



Rural Municipality of
Malpeque Bay
Baltic - Darnley - Hamilton - Indian River - Malpeque - Sea View - Spring Valley

Mayor: Paul Brown
Chief Administrative Officer: Joanne McCarvill
Incorporated 1973

November 23, 2020

The Hon. Natalie Jamieson, Minister, Environment, Water and Climate Change
The Hon. Matthew MacKay, Minister, Economic Growth, Tourism and Culture
The Hon. Steven Myers, Minister, Transportation, Infrastructure and Energy
The Hon. Bloyce Thompson, Minister, Justice and Public Safety
The Hon. Jamie Fox, Minister, Fisheries and Communities,

Re: **Thunder Cove and Teacup Rock Accessibility**

Dear Minister Jamieson, MacKay, Myers, Thompson and Fox,

We are writing to request your assistance in our efforts to provide safe and accessible access to Thunder Cove Beach and Teacup Rock.

We met with DTIE representatives onsite in late September to look at having the road widened and to the possibility of installing aluminum stairs. We understand that the file is with DTIE's Environment division who have identified that there are further applications/approvals needed if work in widening Thunder Cove Road is to proceed. They will be discussing it over the winter season. From that meeting we were asked to provide our Insurance Policy for review by the Risk Management section of DTIE.

Here is the response we received from Provincial Risk Management and Insurance:

"We've reviewed the request and we do not feel that Government should accept liability for the stairs that the municipality are proposing. As Government would not own, maintain or inspect the stairs it would not be prudent to accept responsibility for them.

We also believe that installing stairs would be considered an invitation to the public, where as at the moment those frequenting the beach would be doing so at their own risk. There is a much greater duty of care owed to the public when you actively invite (or even appear to invite) them onto property.

If the municipality would still like to proceed with the stairs , and accept the associated liability for their use, we do not have any issue with that arrangement. We would like to see an agreement in place with Government that stipulates the usual indemnification and Commercial General Liability

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requirements and in particular, we would want to ensure a CGL limit of \$5 mil, Government added as an Additional Insured and a cross liability clause.

If there are any questions or concerns, please don't hesitate to contact me.

Risk Management and Insurance

3rd Floor, Shaw Bldg., South"

We are willing to purchase a set of aluminum stairs providing safe access to the beach and Teacup rock, however, the land is Crown owned and therefore is under your direct control.

The increased publicity and advertising and invitation to Thunder Cove Beach and Teacup Rock by government has resulted in thousands of visitors making the trip either by beach, or by path along the headlands, to view and photograph this unique rock formation. This has led to some serious problems as identified by area landowners and include:

- 1) Since many visitors are unable to, or do not prefer to walk along the beach, to find this landmark, they make the trek along the "fox path", and thereby stray onto private property. Signs of "No Trespassing" or "Private Property" are largely ignored. As a result, this increased traffic has led to problems such as crossing onto private lands, requesting directions, using private property as bathroom facilities and garbage disposal sites, and damaging the fragile coastline and private beach paths in the subdivision.
- 2) The beach path at the foot of Thunder Cove Road has become unstable and dangerous due to the increased traffic and there has been an impact on the fragile dune system as a result and several falls from folks attempting to walk along the narrow sand ridge.
- 3) The increased traffic has brought damage to the cliff and the famous rock itself from individuals climbing over the assets for pictures and viewpoints
- 4) There is considerable strain from the increased automobile traffic and parking along the bottom of the Thunder Cove Road.
- 5) There is increased liability on several interested parties from difficulties arising from this increased traffic.

Possible solutions could include:

- 1) Install official signage along and at the foot of the Thunder Cove Road indicating the only public access to the beach and the Teacup Rock.
- 2) Install secure aluminum stairs at the original public access point to protect the dunes from further erosion and provide more secure footing to the public and allow easy access for emergency personnel.

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- 3) Create a small turning area at base of the road for the public and emergency vehicles
- 4) Designate an emergency-vehicle-only area
- 5) Install signs reminding people to take their garbage when they leave the beach. Possibly provide a large waste container from May-September at the top of the beach access point.
- 6) Issue tickets for parking infractions.

The Municipality is willing to purchase a set of aluminum stairs. A local homeowner's group is willing to incur the costs of the annual installation and winching of the stairs provided Government assumes liability for the inspection and general use. The Municipality is willing to purchase the necessary signs and possibly the cost associated with having a small dumpster provided for waste.

We are asking that the Province work towards widening Thunder Cove Road and to create a safe drop off / emergency vehicle parking area allowing for better access not only for beach goers but for the cottage owners in the area and to accept the liability associated with the installation of stairs on its property.

Yours truly,

Paul Brown,
Mayor.

PB/jmcc