

Interim Coastal Policy Recommendations Update

PEI DEPARTMENT OF ENVIRONMENT, ENERGY AND CLIMATE ACTION

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Interim Coastal Policy Recommendations Update

August 2024

What is the Interim Coastal Policy Recommendations Report?

Building on its recently released [State of the Coast Report](#), the Canadian Centre for Climate Change and Adaptation has made a number of recommendations for future action and policy direction. The Interim Coastal Policy Recommendation Report identifies 16 priorities for government to consider. The full report from UPEI can be found by clicking on the [Interim Coastal Policy Recommendations Report | Government of Prince Edward Island](#).

Implementation will be supported by the Department of Environment, Energy and Climate Action but in many cases will require an all-government approach.

Plan for Implementation

With assistance from collaborating departments, a preliminary plan for implementation of the recommendations has been developed and approved by Cabinet. Of the sixteen recommendations, nine have been prioritized for implementation:

Number	Recommendation	Department(s)
1	Develop Shoreline Management Plans for PEI's 17 littoral cells	EECA
2	Restrict new shoreline alterations to areas with an approved Shoreline Management Plan	EECA
6	Develop a targeted outreach campaign to distribute critical information on coastal properties	EECA
10	Require coastal resilience action as a condition to qualify for funding across government programs	All depts
11	Adopt an interim planning policy for coastal development	HLC
13	Develop asset management relocation and decommissioning plans for coastal public property and infrastructure	TI
14	Establish a cap on financial disaster assistance for property damage and loss for repeated events	JPS
15	Post signage to alert the public to potential coastal hazards	EECA, JPS, TI
16	Make coastal hazard disclosure mandatory for property sales, rental leases, and tourism establishments	FIN, FTSC, JPS

EECA Department of Environment, Energy and Climate Action
FIN Department of Finance
FTSC Department of Fisheries, Tourism, Sport and Culture
HLC Department of Housing, Land and Communities
JPS Department of Justice and Public Safety
TI Department of Transportation and Infrastructure

The remaining (7) recommendations have been identified as requiring further consideration by departments responsible for implementation.

Status update – Phase I

The following section summarizes the implementation status of the nine recommendations prioritized for implementation.

Recommendation #1

Develop Shoreline Management Plans (SMP) for PEI's 17 littoral cells

Action for: Department of Environment, Energy and Climate Action (EECA)

Goal: To avoid damaging the natural function and resiliency of the shoreline while protecting existing infrastructure where possible

The coast of PEI has been subdivided into areas based on how sediment travels along the coast resulting in 17 littoral cells. Shoreline Management Plans (SMPs) can identify the most sustainable approaches to managing risk from coastal erosion and flooding within each of those cells over the short, medium, and long term without excessively impacting the natural function of the shorelines. SMPs can provide a transparent, evidence-based framework, which can inform shoreline permitting decisions. In addition to the natural processes and local environment, such plans would consider current, future, and adjacent land use, social and economic conditions, and the anticipated effectiveness of shoreline alterations to reducing risk. These plans can help to enable the protection PEI's unique coastline while allowing appropriate safeguards for coastal infrastructure.

Status: EECA is has initiated a workplan to pilot the development of SMPs at three locations on PEI. Meanwhile, EECA is working to finalize a federal-provincial agreement that may assist with funding this work.

Recommendation #2

Restrict new shoreline alterations to areas with approved Shoreline Management Plans

Action for: Department of Environment, Energy and Climate Action (EECA)

Goal: To proceed with shoreline alterations in acceptable locations once there is a better understanding of when and where alterations should and should not occur

In conjunction with the current Environmental Protection Order restricting new shoreline alterations, restrictions would be lifted only in areas for which a Shoreline Management Plan has been developed. This will prevent maladaptation and fragmented permitting that may cause greater undue harm. By restricting new shoreline alterations to areas with approved Shoreline Management Plans, Government will be better positioned to ensure that all coastal properties and users in the area are considered.

