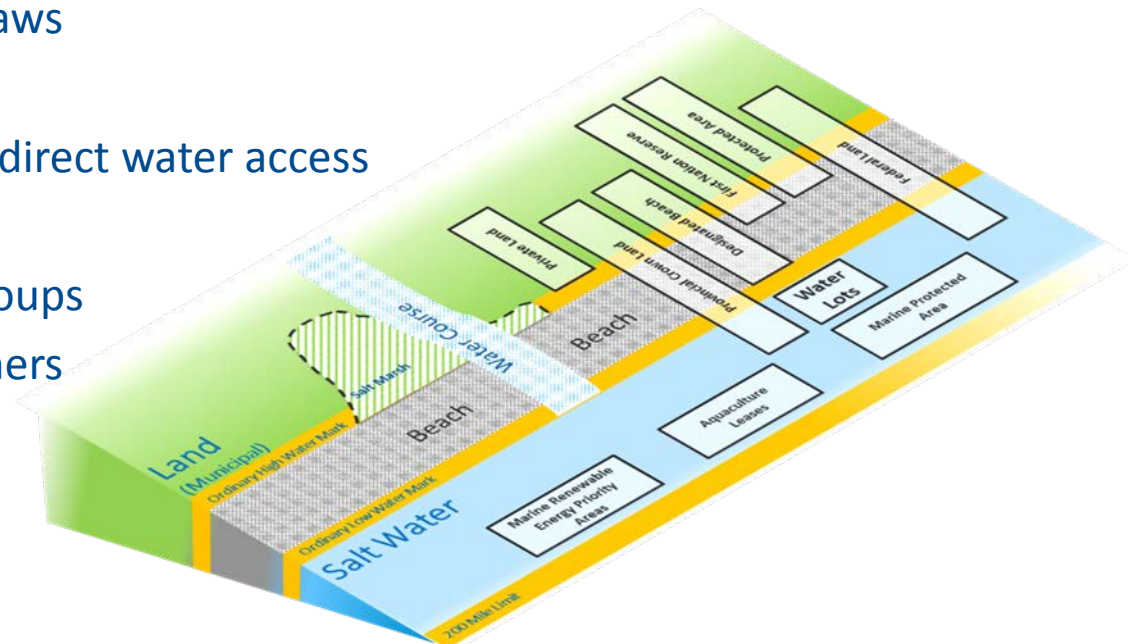
- Introduction
- Coastal Protection Legislation– Key Components
- Designing the Act

# Introduction

- 2009 “State of the Coast Report” estimated that about 70% of population lives within 20 km of coast.
- Some estimates project relative sea level in Nova Scotia of between 70 cm and 140 cm by the end of this century.
- Combination of continuing development near coast and rising sea levels mean:
  - Coastal environment and sensitive ecosystems will be under increasing pressure from development; and,
  - Nova Scotia communities, infrastructure, businesses and homes near the coast will become increasingly vulnerable to damage from coastal flooding, erosion, storm surges and extreme weather events.
- Government of Nova Scotia has committed to creating legislation to provide legal protection for our coast.
- Key to success will be to work with the diverse stakeholders with an interest in protecting our coast to inform development of practical, focused legislation.

# Many Interests Intersect in Coastal Areas

- Three levels of government all own and regulate activity in coastal areas. A few examples:
  - Federal: Oceans Act; Fisheries Act; Canadian Environmental Protection Act
  - Provincial: Environment Act; Crown Lands Act; Beaches Act, Fisheries and Coastal Resources Act; Marine Renewable Energy Act; and others
  - Municipal: Land Use Bylaws
- First Nations interests
- Businesses dependent upon direct water access
- Professional groups
- Advocacy and community groups
- Private citizens and land owners



# Legislation Purpose

Coastal protection legislation will address two problems with a common cause:

Development, construction and related activity too near coastal shore lines:

