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Halifax Regional Council

August 8, 2006

September 5, 2006
September 12, 2006

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

A handwritten signature in cursive script, appearing to read "Wayne Anstey".

Wayne Anstey, Acting Chief Administrative Officer

DATE: July 24, 2006

SUBJECT: Policy on Daylighting of Rivers

ORIGIN

HRM Regional Council meeting of July 5, 2005, staff report of Feb. 7, 2006.

RECOMMENDATION

It is recommended that Council adopt the Policy on Daylighting of Rivers as contained in this staff report, and that this policy be considered for inclusion in the Regional Plan during the next round of Regional Plan revisions.

BACKGROUND

Council has requested that staff develop a policy on the daylighting of streams or rivers, and that staff conduct consultations with the Watershed Boards and the Shubenacadie Canal Commission on the draft policy provided in the staff report of Feb. 7, 2006. Staff have now completed this consultation and received input from these groups.

DISCUSSION

The following motions and discussion were provided by the three HRM watershed advisory boards:

Bedford Waters Advisory Board Meeting March 8, 2006

MOVED by Mr. Dean, seconded by Mr. Hattin that the Bedford Watershed Advisory Committee endorse in principle the draft proposed policy on Daylighting of Rivers as per the January 31, 2006 staff report. Further that staff give consideration to the following:

- staff encourage NS Department of Environment Labour to not allow the piping of a watercourse
- the word "feasible" be removed as per page four of the report
- approval of day lighting projects should be considered from a habitat funding point of view from Fisheries and Oceans Canada

-- MOTION PUT AND PASSED UNANIMOUSLY

Dartmouth Lakes Advisory Board Meeting March 29, 2006

MOVED by Dr. Millward, seconded by Mr. Clement that the Dartmouth Lakes Advisory Board endorse the proposed policy along with the input provided by the Dartmouth Lakes Advisory Board and subject to amendments from the other Watershed Boards.

-- MOTION PUT AND PASSED UNANIMOUSLY

Input provided consisted of the following:

- the wording of the policy should be clarified to identify which of the policies is subsidiary to which
- HRM or a community group in cooperation with HRM, identify some projects which could benefit from funding
- that HRM's role relative to fish habitat should be made clear

Halifax Watershed Advisory Board Meeting April 19, 2006

MOVED by Dr. Thomas, seconded by Mr. Regan that Halifax Watershed Advisory Board supports the proposed Daylighting Policy with the following suggested changes:

- prevent enclosure of rivers and streams in the first place
- replace culverts with bridges or a three-sided culvert wherever possible rather than straight pipe
- and daylighting should have an environmental friendly face, i.e. ensure it is environmentally compatible with the surrounding area

-- MOTION PUT AND PASSED

The suggestions of the Boards have been incorporated to the extent possible in the revised Policy provided in this report. The BWAB suggestion, that approval of projects should be considered from

a habitat funding point of view from DFO, will depend on funding decisions by DFO, and not on HRM policy. Identification of some prospective daylighting projects, as suggested by DLAB, does not depend upon the policy, and should not form part of the policy.

The Shubenacadie Canal Commission has reviewed the Policy, and in an e-mail of July 12, 2006 indicate that “the more daylighting the better”. They specifically indicate an interest in having daylighting along the Canal section from the bottom of the Dartmouth Incline to the actual salt water.

HRM staff strongly agree with the input received that prevention of piping or enclosing watercourses is the priority, and will prevent the need for subsequent rehabilitation through daylighting. HRM will continue to work with the province as the key regulator of watercourse alterations to discourage the approval of piping. HRM staff will exercise what authority the municipality has to discourage or prevent piping in projects requiring municipal approval.

POLICY

Daylighting of watercourses:

- Preservation of watercourses by avoidance of enclosing or piping is the priority.
- HRM encourages the Nova Scotia Department of Environment & Labour not to permit piping of watercourses.
- HRM will encourage watercourse daylighting, as part of efforts to preserve or restore natural watercourses as a component of a stormwater management strategy.
- HRM is not responsible for fish habitat management.
- Daylighting will be considered according to the following conditions, in subsidiary order as indicated:
 1. Where existing HRM stormwater collection infrastructure must undergo significant repair or replacement, daylighting of the watercourse involved will be considered as an option. Consideration will include the feasibility of daylighting in relation to the surrounding environment, land use and ownership, adequacy of space, drainage and potential flooding issues, safety and other practical or engineering considerations as appropriate. Legal and liability issues must also be considered. Replacement of culverts with bridges or a three-sided culvert rather than straight pipe is preferred wherever possible. Daylighting projects should be environmentally friendly and compatible with the surrounding area.
 2. Where practical and legal considerations in condition 1 could permit a feasible daylighting project, HRM will consider the cost of daylighting as opposed to costs for repair or replacement of existing infrastructure. Any allocation of HRM capital resources must be considered according to the priority rating criteria established by Council for capital projects relating to wastewater and stormwater.
 3. Where community interests or groups advocate daylighting of a particular enclosed watercourse, HRM will consider the project in light of conditions 1 and 2. Any funds or

resources which a community group can contribute will be part of the project consideration. Should full funding for a daylighting project be provided by an outside group, HRM will cooperate with the project to the extent possible under the considerations outlined in condition 1.

This policy should eventually be incorporated into the Regional Plan. In accordance with Regional Plan Policy IM-7, consideration may be given to this during the next annual review and amendment process. Prior to that, the policy, if adopted, will guide staff decision-making as appropriate.

BUDGET IMPLICATIONS

As outlined in the proposed Policy, any proposed daylighting project would be considered according to established criteria as part of the normal capital and operating budget process. Consideration of daylighting projects may involve both increased operating and capital costs in the form of additional staff time to implement the policy, possibly increased capital costs in undertaking a daylighting project, legal and land acquisition costs. Costs will need to be assessed on a project-specific basis. Time required to process an application may also be increased by additional consideration of daylighting options. Daylighting projects will generally fall under category #3 (Operational Efficiency) in the project priority rating criteria as approved by Council.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

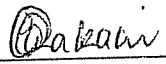
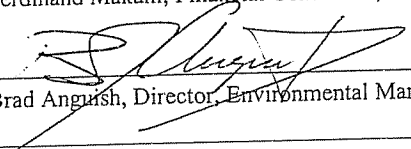
This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

None recommended.

ATTACHMENTS

None

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Report Approved by:	 Brad Anguish, Director, Environmental Management Services, 490-4825