

HALIFAX REGIONAL MUNICIPALITY

HALIFAX/HALIFAX COUNTY WATERSHED ADVISORY BOARD

MINUTES

JULY 17, 2002

PRESENT: Dr. Wayne Stobo, Chair
Mr. David Dwyer
Ms. Ellinor Williams
Mr. Ross Evans
Dr. Barry Thomas
Mr. Frank Hope
Mr. Walter Regan

ALSO PRESENT: Ms. Susan Corser, Planner
Ms. Lynne Le Boutillier, Assistant Municipal Clerk

ABSENT: Mr. Keith Manchester (regrets)
Mr. Bill Ernst (regrets)
Mr. Glen Williams (regrets)
Dr. S. Ray
Mr. Jim Holmes (regrets)
Mr. Peter Murray (regrets)
Mr. Lawrence White
Mr. Mark Leaman
Dr. Walton Watt

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The meeting was called to order by the Chair at 6:30 p.m., Training Room, 1st Floor, City Hall.

1.0 **APPROVAL OF AGENDA, ADDITIONS AND DELETIONS**

The following additions were made to the agenda:

- C Business Arising, Item 4.6 - Draft of Covering Letter to Community Council
- C Information Items:
 - C 6.0 - Stoneridge on the Park - Test Results
 - C 7.0 - Rural Development Initiative - Funding Program 2002 - 2003
 - C 8.0 - Log Salvage - Salmon River Lake

2.0 **APPROVAL OF MINUTES**

The following changes were made to the June 19, 2002 minutes:

Page 3, last sentence, item 1.0, change the name 'Walker' to 'Williams'.
Page 5, second to last paragraph, last sentence, replace 'or it' with 'and'.

The minutes, as amended, were adopted on motion of Mr. Regan and Ms. Williams.

3.0 **PRESENTATION - REGIONAL PLANNING**

Ms. Ann Muecke, Project Manager, Regional Planning provided an overview of a presentation entitled "Healthy Growth in HRM". Copies of a power point presentation had been circulated in the agenda package.

Ms. Muecke outlined to the Committee her involvement in water management since she was a student. She helped set up the Shubenacadie Lakes Advisory Board, for example. She felt that through the Regional Planning process there is an opportunity to address some of the issues the watershed advisory groups have been grappling with. She noted that municipal government has no responsibility for environmental issues but as the public has become more interested in them over the past twenty years, related issues have moved up on the agenda.

In her presentation she made reference to the following matters:

- C Why a Regional Plan is needed:

- C Previous plan, which was undertaken by the Province, implemented in 1976.
- C Focus on economic development through roads, water system and sewage treatment development.

While the Plan worked, there have been some negative repercussions associated with growth outside the urban core and demand for services in those areas. Environmental concerns relate to forest cutting, the availability of water and impact associated with septic systems.

She reviewed the components outlined in the powerpoint presentation entitled "Developing the Plan". She emphasized the last two strategies involving Vibrant City/Healthy Communities and Environmental Asset Management. She referred to the importance of looking at how communities are developing. Reference was made to the loss of vegetation which can accompany growth, for example. It was recognized that the quality of life HRM residents have and enjoy in large measure appears to be associated with the surrounding natural environment.

Ms. Muecke felt that when looking at where growth should take place, HRM's role in environmental asset management should also be reviewed as it relates to open space, air quality, shoreline, view planes, etc. It has been recognized that members of the Watershed Advisory Boards have acknowledged this need and will desire input into the process.

Ms. Muecke indicated she wanted to hear from the Board(s) on what needs to be incorporated. She stressed the importance of the Board making a submission. Recommendations from the Watershed Advisory Boards, because of the level of knowledge and experience they represent, will be taken very seriously. Since the various WABs have been active for such a long time, they have ideas of what works and doesn't work, which is very valuable information. She encouraged the Board and members to get involved in as many ways as possible, so issues are registered.

Reference was made to policy changes pending from the Federal and Provincial governments. While some are clear-cut, others are vague. Ms. Muecke referred to a Water Management Strategy, which may have a policy related to sewage and stormwater management. Changes are anticipated in the Navigable Waters Act, in relation to interpretation. For example, any interference with a waterway, even seasonal, becomes a consideration under the Act.

Funds related to environmental management which were once available for remediation of problems associated with malfunctioning septic systems for example are disappearing fast. It appears in future HRM and individual property owners will have to pay for clean ups.

While the Federal Government is considering funds to assist municipalities in growth and development, clear plans will be needed when applying for funds.

