



**Prince Edward Island Coastal Access Law & Policy:  
October 2025 Charlottetown Workshop Summary Report**

**Mike Kofahl & Richelle Martin  
Staff Lawyers**

**November 17, 2025**



**Table of Contents**

Executive Summary.....3

Coastal Access Law and Policy Workshop.....4

*Part 1: Presentations*.....4

*Part 2: Breakout Groups*.....9

Key Discussion Points.....10

    1. *Barriers to Coastal Access*.....10

    2. *Protection of Existing Access* .....11

    3. *Use of Coastal Access*.....11

    4. *Law Reform*.....12

    5. *Questions Arising*.....12

Next Steps .....13

Acknowledgements .....14

## Executive Summary

Prince Edward Island has approximately 1,100km of coastline featuring a diversity of ecosystems and species including beaches and sand dunes, sandstone cliffs, salt marshes, bays, estuaries, and small islands. The people living in Prince Edward Island have a strong connection to the coast and depend on it for recreation, culture, and economic activity. However, despite the essential value of the coast to communities, there is no legal right to access the coast and public access is becoming an important environmental issue on the island.

In December 2023, the Government of Prince Edward Island committed to all the recommendations made in the [Prince Edward Island Interim Coastal Policy Recommendations Report](#), which built on the *State of the Coast Report* created for the government by the Canadian Center for Climate Change and Adaptation at the University of Prince Edward Island. One of those recommendations to the Department of Environment, Energy and Climate Action was to develop a public beaches access policy and/or legislation. In anticipation of the Department's work to create a public beaches access policy and/or legislation, East Coast Environmental Law wanted to provide public legal information about the law and policy related to coastal access, and to provide an opportunity to engage Islanders on the topic.

With generous funding support from the Law Foundation of Prince Edward Island, East Coast Environmental Law organized a free, in-person workshop entitled "Coastal Access: Law and Policy in Prince Edward Island", which was held in Charlottetown on October 23, 2025. The workshop was divided into two parts. In the first part of the workshop, East Coast Environmental Law's staff lawyers, Mike Kofahl and Richelle Martin, presented on a range of topics including law and policy enabling public coastal access, easements and other legal mechanisms to enable or restrict coastal access, and civil and criminal trespass. In the second part of the workshop, participants were given the opportunity to identify opportunities and challenges for public coastal access on Prince Edward Island, to ask each other and our lawyers questions about coastal access law and policy, and to present ideas about the direction of future public beach access policy or legislation.

The objectives of our workshop were twofold: first, to provide participants with accurate, relevant, and useful legal information about rights and responsibilities related to coastal access on Prince Edward Island, and second, to gather feedback and ideas about the direction of "beach access" and to share what we heard with the public and with the Government of Prince Edward Island. This summary report serves to document what we heard during the workshop, in the hopes that it can grow the conversation about public coastal access in Prince Edward Island.

East Coast Environmental Law's next steps are to share this summary report with the Department of Environment, Energy, and Climate Action and to continue making space for these important conversations. We invite Islanders to reach out to us with their questions and to consider reading our accompanying [Coastal Access in Prince Edward Island](#) Summary Series resource.

## Coastal Access Law and Policy Workshop

East Coast Environmental Law held a 2 ½ hour in-person workshop in Charlottetown on October 23, 2025 at the University of Prince Edward Island’s Faculty of Sustainable Design Engineering. The workshop was widely promoted to Islanders using a range of advertisements, online newsletters, and word of mouth. It was free for anyone to attend. The topic was coastal access law and policy in Prince Edward Island.

Our workshop was designed to feature a combination of presentations and small-group discussion. First, three presentations by our staff lawyers, Mike Kofahl and Richelle Martin, were intended to provide a foundational knowledge about the key laws and policies, legal concepts and principles, and practical governance matters that relate to coastal access. Second, participants were invited to join our staff lawyers in break-out groups to further discuss coastal access.

