

from:  
Kingsburg Coastal Conservancy  
August 17,2009

to:  
Don Downe, Mayor  
Municipality of the District of Lunenburg

Re: ES Zoning for Kingsburg Beach

Dear Mayor Downe,

I'm writing to you on behalf of the Kingsburg Coastal Conservancy to request that MODL designate its protected beaches as environmentally sensitive no-build zones. This letter was prompted by recent events at Kingsburg Beach, but reiterates requests made by KCC in 2004 and subsequent years. In early 2005, KCC substantiated its request by presenting MODL with a scientific report by Dr. Chris Miller concerning the environmental sensitivity of Kingsburg Beach (see attached). Dr. Miller has a Ph.D. in ecology from the University of Waterloo and a B.Sc. in biology and earth sciences from Dalhousie University and is currently:

- National Manager of Wilderness Conservation and Climate Change with the Canadian Parks & Wilderness Society (CPAWS),
- an assistant professor in the Faculty of Management at Dalhousie University.
- a director of Global Forest Watch Canada and
- a science advisor for the NS Nature Trust & the NS Land Legacy Trust.

Dr. Miller's credentials are impeccable, and we feel that his report provides suitable justification on which MODL could base an "environmentally sensitive" zoning decision for Kingsburg Beach.

In addition to presenting MODL with Dr. Miller's report, KCC made a presentation to Municipal Council on the topic of Geological Hazards, especially in regard to area beaches. The fact that the beaches are constantly in motion, are documented to be migrating landward, and will be subject to increasing storm surges makes them unstable and unsuitable building sites. In other jurisdictions such as British Columbia and New Brunswick, courts found municipalities to be financially liable for issuing building permits in areas known to be geologically hazardous, and we feared that MODL could face the same problem here. In early 2005, Municipal Council directed our AAC to investigate the issue of Geological Hazards and draft bylaws on the subject. Unfortunately, other issues took precedence and this subject has yet to be explored by our AAC. We believe, however, that it is still a good financial reason to designate the beaches as no-build zones.

As you know, Kingsburg Beach has been the focal point and test case for previous policy decisions in regard to NS beaches. Every time this has happened, the community has been torn apart and volunteers have been forced to abandon their normal lives and devote themselves to lobbying government to protect the beach. The trigger this year was an elevated boardwalk on the protected portion of a private lot, but it could have been any issue. The Beaches

Act has a huge loophole called “Ministerial Discretion” and it can be used to override any guidelines or rules. The way to end these constant threats to the beach is to have MODL create protective zoning.

If MODL, or any government body, is to safeguard Kingsburg Beach, it will need a plan that everyone can respect. For this reason, we recommend that a coalition of concerned parties hire a respected environmental consultant to prepare a beach management plan that will use the existing scientific reports as a basis for answering the following practical questions about Kingsburg Beach:

1. Are there any areas of the beach that are so fragile that they should be restricted from human use? If so, what are their GPS coordinates, and what is the best way to protect them?
2. How many visitors can the beach tolerate? (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?
4. How should the access points be set up? Parking spots? Boardwalks? Signage?
5. Are any seasonal or annual adjustments beneficial?

The completed report should 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.

Please zone the protected beaches environmentally sensitive, and as soon as possible.

Marion Homer