

HALIFAX REGIONAL MUNICIPALITY

HALIFAX/HALIFAX COUNTY WATERSHED ADVISORY BOARD
MINUTES
OCTOBER 16, 2002

PRESENT: Dr. Wayne Stobo, Chair
Ms. Ellinor Williams
Mr. Ross Evans
Mr. Shalom Mandaville
Mr. Glen Williams
Mr. Lawrence White
Mr. David Dwyer
Mr. Walter Regan
Mr. Frank Hope
Dr. Barry Thomas
Dr. S. Ray
Mr. Keith Manchester

ABSENT: Mr. Bill Ernst
Mr. Jim Holmes
Mr. Peter Murray (regrets)
Ms. Susan Corser (regrets)

ALSO PRESENT: Capt. John J. Owens
Ms. Christine Anne Smith, Envirosmith Atlantic
Ms. Lynne Le Boutillier, Assistant Municipal Clerk

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Before the meeting commenced in Halifax Hall, Mr. Dwyer gave a video presentation re Land Use - Rural areas at 6:00 p.m. Mr. Dwyer reflected that the video supported the concept of allowing for natural regeneration of forests and not cutting immature stands.

1. APPROVAL OF AGENDA, ADDITIONS AND DELETIONS

The following items were added to the agenda under New Business:

- Item 3.3 Secchi Disks *for info*
- Item 3.4 Water Resource Management Policy

Under Business Arising from Minutes/Status Sheet, Item 4.4 - C & D Waste Management - RDM - Drinking Water Lab Results

With the agreement of the Board, item 4.2 - Glen Arbour (Sandy Lake) was moved up on the agenda, as Dr. Tony Blouin was in attendance.

2. APPROVAL OF MINUTES

A change was made to the September 18, 2002 minutes, page 8, 3rd bullet under Glen Arbour (Sandy Lake). The date was changed from '1997' to '1996' and the word 'oligotrophic' to 'high mesotrophic'.

MOVED BY Mr. Williams, seconded by Ms. Williams that the September 18, 2002 minutes, as amended, be adopted. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING FROM MINUTES/STATUS SHEET

4.2 GLEN ARBOUR (SANDY LAKE)

- C Memo from Mr. Mandaville dated September 21, 2002 re Case #00071, Glen Arbour

Mr. Mandaville was enquiring into the results and/or progress related to the Board's recommendations numbers 1 and 8 pertaining to recommendations provided to Annapolis Basin Limited and Mr. Whittemore in a report dated September 9, 2000.

Dr. Blouin had been invited to today's meetings not only to address concerns related to this development but to address the broader issues associated with requirements in development agreements not being fulfilled and what remedial action can be taken.

Regarding Mr. Mandaville's question, contained in the above noted memo, as to whether any data was submitted to HRM on Bottle Lake, Dr. Blouin wasn't aware of

any. If any data was received, it might be with the Development Officer or Planner.

The Chair requested that the Clerk ask Ms. Corser, to follow-up with Andrew Whittemore, the Planner.

Dr. Blouin was questioned as to whether an overall integrated watershed management plan was developed and if so, was this carried out prior to development. Dr. Blouin was not aware of one being carried out. Dr. Blouin explained that HRM is still struggling with its role as it relates to watershed management. He referred to John Sheppard's e-mail dated October 9, 2002 related to the Municipality developing a Water Resource Management Policy. The report is expected shortly. He felt some recommendations related to the above may be contained in the report. At present the HRM does not have a policy on the development of watershed lands.

The Chair requested that Ms. Corser be asked to check to see if the development agreement contains reference to the development of an overall integrated watershed management plan.

It was recalled that the Board had only reviewed the original proposal which lead to a development agreement being entered into and the plan for Parcel D, associated with a subsequent Plan Amendment. The Board requested that Ms. Corser be asked to report on the status of the other phases. The Board's recommendations were specifically for Parcel D and the Board wanted to see detailed plans for Parcels A, B and C before formulating their advice on them. Once this information is received, the Board will decide on whether to make any comment regarding its request for an integrated management plan.

Referring to the Sandy Lake data to date, Dr. Blouin confirmed that there is some evidence of an impact on the lake, but things appear to have stabilized. No testing has been undertaken this year. The Chair questioned Dr. Blouin as to whether he thought the new Water Resource Management Policy will contain recommendations as to what can be done when development negatively impacts a water body. Dr. Blouin was not sure if the report would address this issue. He noted the Municipality does not have this authority under the Government Act. The report will however provide some options pertaining to water sampling.

