

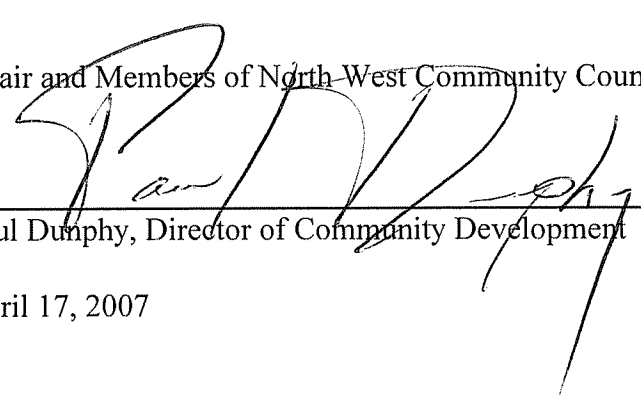


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Community Council
April 26, 2007

TO: Chair and Members of North West Community Council

SUBMITTED BY:



Paul Dunphy, Director of Community Development

DATE: April 17, 2007

SUBJECT: First Lake Trail

ORIGIN

At the March 22, 2007 meeting of the North West Community Council a presentation was given by Mr. Bruce DeVenne on the impact of the proposed trail will have on habitat around First Lake. Council requested this be forwarded to staff for a report.

RECOMMENDATIONS

It is recommended that North West Community Council support the construction of the First Lake Trail as described within.

BACKGROUND

The purpose of the trail is to open up to Sackville residents a safe natural corridor to travel along the lake. The trail will provide an active transportation route connecting the Sackville High School/Recreation Centre to the Sports Stadium, to the Bingo/Taiso Club, to the Canoe Club, to the LeBlanc ballfields, to the Second Lake Park and on to the Cobequid Road.

The Friends of First Lake (FOFL) Society is a community-based volunteer organization that began in 1995. It is dedicated to the environmental preservation of First Lake and the development and protection of green spaces for community wellness and recreational use. The present mandate of the association regarding trails is to:

- Develop a plan to upgrade the existing footpath to trail standards around First Lake
- Explore options and develop consensus with respect to the proposed trail upgrades
- Have a plan that will eventually link into the trail system proposed for the Second Lake Regional Park and the Sackville Rivers Associations trail along Sackville River
- Provide a link to Cobequid Road and the proposed sidewalk and other active transportation systems
- Provide links to the community street network and existing foot paths
- Protection of the buffer zone around First Lake by encouraging responsible use by the general public
- Promote and educate environmental land stewardship practices.

The original path was created many years ago. In 1995, a report was prepared for the Halifax County Municipality/Sackville Recreation titled Implementation Strategy/Plan: Recreation Services in Beaver Bank-Sackville area. The report mentions the trail around First Lake and states that it is a recreational trail for residents of the area. The hiking trail as it exists today is a narrow footpath with large exposed tree roots and private homes encroaching on the public green space.

Last year, Friends of First Lake commissioned a planning study for the construction of a proper trail, wide and level enough to be accessible to all HRM residents. That study established the scope and timetable for the entire project. A second study was commissioned to prepare detailed design drawings identifying a more precise location of the upgraded trail in Zones 1 to 5 (see Appendix 1), trail construction details and recommended fixtures and infrastructure. The study also provided more accurate cost estimates and produced tender documents suitable for engaging a contractor.

A second public information session was held to obtain public input on the detailed design prior to commencing the tendering process for commencement of construction in the spring.

The trail study divided the lake circumference into ten zones and provided general location recommendations and high-level cost estimates for trail construction. The estimate for all zones totals some \$575,000 and the intention is to proceed zone-by-zone as funding is secured.

The current plan calls for work to begin at the western end of zone 5, proceeding east to zones 4 and 3 in the next construction season and, funding permitting, zones 2 and 1 the following year. The plan was to commence construction this past summer but delays associated with tendering and executing the detailed design study have delayed the planned construction start.

