

Collin's Park Watershed Advisory Committee Meeting Minutes

Oct. 4, 2018 7:00 – 9:00

Gordon Snow Centre Boardroom, Fall River



Attendees:

Ken Burrows (KB), Industry Sector Representative.....Development
Barry Geddes (BG), Watershed Manager.....Halifax Water
Bev Lawson (BL), Customer Representative.....Collin's Park WSP
Keith Manchester (KM), Community Representative.....Lake Fletcher
Anna McCarron (AM), (*Secretary*) Source Water Planner.....Halifax Water
Tom Mills (TM), (*Chair*).....Shubenacadie Watershed Environmental Protection Society (SWEPS)
Dick Pickrill (DP), (*Chair*) Community Representative.....Wellington
Rosemary MacNeil (RM), Development Officer.....Halifax Regional Municipality (HRM)
Wayne Stobo (WS), Community Representative.....Waverley

Regrets:

Damon Conrad (DC), Community Rep.....Fall River
Janice MacEwan (JM), Principal Planner/Development Officer.....Halifax Regional Municipality
Dawn MacNeill (DM), Watershed Planner.....Nova Scotia Environment (NSE)

Guests:

Andrew Bone (AB), Senior Planner.....Halifax Regional Municipality

1. Welcome and Introductions

- AM/BG distributed copies of:
 - i. October 4, 2018 Meeting Agenda;
 - ii. DRAFT April 18, 2018 Meeting Minutes;
 - iii. Map of proposed watershed area developments, provided by HRM Planning; and
 - iv. Letter dated Sept. 25, 2018 from Acting Environment Minister, Leo Glavine to R. MacPherson, Scotian Materials Limited; re: Goffs Quarry Expansion Project Env. Assessment.

Meeting called to order by the Committee Chair (DP):

- Introductions;
- Regrets as listed above; and
 - RM filling in for JM.

2. Review and Approval of April 18 2018 Minutes

a. Review of Action Items:

- Previous action/deferred items are underlined in Minutes and listed as Old Business on the Agenda;
- New action items are depicted in bold in Minutes.

b. Approval of Minutes:

- Approved with changes per additions, omissions and points of clarification;
- Moved by KM; seconded by BG; all in favour.

3. Old Business

a. Committee's development application review opportunities:

- i. Presenter, **Andrew Bone (AB), HRM planner** since 1991; with focus on Waverly/Fall River;
 - **Presentation** regarding CPWAC's role vis-à-vis development applications;
 - AB is the Primary Planner for the [Port Wallace Development Project \(PWDP\)](#);
 - AM contacted AB to inquire how the CPWAC might get involved;
 - Interesting question because the CPWAC was created to meet NSE source water protection requirements;
 - The CPWAC was not created by HRM and not plugged into the municipal planning projects. For the CPWAC to have a direct link to HRM projects, it would have to be a committee of Council, which allows committees to get looped into planning projects;
 - The PWDP has a [Public Participation Committee](#) (PPC) consisting of local residents, which focuses on very similar issues that the CPWAC might raise;
 - The PWDP has been ongoing for 4 years and is directed through a public participation plan drafted in 2014. That Plan directed the creation of the Public Participation Committee designed to help direct work and public comment for the project and to help interact with the public;
 - Because the CPWAC is not officially identified in the Port Wallace Public Participation Plan, HRM Planning has no direct way to loop the CPWAC into the PWDP; however, HRM realizes the value of such committees' expertise and local knowledge. In the past, HRM has cooperated with the chair or committee members, and in this case, Halifax Water, to provide information. We treat such committees as individuals. Your comments are welcome, but as an individual, we have no way to treat you as an official committee, because you are not an official committee of this project. This is similar to most planning projects where the planner welcomes external comment and in return cooperates and provides you with information. This is the common practice for official boards where each member is treated as an individual, except they have a little more power as they can provide direct input from interactions with the public;
 - The issues you are probably concerned with are usually environmental and water related, and this perspective is welcome;
 - Because we are 4 years along on this project, we are considerably deep into its process. The first draft of the policies are complete and include environmental and water polices. The water policy is more developed that the environmental policy.
 - The outstanding issue on this project, internally, is the impacts of mining on the water system, specifically in Montague Mines and particularly in Mitchell's Brook and Barry's Run, which are in the centre of the PWDP. Having worked in the area, I knew of sediment plumes in Lake William and Lake Charles. HRM does not have any answers on Barry's Run and the Montague Mine issue. We know from the literature review that 125,000 tons of mine tailings containing arsenic and mercury and possibly other unknown contaminations were dumped into Mitchell's Brook.