Ms. Muecke referred to the Public Consultation process, which to date has involved a survey; request for position papers (40 responses) and the recently released Work Book, copies of which were circulated at the meeting. A two prong approach is being used. In addition to public consultation, professionals are also being involved. A symposium is planned for the spring of 2003, where scenarios will be discussed.

In the question and answer session to follow, the following issues were raised:

- C Concerns regarding tree cutting were raised, i.e. since this is within the Province's jurisdiction, how can the Plan address?

Ms. Muecke referred to representatives of Natural Resources taking part in the Growth Management Task Force (deals with mineral resources) and the Environmental Asset Management Task Force (forestry matters being dealt with).

A discussion followed on the Integrated Resource Management Process (IRM), which has undertaken to clarify issues related to Crown Lands. Mr. Dwyer noted that he does not have as much concern regarding the use of Crown Lands, as he does of private property. Without some protection afforded private forested areas, watersheds can't be protected.

- C Concerns were expressed about rock quarries and their impact on the goal of having a healthy community, as a result of the dust and noise generated by such operations, but they also fall under the jurisdiction of the Province.

While the Municipality has no responsibility under the Municipal Government Act (MGA) to protect the environment, Ms. Muecke noted how responsive it has been in the past to public concerns when clearly expressed, as illustrated by the passing of the bylaws associated with pesticide control, smoking and solid waste management. Nevertheless, concern was expressed that there needs to be a change in attitude in HRM. Too often it is quoted by staff that it is a provincial responsibility, therefore staff won't get involved. Until this changes, no progress is likely. Ms. Muecke cautioned that the Municipality should not take on provincial responsibilities as there is not enough money to do so.

- C Doubt was expressed that the resultant Plan will be able to address problems associated with as-of-right development. A discussion followed on development rights. Ms. Muecke noted that the rules in place today were developed in the early 1980s. Such rules can be changed, ie. what is required before one obtained a permit. Ms. Muecke felt rather than taking away rights, requirements

can be changed. It was felt that the list of requirements need to be expanded, particularly as related to environmental standards. For example, at present you have to be able to provide an approved septic system, but you don't have to prove there is an adequate water supply.

Ms. Muecke acknowledged that for subdivisions already approved, the requirements can't be changed. Only new applications will be affected.

- C The subject of buffers was raised. The importance of them in the protection of water course water quality was emphasized. Reference was made to the Province's regulations which came into effect in January re buffers. The buffers are to be 20 meters in width, on either side of a watercourse. Concern was expressed that this simple calculation does not take into account issues such as slope or stream width.
- C A desire for a moratorium on development was expressed, as recommendations from citizens groups are presently on hold, while development is proceeding against the wishes of residents. Problems with implementing such a moratorium were discussed by Ms. Muecke.
- C Problems created by 'grandfathering', although it is recognized that the rules of the past don't necessarily work. There is need to require adaptation to current standards. In other areas of life, adaption is required but not in the development of land. This is not consistent. It was suggested that a law case may be required to determine if approval years ago under old regulations still stands, given new standards now in place.
- C Covenants can't be discharged when land is sold.
- C The need of increasing chemical testing aspects when doing water sampling. Also a baseline test of water quality should be conducted before development with follow-ups after development.
- C Avoid including Guidelines. Guidelines don't work.

In response to a query from the Chair, as to what exactly Ms. Muecke would like to see from the Board, Ms. Muecke referred to any concepts the Board feels should be introduced and implemented by HRM. The Board, individuals or associated groups were welcomed to make a submission which will become part of the stakeholders input.

For the next meeting, the members were requested to come prepared with individual items to discuss with the goal of putting forward recommendations of things which should be included.

Mr. Dwyer reflected that he felt it very worthwhile to be drawing on two groups for input, i.e. professionals and the public.

4.0 **BUSINESS ARISING FROM MINUTES**

4.1 **TREE CUTTING GUIDELINES**

A draft letter prepared by Mr. Dwyer which had been previously circulated to the members, was discussed at length. Mr. Dwyer stressed the importance of establishing two principles to protect watersheds, i.e. you don't cut stands less than 70 to 80 years of age; when you do cut, you promote natural regeneration. He noted that these principles had been contained in the Forest Improvement Act, which was not followed after 1986. He noted there is nothing at present, but regulations pertaining to not cutting buffer zones to watercourses when clear cutting. To illustrate the effectiveness of this approach, he passed around a picture entitled "Resurrection". When comments were solicited, the relevance of protecting watercourses was questioned. Mr. Dwyer noted that in order to preserve watersheds, land must be vegetated. While cutting younger stands of timber may be profitable, growth will not regenerate as quickly.