DISCUSSION

Overall, the placement of any trail is a balance between opportunities and constraints. Opportunities can be magnified by proper design and constraints can be minimized by proper design. At the master plan level, a trail vision includes:

- Logical, user friendly connections
- Trails that provide a variety of experiences
- Access for different ages/abilities
- Preservation of valuable natural resources using sustainable design and construction
- Supporting alternate transportation options

This discussion is limited to the points raised in the presentation by Mr. B. DeVenne.

Permits:

The community group has requested approval under the current legislated federal, provincial and municipal laws and has been granted approval by all bodies having jurisdiction. The intention is to construct the trail in accordance with recommendations received from these agencies.

Permitted Uses:

The HRM Regional Municipal Planning Strategy defines open space as public or private land, undeveloped land or water, intended to be preserved for agricultural, forest, community form, ecological, historical, public safety or recreational purposes. The open space network consists of regional parks, natural corridors and trail systems that have been developed by government agencies, NGO's and private land owners.

Clause E-10 of the Regional Municipal Planning Strategy states, in part, that “shall through applicable land use by-law, require retention of a minimum 20 metre wide riparian buffer along all watercourses. The by-law shall generally prohibit all development within the riparian buffer but provisions shall be made to permit board walks, walkways and trails of limited width... conservation uses and parks on public lands ...within the buffer.”

On page 72 of the Sackville LUB provided by Mr. DeVenne, no development permit shall be issued except for open space uses listed as public and private parks/playgrounds; recreation uses.

To date, no development permits have been required or given for the placement of any trail on HRM land by HRM or a community group.

By-Law P-600 known as the Municipal Parks By-Law defines a trail as “walkways within a park or which abut a park and provide a means of access to a park”. A park is defined as “land owned, leased, or controlled by HRM designated or used as parkland or as a trail, including gardens, playgrounds, sports fields and beach areas”.

Clause 13 (3) goes on to say that “no person shall be in the park at any time during the period of 10 pm to 5 am”.

Based on the above, HRM is permitted to place a trail on the public open space owned by HRM for use by the general public. In addition, no one is permitted in the area between the hours of 10 pm to 5 am. This will be posted and can be enforced.

Endangered Plant/Animal Species:

The report presented to Community Council, entitled, Nova Scotia's Flora and Fauna-An Environmental Look at First Lake, points out potential for damage to Species at Risk. In addition, the report refers to ‘pristine’ woodlands, still on the lake. Pristine is defined as “remaining in an unchanged state”. Through observation by walking through the area, a number of changes have occurred. The first trail put in along the lake over tree roots has caused the roots to be exposed, some access roads have been put in to manage downed trees due to Hurricane Juan and in particular, in phase 4, a number of changes appear to have been made by nearby landowners while accessing the lake. The usage of the term ‘pristine’ may not completely apply to this buffer zone.

The Nova Scotia Department of Natural Resources has published maps/tables on Species at Risk Found in Nova Scotia's Municipalities. See Appendix 2 and 3. The list does include the Wood Turtle, Harlequin Duck, Piping Plover, Roseate Turn, Boreal Felt Lichen, Ipswitch Sparrow and Moose. The DeVenne report refers to blandings and wood turtles and lady slipper. Appendix 5 shows where the blandings turtle have habitat and it is not in this area. Also the lady slipper is not

noted as at risk in this area. Referring to the list, the only plant type that is at risk in this area is the Boreal Felt Lichen. The Endangered Species Act of NS notes that “no person shall destroy, disturb or interfere with or attempt to destroy or interfere with the specific dwelling place or area occupied or habitually occupied by one or more individuals or populations of an endangered or threatened species...”.

The NS Department of Natural Resources staff naturalist and Park Planner who inspected the route has agreed to provide expert opinion on the above prior to commencement of construction.

Crime Prevention Through Environmental Design [CPTED] audit:

All trail development is required to be audited as per the principals of the CPTED process to determine if any potential design aspects may cause crime related future problems. The proposed trail has been audited. The audit recommends access control signage, bridges that permit patrol vehicles, a neighbourhood watch group, conduct signage, routing cleaning of garbage, if any, removal of graffiti, no lighting be used along the trail, potential lighting changes behind the arena and Taiso club, and finally immediate lighting by the Canoe club boat house.

