

Policy Backgrounder

Coastal Zone Planning in Nova Scotia



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The Issue

Issues and sub-issues

Nova Scotia is a province with 7 500 km of salt water coastline and 3800 coastal islands.¹ The combined total value of agriculture, aquaculture and fisheries industries to the economy of Nova Scotia's rural and coastal communities is about \$2 billion. In 2002, \$774 million worth of fish were landed in Nova Scotia. Aquaculture product sales exceeded \$40 million in 2003.² The social, cultural, and recreational connections that Nova Scotians have to the sea and to their coastal communities cannot be assigned a dollar value, but are a very important component of life in this province.

Despite the significance and value of our coast, Nova Scotia is lagging behind in the development of a coherent and integrated coastal zone management strategy. Consequently, coastal development activities are occurring on or near the coast in an uncoordinated, piecemeal, and unsustainable fashion. Some of the reasons for the “chaos on the coast” include: jurisdictional overlap and conflicting mandates of responsible regulatory agencies; no mechanism for public involvement in planning and development of coastal areas; inadequate regulations and enforcement; and limited public awareness of scope and extent of coastal challenges and opportunities. Currently, 95% of coastal land in Nova Scotia is privately owned, which further complicated integrated coastal management and planning.

The Impacts: who, what, where and to what extent

The consequences of poor coastal planning are increasingly apparent to the 790 000 residents of Nova Scotia. The nature and importance of coastal activities varies and specific impacts need to be better researched and local priorities more clearly defined. (For example, coastal development pressures on Nova Scotia's south shore; shellfish contamination in St. Margaret's Bay). General impacts from the rapid expansion of unplanned coastal activities include: alteration and loss of coastal habitats; increased erosion, sedimentation and pollution; dramatic changes in vegetation cover; deteriorating water quality; loss of traditional public access to the coast; rising land prices and property taxes; displacement of traditional coastal activities and livelihoods; and shifting demographics of coastal communities.

¹ Nova Scotia Department of Tourism. <http://www.gov.ns.ca/dtc/> Accessed February 4, 2005.

² Nova Scotia Department of Agriculture and Fisheries. <http://www.gov.ns.ca/nsaf/home.htm> Accessed February 4, 2005.

It is crucial to address these issues soon. Failure to do so will lead to the kinds of intensive coastal development seen in the USA becoming the norm in Nova Scotia. This model of development makes living by the coast too expensive for most residents and leads to a loss of public and community access to the coast. Presently, 16% of Nova Scotia's coastal lands are owned by non-resident landowners with little effort being made to mitigate the impacts of these land ownership patterns.³ Continued intensification of coastal activities will also have grave impacts on sensitive coastal habitats. The pockets of undisturbed coastal wilderness currently protected in parks or protected areas are inadequate to ensure the survival of the numerous threatened and endangered species found in Nova Scotia's coastal lands and waters. There are also economic costs to poor coastal land use, as Nova Scotia's \$1.27 billion tourism industry is based largely on our image as "Canada's Ocean Playground" with untouched beaches and coastal landscapes.

Current Policy Options (or lack thereof)

The three levels of government regulate the coast in the following ways:

Municipal

Nova Scotia's municipalities have power over coastal development through the *Municipal Government Act*. This allows them to develop Municipal Planning Strategies (MPS) and zoning by-laws that regulate land use, but not activities. Unfortunately municipalities are not required to put these in place and only 56% of NS municipalities have MPS.⁴ Municipalities cannot control crown land nor do they have jurisdiction over environmental issues regulated by the Province (e.g. quarries). The province has the power to make Statements of Provincial Interest (SPI) which guide decisions regarding land use. This will encourage municipalities to make bylaws and MPS that support the SPI and to amend any that already exist.

Provincial

There is no one Provincial department responsible for managing coastal areas, rather a number of departments have specific duties and responsibilities. The three main departments are discussed below. Other departments like Transportation and Public Works, Energy and Tourism have a mandate and role in coastal management but in a broader sense.

The Department of Natural Resources - Manages most of the crown land and provincial parks, this includes the less than 5% of coastal land that is publicly owned.⁵ The *Beaches Act* has designated 94 beaches as protected; although this is no guarantee the area will remain free of development.

The Department of Environment and Labour (DEL) - Responsible for the health of NS environment. The *Environment Act* manages the watershed and water quality. DEL is also

³ Volunteer Task Force Report Non Resident Land Ownership. (November 2001). Available from <http://www.gov.ns.ca/vp/nonres/exsum.htm>

⁴ Weis Read, Jo-Anne. 2004. Researching the Role of Communities in Integrated Coastal Management in Nova Scotia. Independent Research Project Prepared in partial fulfilment of a Master of Planning at Dalhousie University, Halifax, NS.

⁵ TIANS. 2004. Sustainable Coastal Strategy for Tourism. Visioning Workshop - Information Package.

responsible for protected areas under the *Wilderness Act*, although only seven of these contain coastal areas.⁶

The Department of Agriculture and Fisheries - Manages aspects of federal coastal waters through management agreements, taking lead roles on inland fisheries and inland waters, and promotes fisheries and aquaculture. *The Fisheries and Coastal Resources Act* has relevance to coastal communities' management of coastal resources and the leasing of submerged lands for aquaculture.