Reservation was expressed that the correspondence was too general and does not give much guidance. It was emphasized that if advice is given others must understand it, so they can act upon it. For example, a definition of 'young forest stands' is needed.

Mr. Evans felt that tree cutting should be looked at from the perspective of watershed management. He cited an example and concluded smaller clear-cuts would result in less impact. Mr. Hope agreed, suggesting that watersheds should be taken into account rather than property boundaries in such instances.

In conclusion, the Chair offered to redraft the correspondence to the Mayor, copied to the Department of Natural Resources. He will include a preamble in terms of HRM's interests. The Chair requested that Mr. Dwyer provide him a copy of the old Forest Improvement Act, so he can point out relevant clauses in Sections 9 and 10. Mr. Dwyer referred to another resource "The Trees About Us", a manual of good forestry practices.

4.2 **C & D WASTE MANAGEMENT - RDM**

Copies of a revised draft for North West Community Council's August 22nd, 2002 meeting* and Chebucto Community Council's September 9th, 2002 meeting were circulated in the agenda package. The draft was reviewed. The only change related to the box on the last page. It was felt the 'report prepared by' section should simply refer to the Board, no particular individual. *Subsequently changed to Western Community Council's, August 26, 2002.

4.3 HALIFAX CONSTRUCTION AND DEBRIS RECYCLING LTD.

Mr. Dwyer has not had an opportunity to draft the recommendations. He will provide a draft for the August meeting. He will contact the Chair by the end of July if this is not feasible.

4.4 JOINT MEETING OF WABS RE TERMS OF REFERENCE AND JURISDICTIONS

The Chair and Vice-Chair reflected on their attendance at the above noted meeting with Dr. Blouin.

It was noted that Dartmouth Lakes Advisory Board (DLAB) indicated that they had no desire to expand their area of responsibility. Changes had been made, not long ago, regarding identifying their area of jurisdiction in relation to watershed boundaries. On the other hand, the Bedford Waters Advisory Committee (BWAC) was interested in expansion.

Dr. Stobo and Ms. Williams highlighted the following proposals:

- C The Board's name be changed from Halifax/Halifax County Watershed Advisory Board to Halifax Watershed Advisory Board.
- C The Bedford Waters Advisory Committee's jurisdiction be expanded to Fairview Cove, essentially taking in the Wentworth/Bedford South new development area. The Chair noted that none of the Board's existing members represent districts contained in this area.

There was consensus that the changes proposed were sensible. **MOVED BY Mr. Dwyer and Mr. Regan that the Board accept the new terms of reference. MOTION PUT AND CARRIED UNANIMOUSLY.**

Mr. Thomas displayed to the members a colored map he had printed off. He was asked to produce some additional copies for the members.

4.5 SOBEY'S FALL RIVER

A revised draft of a letter to Mayor Kelly regarding the stockpile of pyritic slate and associated problems was circulated in the agenda package. With the agreement of the Board, the Chair signed the correspondence.

4.6 **DRAFT OF COVERING LETTER TO COMMUNITY COUNCILS**

The members reviewed the draft letter to accompany the Board's recommendations when they go to Community Council(s). The text was modified slightly.

5.0 **CONCEPT PLANS**

It was recalled that Ms. Corser provided copies of a concept plan for Brookhill Estates Subdivision, Grand Lake for the June meeting. The Board noted that the subdivision is not close to a watershed.

6.0 **DATE OF NEXT MEETING**

The next meeting will be held Wednesday, August 21, 2002. The Chair gave his regrets.

The Board discussed the need to hold a meeting in August. Staff noted that a Public Hearing is scheduled for September 18, 2002 regarding the Antrium site. It was therefore necessary that an August meeting be held to finalize recommendations related to the Halifax Construction and Debris Recycling Ltd. (Antrium) proposal. Ms. Corser suggested that Mr. Pyle be asked to attend.

INFORMATION ITEMS:

BWAC AND DLAB APPROVED MINUTES

Copies of their approved June 12, 2002 minutes were circulated at the meeting. DLAB approved minutes for May 29, 2002 unavailable, as DLAB had no quorum in June.

MEETING SCHEDULE

A more up-to-date meeting schedule dated July 17, 2002 was circulated at the meeting.