### About our Staff Lawyers

Mike Kofahl has been leading East Coast Environmental Law’s coastal law and policy work since 2018. He has conducted extensive legal research on coastal protection laws, has advocated for strong laws that support coastal ecosystems and enhance the public’s access to coasts around Atlantic Canada, and has written and spoken extensively about coastal protection and coastal access laws.

Richelle Martin has a background in environmental studies and leads East Coast Environmental Law’s nature and biodiversity initiatives. Richelle has been working actively to support stronger coastal protections for sensitive coastal ecosystems in New Brunswick and the broader Atlantic Canadian region, and she has years of experience working with land trusts and Indigenous communities.

## Part 1: Presentations

### “Land Acknowledgement”

We began our workshop by acknowledging that Epekwitk (Prince Edward Island) is part of the unceded and unsurrendered territory of the Mi’kmaq peoples – a territory that is governed by the Treaties of Peace and Friendship entered into with the British Crown in the 18th century. We highlighted the importance of recognizing that all workshop participants are treaty peoples and that individually and collectively, we have rights and responsibilities under the Treaties of Peace and Friendship.

We also reflected on the juxtaposition of the colonial history in Epekwitk, which is marked by repeated colonial and settler efforts to prevent Mi’kmaq from accessing and using their traditional territories on the Island, and the topic of coastal “access” as presented using a Crown law or common law perspective. We invited participants to hold space for the fact that Mi’kmaq have been living in Epekwitk since time immemorial and have been governing the land, including the coastal lands, using Mi’kmaq laws and legal principles since long before contact, and we observed that as lawyers licenced to practice colonial law in Canada, that not all of the ways of thinking about access would be covered by our presentations or conversations.

## **“Who Owns the Coast and Statutory Coastal Access”**

**Mike Kofahl, Staff Lawyer**

Mike introduced the topic of coastal access by framing coastal access as an important part of coastal stewardship, and by extension, an important aspect of our public interest environmental law work. He provided two reasons for undertaking coastal access work and engaging the public in the development of coastal access laws and policies. The first reason is that providing the public access to the coast is essential for creating a relationship with the coast. Getting people out on beaches – to smell and taste and feel the salt water and salt in the air, and to see the birds and sand dunes, and marram grass, and to witness the endless, dynamic, shifting of the coastline – leads to stronger appreciation for that space. Ultimately, Mike suggested that the more people care about the coast, the more engaged they become in its protection, and so public access to the coast can lead to stronger coastal stewardship.



*Photo: Mike Kofahl, “Prince Edward Island National Park Beach Day” (June 2025)*

Mike defined the **“coast”** as the natural and dynamic environment connecting the land and ocean, which is typically understood as the **“foreshore”** between the high-water mark and the low-water mark that is, as a rule of thumb, public Crown land. Mike defined **“coastal access”** as both access to that public coastal space, and the freedom to move along the coast.

Mike highlighted the role of all levels of government in creating, enhancing, and protecting public access to the coast, especially to public Crown lands. The federal government has a role on federal lands and below the low-water mark; the provincial government has jurisdiction to make laws between the high-water mark and low-water mark, as well as provincial Crown lands above the high-water mark; and, municipal governments have jurisdiction, through enabling statutes, to deal with local development and access.

Mike noted that there is no general statutory or common law right for the public to access the coast, but reassured participants that Crown land is commonly open to the public to access. He provided examples of legislation that helps to facilitate or protect the public’s access to the coast, as follows:

- The *Recreation Development Act* allows provincial Crown lands to be designated as protected beaches, provincial parks, or protected areas, which can facilitate access to the coast. Tools available under that Act include entering into agreements to facilitate recreation, accepting gifts of land to create new parks, leasing or acquiring easements across private property, or coordination recreation services with other governments.
- Provincial parks and federal parks and park reserves on the coast create new opportunities for the public to enjoy coastal features, and rules established under the *Recreation Development Act* or the *Canada National Parks Act*, respectively, help to prohibit activities or conduct that might disrupt the use or enjoyment of parks.
- Protected areas, such as natural areas under the provincial *Natural Areas Protection Act*, protected areas under the *Recreation Development Act*, or wildlife management areas under the *Wildlife Conservation Act* can be used to facilitate access, or in some cases, limit access to protect vulnerable coastal areas.
- Trails and roads, like designated trails under the provincial *Trails Act*, can establish access points on the coast, and can create opportunities for government to work with private property owners to enhance and augment public access using coastal trail systems.