We also know that there is sediment in Lake Charles that was documented in 1984, but we don't know anything in between. We have lots of information above (at the Mine site), but nothing around Barry's Run. We have engaged NSE and are taking their advice to Regional Council. We are hoping the advice will provide more information on Mitchell's Brook and Barry's Run. HRM Planning is developing a staff report and will seek direction from Council based on that advice. The PWDP can't proceed until we have answers to those issues. We feel there is a brown field site in the middle of a green field (a contaminated site in the middle of a potential development project).

- HRM regularly engages with Halifax Water, who have challenged HRM on several occasions with regards to the impact of development on Barry's Run sediments that are potentially there and in Mitchell's Brook, and the implications of development around this site as well as what the impacts may be; for example, what the impacts of road crossings on Barry's Run and Mitchell's Brook would be. The impact of stormwater discharge into that watercourse and the uptake of any sediment that's in place, and the risk of transporting it downstream. All these questions have been asked. At this time we have no answers. We are seeking further information and it will likely be next year before we have the answers.
- We know these are issues that are not going away, and it will form a significant component of our analysis of what should happen in the area. We have drafted policies as much as we can, knowing that we will need to insert more environmental policies and may need to review any draft policy that exists because the results of the study could influence further our thoughts on environmental policy. Currently we are operating with blinders regarding Barry's Run and Mitchell's Brook.

AB pointed to map displayed, indicating impacted areas around Mitchell's Brook and Barry's Run.

- AB pointed out where a dam structure used to be on the northern section of Barry's Run. It was once part of the canal system used to help regulate water levels in the Lake Charles area of the Shubenacadie Canal system. AB also pointed out where they suspect significant areas of sediment deposits are located. There is also a point of discharge located in the northern section of Mitchell's Brook (above Forest Hill Extension) where tailings were dumped. Other areas along Barry's Run and Lake Charles were identified as potential sources of sediment deposits.
- AB pointed out all of the lands included in the PWDP and areas of Conrad's Quarry lands, which are being considered for industrial and residential development. He showed proposed road locations and water crossings. Consideration must be given to increased traffic and increased stormwater flow. What are the impacts on the sediments from increased stormwater runoff? Can it be safely crossed? Can construction safely occur without impacting sediment flow too much? Are the sediments safe for human contact? All sorts of health and safety questions. Is it safe to use these areas as parkland that allows human contact? Do we need to fence it? We are seeking additional information and direction from Council.
- Advanced stormwater controls are proposed to manage flows into any watercourse, to allow for stormwater retention and detention to allow sediment and other materials to drop out of any stormwater. Our policy says you cannot discharge into any watercourse without advanced stormwater treatment. In addition, the current draft policy suggests that there be a master stormwater management plan for the

entire site. Through that master management plan it is suggested there be Best Management Practices to maximize in-water ground flow and minimize the impact to surrounding watercourses.

- The PPC is extremely active. There is an existing issue where a stream from Conrad's Quarry pit enters into a northern cove in Lake Charles. Every time there is a rain event there is concern over cloudy discharge. NSE plans to conduct detailed studies in this area to identify the source. The pit has an extensive stormwater management system, so the theory is that the cloudy discharge is coming from the culverts under Hwy 107 where sediment has built up over the years. There is an active working group on the watercourse which involves HRM, NSE, Halifax Water and local residents – a stand-alone issue because there is no development in Port Wallace at this point.
- We have released the draft policies to the PPC for review (September 28, 2018). We consider it a working draft, which needs more work to fill in the "holes" i.e., transportation and other issues.
- Suggest that the CPWAC develop a parking lot for items it wishes to keep an eye on so when preparing Agendas, contact HRM for an update;

Action: Recommend developing a parking lot to keep Port Wallace development issues on the CPWAC's radar and contact AB for updates in preparation for regular meetings.