Federal

Many Federal department mandates can impact and influence coastal management, as is the case with the Provincial government - with no one department being responsible for all aspects of coastal zone management. With this in mind, the Department of Fisheries and Oceans is the main responsible agency. This is carried out through the *Oceans Act* and *Canada's Ocean Strategy*, which commits to integrated coastal management and gives the Minister of Fisheries authority. The *Fisheries Act* has some coastal jurisdiction as well: mainly for coastal waters and inland activities that affect fish passage. Environment Canada also plays a role under the *Canada Water Act* which protects water resources and management of water use. However, its jurisdiction around coastal water is unclear.⁷

Preferred Policy Options

At the November 2004 workshop "Changing Tides: Towards an Integrated Coastal Management Strategy for Nova Scotia," members of the Coastal Coalition of Nova Scotia identified the development of a provincial integrated coastal strategy as a preferred policy option.

Within this integrated coastal strategy, which is seen as a medium-term to long-term goal, other key policy initiatives were identified including:

- Provisions for public participation in coastal developments that can affect their communities.
- Better awareness, implementation and enforcement of existing regulations for coastal activities, i.e. permitting.
- Nova Scotia municipalities developing and implementing municipal planning strategies and bylaws that control coastal land use in coastal areas.
- Passage (or strengthening if already existing) of legislation such as the Beaches Act, Wilderness Act, Environment Act, Wetland Protection Act, and a Provincial Statement of Interest on coastal development to guide this legislation.

Previous Policy Change Strategies

Coastal 2000 - Provincial coastal planning process begun in 1993/94. This attempted to reconcile conflicting departmental mandates, jurisdictions, and legislation. It did not get the necessary political or public support to move forward.

⁶ Ibid.

⁷ Ibid.

Voluntary Task Force of Non-Resident Ownership - This non-partisan task force issued 20 recommendations around the issue of non-resident land ownership in 2001. Of these, 11 recommendations were about coastal lands, especially urgent action around public access.

Oceans Act - The passage of the *Ocean Act* was a step towards integrated management of marine and coastal areas. There have been various pilot projects (Bras D'Or Lakes Stewardship, Eastern Scotian Shelf Integrated Management) but they are still in their infancy and have not yet changed the way federal mandates are being carried out. There has been no new funding for implementing the Oceans Strategy.

Community-based efforts - Many community groups have been galvanized into action around threats facing their communities. They have mobilized community and government support leading to the potential for policy change. (Kingsburg Beach, Digby Neck Quarry)

New Policy Change Strategies and Action Plan

This section outlines the policy change strategies identified by participants at the Changing Tides workshop in November 2004. Next steps include involving more communities and interest groups in these strategy sessions, broadening support for integrated coastal planning in Nova Scotia, finalizing the list of strategy options, prioritizing, identifying specific tasks and new allies and moving ahead on action at multiple levels and scales.

The strategy options identified during the Changing Tides workshop include:

1. *Statement of Provincial Interest around Coastal Development.* Coalition members are working with the Department of Service Nova Scotia and Municipal Relations to prepare a brief statement (fairly general) that will encourage all municipalities to include provisions around coastal development in their municipal plans. In order to have PSI on coastal development passed by Cabinet, we need:
 - Research content of similar statements in other jurisdictions (short term goal - ongoing)
 - Gain support of our local municipalities and planners (education campaign)
 - Work with provincial staff and others with expertise, to develop draft statement
 - Support from Tory, Liberal and NDP caucus

2. *Review existing legislation rules, identify gaps and conflicting mandates.* Make specific recommendations for improvement (short term goal – ongoing but not happening in coordinated manner)
 - Existing research by law students and planners needs to be compiled, and reviewed by relevant experts
 - Build relationships with staff in appropriate departments to push for review process if appropriate
 - Use media and education to work towards enforcement!

3. *Review existing documents/recommendations and draw out what is relevant and update. (For example, Coastal 2000 & VTF Report, 2001) (Short term goal, is this happening?)*
 - Research into specifics of recommendations
 - Summarize and publicize especially in meetings with caucus and key political allies
4. *Build partnerships. (immediate – ongoing)*
 - Get involved with RCIP, CCN, Coastal Coalition of NS
 - Can we get insurance industry, land developers & community development groups on board?
 - Build support for Coastal Coalition of NS's mission and goals
5. *Capacity Building and Education.*
 - Raise awareness of issues with public and government
 - Develop a media presence and get our message out
 - Information/capacity building for individuals and communities
 - Share resources and materials
6. *Create Provincial Coastal Secretariat.* This body could facilitate the coordination of a coastal strategy and champion for the coastal planning process. Could address issues of jurisdiction and conflicting mandates (medium term – no action being taken)
 - Research needs: Where would resources come from? What do other similar bodies do in other jurisdictions?
7. *Promote Municipal Planning.* This requires working with municipal governments to support and encourage coastal development planning.
 - Research: Background presentation, draft template of coastal development plan
 - Coalition members could make presentation to Council and other groups in community
 - Capacity building for municipal councillors and planners around coastal issues
8. *Nova Scotia Integrated Coastal Strategy.* (medium time frame) Need to decide what this is a plan for: Protection? Development? Conservation? Community Health?
 - Research: options and start up process from other jurisdictions
 - Start drafting plan that reflects vision for sustainable coasts and coastal communities
 - Discussions with communities around the province
 - Build allies in regulatory agencies and Caucus
 - Creative alliances: link environmental, economic and community well-being concerns (i.e. insurance industry, tourism, developers)

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