Status: EECA continues to hold the moratorium in place and will lift the moratorium as SMPs are developed. Properties with critical infrastructure at risk are not currently subject to the moratorium.

Recommendation #6

Develop a targeted outreach campaign to distribute critical information on coastal properties

Action for: Department of Environment, Energy and Climate Action (EECA)

Goal: To provide up-to-date hazard information to coastal property owners about existing hazards, as well as programs and resources available to coastal residents

A targeted mailout presents an opportunity to actively distribute available coastal hazard information to coastal property owners. While some promotion and outreach methods are more universal in nature, a targeted mailout would seek to reach coastal property owners in particular, informing them as to where they may access property specific information, information on best practices, and information on eligibility conditions that may apply to the provincial or federal Disaster Financial Assistance programs.

Status: A targeted mailout aimed at all coastal property owners around PEI, including those with primary residences off-Island, is planned for the fall of 2024 in an effort to distribute pertinent information home, cottage, and property owners. The mailout will include information on coastal hazards in a changing climate, directions on how to request property specific hazard classification, and eligibility conditions that may apply to receiving provincial or federal Disaster Financial Assistance Arrangements (DFAA) in the event of future natural disasters.

Recommendation #10

Require coastal resilience action as a condition to qualify for funding across government programs

Action for: All provincial government departments

Goal: To promote adaptive approaches in instances where government is directing funds to areas with known climate risk

The Province offers a wide range of funding programs that support individuals, homeowners, communities, and local businesses to thrive and develop. However further investment in high-hazard areas without proactive coastal risk reduction should be avoided in order to ensure that costly adaptation measures are not required in the future. Evaluation of funding applications offer an opportunity to incorporate Coastal Hazard Assessments, which summarize the presence of coastal hazards for proposed initiatives in the coastal area. Within this approach, a proponent could submit a plan to mitigate risk where hazards have been identified.

Status: EECA is currently working with provincial government departments to develop an inventory of existing government funding programs that could incorporate the completion of Coastal Hazard Assessments as a requirement of proposal evaluation. EECA is also collaborating with TI to develop a procedure for incorporating the completion of Coastal Hazard Assessments for infrastructure projects located within the coastal area.

Recommendation #11

Adopt an interim planning policy for coastal development

Action for: Department of Housing, Land and Communities (HLC)

Goal: To avoid building (and re-building) in known high risk areas

Continued development in coastal areas may pose a threat to the natural environment in coastal areas while increasing risks to public safety and new infrastructure. An interim planning policy would include:

- prohibiting new subdivisions where lots or access roads are located within the coastal floodplain;
- requiring that subdivision buffer lots be attached to each lot for new coastal subdivisions, with buffers part of “wildlife conservation easements”, thus leading to property tax reliefs;
- prohibiting new development requiring an excavation for construction, such as foundations or ground services, on high hazard coastal properties;
- prohibiting rebuilding on undersized high-hazard properties following substantial damage or total loss; and
- prohibiting new development in areas at highest risk unless a qualified professional can verify the proposed design and ensure that it addresses the known hazard without the need for future shoreline armouring.

Status: HLC is working actively on the development of an interim coastal policy, in collaboration with EECA.

Recommendation #13

Develop asset management relocation and decommissioning plans for coastal public property and infrastructure

Action for: Department of Transportation and Infrastructure

Goal: To reduce climate risks associated with public infrastructure and to increase the efficiency of public investment in infrastructure over the long term

The current mandate of the Department of Transportation and Infrastructure includes a commitment to maintain public properties and infrastructure sustainably over the long term. Asset management plans for public infrastructure will both extend the functional life of existing at-risk infrastructure but also include a plan for relocation or decommissioning when management becomes unsustainable or economically impractical.

Status: TI is working actively with EECA on the development of a multi-year program of work to conduct asset management planning for a selection of coastal public infrastructure.