All

- AB also recommended that this Committee consider commenting on the draft policy, and recommended waiting until the PPC provides comments on it;
- The PPC draft policy review will begin Oct. 11, 2018. It is hoped the first draft review will be completed by the PPC within a month (~Dec. 11, 2018);
- The policy considers source water sampling from Port Wallace. Sampling programs from other Community Plans were used, but were not useful in identifying the source of the sediment problems. The Port Wallace sampling program is proposing to do end-of-pipe sampling versus lake sampling which will help identify issues at source points versus general health of the lake, which is another issue;

Q: What are you testing for with this sampling? (DP)

A: The policy talks about developing the protocol, not listing the protocol. In the past, HRM posted the policy protocol which strongly influenced the committee work. In the end we were bound by those requirements and couldn't change them readily. We left them generic and more flexible. HRM's environment unit has a lot of experience dealing with the water samples we have had in the past. There is almost 8 years of data from Bedford West (Paper Mill watershed) from which we have learned a lot. HRM felt it best to remain flexible so as not to become totally bound to what the policy dictates. HRM is open to suggestions for what others might feel is a better sampling protocol. (AB)

- AB handed out information pertaining to the Port Wallace development project for the CPWAC File. More information pertaining to the PWDP is available online. As more information becomes available, it is posted to www.halifax.ca. Type in [Port Wallace](#) to retrieve [relevant documents](#).
- The PPC is the only group getting regular updates through bi-weekly meetings since January 2018.
- When complete, the new community will consist of 8,000-10,000 people.

Q: When do you think the development will be completed? (AM)

A: At this point not sure. There is too much information yet to gather first. (AB)

Q: Are you looking at synthesizing the information to determine if there are any gaps and perhaps where the gaps need to be filled? (DP)

A: We have enough information to say we have a potential issue and are seeking information based on that, in consultation with NSE. (AB)

Action: AB will inform the PPC about the CPWAC and that it may provide comments.

- This process is very typical of how a planning process for a project is executed. The challenge for the CPWAC is to keep informed over a year for the policy development stage and then over the 10 year construction phase. The best way is to maintain some contact with HRM planning.
- AM indicated that HRM has representation on the CPWAC and that that might be the best way to maintain communication. AB agreed to keep this as an ongoing agenda item.

*A discussion ensued regarding enforcement of HRM's 20 m setback policies, which relates to an ongoing **Action Item** originating Feb. 2017, i.e.;*

Find the gaps in the development/jurisdictional (HRM and NSE) processes...to confirm what is or isn't done:

- KB is concerned that the municipal 20 m setback along watercourses is not being enforced. HRM did a good job in the beginning but it seems it is not being enforcement now. KB feels that not all of the information that should be sent to HRM is being sent.
- RM agreed that inconsistent information is getting to the planning department. The surveyors are supposed to identify everything within the 20 m set back, but that may not be happening in all cases. However, since 2006, all that is required at the subdivision plan stage is a line on the plan identifying a 20 m set back, which is enforced through the permitting process. The permit application must identify what is in the buffer. The 20 m setback is a lot-related development issue.
 - The issue is when the lot is sold to a homeowner who is ignorant of the setback policy and then he/she cuts to the water's edge;
 - HRM has used Google Earth to see what was there in the past, to determine whether clearing of a lot was "grandfathered". If not, a detailed account of what is in the 20 m buffer is supposed to be provided.
- KB maintains that any lot that touches water should be assessed before a building permit is issued unless a site assessment has been done before the building permit is approved.