The FOFL group must ensure that all CPTED concerns are addressed as each phase of the trail is designed and completed.

BUDGET IMPLICATIONS

There is no business impact stemming from this report. Funding for this project has been confirmed from previous years. This report is not an award of tender and is simply provided to address concerns raised by a member of the community.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

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

ALTERNATIVES

Council could choose not to support the construction of a trail around First Lake as discussed above. This is not the recommended course of action as the trail placement in the public buffer zone according to the professional Landscape Architect and the HRM arborist is in the best location. The alternative of not proceeding with the trail is not supported by any by-law, lack of permit or impossible mitigation measure. Not proceeding with the trail would be a lost opportunity to develop further needed public active transportation/recreational infrastructure on

public land. If Council chooses this alternative the funds allocated currently by HRM Council/staff would be reallocated to another community trail group.

ATTACHMENTS

Appendix 1 Map of Phases

Appendix 2 Species at Risk Found in Nova Scotia Municipalities-Map

Appendix 3 Species at Risk Found in Nova Scotia Municipalities-Table

Appendix 4 NS Species at Risk-description

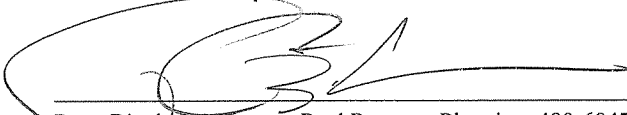
Appendix 5 Distribution of Blanding's Turtles in NS-Map