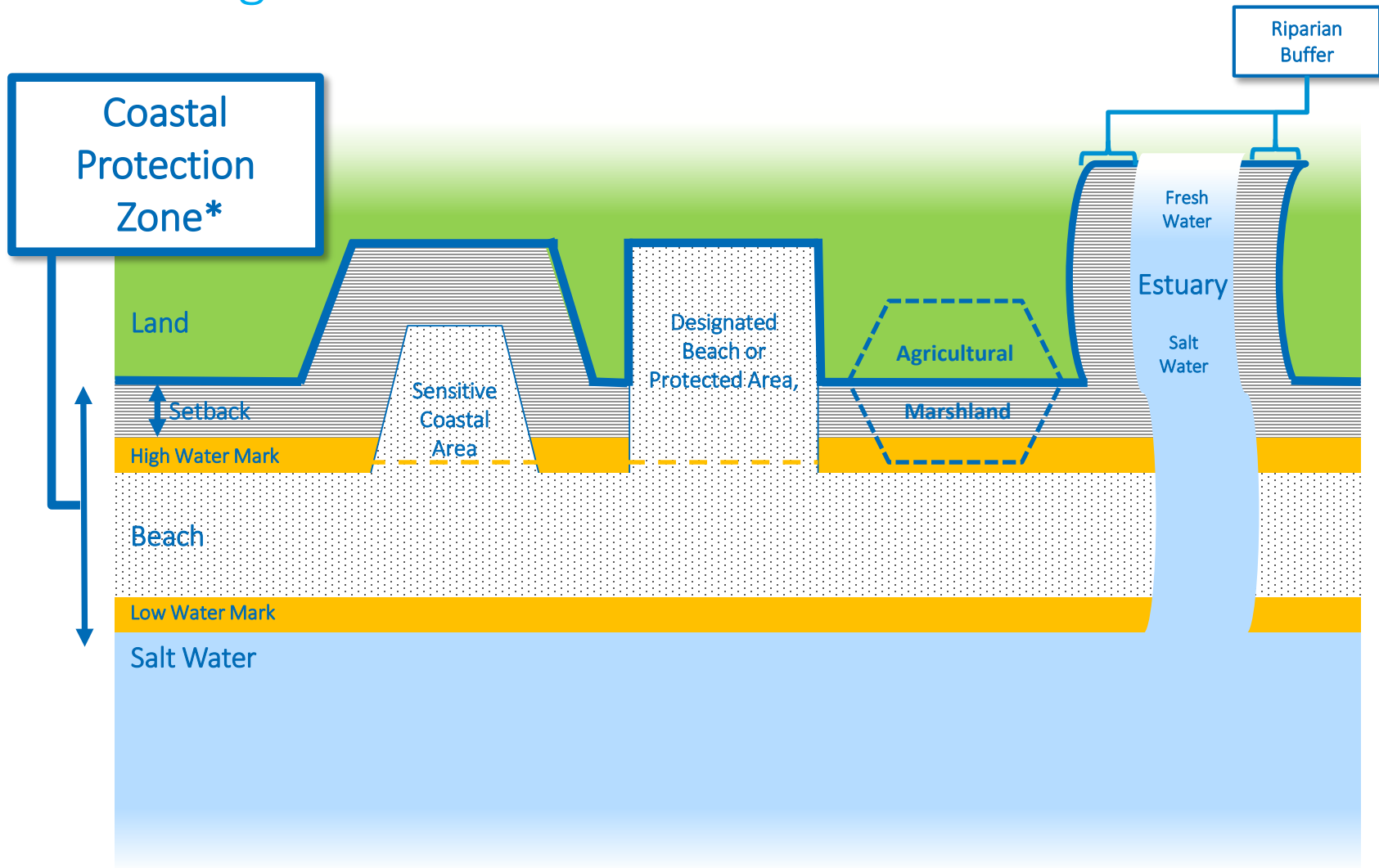
- Increasingly puts property at risk from sea level rise, storm surge, coastal flooding and erosion,  
and
- causes damage to sensitive coastal ecosystems (for example, salt marshes and dune systems) that provide habitat and valuable ecological functions.

