

HALIFAX

P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 11.1.6 (i)
Halifax Regional Council
July 22, 2014

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY:

Councillor Linda Mosher, Chair, Halifax & West Community Council

DATE: July 11, 2014

SUBJECT: McIntosh Run Watershed Association Single Track Trail

INFORMATION REPORT

ORIGIN

Motion of Halifax and West Community Council March 25, 2014.

"That Halifax and West Community Council endorse the position of the McIntosh Run Watershed Association to design, build and operate the proposed Singletrack Trail System on HRM lands located between Spryfield and Herring Cove and request a staff report addressing this proposal for the consideration of Regional Council."

LEGISLATIVE AUTHORITY

HRM Charter respecting Community Councils, Part 1, Clause 25(e) (i) which states "making recommendations to the Council respecting any matter intended to improve conditions in the community including, but not limited to, recommendations respecting inadequacies in existing services provided to the community and the manner in which they might be resolved, additional services that might be required and the manner in which the costs of funding these services might be raised"

BACKGROUND

At the March 25, 2014 meeting of Halifax and West Community Council, Ms. Karrin Tae, President of the McIntosh Run Watershed Association (MRWA), and Mr. Richard Evans, Vice President, provided a presentation to Community Council outlining their proposal to design, build, and operate approximately 27 km of single track trails for non-motorized recreational use between Spryfield and Herring Cove. The proposal to construct the single track trail, as presented by MRWA supports the group's mandate to protect the McIntosh Run River and Watershed by providing appropriate access to the wild lands surrounding the river, increasing public appreciation and fostering stewardship.

Further details are outlined in the staff recommendation report dated May 5, 2014.

DISCUSSION

Halifax and West Community Council expressed interest in the presentation provided by the MRWA and passed a motion requesting that staff prepare a report investigating the proposal for the consideration of Regional Council.

For further information please refer to the staff recommendation report dated May 5, 2014.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

COMMUNITY ENGAGEMENT

All meetings of Halifax & West Community Council are open to the public. The agenda and reports are posted online in advance of the meeting.

ATTACHMENTS

1. Presentation from the McIntosh Run Watershed Association dated March 25, 2014.
2. Letter of Authority from the Department of Natural Resources dated March 6, 2014.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Liam MacSween, Legislative Assistant, 490-6521

