

August 3, 2004

Honourable Richard Hurlburt
Minister of Natural Resources
3rd Floor, Founders Square
1701 Hollis Street
P.O Box 698
Halifax, NS
B3J 2T9

Re: Sperry's Beach (Petite Riviere, Lunenburg County)

On June 16, 2004, Municipal Councillor Karen Dempsey convened a public meeting at the Petite Riviere Fire Hall, to discuss the recently-erected fencing which obstructed public access to Sperry's Beach. During the meeting it was suggested that a volunteer committee be formed to research facts surrounding the issues raised at the meeting. A six-person volunteer committee was formed, and given a mandate to:

- gather facts on issues raised at June 16 public meeting
- report to community at a subsequent public meeting
- offer options for possible future action

with no mandate to take action. The Committee consisted of John Bell, Phillip Carter, Tom Daly, Laila Glanville, Anne Greer and Allison MacIntosh

On July 28, 2004, we (the Committee) convened a public meeting at the Petite Riviere Fire Hall, to deliver our report, which included Recommendations for:

- a Vision Statement for the Sperry's Beach area
- outcomes in the four identified areas of concern
 - Public Access
 - Wetland Infill
 - Coastal Infill, and
 - Ownership
- and possible future action in the four identified areas of concern

These Recommendations (Vision, Outcomes and Actions) were unanimously endorsed July 28, 2004, and the Committee mandated to undertake the identified Actions.

VISION

The Sperry's Beach Area

- Remains dedicated in perpetuity for the benefit, education and enjoyment of present and future generations
- Is protected as a significant, public and sensitive environmental and recreational resource, and an affirmation of our cultural and natural heritage

So as to leave it unimpaired for the benefit and enjoyment of future generations

Please accept this letter as a formal request from the community to NS Natural Resources to undertake the noted actions, or such other actions that might be determined by The Department to more expeditiously achieve the identified Outcomes:

Wetland Infill

Outcome

that Crown title to the former wetlands, as they existed prior to watercourse obstruction and infill, be reaffirmed

Action

to request that NS Natural Resources engage the independent arms-length expertise of Dr David Woolnough to confirm, by aerial photography analysis and survey data, the extent of the Crown lands formerly occupied by the now-destroyed tidal wetland, as they existed prior to watercourse obstruction and infill (ref P-110/95)

Coastal Infill

Outcome

that Crown title to the lands below the Ordinary Mean High Water Mark, prior to the infilling of 1996 and 2004, be reaffirmed

Action

to request that NS Natural Resources engage the independent arms-length expertise of Dr David Woolnough to confirm by aerial photography analysis and survey data the location of the Ordinary Mean High Water Mark as it existed prior to the infilling of 1996 and 2004, with surveyed reference to the existing 66' Department of Natural Resources right-of-way (ref P-110/95)

Ownership

Outcome

that Sperry's Beach area is protected as Public recreational land

Action

to request that the Minister of Natural Resources use his powers under the Beaches Act (Determination of Beach Area) to include those lands:

- to the landward of mean high watermark
- below the surveyed right-of-way
- from the one-way culvert to the end of the right of way

as part of the beach

Action

to request that the Minister of Natural Resources use his powers under the Crown Lands Act and Beaches Act to determine the extent of clear title held by the Himmelman estate to those lands

- above mean high watermark and
- below the surveyed right of way
- from the one-way culvert to the end of the right-of-way

If clear title cannot be established, to cause the removal of the fence on the seaward side of the right-of-way by Ministerial Order

If clear title can be established, to trade clear title for the former tidal wetland in exchange for those lands

Please reply to

The Sperry's Beach Committee
c/o
Tom Daly
99 Tannery Road
RR1 Petite Riviere
NS B0J 2P0
phone: (902) 688 2883
email: tom_d@chebucto.ns.ca

We look forward to your earliest response to this matter

Sincerely

Tom Daly
per: The Sperry's Beach Committee