Recommendation #14

Establish a cap on financial disaster assistance for property damage and loss for repeated events

Action for: Department of Justice and Public Safety (JPS)

Goal: To avoid the use of public funds to re-build homes in high-hazard, flood prone areas

As extreme weather events continue to be more common and are impacting a larger number of our population, so too will there be increasing costs to repair. Some jurisdictions within Canada, having experienced repetitive disaster-rebuild cycles, have established a cap on a property's eligibility for disaster relief funding if repeatedly damaged by the same type of hazard. Such an approach allows owners to plan accordingly and weigh their adaptation options over the long term. Provincial delivery of disaster financial assistance will need to consider anticipated changes to the federal Disaster Financial Assistance Arrangements (DFAA).

Status: JPS is currently exploring potential changes to existing Provincial Disaster Financial Assistance Program (PDFAP). Changes to federal DFAA programming are expected in the near future therefore JPS is awaiting further information in this regard before finalizing its approach.

Recommendation #15

Post signage to alert the public to potential coastal hazards

Action for: Department of Environment, Energy and Climate Action (EECA)
Department of Justice and Public Safety (JPS)
Department of Transportation and Infrastructure (TI)

Goal: To alert the public in areas that may be prone to erosion and flooding during storm events, particularly areas that may have restricted exit points

The installation of signage alerting the public of potential hazards (e.g., flooding, erosion) or restricted access can increase risk awareness. Signage can be extended to areas with a history or high potential of flooding. Hazard signage can also be paired with monuments (e.g., historical high water marks) to indicate water levels during past storm events, to serve as a reminder to avoid these areas during storms and heavy rains, and to take alternate routes where possible.

Status: EECA is working actively with TI to determine parameters and locations for erosion and flood hazard signage, and initial installations are expected by the end of 2024.

Recommendation #16

Make coastal hazard disclosure mandatory for property sales, rental leases, and tourism establishments

Action for: Department of Finance (FIN)
Department of Fisheries, Tourism, Sport and Culture (FTSC)
Department of Justice and Public Safety (JPS)

Goal: To increase awareness of current and prospective residents regarding high-risk coastal areas or areas that have previously been impacted by flooding

Increased disclosure of climate-related hazards helps to inform decisions relating to the purchase of properties to ensure that potential property owners are aware of the known hazards and the implications those hazards may have on future development opportunities, insurance coverage, and eligibility for financial assistance in the event of a disaster. There are multiple stakeholders involved in the completion of real estate transactions, and therefore there are multiple opportunities for disclosure of these hazards.

Status: EECA is currently exploring opportunities to work with real estate stakeholders to increase voluntary disclosure of climate hazards. Additional opportunities to impose mandatory disclosure are being explored. EECA is also engaging with partnering departments regarding implementation challenges and options.

Status Update – Phase II

The following summarizes the implementation status of the seven recommendations in Phase II. These recommendations were deemed to either require additional work prior to taking the next steps towards implementation, or may depend on prior implementation of other recommendations. These policy recommendations will be revisited in the future.

Recommendation #3

Expand the local nursery capacity and implement a coastal buffer zone planting program

Goal: To stabilize banks and protect shorelines from coastal and overland erosion (gullying)

As buffer zones bear the brunt of coastal storms, having living, thriving vegetation can help bind sediment and reduce the vulnerability to bank erosion. While the Forest Enhancement Program does include funding for planting in the buffer zone, a program dedicated to increasing nursery inventory of soil-stabilizing shrubs would require an expansion of the provincial nursery. Currently, the nursery is operating at capacity due to the increased demand as a result of post-tropical storm Fiona. Similarly, due to the added challenges of expanding the nursery for growing salt tolerant species rather than simply increasing the number of existing species, further consideration will be needed as to the time, capacity, and investment required to implement this recommendation. In the meantime, property owners have the option to avoid mowing or clearing in the buffer zone in order to encourage natural revegetation and stabilization.