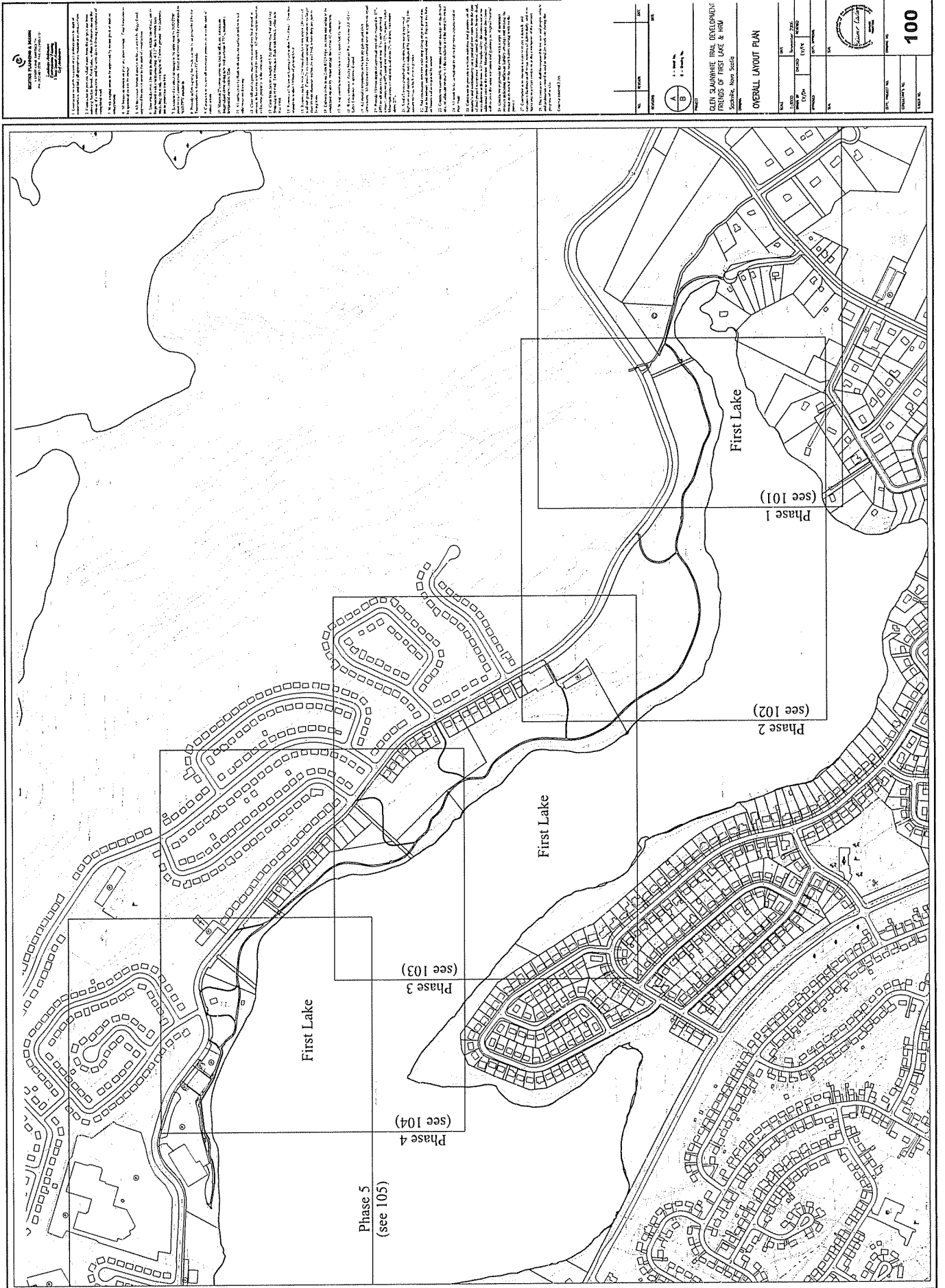
Appendix 6 Endangered Species Act

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 : Don Ambler, Trail Specialist, CD 490-7359

Report Approved by:


Peter Bigelow, Manager, Real Property Planning, 490-6047



Note: Includes species listed provincially under the NS Endangered Species Act and species listed nationally by COSEWIC

Updated July 2004

For Further Information Contact:

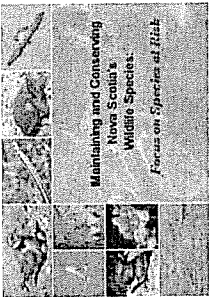
Samara Eaton

Wildlife Division, NS Department of Natural Resources

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<http://www.speciesatrisk.ca/municipalities/>



PLEASE NOTE:

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Short-eared Owl - Not enough information to map distribution. Known to nest in marsh

and wetland habitat in NS

American Marten - Small population occurs in Clare, Digby, Argyle, Yarmouth but these are not currently considered at risk

Atlantic Whitefish - Did occur in Yarmouth and Argyle, but status there is currently unclear.

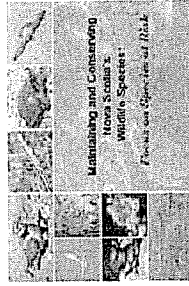
Species At Risk Found in Nova Scotia's Municipalities

For Further Information Contact:

Samara Eaton, Wildlife Division, NS Department of Natural Resources

(902) 431-8089, sameaton@eastlink.ca

Compiled October 2003



Scientific Name	Common Name	COSEWIC Status	NS Endangered Species Act Status	Annapolis	Antigonish	Argyle	Barrington	Cape Breton	Chester	Clare	Colchester	Cumberland	Digby	East Hants	Guysborough	Halifax	Inverness	Kings	Lunenburg	Pictou	Queens	Richmond	Shelburne	St. Mary's	Victoria	West Hants	Yarmouth	# of Municipalities With this Species
<i>Alces alces americana</i>	Moose (Mainland pop.)	-	E	1	1	1	1	1	1	1	1	1	1	1	1	1		1	1	1	1	1	1	1	1	1	20	
<i>Catharus bicknelli</i>	Bicknell's Thrush	SC	V														1							1			2	
<i>Charadrius melodus melodus</i>	Piping Plover	E	E		1	1	1	1	1			1				1	1	1	1	1	1	1	1	1	1	12		
<i>Clemmys insculpta</i>	Wood Turtle	SC	V	1	1		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	19		
<i>Clethra alnifolia</i>	Sweet Pepperbush	SC	V	1	1	1				1									1							3		
<i>Coregonus canadensis</i>	Atlantic Whitefish	E	E		1	1																			1	3		
<i>Coreopsis rosea</i>	Pink Tickseed	E	E		1	1																			1	2		
<i>Drosera filiformis</i>	Thread-leaved Sundew	E	E			1															1					2		
<i>Eleocharis tuberculosa</i>	Tuberclad Spike-rush	T	T		1	1																1				3		
<i>Emydoidea blandingi</i>	Blanding's Turtle	T	E	1															1		1					3		
<i>Erioderma pedicellatum</i>	Boreal Felt Lichen	E	E	1	1	1	1	1	1	1	1	1	1			1	1	1	1	1	1	1	1	1	1	11		
<i>Falco peregrinus anatum</i>	Peregrine Falcon	T	T	1							1	1	1	1				1							1	6		
<i>Geum peckii</i>	Eastern Mountain Avens	E	E										1													1		
<i>Glaucomys volans</i>	Southern Flying Squirrel	SC	-	1					1									1	1	1	1				1	6		
<i>Histrionicus histrionicus</i>	Harlequin Duck	SC	E			1		1					1			1				1	1	1	1			6		
<i>Hydrocotyle umbellata</i>	Water-pennywort	T	E	1	1	1															1				1	4		
<i>Juncus caesariensis</i>	New Jersey Rush	SC	V				1														1					2		
<i>Lacnanthes caroliniana</i>	Redroot	T	T																1	1						2		
<i>Lilaeopsis chinensis</i>	Eastern Lilaeopsis	SC	-			1													1	1	1					3		
<i>Lophiola aurea</i>	Golden-crest	T	T										1							1						3		
<i>Lynx canadensis</i>	Canada Lynx	-	E					1									1					1				4		
<i>Martes americana</i>	American Marten (Cape Breton pop.)	-	E																							2		
<i>Passerculus sandwichensis princeps</i>	Savannah (Ipswich) Sparrow	SC	-														1									1		
<i>Sabatia kennedyana</i>	Plymouth Gentian	T	E		1																					2		
<i>Salmo salar</i>	Atlantic Salmon (Inner Bay of Fundy pop.)	E	-								1	1	1	1				1			1				1	5		
<i>Scirpus longii</i>	Long's Bulrush	SC	V		1														1	1	1	1			1	5		
<i>Sorex gaspensis</i>	Gaspé Shrew	SC	-														1							1		2		
<i>Sterna dougallii</i>	Roseate Tern	E	E		1	1	1	1	1				-			1	1					1	1			7		
<i>Thamnophis sauritus</i>	Northern Ribbonsnake	T	T	1	1	1													1		1					4		
Total # of Species At Risk per Municipality				8	4	11	6	5	6	2	4	6	4	4	4	4	7	7	5	11	3	13	4	9	5	6	6	145

PLEASE NOTE:

Short-eared Owl (*Asio flammeus*) - Not enough information to map distribution. Known to nest in marsh and wetland habitat in NS

American Marten - Small population occurs in Clare, Digby, Argyle, Yarmouth but these are not currently considered at risk

Atlantic Whitefish - Did occur in Yarmouth and Argyle, but status there is currently unclear

Canada

NOVA SCOTIA
Natural Resources

Government of Canada
Habitat Stewardship
Program for Species at Risk

Nova Scotia's Species at Risk

Municipal & Community Stewardship

What
Species at Risk
are in Your
Municipality?

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Species at Risk in Nova Scotia

[Species at Risk in NS](#) | [Status Assessments](#) | [Status Definitions](#)

Species at Risk in Nova Scotia

In Nova Scotia there are 31 species at risk and 11 marine species at risk. Species are assessed and listed as 'at risk' through both a national process and a provincial process. Species listed through the provincial process are then protected under the NS Endangered Species Act.

Click on taxonomic group to jump down the page to the list of species. Then click on the species image to view a larger photo and additional information on the species.