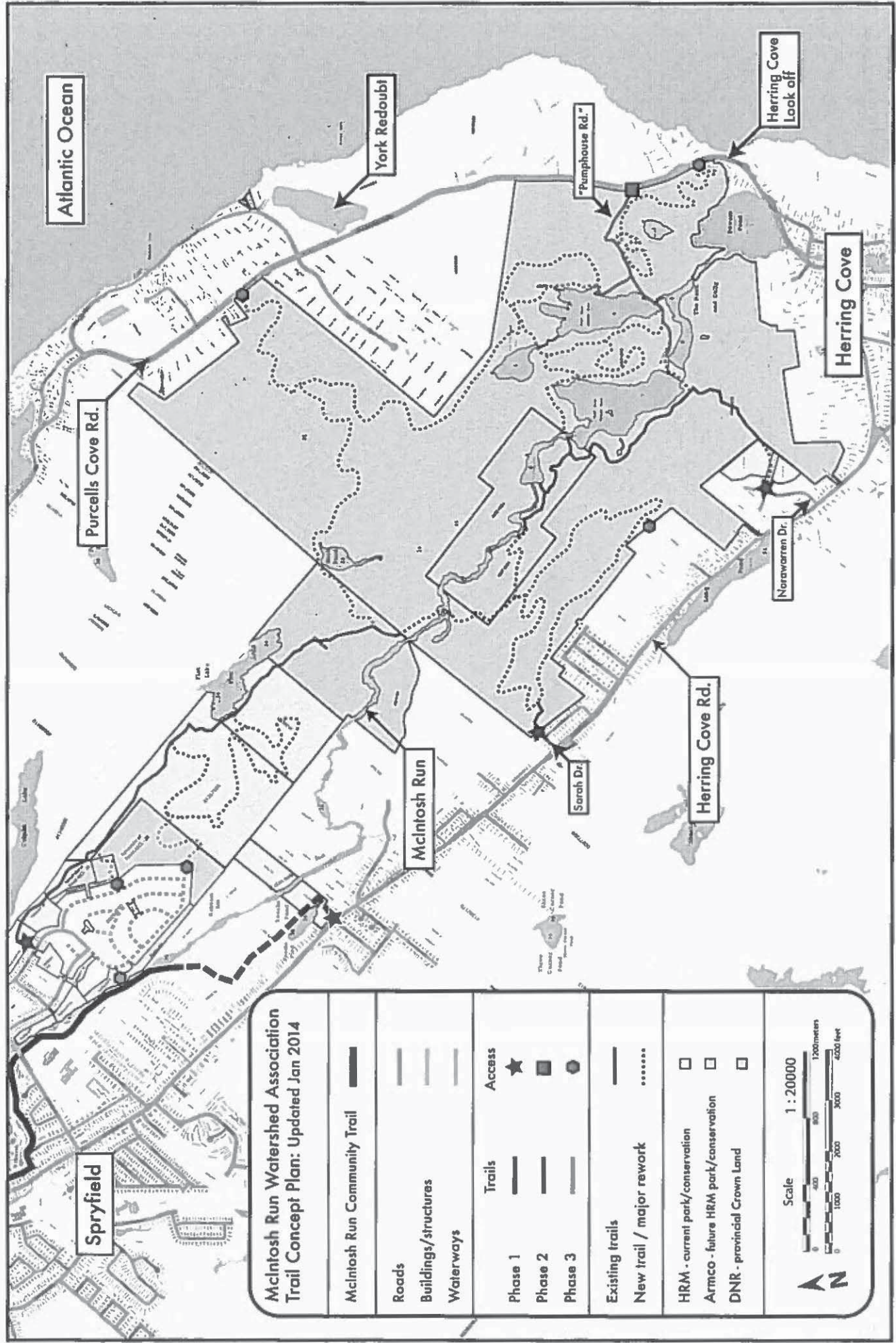
Attachment 1

**Request to Halifax and West Community Council for
permission to design, build and operate a
single track recreational trail system**