A discussion followed on what can be done to prevent further degradation of this water body or reverse the damage. In the event the problem is associated with fertilizer use on the golf course, experimental work in this area has been undertaken in Ontario, Mr. Mandaville reported. He quoted from the July 17, 1996 minutes that "they will not do anything to impact lakes".

Mr. Regan indicated he believed that if a developer damaged a lake, they should be

responsible for repairing the damage or paying compensation. The Planners to be asked if there is any clause in the Development Agreement for the developer to do something in the event of damage to the lake.

Members reflected on the costs associated with testing and what was the point of requiring them, if HRM has no authority to require remedial action in the event of degradation. The Chair noted that all has not been in vain, as before any regulations would be put into effect, there have to be examples given of why they are needed. The Board has laid the groundwork for a change. In the instance of Sandy Lake, there is degradation which has taken place which can be demonstrated.

Mr. Williams referred to correspondence from the residents association and the Mayor's response. It was decided that the Chair would write the Mayor identifying:

- C degradation has occurred
- C It appears HRM does not have a policy or regulations in place or the legal authority to require a developer to return a water body to its pre-development state by taking remedial action, unless they breach the terms of the development agreement.
- C the need for a policy to be developed in this regard/action needs to be taken and powers need to be enacted.
- C Sandy Lake illustrates the need for HRM to have policies or regulations in place to deal with such situations.

Reference was made to the Glen Arbour having an Audubon rating which is coming up for renewal. It was suggested that Mr. Evans and Mr. Regan might want to check into what is required to obtain and retain this rating.

3.0 NEW BUSINESS

3.4 WATER RESOURCE MANAGEMENT POLICY

- C e-mail from John Sheppard, dated October 9, 2002 re Water Resource Management Policy.

The above noted e-mail was directed to the Chairs of the three Watershed Advisory Boards. It was noted that the consultant's report is expected in November. It is intended that it be distributed to the three boards for review and feedback. A process on how to get feedback was proposed, i.e. a presentation be given to representatives of the Boards. The boards' written comments to be provided by mid-February.

Mr. Regan noted that EDM no longer seems involved in the process. He recalled that EDM's representatives had promised the policy would come before the Board. Several

members had submitted their comments to EDM.

The Chair questioned if Council has given any time frame for making a decision. Dr. Blouin referred to an information report going to next week's Council with an update from Mr. Sheppard on the status of the study and timing.

The members discussed the proposed process. The following will be suggested to Mr. Sheppard:

- C the presentation by HRM staff and Dillon be made to **all** the Board members.
- C copies of the draft report be provided to all members in December prior to the presentation.
- C a meeting with all three boards be arranged at the same time.

The Chair will write a note to Mr. Sheppard conveying the above.

3. NEW BUSINESS (CONT'D)

3.1 BUFFER STRIPS: TWO SUGGESTIONS

- C memo from Mr. Mandaville dated October 4, 2002 re Buffer Strips: two suggestions.

Following Mr. Mandaville's overview of the memorandum and discussion, it was explained that Suggestion A essentially related to buffers associated with developments adjacent water courses. Suggestion B deals with buffer strips over which storm water, being discharged from pipes, would flow before entering a watercourse.

It was suggested by the Chair that when the Board reviews the Water Resource Management Policy, this document be provided to HRM and Dillon representatives. He recognized that current practices involve stormwater being piped to enter directly into water bodies, but in newer areas they might institute this approach.

It was concluded that the Board wished to increase the required minimum width of a buffer zone in its Guidelines from the current 15 meters to 20 meters to conform to the Province of Nova Scotia Department of Natural Resources' regulations. In the event of slopes, there would be an increase to the minimum requirement to take into account erosion, hazard considerations and soil vulnerability. This change will not be made until after the Water Resource Management Policy has been dealt with, thus it will be added to the Status Sheet.

3.2 DAVE SCHINDLER LECTURE

- C e-mail dated September 26, 2002 related to the October 15th lecture
- C Canadian Press article by Dennis Bueckert dated May 28, 2000 entitled "Canada's Freshwater Fisheries dead within 50 years: scientist"

Mr. Regan, who attended the lecture, reported comments made regarding the effect climate change will have on water, particularly drinking water, in the next twenty years; the negative impact exposure to more ultraviolet light will have on fish and the importance of the grassroots movement since government has abdicated their responsibility.

3.3 SECCHI DISKS

Mr. Mandaville circulated the following for the members' information:

- C e-mails dated October 15, 2002 from Bob Carlson and Ted Swift

While these disks are used to measure water clarity, Mr. Mandaville expressed caution that clarity can reflect an increase of UV rays, not necessary that less pollutants are entering a body of water.