The Chair interjected to point out that there were now two issues on the floor:

1. The Port Wallace Development
2. 20 m setback policy

The Committee concurred.

Q: Buffer zone site assessment 20 m setback. Are you looking at the information to see if there are any gaps and perhaps fill in those gaps? (DP)

Action

AB/AM

Ongoing

A: We feel that we have enough information to say we have a potential issue and are seeking information based on that in consultation with NSE. (AB)

- The setback policy is a wonderful educational tool to let people know that there is a buffer and that there are restrictions about what can be done in the buffer;
- HRM wants people to self-regulate the buffer. The survey shows the line, nothing else is required to indicate what is in the buffer. It is treated as an encumbrance by the survey community;
- Enforcement is the issue;
 - If they know about it, perhaps by attaching it to the deed, then people may be more inclined to adhere to the policy;
 - The timing of when the property was developed influences enforcement;
 - When the *development* permit is issued, that is when we are required to know about the setback;
 - KB felt that when a *building* permit is issued, that is a better time for homeowners to know about the setback policy.

The setback policy discussion was parked and put on the Agenda for the next time.

AB was thanked for his presentation.

ii. Concept Plan Map for discussion; ongoing **Action Item** originating October 25, 2017:

EM to provide copy of concept plans map to AM to forward to Committee members for consideration in advance of next meeting.

- AM directed people to the hard copy map (Item 1.iii.) and referenced HRM's [Active Planning Applications](#) interactive map on HRM's website.

iii. Development applications in CP Risk Areas:

Q: What, if anything, can the committee do regarding concerns about, or dealing with these types of developments? Can we provide any input? As a non-designated watershed drinking water supply area, what leeway do we have to comment on development inside the watershed area? (AM)

A: The ability to make changes is not as great with plan amendments as it is with zone amendments. We can go to the sessions and say we need to have tighter controls. The planner can implement tighter controls. At the planning stages is where you want to be to make changes, because that is where there are opportunities for input. If the committee thinks they have something that is beneficial, then show up at the committee meetings or send a letter; this is the time to get it administered. Get it into the plan in the first place. After that, the riparian bylaw stays the way it is, as a general provision of the bylaw. (RM)

A: Each case is a separate type of case. The type of application you are in guides how much and the type of impact the Committee could have; e.g., as-of-right, development agreement, zoning change or master plan. (RM)

A: The Committee has an opportunity to have input whenever there is a public hearing. (RM)

A: Another consideration is the distance a development is from the source water supply; for example, this Port Wallace development is pretty far away from Lake Fletcher, by the time you get down to the far end of Lake William, is it detected? If the water system is filtering out issues, one way or another, how much time as a board do we want to spend on protecting it? (WS)

- The Port Wallace (Secondary Planning) process is the kind of process we should be

Action

Ongoing

going through for various developments if we wish to have input.

- Is there any impact that is at all discernable to the water supply?
- We should be confined to the IPZ; on the other hand, we need to understand the whole system from a scientific perspective. If there are no far-afield effects, then should we be concerned? Somehow, Collin's Park has to fit, in a scientific way, to the system; otherwise, we are wasting our time. This needs to be determined.
- Point source sampling vs general sampling. We should know what is going into each lake at the input or outlet so we need to know what the baseline is. That would be the best way to know what is impacting the system.
- The northern end of Thomas and William are the two major bodies coming into Lake Fletcher's and are focal points for sampling.

Action: Add water sample sites at outlets of Thomas, Charles and William.

Q: Who is responsible for the midpoint of the lake sampling?