Recommendation #4

Expand the environmental buffer zone and update the regulations to reflect current working policies

Goal: To avoid building infrastructure in the coastal floodplain and to allow for saltmarsh migration

Coastal areas below the 2 m elevation (CGVD2013) have a 92% chance of flooding within a 25-year period, and the probability of flooding may continue to increase as sea level continues to rise. Similarly, a vertical minimum in the buffer zone will provide additional protection for vulnerable coastal saltmarshes against the impacts of coastal squeeze. With room to expand as sea level rises, saltmarshes can continue to provide important ecosystem services such as dampening the effects of storm waves and filtering excess nutrients and toxins. Due to the complexity and the interdepartmental implications of these regulations, this recommendation will require further time and consideration prior to implementation.

Recommendation #5

Develop a coastal subdivision buffer lot buyout program

Goal: To acquire coastal buffer lots for replanting purposes in order to enhance resilience of the coastline and to increase provincial conservation lands

UPEI has recommended that the existing buffer zone acquisition program be expanded to include coastal buffer zones, particularly subdivision buffer lots. Under provincial ownership, these lots could be replanted with stabilizing native vegetation. However, the purchase of small, disjunct lots may pose a challenge for monitoring and management purposes. Through initial discussion with relevant provincial departments, it has been noted that there exist multiple options to enhance resilience of the coastline and increase provincial conservation lands while simultaneously benefiting the property owner or neighborhood association without having to transfer lands. This recommendation will require further discussion between departments and may require modification to achieve the intended goal.

Recommendation #7

Develop a home and cottage relocation program

Goal: To reduce the risk to persons, homes and cottages, and reduce costs associated with disaster response, recovery, and financial assistance by proactively moving at-risk infrastructure

Managed retreat can be an effective long term solution to managing risk from flooding and coastal erosion. Relocation of built infrastructure (e.g., within the same lot or to a different lot) could represent a more cost-effective solution than repeated homeowner investment in shoreline adaptation. Prior to developing a relocation program, the department will need to complete an in-depth assessment of current and future risk to coastal structures, program eligibility requirements, and projected program costs.

Recommendation #8

Include restoration requirements in EPA penalties and build capacity to enforce regulations

Goal: To increase enforcement of buffer zone regulations and to impose restoration requirements upon non-compliant property owners

Although increased fines have already been announced for unlawful or unpermitted work within the coastal buffer zone, penalties under the *Environmental Protection Act* should include requirements for the removal of unlawfully placed materials and that coastlines and buffer zones be restored to previous condition at the property owner's expense. Such remedial activities are currently being imposed, and departmental enforcement capacity has been increased (i.e. three positions) within the past 18 months. More robust policies may also be considered.

Recommendation #9

Develop a public beaches access policy and/or legislation

Goal: To ensure unimpeded public access along the length of the natural shoreline under the conditions of sea level rise

The boundary for coastal properties is generally the top of bank or the ordinary high-water mark, meaning that the land area that inundated by high tide, including PEI's beaches, are public spaces. As coasts erode and sea levels continue to rise, the high tide line will reach further inland. The area that was

once part of the adjacent property would then become part of the foreshore and consequently become public land.

Interdepartmental discussion has been initiated in order to conduct any necessary review of relevant legislation, and to determine implementation options. Ongoing development of Shoreline Management Plans (Recommendation #1) is also likely to inform next steps.

Recommendation #12

Support municipalities to address coastal hazards and environmental protection

Goal: To further enable municipalities to play a role in emergency and asset management within the coastal zone

Municipalities play an important role in coastal zone management in the wide range of services they provide. Beyond adapting applicable policies, municipalities play an important role in communications to address the safety, health, and welfare of people, and the protection of persons and property. The Province can further support municipalities by enabling the integration of Shoreline Management Plans into local planning decisions.

Next Steps

The Department of Environment, Energy and Climate Action continues to play a coordinating role in the implementation of the nine of the sixteen recommendations. Progress on implementation will be monitored with partnering departments and reassessed at the end of the fiscal year. Concurrently, staff continue to evaluate the feasibility and suitability of the remaining recommendations.