4. BUSINESS ARISING FROM MINUTES (cont'd)

4.1 TREE CUTTING GUIDELINES

The Chair requested that the redraft of correspondence to the Mayor be deferred to the November meeting. He is working on this with Mr. Dwyer.

4.3 WATER TESTING RESULTS COMPILATION

The Clerk reported that the issue of having the Corporate Library retain the water testing results was raised with them. However she was advised that following a staff discussion of this proposal, it was concluded that this would not be appropriate. This leaves two alternatives. Storage of the data in the Clerk's Office or with Planning and Development Services.

Frustration was expressed by the members that measures to file and retrieve this important data are not readily available. It was proposed that a letter be written to the Corporate Library explaining the importance of this baseline and monitoring result information to HRM. Dr. Thomas will do a draft. An alternative considered was requesting Planning and Development Services set up a central file. The Clerk will ask Ms. Corser who the contact person would be.

A general discussion followed on how and where the Board's files are kept at present.

Ms. Christine Anne Smith, a guest, suggested that outside organizations may be interested in storing the data. She will look into.

4.4 STATUS SHEET

INFILLING OF MARSHES - PROPOSED NEW BRUNSWICK POLICY

Copies of the Wetlands Conservation Policy - Fish & Wildlife - New Brunswick Natural Resources and Energy were provided to the members. Although the Policy had been located in the February 2002 file, the members could not recall receiving it. They were asked to review in preparation for dealing with this item next month.

During review of the Status Sheet, the following actions were taken:

Glen Arbour (Sandy Lake) - taken off status sheet

Ashburn - existing information deleted, but note to be added reminding the Board to make sure they estimate phosphorous values to the microgram level.

Infilling of Marshes - deferred to November meeting

Wentworth/Bedford South - culvert - Taken off. Survey conducted indicated no fish. Responsibility for the entire area turned over to BWAC.

C & D Waste Mgt. Strategy - RDM - Last sentence removed. Clerk to ask Mr. Pyle to contact Mr. Zwicker to determine if fish sampling survey conducted or had he meant a benthic survey.

Water Testing Results - It was recalled that the purpose for putting this section in was to act as a reminder as to what the Board had asked for.

C **RDM** - Reference was made to the correspondence drafted to the Mayor by the Chair re concerns the Board has with the drinking water test results. The Board has recommended in the correspondence sampling upstream of Sheas Lake to determine if these iron and aluminum levels are naturally occurring. It was decided to remove the list associated with the development and just enter 'quarterly water tests'.

C **Stoneridge:** removed

C **Sobeys Downsview** - Mr. White wondered if a similar requirement was placed on the Home Depot. Mr. Regan referred to a study being conducted by students on the effectiveness of stormceptor units. Mr. White noted that some funding

may be available through Strescon.

Sobeys Fall River - deleted: Mr. Williams updated the Board on the situation in Fall River. Glen Boone indicated they are awaiting approval from the Department of Fisheries to put slate in the Basin. In the interim, a dam with lime in the bottom has been installed. He is trying to ascertain what will happen to the site once the 11,000 tons of slate is removed.

Stormwater Management Plan Bedford South - can be removed.

” ” “ **Bedford West** - can be removed.

Stoneridge in the Park Test Results - can be removed

C & D Waste Management - RDM - Drinking Water Lab Results- The Chair circulated a draft letter he had prepared regarding concerns the Board had following a review of results of water quality sampling. It was decided that the correspondence should be sent to the Mayor, with a copy to Mr. Kurt Pyle. The only other change related to replacing a reference to a 'serious' health problem with the word 'potential'. The Clerk will sign on the Chair's behalf.

5. CONCEPT PLANS

5.1 SUBDIVISION FILE NO. 20020696-02-C: PROPOSED 80 LOT RESIDENTIAL, GUYSBOROUGH ROAD (MILLER LAKE WEST SUBDIVISION) - APPLICANT: STEPHEN WALLACE, PERRY LAKE DEVELOPMENTS

A key map associated with the this case was included in the agenda package. Displayed at the meeting was a large format plan. The members were not sure if this was an as-of-right development or a development agreement was involved. The Clerk will check with Ms. Corser.

Mr. Williams identified the following potential problems associated with the area:

- C acid slate
- C gas pipeline
- C Miller Lake is the water supply for a number of residences

6. DATE OF NEXT MEETING

Wednesday, November 20, 2002

7. ADJOURNMENT

9:40 p.m.

Lynne Le Boutillier
Assistant Municipal Clerk