Presented by McIntosh Run Watershed Association

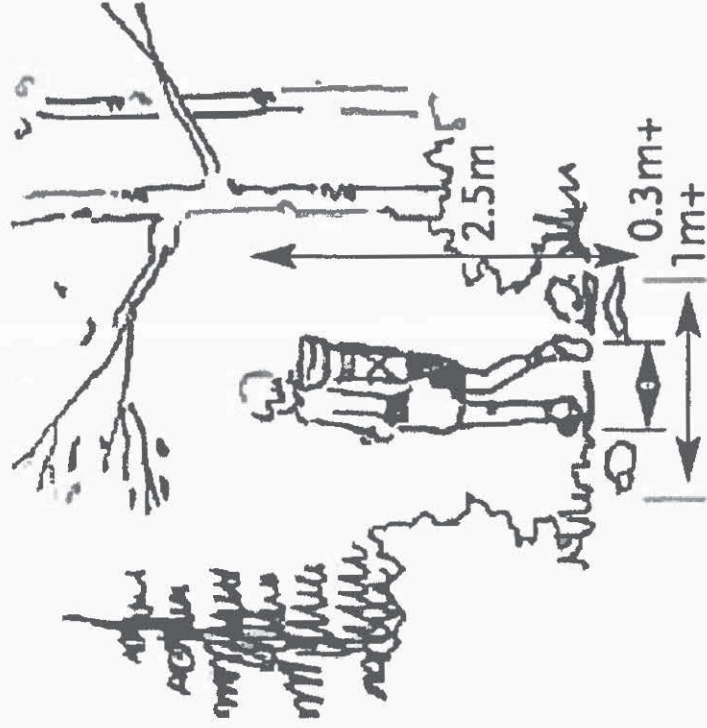
25 March 2014

McIntosh Run Trail System Concept Plan



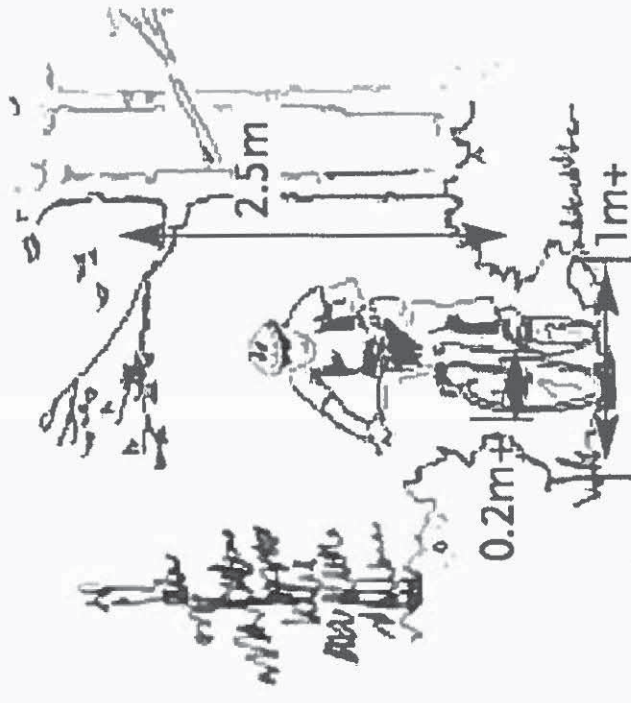
Map by TrailFlow Outdoor Adventures, updated February 2014

