

July 4, 2022

The Honourable Tim Halman
Minister of Environment and Climate Change
Department of Environment and Climate Change
PO Box 442
Halifax, NS B3J 2P8

Sent via email: minister.environment@novascotia.ca

Re: Development at Eagle Head Beach, Queens County

I am a resident of West Berlin, a small hamlet in Queens County on Nova Scotia's South Shore. I am also one of a growing group of people, both local and from across the Province, who are concerned about a development taking place on Eagle Head beach, the community that borders mine.

A piece of beach front has been purchased and development has begun on what we understand is to be a house on the waterfront. The lot is just under five acres but a large portion of it is open water and wetlands that divide the land in two.

Our concern is the lack of environmental oversight for this project. Our MLA, Kim Masland, Minister of Public Works and Government House Leader, has been in touch with you and your department concerning this matter. As a result of her contact, I have spoken to Lori Skaine from your Department. I have also spoken with people in your Bridgewater office, including Mike MacDonald who is the officer in charge of the area that includes Eagle Head Beach.

Ms. Skaine explained to me that Mike MacDonald attended at the site before excavation began. He made a visual inspection and approved the excavation. I attach an aerial photo showing the work that has taken place as a result. Of course, we have no idea what Mr. MacDonald actually approved because we can't have timely access to any of the records. I have been told that we can go through the usual channels to access documents in this matter.

My problem with this is many fold. First, Mr. MacDonald is not a certified wetland specialist yet in the presence of ponds and marshland he made a judgement call that no delineation report was required. In your Department's eyes, that is the end of the matter. In effect, he was allowed to determine where the

wetland was and that it wouldn't be affected by the planned excavation without being properly qualified to do so.

This portion of this parcel of land that is being developed is a long and narrow triangle shaped piece of land whose southern long side borders the sand beach. Its other long side is pond and marsh. There is so little land that the building project has to be squeezed on to it. We understand that accommodation has been made for the project since there is so little land by reducing the wetland and watercourse buffers that would otherwise normally apply. The pond system is large, spans several lots of land owned by various people and is inextricably mixed in with the marsh area.

The land itself is beach sand that was covered with coarse beach grass. The excavated mounds that can be seen in the photographs attached are sand, much of which we have seen trucked away.

If there was ever a place that called for proper scientific evaluation and review, it is this area. The effect of the excavation and development on the stability of the beach is completely unknown. In an area that is so environmentally fragile, it is unthinkable that development is proceeding in a vacuum of information as if the land were an unexceptional building lot in a settled, urban area.

The delineation of the wetlands has not been determined by anyone qualified to do so. Your own Department's policy requires that a certified specialist complete any wetland delineation reports but your department's interpretation is that the inspector who decides that one isn't required doesn't have to be certified. The distinction is hollow.

In the presence of open marshland and waterways, how can one decide that there is no need for a delineation report without making a determination of where the wetland is? The Department has failed to apply at least the spirit of its own policy, if not the letter, and the result has been the devastation of an environmentally sensitive area.

The regulations under the Environment Act require approval for any activity that alters a wetland. In this case, amid undeniable open water and wetland, an uncertified person has been allowed to make a determination of where the wetlands end. The only inspection was visual, no testing of the flora and soils was conducted and there is no report that can be reviewed. This is bad science and appalling stewardship of our environment.

The excavation was begun and carried out without oversight. An Environment inspector attended only as a result of an emergency call when it was seen that the excavation had wiped the land clean of plant life and that sand was being dumped into the pond. I attach photos for reference.

Along the excavation site the vegetation up to the pond has been scraped clean and the shoreline of the pond has been destroyed. Whatever wildlife that lived there is gone. Nothing has been done to stop this and the project continues unabated with no efforts being made to remediate this destruction.

Ms. Skaine says that there is no evidence that a wetland or a watercourse has been interfered with. The photos attached certainly show sand leaching onto the pond and that the shoreline has been wiped clean. I suggest that Ms. Skaine's position is wrong with regard to the pond.

Without a delineation report we don't know where the wetlands are. With all due respect, Mr. MacDonald is not certified to make the determination and even if he was, no one can make such a determination without a proper study.

The tickets that were issued are in relation to the infill of the pond at the entrance to the property. After the inspector first saw the infill, it took a week to issue the tickets during which time the property owner finished his excavation work. The fines are paltry and will deter no one.

Under the direction that accompanied the tickets, the pond and its bank are to be restored to its original condition. The contractor, who was ticketed, says that he infilled a foot. This is incorrect. Ms. Skaine is extremely vague about the extent of the remediation that is being sought. She did indicate that it will be overseen by Mr. Mac Donald. Not a single local person has been consulted throughout this project by your department.

The Department of Environment and Climate Change has a legislated duty to protect the environment. In this case we are dealing with a piece of sandy coastline that is in danger of erosion and filled with ecologically sensitive ponds and wetlands. The decision to allow it to be destroyed without a complete series of environmental review and studies shows a complete disregard for the protection of our ecosystem.

Frankly, this entire case has the appearance of a precipitous initial decision that the Department is trying to defend at all costs over the interests that they should be protecting.

We intend to publicize your department's dereliction of duty and its refusal to address the matter appropriately should the department's inaction persist.

I ask that further work on this development be halted until proper analyses by qualified people are completed to determine whether the project can proceed and, if so, under what conditions. I also ask that immediate action be taken to return the pond and the entire shoreline to its original condition.

No demand is being made for a ban on development. What is being asked is that the law be applied, that the Department do its job.

Thank you for your attention to this.

Yours truly,

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attachments



Photo (2021) from the property sales listing for the property showing conditions before excavation.



Photo of the excavation a week ago.







Photos of the infill of the pond and the destruction of the shoreline as part of the large excavation.



The pond infill at the entrance to the property on the eastern end that was the subject of the tickets issued.