Taxonomic Group	Number of Species at Risk (Nationally & Provincially listed)	Number of Species Listed Under the NS Endangered Species Act ¹
Mammals	5	3
Birds	7	5
Reptiles	3	3
Fish	2	1
Plants	12	11
Lichens	1	1
Molluscs	1	0
TOTALS:	31	24

¹Not all species at risk are listed under the NS Endangered Species Act

Species at Risk in NS and Their Status

Please see the section below "[Species Status Assessment](#)" for an explanation of National and Provincial Status categories and "[Status Definitions](#)" section for definitions of Endangered, Threatened, and Special Concern (Vulnerable).

MAMMALS



American Marten (Cape Breton Population) (*Martes americana*)

National Status - not listed
Provincial Status - Endangered



Moose (Mainland Population) (*Alces alces americana*)

National Status - not listed
Provincial Status - Endangered



Canada Lynx (*Lynx canadensis*)

National Status - not listed
Provincial Status - Endangered



Southern Flying Squirrel (*Glaucomys volans*)

National Status - Special Concern
Provincial Status - not listed



Gaspe Shrew (*Sorex gaspensis*)
National Status - Special Concern
Provincial Status - not listed

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BIRDS



Piping Plover (*Charadrius melodius*)
National Status - Endangered
Provincial Status - Endangered



Roseate Tern (*Sterna dougallii*)
National Status - Endangered
Provincial Status - Endangered



Peregrine Falcon (*Falco peregrinus anatum*)
National Status - Threatened
Provincial Status - Threatened



Harlequin Duck (*Histrionicus histrionicus*)
National Status - Special Concern
Provincial Status - Endangered



Bicknell's Thrush (*Catharus bicknelli*)
National Status - Special Concern
Provincial Status - Vulnerable



Ipswich (Savannah) Sparrow (*Passerculus sandwichensis princeps*)
National Status - Special Concern
Provincial Status - not listed



Short-eared Owl (*Asio flammeus*)
National Status - Special Concern
Provincial Status - not listed

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REPTILES



Blanding's Turtle (*Emydoidea blandingii*)
National Status - Threatened
Provincial Status - Endangered






Wood Turtle (*Clemmys insculpta*)
National Status - Special Concern
Provincial Status - Vulnerable




Eastern Ribbonsnake (*Thamnophis sauritus*)
National Status - Threatened
Provincial Status - Threatened


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	Eastern Lilaeopsis (<i>Lilaeopsis chinensis</i>) National Status - Special Concern Provincial Status - not listed
	Eastern Mountain Avens (<i>Geum peckii</i>) National Status - Endangered Provincial Status - Endangered

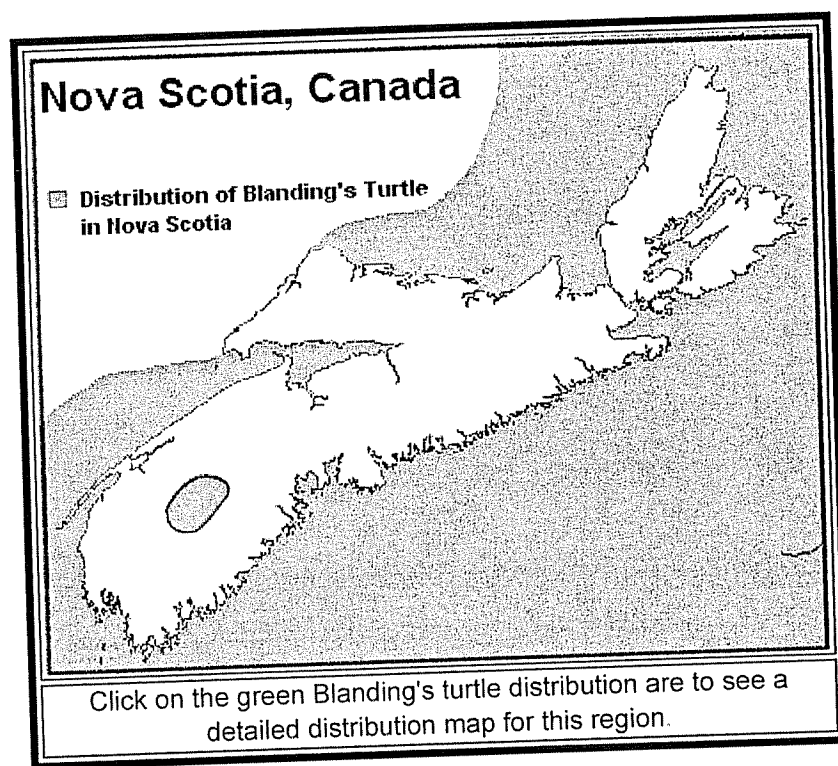
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LICHENS	
	Boreal Felt Lichen (<i>Erioderma pedicellatum</i>) National Status - Endangered Provincial Status - Endangered