# Coastal Protection Legislation

## Three key components of coastal protection legislation:

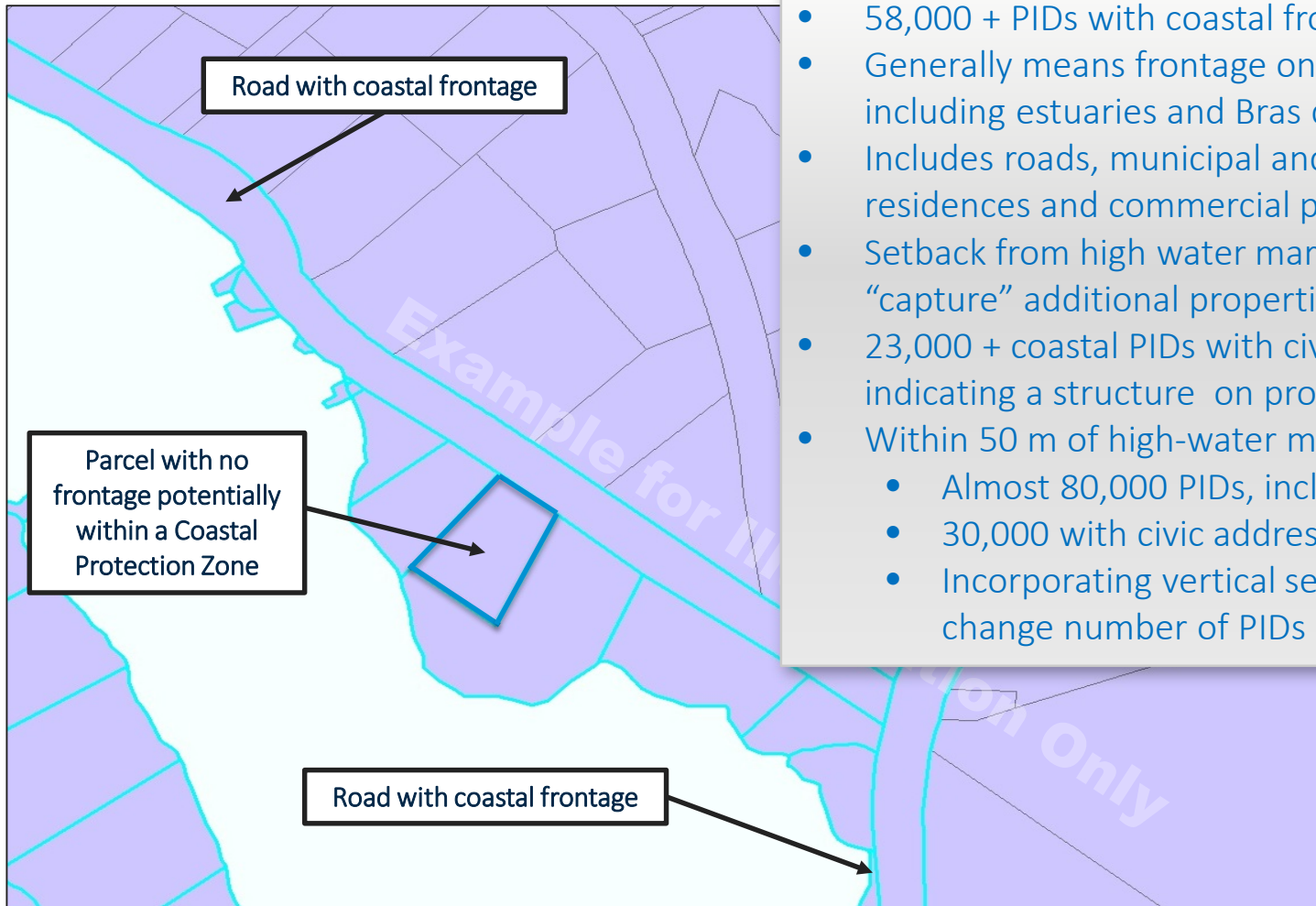
1. Define a coastal protection zone
2. Regulate specific activities and practices within the coastal protection zone
3. Create provisions for administration, monitoring and compliance

# Defining a Coastal Zone



\* For illustration only. Approximate horizontal dimension only; does not include any vertical component that may apply

# How many coastal properties?



## For a horizontal setback:

- 58,000 + PIDs with coastal frontage.
- Generally means frontage on salt water, including estuaries and Bras d'Or Lakes.
- Includes roads, municipal and crown land, residences and commercial property.
- Setback from high water mark will "capture" additional properties.
- 23,000 + coastal PIDs with civic address indicating a structure on property.
- Within 50 m of high-water mark:
  - Almost 80,000 PIDs, including
  - 30,000 with civic addresses
  - Incorporating vertical setback will change number of PIDs in a CP zone



## 2. Regulate Activity within the Coastal Protection Zone

Examples of activity that could be restricted or prohibited within the coastal protection zone include but are not limited to:

- Constructing a new residence or installation (e.g., shoreline hardening)
- Additions to existing structures above a specified threshold
- Destruction of or damage to coastal areas resulting from:
  - Disruptive activity
  - Physical alteration
  - Dumping and pollution

## 2. Regulate Activity within the Coastal Protection Zone (continued)

- Act will avoid conflict /contradiction with approvals and permits issued under other legislation, including but not limited to:
  - Aquaculture and rockweed harvesting licensed under the Fisheries and Coastal Resources Act;
  - Approvals and permits issued under Crown Lands Act and Beaches Act;
  - Projects approved under the Marine Renewable Energy Act.
- Act will not impact provisions under other acts that govern activities within the coastal zone - proponents will still need to comply with legislation that governs these activities.
- Act will include provisions for existing legally permitted structures, commercial / industrial activity dependent on direct waterfront access (e.g., fish processing plants and ship yards), essential public infrastructure and existing developed waterfront areas.
- Act will provide for flexibility where local conditions warrant.

# Designing Coastal Protection Legislation with Implementation in Mind

How the Act will be implemented is important to how the legislation and regulations are designed.

- Three possible broad approaches, with many variations:
  1. Directly regulating land owners / users
  2. Regulating through municipalities
  3. Province and municipalities regulate land owners / users
- All options will require some level of program support and enforcement effort.

## Discussion and Feedback

Upload written submissions by August 17<sup>th</sup> at:

[novascotia.ca/coast](http://novascotia.ca/coast)

Or, send input to [survey@mqoresearch.com](mailto:survey@mqoresearch.com)

Or, by mail to:

**MQO Research**

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