Trail Design Features



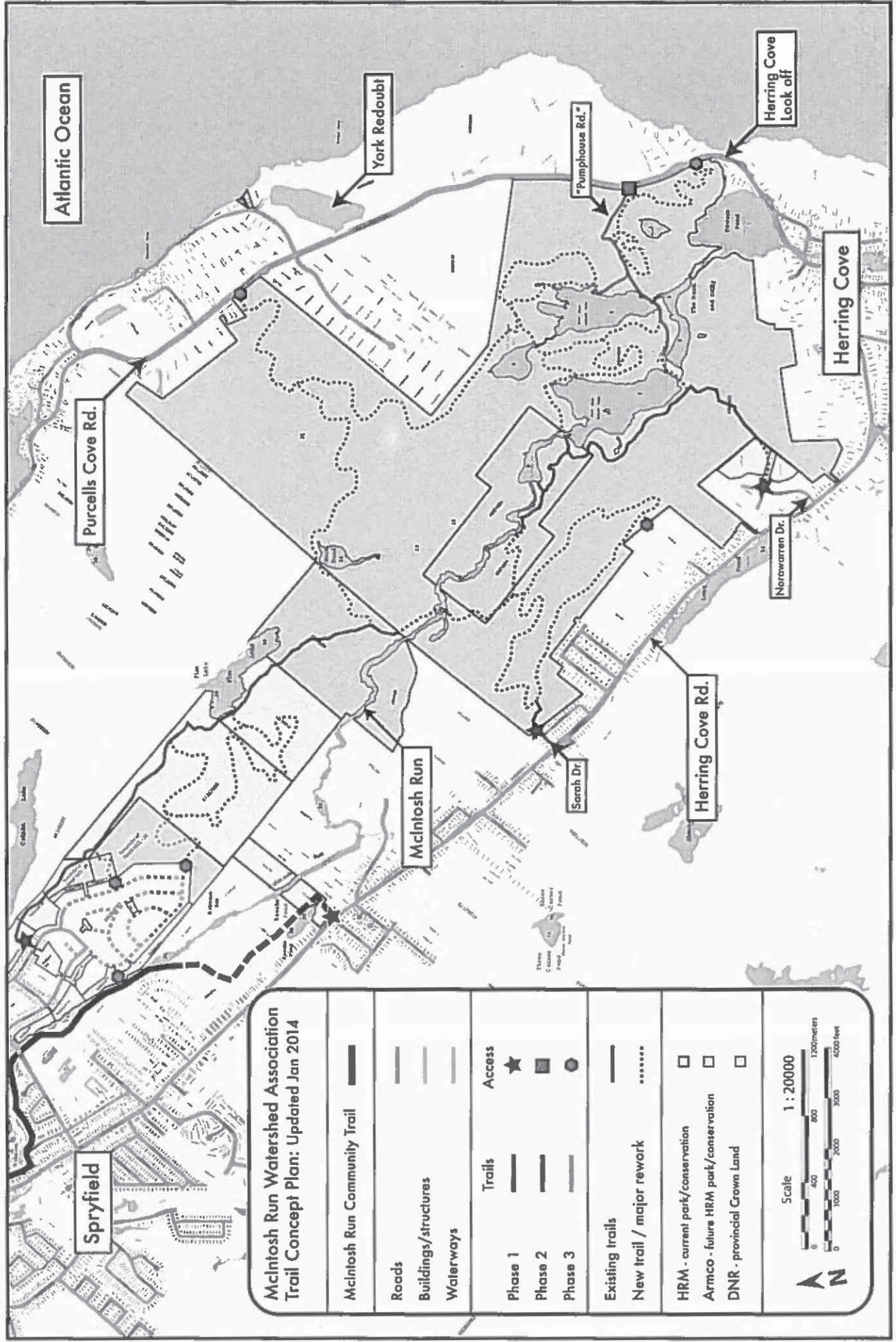
Good sight lines

Single track



Natural tread

McIntosh Run Trail System Concept Plan



McIntosh Run Watershed Association Trail Concept Plan: Updated Jan 2014	
McIntosh Run Community Trail	—
Roads	—
Buildings/structures	—
Waterways	—
Trails	—
Phase 1	—
Phase 2	—
Phase 3	—
Existing trails	—
New trail / major rework
HRM - current park/conservation	□
Armco - future HRM park/conservation	□
DNR - provincial Crown Land	□
Access	★
	■
	●

Map by TrailFlow Outdoor Adventures, updated February 2014



Natural Resources
Land Services Branch
Acquisitions and Disposals

PO Box 698 Phone: (902) 424-3160
1701 Hollis Street, 3rd Floor Fax: (902) 424-3173
Halifax, NS B3J 2T9

LOA 13-003
Transaction ID 2796138

March 6, 2014

McIntosh Run Watershed Association
c/o Ms. Kaarin Tae
[REDACTED]

Dear Ms. Tae:

**Re: Recreational Trail and Related Facilities on Crown Land at Herring Cove,
Halifax County**

This letter will replace the previous letter of authority (LOA 13-003) dated November 6, 2013 in order to include changes requested by McIntosh Run Watershed Association.

The purpose of this letter is to provide McIntosh Run Watershed Association (the "association"), its agents and independent contractors authority, pursuant to the *Crown Lands Act*, to construct, maintain and operate **Phase 1** of a single track, "semi-developed", non-motorized recreational trail and related facilities on the Crown owned portions of the lands at Herring Cove, Halifax County (the "Crown land") as shown in bold on the attached map. Construction, maintenance and operation of the trail and related facilities must be carried out in accordance with the following terms and conditions:

1. This letter of authority permits entry on the Crown land for the construction, maintenance and operation of **Phase 1** of the single track, "semi-developed" (limited construction such as filling in wet spots), non-motorized recreational trail and related facilities. **Once Phase 1 has been completed as outlined in this letter of authority the Department will consider the issuance of an additional letter of authority for Phases 2 and 3.**
2. This letter of authority permits:
 - a "corridor" of 20 metres wide to allow for trail alignment;
 - a "right of way" of 1.5 – 2 metres wide to allow for removal of brush, woody debris and other hazards from the active tread (being approximately 0.5 – 1 metres wide on each side of the tread). A 10 – 20 metre line of site distance is to be maintained;
 - a "tread" or well drained natural travel surface of 0.5 – 1.2 metres wide as conditions dictate. Department of Natural Resources (the "department") recommends 0.75 - 0.9 metres for a comfortable and hazard free tread. Eroded or wet conditions may exist on the travel surface but can be filled in or hardened with the addition of imported or existing materials such as gravel or wood chips.

3. Unless terminated or suspended, this letter of authority is valid for one year and shall be automatically renewed annually.
4. The department may terminate or suspend this letter of authority at any time for any reason whatsoever by notifying the association at its last known address. The department will not be responsible for any costs incurred by the association should this letter of authority be terminated or suspended.
5. The association may terminate or suspend this letter of authority, for any reason whatsoever, provided 30 days' notice is given to the Department of Natural Resources, PO Box 698, Halifax, NS, B3J 2T9.
6. The association is required to cease work and contact the Director, Heritage Division, Nova Scotia Department of Communities, Culture and Heritage immediately upon discovery of an archaeological artifact or site unearthed during any phase of the proposed construction, maintenance and maintenance of Proposed Phase 1 development of this trail. If the find is of certain or suspected Mi'kmaq origin, the association is also requested to contact the Executive Director of the Kwilmu'kw Mawklusuaqn Negotiation Office.
7. Upon termination of this letter of authority, the department may, at its sole option and discretion, request that the association remove any or all of the fixtures, buildings, signage, structures, facilities and works which have been installed by the association on the subject lands and restore the site to a condition as approved by the department. Any such fixtures, buildings, signage, structures, facilities or works which are not removed within the specified time period for removal shall become the property of the Province of Nova Scotia and no compensation shall be payable to the association for such fixtures, buildings, etc.
8. The department may close the trail or any specific portion of the trail or related site or facility within the trail, for a period which may be specified or indefinite, for any reason whatsoever. The association shall promptly cooperate in the closure of the trail or the specific portion of the trail or related site or facility within the trail. The department shall not be liable for any damage, expense or loss the association may incur as a result of the closure.
9. The association must contact Derick Stoddard, Area Supervisor, Department of Natural Resources, phone [REDACTED] in the following situations:
 - prior to commencing any construction of the trail or related facilities and to review and finalize the construction schedule, design and construction standards, with respect to the trail or any structure or facility to be established thereon;