Mike summarised the kinds of tools available in legislation to enable, or in some circumstances restrict, coastal access. They include having government enter into agreements with other governments or land owners to protect access, purchasing land or using land to create access, regulating activities that might interfere with access, prohibiting access to protect the environment, or creating facilities and access points.

### **“Legal Tools to Enable Public Access & Restrictions to Access”** **Richelle Martin, Staff Lawyer**

Richelle provided an introduction to the legal tools, mechanisms, and laws that can enable public access over public and private property, and offered insights into how rights of access are balanced with property rights under the common law.

Richelle began by introducing the public right of navigation, which applies to tidal and non-tidal waters but must be reasonably exercised. The right of navigation can help to facilitate access to, and movement along, the coast from the water, rather than by land.

Richelle introduced several kinds of legal tools that can be used on public or private land to help facilitate access to the coast. A **grant**, which is effectively a transfer of property, can be used to transfer ownership of coastal or coastal-adjacent land to facilitate public access. A **licence**, which is revocable permission to access and use property per conditions, and a **lease**, which is a right to exclusive possession of property, are both means by which coastal land could be set aside for the public’s use to access the coast, or, alternatively, could be used to restrict access to Crown lands that otherwise might enable coastal access.

Another kind of legal mechanism introduced in the presentation is an **easement**, which is a legal right to use another person’s property for specific reasons. There are different kinds of easements – express or implied written grants, statutory easements, and prescriptive easements – which can apply to both public and private land. An easement is often used to enable access across one property to another, and there are many scenarios where one might imagine establishing an easement to facilitate access to the coast. However, an easement generally exists for the benefit of the owners or occupiers of the

“dominant land” (the land that benefits from the easement), which creates a challenge to use this tool to create public access because an easement for public access must be express or clearly implied.



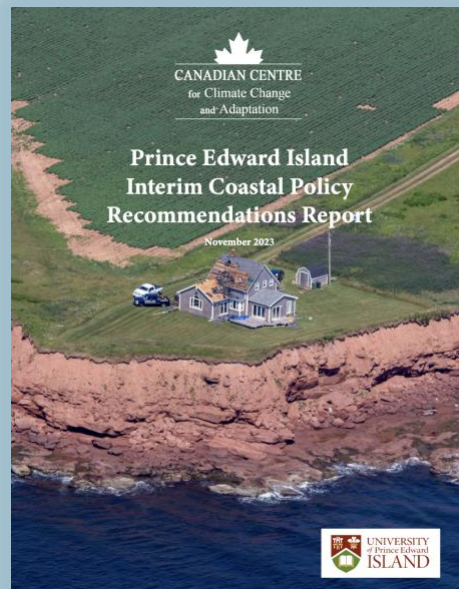
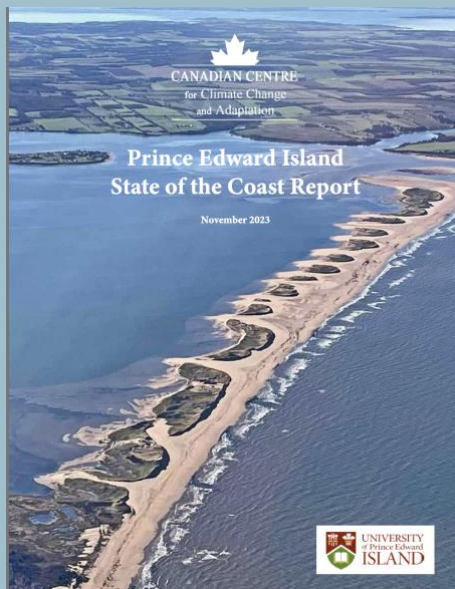
*Photo: Richelle Martin, “Charlottetown Coastal Private Property” (October 2025)*

