

**Environment and Sustainability Standing Committee
November 14, 2011**

TO: Chair and Members of Environment and Sustainability Standing Committee

SUBMITTED BY: 
Phillip Townsend, Director, Planning & Infrastructure

DATE: September 19, 2011

SUBJECT: Water Levels at Kearney Lake

INFORMATION REPORT

ORIGIN

August 4, 2011 - Environment and Sustainability Standing Committee passed the following motion requesting a staff report on this subject:

“MOVED by Councillor Hum, seconded by Councillor Sloane that the Environment and Sustainability Committee:

1. Request a report outlining the roles and responsibilities of stakeholders in response to concerns raised respecting rising water levels in Kearney Lake and the dam levels leading down to Paper Mill Lake and the impact on neighbouring communities; and
2. Forward a copy of this report to the Chebucto Community Council.”

BACKGROUND

Precipitation events in July and early August 2011, were more numerous and intense than usual for this time of year, resulting in higher than usual water levels in many lakes across the Halifax Regional Municipality (HRM), including Kearney Lake in Bedford. Concerns expressed by local citizens and users of Kearney Lake, included high water levels at local beaches and partially submerged docks and power poles and the possible impacts of these high water levels at areas downstream of the Kearney Lake dam.

HRM's North West Community Council (NWCC) expressed related concerns to Nova Scotia Environment (NSE) in a letter dated June 28, 2011 (Attachment 1). These concerns were addressed in a letter by NSE to NWCC, dated July 28, 2011 (Attachment 2).

DISCUSSION

NSE regulates the operation of dams and has the primary authority respecting their operation. This regulation is carried out through Approvals for water storage or diversion, as a designated activity under the Environment Act.

The dam on Kearney Lake is owned and operated by Annapolis Group Inc. (AGI). AGI also owns and operates dams upstream (Quarry Lake) and downstream (Paper Mill Lake) of that on Kearney Lake; all three dams operate under a single Approval issued by Nova Scotia Environment. NSE is currently updating the requirements for the re-authorization of this Approval.

In addition to NSE regulations, dam operators are required to meet requirements for fish passage and navigation, as set by the federal Fisheries Act and administered by Fisheries and Oceans Canada (DFO).

At the request of HRM Councillors & local residents, NSE staff reviewed the situation at Kearney Lake to determine whether or what action(s), if any, should be taken to address their concerns. NSE's review consisted of the following steps and considerations:

- Kearney Lake and Paper Mill Lake dams are designed as static features set at levels that meet the needs of the surrounding property owners in accordance with normal environmental variability. They are not intended to be raised or lowered in response to precipitation events, or to quickly alter water levels should these actions occur;
- Assessment of water levels at several locations along the Kearney Lake shoreline;
- Consultation of the long-range weather forecast, which indicated no forecast of rainfall in the week following the review; and
- Consultation with AGI regarding the rate of water flowage past the dams and status of water levels downstream, impounded by the Paper Mill Lake dam.

The review concluded that no further precipitation was expected, so the active lowering of the dam would not have significantly speeded up the lowering of lake levels beyond that which would have naturally occurred.

Any property owners, or other residents, who have concerns about water levels in this water system are advised to contact the Nova Scotia Environment staff at its Central Region Office (30 Damascus Road, Bedford, NS (902) 424-7773).

Contact Information:

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|---|--|
| Nova Scotia Environment (NSE) | (902) 424-7773 |
| Annapolis Group, Inc. (AGI) | (902) 835-9525 |
| Fisheries and Oceans Canada (DFO) – Maritimes Region | (902) 426-3550 |
| Nova Scotia Power, Inc. (NSPI) | 1-800-428-6230 (toll free) 428-6230 (Metro Halifax) 1-800-565-6051 (TTY / Hearing impaired) 428-6940 (Metro Halifax TTY / Hearing impaired) |

BUDGET IMPLICATIONS

None

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality’s Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

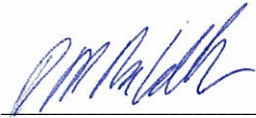
None

ATTACHMENTS

Attachment One: Letter from North West Community Council to NS Environment
Attachment Two: Letter from NS Environment to North West Community Council

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Cameron Deacoff, Environmental Performance Officer, 490-1926



Report Approved by: Richard MacLellan, Manager, Sustainable Environment Management Office, 490-6056

HALIFAX
REGIONAL MUNICIPALITY
June 28, 2011

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

COPY

Ms. Christine Penney, Regional Manager
Nova Scotia Environment
PO Box 442
5151 Terminal Road
Halifax, NS B3J 2P8

VIA FAX: 424-0503

Dear Ms. Penney,

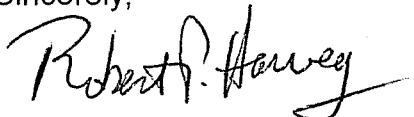
Re: Request for Papermill Lake Dam Update

The North West Community Council discussed this matter during its June 23, 2011 meeting and passed a motion requesting an update on the Papermill Lake Dam owned by Annapolis Group. More specifically, the North West Community Council would like information on the following:

1. History of past inspections of the dam and the findings of those inspections.
2. Are there any future inspections planned?
3. Are there any outstanding or planned provincial regulatory or court orders relating to the dam?
4. Are there any anticipated upgrades and the timing of those upgrades?
5. Are there any potential penalties if the dams are not upgraded by Annapolis, and what penalties could be levied?
6. Are there any planned actions by the Legislature relating to the dams? (ie. Private or Government Bills)
7. Are there any other relevant developments relating to the dam?