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MOLLUSCS	
	Yellow Lampmussel (<i>Lampsilis cariosa</i>) National Status - Special Concern Provincial Status - not listed

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Endangered Species Act

CHAPTER 11

OF THE

ACTS OF 1998

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An Act Respecting Endangered Species

Short title

1 This Act may be cited as the *Endangered Species Act*. 1998, c. 11, s. 1.

Purpose

2 (1) The purpose of this Act is to provide for the protection, designation, recovery and other relevant aspects of conservation of species at risk in the Province, including habitat protection, while recognizing the following:

- (a) the goal of preventing any species in the Province from becoming extirpated or extinct as a consequence of human activities;
- (b) the conservation of species at risk is a key component of a broader strategy to maintain biodiversity and to use biological resources in a sustainable manner;
- (c) the commitment of Government to a national co-operative approach for the conservation of species at risk, as agreed to in the National Accord for the Protection of Species at Risk;
- (d) all Nova Scotians share responsibility for the conservation of species at risk and governments have a leadership role to play in this regard;
- (e) Nova Scotians be provided with the opportunity for meaningful participation in relation to

11 (1) Notwithstanding Section 10, the Minister may on a precautionary basis, regardless of whether the scientific information is available, list endangered or threatened species where, in the opinion of the Minister, there is threat to the survival of the species.

(2) A listing made by the Minister expires and ~~be~~ [is] ineffective one year from the date of such listing.

(3) The Group shall, during the time a listing made by the Minister is in effect, make a determination as to whether the species listed by the Minister should be added to the list of endangered or threatened species pursuant to Section 10. 1998, c. 11, s. 11.

Deemed listed species at risk

12 (1) Where the Group provides the Minister with a categorized list of species at risk in the Province, with any additions to or deletions from the list or with any changes in the status of a listed species or where the Minister lists endangered or threatened species pursuant to Section 11, the species listed from time to time are deemed to be the listed species at risk for the purpose of this Act.

(2) The exercise of authority by the Group or the Minister in listing the species at risk in the Province is regulations within the meaning of the *Regulations Act*. 1998, c. 11, s. 12.

Prohibition

13 (1) No person shall

(a) kill, injure, possess, disturb, take or interfere with or attempt to kill, injure, possess, disturb, take or interfere with an endangered or threatened species or any part or product thereof;

(b) possess for sale, offer for sale, sell, buy, trade or barter an endangered or threatened species or any part or product thereof;

(c) destroy, disturb or interfere with or attempt to destroy, disturb or interfere with the specific dwelling place or area occupied or habitually occupied by one or more individuals or populations of an endangered or threatened species, including the nest, nest shelter, hibernaculum or den of an endangered or threatened species;

(d) contravene any regulation made with respect to a core habitat; or

(e) contravene an order made pursuant to Section 18.

(2) Subsection (1) does not apply to a person who is the holder of a permit issued pursuant to Section 14 to the extent that the permit authorizes activities that would otherwise be prohibited by subsection (1).

(3) A person in possession of an endangered or threatened species does not violate clause (1)(a) if the person was in lawful possession of the species at the time the species was listed or if the person subsequently lawfully acquired the species. 1998, c. 11, s. 13.

Permits

14 (1) The Minister may, upon application, issue a permit to a person authorizing the person to possess, disturb, take or interfere with an endangered or threatened species for