Richelle also introduced the concept of **trespass to property** (commonly called “trespass”), which is the intentional and direct interference with land in possession of another person without permission or legal justification. Trespass is both a statutory offence and a civil tort (a category of legal wrongdoing recognized by the courts). Under Canada’s *Criminal Code*, trespassing at night near a dwelling is a criminal offence. Additionally, under Prince Edward Island’s *Trespass to Property Act*, it is a provincial regulatory offence to enter onto certain types of land – like lawns, gardens, golf courses, agricultural lands, and some forest lands – without permission or justification. It is also an offence to dump or deposit material of any kind on premises without permission. A landowner may also pursue a legal claim for civil trespass; damage to property is not required, although in such cases, monetary awards may be nominal.

Trespass can be a real or perceived barrier to coastal access. On the one hand, a fear of trespassing may prevent members of the public from accessing the coast, even if they intend to access the coast using public land, because of uncertainty about whether access is allowed. On the other, private property owners can threaten or pursue legal claims in trespass if members of the public enter onto their property to access the coast. Trespass can also occur when a substance (for example, aggregate material used to create rock walls) interferes with public land and the public’s ability to move to and along the coast; in this way, trespass can serve to protect coastal access.

**“Law Reform for Prince Edward Island: Beach Access +”**  
**Mike Kofahl, Staff Lawyer**

In the final presentation, Mike introduced participants to the [\*Prince Edward Island State of the Coast Report\*](#) (the “State of the Coast report”) and the associated [\*Prince Edward Island Interim Coastal Policy Recommendations Report\*](#) (the “Recommendations report”), and provided an introduction to how public coastal access or beach access is facilitated by laws or policies in jurisdictions around the world.



*Photo: The State of the Coast and Recommendations Reports (2023).*

The State of the Coast report was commissioned by the Government of Prince Edward Island. The report, released in November 2023 by the Canadian Center for Climate Change and Adaptation, provided an overview of existing conditions of the province's coastline, highlighting both natural and human systems on the coast, and providing foundational information necessary to inform development of policies to more effectively manage the coast in the future. The Recommendations report, also commissioned by the province, was released in December 2023 and intended to identify actions that could be taken by the Department of Environment, Energy, and Climate Action (although recommendations were made to other relevant decision-makers).

The Recommendations report highlighted that all beaches on Prince Edward Island are public beaches, but there is no specific legislation to protect or manage public access to the coast or to beaches, other than in the province's *Coastal Area Policy* from 1992, which states that traditional beach accesses must be respected and maintained in new subdivision designs. It is notable that, to East Coast Environmental Law's knowledge, the *Coastal Area Policy* is not publicly accessible.

The report recommends development of a public beaches access policy and/or legislation, and states that:

Current provincial policies and legislation are silent on how the province intends to protect public access to the shore and the public's right of unimpeded access along the length of the natural shoreline under the conditions of a changing climate and sea level rise.

Such a policy and/or legislation could include provisions for the enforcement of the removal of structures (buildings and/or armourstone) that over time have become non-conforming and impede public access to and along the beach.

Mike noted that in a 2024 Progress Report, the Department of Environment, Energy, and Climate Action indicated that 9 of the 19 recommendations were being prioritized for implementation, and that beach access was not one of those prioritized. However, the Progress Report also noted that beach access might be considered as part of work to develop shoreline management plans for the province.

Mike presented the possible scope of provincial policy or legislation dealing with "beach access" by pointing to existing legal definitions of the term "beach". Under the *Environmental Protection Act*, a beach is defined as the part of the shoreline that either a) begins at the base of a bank or slope where the land meets the shoreline, or b) begins at the seaward part of a sand dune. Under that Act, a beach extends seaward up to three miles. Under the *Recreation Development Act*, the Lieutenant Governor-in-Council may designate areas as "protected beaches", but no specific definition or parameters are given. Mike proposed that a discussion about the scope of a beach access policy or legislation be broad to include areas adjacent to beaches that help to facilitate access.