- prior to the cutting of any trees to obtain any required specifications for cutting and piling merchantable wood for removal. Merchantable wood on the Crown land is owned by the Province of Nova Scotia;
 - prior to opening any portion of the trail for public use, to arrange for the trail and related facilities to be inspected and approved;
 - to have the contents of all identification, informational, interpretive, regulatory, and directional signs and notices approved;
 - to obtain approval for the alteration of a wetland or water course, regardless of how they were created. Note: The association must also obtain approval from the Department of Environment by contacting Andrew Murphy, Acting Regional Director, Department of Environment, phone (902) 424-7773.
10. The association must contact Terry Amirault, Engineer, Department of Natural Resources, phone [REDACTED] in the following situations:
- to review structural assessments, completed by a qualified engineer, indicating the general condition of all bridge structures and box culverts which have a span greater than 2.0 metres, in accordance with the following schedule:
 - before the trail and related facilities are opened to the public; and
 - at intervals which do not exceed five years for any structure; and
 - whenever a regular inspection of the trail and related facilities reveals a change in the integrity of a particular structure;

The assessments shall indicate the capability of the structures to carry their intended loads, overall condition of the structures, remaining life expectancy and recommended short term and long term maintenance;
 - to submit a detailed sketch for review and approval showing the proposed work including the size and type of materials to be used for the repair of any bridge which:
 - has a total span which is less than 15.0 metres;
 - has decking which does not exceed a height of 3.0 metres above the ground; and
 - only requires the addition of railings and decking and does not require structural repairs to make the bridge capable of carrying intended loads;
 - to submit a stamped drawing for review and approval, prepared by an approved engineer for the repair of any bridge or culvert which has a span greater than 2.0 metres and exceeds the criteria outlined above.
11. The association must contact Don Weir, Regional Geologist, Department of Natural Resources, phone (902) 896-2260 for information regarding the creation of a plan to mitigate the potential problem of exposing acid generating rocks in the course of removing vegetation, levelling, ditching or installing culverts.
12. The association is responsible for posting signs:

- at the usual points of access to the trail;
 - at all road crossings to warn trail users and road users;
 - at any hazard (hidden, unexpected danger) encountered on the trail.
13. Prior to the opening of the trail to the public, the association must erect signs to indicate that the lands are a trail and advise of any restrictions or permitted and prohibited activities.
 14. The department is not responsible for the cost of constructing, maintaining or operating any trails or related facilities within the Crown land.
 15. Construction, maintenance and operation of the trail and related facilities as authorized herein must not interfere with or impede others who have existing rights with respect to the Crown land
 16. The association shall ensure the trail and any related structures, facilities and like works forming part of the trail are properly maintained in a good and workmanlike manner. In particular, the association shall ensure the placement and replacement or repair, as necessary, of signage and structures to ensure proper and safe use of the trail and related facilities. The department reserves the right to inspect the trail and related facilities for hazardous conditions at any time. The association shall, at its own expense, perform such repairs or do such work as may be requested by the department to correct such conditions.
 17. The association, its agents and independent contractors, must at all times comply with any applicable federal, provincial and municipal laws and regulations related to the activities authorized by this letter of authority. It is the sole responsibility of the association to obtain any other permits which may be required for its proposed or future activities.
 18. Without limiting the generality of clause 17, the association must:
 - fully comply with the *Occupational Health and Safety Act*;
 - obtain the appropriate permits from the Nova Scotia Department of Environment for the construction of any portion of the trail or related facilities which cross, or are adjacent to a watercourse. Appropriate erosion control must be implemented for any construction of the trail and related facilities which occurs in the vicinity of a watercourse;
 - obtain the appropriate permit from the Nova Scotia Department of Transportation and Infrastructure Renewal for any construction of the trail and related facilities which occurs within 100 metres of the centre line of a public highway, or within 60 metres of the limit of a controlled access highway. No work is permitted on any existing "K" class roads unless the appropriate permit is obtained from the Department of Transportation and Infrastructure Renewal;
 - obtain any authorization required pursuant to the federal Navigation Protection Act (NPA), previously the Navigable Waters Protection Act, if