STATUS SHEET

- C **Glen Arbour (Sandy Lake)** - Ms. Corser questioned whether the Board had seen the test results from October or November 2001? They had. She noted that HRM had paid for the follow-up monitoring and therefore the results should have come directly to HRM. Following a missed test last summer, Dr. Blouin had indicated he would follow-up. Concern was expressed that summer testing would be missed again this year. Ms. Corser will check into.
- C **Tree Cutting Guidelines** - It was suggested that this item be renamed

Vegetation Principles - Forested Lands

- C **Ashburn** - In her update, Ms. Corser noted that the owners of Ashburn have put their expansion on hold indefinitely. The Planner associated with the case is Maureen Ryan. She recalled that a letter was written to the consultant and there was a follow-up conversation with Tom Swanson. He felt that the request made in the letter for redoing a baseline study was not unreasonable, but no further word has been received. Ms. Corser will contact Ms. Ryan regarding any progress.

- C **Infilling of Marshes** - Jim Holmes was to obtain a copy of the proposed NB Policy.

- C **Wentworth/Bedford South** - Culvert: No response has yet been received from Mr. Hanusiak regarding providing information to identify where the culvert is actually located, which is needed to complete the draft letter composed by Mr. Regan. The Clerk was asked to try to reach him again. It was noted that when the terms of reference are adopted for BWAC and the Board, this area will fall within their jurisdiction and perhaps the matter should be directed to them for their consideration.

- C **C & D Waste Management Strategy - RDM:** Ms. Williams reported that she spoke to Tim Veinot, Wallace Macdonald and Lively to obtain results from Jacques Whitford. She was able to obtain the following:
 - C Water Quality sampling results for the RDM Facility dated May 8, 2002 - copies provided to those present.
 - C Copies of the Benthic macro-invertebrate survey of Shea's Lake, May 17, 2002. Copies provided to those present.
 - C A Guide to benthic macro-invertebrates of Nova Scotia. Copies to be provided to all members.
 - C Water Quality Sampling Results for the RDM Facility dated June 15, 2001 and June 26, 2001. The test results table for June 15, 2001 is too small. Ms. Williams will endeavour to obtain a larger version.

Once the larger table is acquired, the Clerk will send Dr. Blouin the four handouts. If a larger version can't be obtained, she will send out the three. It was felt worthwhile to ask Dr. Blouin to look at them to see if any problems. Results to be also provided to Mr. Mandaville.

Ms. Williams felt the sampling parameters should be reviewed to determine if they correspond with what is required for RCap.

It was suggested that binder be started to hold all the test results for ease of retrieval. The Clerk will do so.

- C **25 Year Regional Planning Strategy - Presentation:** Will be left on until Board makes its recommendations, as requested by Ms. Muecke.

Referring to all the recommendations the Board has made requesting test results, Ms. Williams suggested that these developments be included on the Status Sheet, to ensure that the water testing results are received, i.e. RDM, Stoneridge, Westgate and Sobey's's Downsvew. Specifics of the recommendations were provided to the Clerk for inclusion on the status sheet.

NOAH 2002!

For the members amusement.

REPORT TO CHEBUCTO COMMUNITY COUNCIL'S JULY 8, 2002 MEETING RE THE WENTWORTH ESTATES PLANNING STRATEGY

For the members' files.

STONERIDGE IN THE PARK TEST RESULTS

It was recalled that water test results were received at the June 2002 meeting. The Chair proposed they be sent to Mr. Mandaville. Ms. Corser indicated she already had. Referring to the letter from Mr. Porter which accompanied the sample information, the Chair indicated that they don't look like a standard RCap print out. They should be compared against the RCap list. The item to be put on the Status Sheet.

RURAL DEVELOPMENT INITIATIVES - FUNDING PROGRAM 2002 - 2003

The Chair had requested that copies be provided to the members. Some of the organizations they are involved with may be interested in submitting proposals.

LOG SALVAGE - SALMON RIVER LAKE

Mr. Dwyer reported on a four year endeavour involving the salvaging of logs from Salmon River Lake for sale to Oregon. He wondered if the Board foresaw any problems resulting from the stirring up of the lake bottom. He noted that the project has been run by DNR, DFO and NSDOE&L. It was concluded the salvage work was outside the Board's jurisdiction.

7.0 **ADJOURNMENT**

The meeting adjourned at 9:40 p.m. on motion of Mr. Dwyer and Mr. Regan.

Lynne Le Boutillier
Assistant Municipal Clerk