To conclude his presentation and set the stage for the second part of the workshop, Mike provided examples of how other jurisdictions around the world address coastal access. Examples included:

- In California and UK, legislation requires coastal access points to be created.
- California requires that development not interfere with the public's right of access.
- In England, the Secretary of State must establish a route around the coast for the public and ensure it is accessible.
- Maine requires access points, including for visual access, to be protected.
- Queensland's Coastal Management Plan requires no net loss of public access.
- South Carolina's *Beachfront Management Act* requires promotion of public access points.
- The state of Washington requires shoreline master programs to provide for public access.

## **Part 2: Breakout Groups**

After our staff lawyers took questions from participants about the three presentations, participants were asked to divide themselves into small discussion groups. They were given an hour to discuss coastal access issues on Prince Edward Island; we provided three guiding questions to spark conversation, as follows:

1. What barriers or challenges (legal or otherwise) do you face accessing the coast?
2. What changes or improvements do you think are necessary to enable better public coastal access?

3. What considerations do you think are necessary as part of law reform that might create rights to public coastal access?

The objective of the breakout groups was to gather ideas and questions about public coastal access, or more specifically beach access, so we could synthesize and summarize the discussions in a report (this report) that would be accessible to participants and the broader public. We told participants we would also share the workshop summary report with the Department of Environment, Energy, and Climate Action, or other relevant government department.

Participants that took part in the breakout groups were members of the public with diverse backgrounds, including private coastal landowners, representatives from environmental non-profit organizations and land trusts, former enforcement officers, lawyers, real estate agents, and farmers.

Both lawyers, Mike and Richelle, spent time with each breakout group to help answer questions, facilitate discussion, and take notes about the key points being raised. Participants were also provided with large paper sheets and markers, and encouraged to take notes of key points that were discussed; several groups provided these sheets to our staff lawyers at the end of the breakout group session.

### **Key Discussion Points**

Participants raised many issues related to coastal access and provided a range of ideas about how to protect and improve coastal access. Participants also shared many personal stories about the importance of beach access, the gradual changes in access over time, and observations about the status of coastal access on the Island. We have grouped the key discussion points into four main categories: barriers to coastal access, use of coastal access, protection of coastal access, and law reform. We have also provided a list of questions that were raised by participants that warrant further consideration.

#### **1. Barriers to Coastal Access**

A central and reoccurring theme of the workshop was the need to address coastal development that is impeding or may impede coastal access in the future. Another important barrier to coastal access is the lack of clear and express information about coastal access points and a lack of information about public and private landowner liability.

- Many participants raised the issue of coastal developments blocking coastal access. One group noted that many beach trails that used to provide a loop trail are now shorter, one-way trails because access at some point is blocked by these structures. Another group referred to “fragmentation” of shoreline access.
- Many participants pointed explicitly to coastal armouring – one example provided was Point Desroche – as interfering with coastal access. There were concerns about potential risks to community safety trying to navigate these armoured areas. There were also concerns about inappropriate material being used for armouring.
- One group noted the lack of information about coastal access generally, including information about where members of the public can be on the coast.
- Several groups brought up potential issues related to road access. Many roads to the coast are private roads, and there is concern that more public roads providing access to the coast might be

lost. There were also concerns about private roads looking like public access points, or vice versa.

- Subdivision of farmland for cottages can create barriers to existing coastal access points that communities have used for many years.
- Many existing beach access points in parks have gates that are closed during winter months.
- Some coastal landowners expressed concern about potential legal liability for allowing people onto their properties for the purpose of reaching the coast.
- Some participants noted the importance of accessibility at coastal access points.
- One group noted the lack of parking and facilities to support users of boat launches.
- Another challenge noted was the distance between access points.
- One group expressed a need for easy access to information about coastal access from government.

## 2. Protection of Existing Access

There was a lot of discussion about existing coastal access. The consensus seemed to be that Prince Edward Island currently has many coastal access points but there are concerns that coastal access is becoming fragmented and that some access points are disappearing. Many participants flagged the need for better signage and information about existing access points.