a bridge over navigable waterway is to be constructed or altered. For information regarding applications to be made under the NPA, contact Navigable Waters Protection Program, Transport Canada, PO Box 1013, Dartmouth, NS, B2Y 4K2, Telephone 426-2726. Applications for authorizations pursuant to the NPA must be prepared by the association and then submitted to the local office of the department for review and signature before being formally submitted to Transport Canada.

19. The association agrees that it is responsible for ensuring that the trail and related facilities authorized by this letter of authority are constructed and maintained in a manner suitable for the uses authorized pursuant to this letter of authority and as such is considered to be an "occupier" for the purposes of the *Occupiers' Liability Act*.
20. The association will, in cooperation with the department, determine any conditions necessary for the safe use and operation of the trail and related facilities, and shall take all measures required in that regard including but without limiting the foregoing, the placement of signage, barriers and warnings, identification of dangerous areas (including but not limited to mine workings or mineral exploration sites), the clearance of obstructions (whether on the trail or overhead), marking the boundaries of the trail, determining rules and determining and undertaking a regular schedule of inspections.
21. Where the department has advised the association of a pre-existing authorized use of the Crown land, the association shall be responsible for taking such pre-existing authorized uses into account when determining its responsibilities pursuant to clause 20.
22. The association shall make reasonable efforts to ensure the trail and related facilities are kept free from litter arising from its use of the lands.
23. The association shall not cause any nuisance or damage to adjacent lands, whether Crown or privately owned.
24. The Minister of Natural Resources or the Minister's delegates, officers, employees or agents shall not be liable for any injury or damage (including death) to the person or for the loss of or damage to the property of the association attributable in any way to the performance of any act under this letter of authority.
25. The association shall at all times indemnify and save harmless the Minister of Natural Resources, or the Minister's officers, employees or agents, from and against all claims, demands, losses, costs, debts, damages, actions, suits or other proceedings by whomsoever made, sustained, brought or prosecuted, or from anything done or omitted by the association, in any manner based upon, occasioned by or attributable to the execution of this

letter of authority, unless such claims, etc , result from the negligence of any officer, employee or agent of the Minister while acting within the scope of his or her duty or employment.

- 26 The association agrees to provide and maintain, at its own expense, during the term of this letter of authority, General Liability Insurance covering bodily injury, personal injury or death to any person, and property damage, with the Province of Nova Scotia named as an insured party. The minimum limit of coverage shall be not less than \$2,000,000 with respect to each occurrence or accident, \$2,000,000 annual aggregate on an occurrence (not claims made) basis.

All such insurance policies shall be endorsed to provide a minimum advance written notice to the department of not less than 30 days in the event of cancellation, termination, or reduction in coverage or limits, such notice to be made to the department by the Insurer.

The association shall not do or omit to do or suffer anything to be done or omitted to be done which will in any way impair or invalidate such policy or policies

The association shall be responsible for payment of any deductible payable with respect to such insurance policies.

27. Details of claims or other proceedings brought against the association with respect to the trail or related facilities are to be promptly reported to the department.
28. This letter of authority does not authorize the association, its agents and independent contractors to do any work within the limits of a public highway.

To signify acceptance of the terms and conditions contained herein please have this letter countersigned by the authorized signing officers the association and returned to the attention of Denise Saulnier, Land Administration Officer, Crown Land Disposals & Coastal Permits Section, at the above address. The permission given in this letter is not in effect until the duplicate copy of this document is signed and returned to our office.