Should you have any questions, please contact Krista Tidgwell, Legislative Assistant, at 490-6519 or tidgwek@halifax.ca.

Sincerely,



Councillor Bob Harvey, Chair
North West Community Council

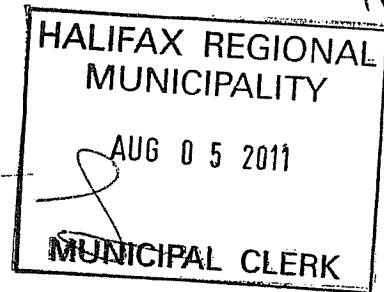
cc: MLA Kelly Regan, Bedford-Birch Cove (Fax: 407-3779)
Honourable Bill Estabrooks, Minister of Transportation and Infrastructure Renewal (Fax: 424-0171)
Honourable Sterling Belliveau, Minister of Environment (Fax: 424-1599)
Members of North West Community Council



Environment
Environmental Monitoring & Compliance

30 Damascus Road
Bedford NS B4A 0C1

Tel: (902) 424-7773
Fax: (902) 424-0597



July 28, 2011

Mr. Bob Harvey, HRM Councillor
North West Community Council
PO Box 1749,
Halifax, Nova Scotia
B3J 3A5

Dear Councillor Harvey,

I am in receipt of your letter, dated June 28, 2011, requesting an update on the current situation relating to the Annapolis Group owned, Paper Mill Lake Dam in Bedford. Thank you for your continued interest in this matter.

In the Province of Nova Scotia, the operation of a dam structure for the purpose of impounding water, is an activity that requires an Approval from NSE, as legislated in Section 5(1)(c) of the *Activities Designation Regulations*, made pursuant to the *Environment Act*. Although NSE is designated as the lead provincial government agency for authorizing the impoundment of water behind a dam, NSE is not mandated to provide inspections of these structures, particularly in relation to their structural soundness or integrity. It is the responsibility of the owner of the structure to retain the services of a qualified Engineer or Engineering firm to assess the condition of these structures.

At present, NSE staff are working with Annapolis Group towards obtaining a new authorization to impound water at Paper Mill Lake to facilitate the continued operation of this dam. The current authorization held by Annapolis Group was set to expire on June 30th, 2011. Prior to this expiry date, NSE issued a six month extension to allow department staff time to evaluate the exact nature of the information that will be required from the Approval Holder before a new approval will be issued. As a term and condition of this extension, NSE is requiring Annapolis Group to provide staff with a copy of the most recent Engineering/Conditional Assessment report prepared for this dam structure, as well as, to provide a report outlining all maintenance work conducted on this structure over the past ten years. The terms and conditions of this extension require Annapolis Group to provide this information to the department by the end of September 2011.

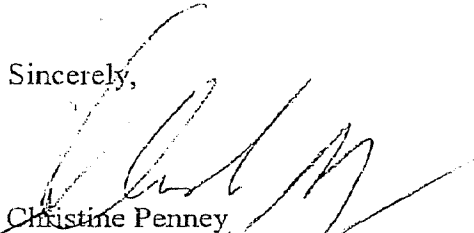
At present, I am not aware of any pending or outstanding regulatory actions or court orders relating to this dam structure, nor am I aware of any private or Government Bills being brought forward in the Legislature relating to this or any other dam structure in the province.

As mentioned above, when department staff have completed their evaluation of the process and information requirements relating to the renewal of existing authorizations to impound water in the

province, Annapolis Group will be informed of these expectations and will be required to comply with this process before any new approval will be issued.

I hope that the update I have provided on this issue is to your satisfaction. Should you have any questions or concerns related to this issue, please feel free to contact Norma Bennett, NSE District Manager, in our Bedford office (424-7773), at your convenience.

Sincerely,



Christine Penney
NSE Regional Director (Central Region)

cc:

MLA Kelly Regan, Bedford-Birch Cove (Fax: 407-3779)
Honourable Bill Estabrooks, Minister of Transportation and Infrastructure Renewal
Honourable Sterling Belliveau, Minister of Environment
Councillor Tim Ouhit, North West Community Council
Councillor Peter Lund, North West Community Council
Councillor Brad Johns, North West Community Council
Councillor Barry Dalrymple, North West Community Council
Norma Bennett, NSE District Manager
Jonathan MacDonald, NSE Inspector Specialist