- Participants noted that there are many existing access points to the coast, but there are concerns about that access being lost.
- Some participants raised concerns about existing access being based on informal agreements and people from out of the province not knowing about these informal agreements. One group noted a concern about new homeowners not following customs related to informal coastal access.
- Many participants raised the need for better signage indicating public access points. One group of participants suggested an app to provide better information about access points. Others also raised the need for better information about the local areas being accessed to educate visitors and locals.
- Many participants raised the need for better facilities to facilitate better access (for example, the need for more washrooms, organized parking, signage, garbage bins).
- Concerns were raised about the need to provide infrastructure to protect dune systems in places where people access the coast (for example, roped off areas or boardwalks).
- There were concerns raised about the need for better enforcement and capacity for enforcement in coastal areas.

## 3. Use of Coastal Access

Many participants highlighted that a discussion about creating or protection coastal access cannot occur without a discussion about the purpose of access. There were concerns that increasing public access would result in harm or damage to the environment. Participants noted the need to distinguish different kinds of access and to protect existing uses.

- Participants commented about the need to recognize that all the coastal land is unceded Mi'kmaq land.
- Concerns were raised about how the public treats beaches, and how uses of beaches and other public coastal spaces are changing. There was concern about littering, camping, and garbage.
- Concerns were raised about increased uses of beaches being harmful for ecosystems and habitat for species at risk, and there is a need for balance between access and environmental protection.
- Some participants commented that access and parking are very different things, and while both are needed, environmental protection requires balancing.
- Some participants noted that an important consideration for coastal access is the objective of the access; access for recreation is different than access for picnicking, bonfires, or ATV use.
- Participants in one breakout group noted that a policy on beach access should be accompanied by a policy on beach use.
- Participants in another breakout group noted that coastal access facilitates many long-standing uses, including fishing and hunting (for shorebirds), and that some users were noticing barriers to access for these uses.

#### 4. Law Reform

Many of the challenges and opportunities highlighted by participants related to improvements in information about public access and development of better facilities and infrastructure to accommodate or protect coastal access. However, some participants offered specific suggestions about possible changes to law and policy.

- One group commented that a no net loss of coastal access policy would be a good idea. The same group suggested the need for a public duty to keep the ecosystem clean while accessing the coast.
- One group of participants discussed the potential need for a permitting system to limit or cap the number of people using access points.
- Some participants noted the need for clear definitions and clear lists of activities allowed or not allowed on the coast and at coastal access points.

#### 5. Questions Arising

- What is the liability of the province on coastal trails?
- What types of remedies can a court issue in cases of civil trespass?
- What can private landowners do to reduce their liability if they allow people onto their property to access the coast?
- Why are there some exceptions to the laws of trespass in the provincial *Trespass to Property Act* for forested land?
- What rules apply to users of campgrounds on the coast?
- What would enforcement of a beach access policy or legislation look like?

## Next Steps

East Coast Environmental Law's next steps are to share this summary report with the Department of Environment, Energy, and Climate Action and to continue making space for these important conversations. We invite Islanders to reach out to us with their questions and to consider reading our accompanying [\*Coastal Access in Prince Edward Island\*](#) Summary Series resource.

## Disclaimer

East Coast Environmental Law is solely responsible for all content, and the views expressed in this document may not reflect the understanding, practices, or ideas of the many individuals and organizations that provided their insights, feedback, or financial support.

While East Coast Environmental Law works hard to update its materials, some information contained in this resource may become outdated as statutes, regulations, and policies are updated and amended.

## East Coast Environmental Law Association

East Coast Environmental Law is a regional charity that provides public-interest environmental law services throughout Atlantic Canada. We advocate for progressive environmental law and policy, provide public legal education on environmental law, and share our legal skills with others who are working to prevent or redress environmental harms. We do our work by responding to community inquiries, carrying out legal and policy research, and producing materials on public interest environmental law issues in Atlantic Canada.

You can find more resources that cover areas of Prince Edward Island environmental law at [www.ecelaw.ca](http://www.ecelaw.ca).



6061 University Ave., PO Box 15000  
Halifax, NS B3H 4R2  
K'jipuktuk, Mi'kma'ki

## Acknowledgements

Our project was generously supported by funding from the Law Foundation of Prince Edward Island.