Sincerely,
Original Signed

Melanie Cameron, L.L.B.
Manager, Acquisitions & Disposals

c: Derick Stoddard Tim Miller
Terry Amirault Sandy Anderson
Harold Carroll

**RE: Recreational Trail and Related facilities on Crown Land at Herring Cove,
Halifax County**

On behalf of the McIntosh Run Watershed Association, we agree to the terms and conditions contained herein

Original Signed

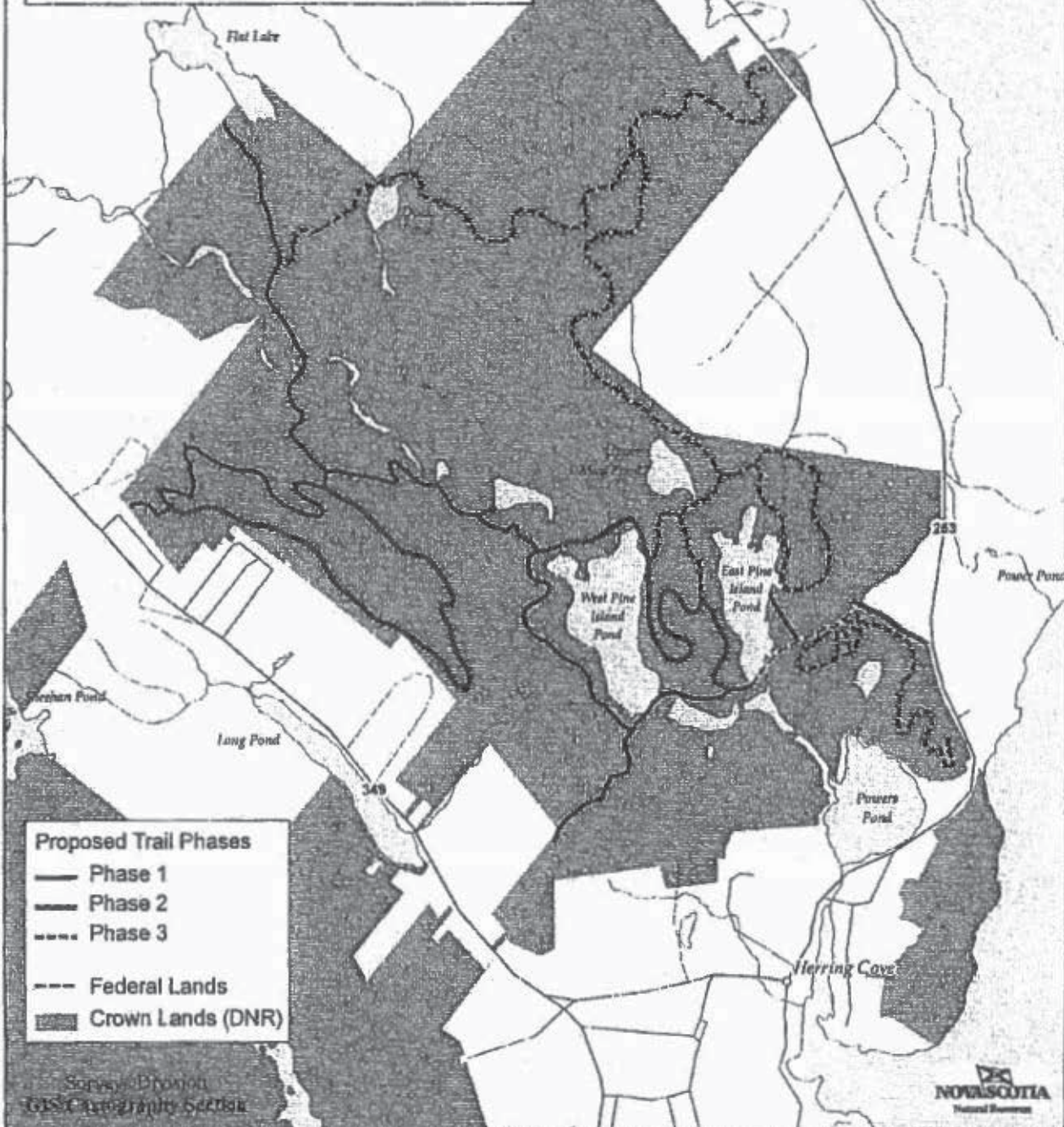
March 19, 2014
Date

McIntosh Run Watershed Association
(Authorized Signing Officer)
Original Signed

March 19/2014
Date

✓ _____
McIntosh Run Watershed Association
(Authorized Signing Officer)
M.R.W.A. Vice President

**Proposed Trail on Crown Land
McIntosh Run Watershed Association
Portions of PIDs
40074924 and 40601023
Herring Cove, Halifax County, NS**



Proposed Trail Phases

- Phase 1
- Phase 2
- - - Phase 3
- - - Federal Lands
- █ Crown Lands (DNR)

Source: Dronau
GIS Cartography Section