A: HRM is responsible. Maybe we should talk to HRM about moving the sampling points to give us some information to help save someone some money. Combining the data and sampling. (WS)

A: We already share data where we can, to integrate the data. (BG)

Q: What is the benefit of the data? (WS)

A: Different types of data are collected for different purposes; baseline data is what we measure against when we are conducting target and risk-based sampling, to measure the impact of events on water quality of events or cumulative impacts (e.g., road salt). It is also used to identify the risks in our Source Water Protection Plans. (AM/BG)

Q: What have we gained or lost by moving point "a" to point "b". Moving the points gives us more information when it comes to lake data. Perhaps changing the point from the centre of the lake to the outlet might give us better data. (WS)

Q: Do we know the volumes relative to percentage of the flow? If sampling is done correctly you get the mass balance of what is getting into Lake Fletcher. (DP)

A: The new bridges provide a fairly simple procedure; by measuring the width and the height of what is going through those points we can measure the volumes of water. Once you know the input coming under the bridge and the volume of the lakes you get to know input coming under the bridge and the volume of Fletcher you know the accrued residence times. (WS/KM/DP)

Action: Investigate possibility of determining volumes of water coming through the system.

b. Stormwater – Who's responsible, NSE or HRM or both?:

Ongoing Action Item originating October 25, 2017:

First have a better understanding of the NSE and Halifax Water jurisdictions with respect to water quality with the understanding that quality of stormwater flow is the responsibility of HRM and/or Halifax Water.

A: If water is in the pipe, it is Halifax Water's jurisdiction, if it is in a ditch it could be HRM or Halifax; the water on the road base, water on the road base all the issues belongs to HRM or NSTIR or whoever owns the road; if it is in the grate or ditch or engineered swamp is Halifax Water's when it leaves the pipe and enters a watercourse then it is NSE's. (BG)

Action

BG

AM/BG

Ongoing

A: In the rural areas, when there is no piped system or a culvert on the side of the road they form part of the stormwater system, Halifax Water would take care of that because there happens to be pipe in the ground. (RM)

A: Somebody has to look after the pipe when it breaks down. (BG)

A: It is not just the stormwater that is in the pipe, it is where it came from in the first place. That is the crux of the issue. There will always be erosion or what kind of erosion. (AM) It is the rate it is happening. (KM)

Q: Who is responsible for ensuring that sediment doesn't get into the watercourse? (AM)

A: All three. (HRM, Halifax Water and NSE, depending on what stage the flow is at.) (DM/BG/RM)

Action: Educate the committee on how erosion and sedimentation control plans are applied to development— an idea for a speaker in the future.

Action

AM/BG

c. Development of SWPP:

i. Responses to comments to date: Maps and Table of Contents

- Add more sample points along the larger watershed area as discussed earlier tonight.
- The new development plans –we need to investigate/comment on where possible.

d. Aerotech Park Connector to Hwy 2:

- They are conducting an environmental assessment now.
- Hoping to have the plan ready in the fall.
- The top 2/3rds of the road runoff will go into Holland Brook and across acidic slates. They are implementing special considerations.
- NSTIR diligently considers drinking water supply areas through construction. (BG)

Q: Can we get NSTIR to sample Holland Brook before and after the construction? (TM)

A: Halifax Water already samples Holland Brook monthly. (BG)

e. Scotian Materials Quarry Environmental Impact Assessment (EA):

- AM directed people's attention to the letter from the Minister handout (item 1. iv);
 - TM described the concerns of the quarry with respect to drinking water quality, including no acknowledgement in the letter about a potable water supply in the watershed that the quarry is in and how the quarry may impact it;
 - They don't mention water quality, specifically, in the letter, but perhaps embedded in that is that it opens the door for the Minister;
 - The water quality testing parameters CCME Standards for Aquatic Life and Health Canada's Drinking Water Guidelines.

Q: What can the committee do in this case?(DP)

A: The Committee could write a letter to say that it has to be assessed based on water quality standards. We would like to remind the Minister that this is potable water supply. Looking at bullet two and three of this letter; we applaud this effort by the Minister, but to meet potable water quality standards, the potable water supply and the Committee needs to be recognized by the proponent.

- This CPWAC is cast to provide advice to ensure potable water to those who are using the system.
- Write the Committee's concerns to the Minister, from where it will go to the EA group;

- Halifax Water will write it and vet it through the Committee for comment and for the Chair to sign the final draft of letter, ASAP;
- Generally, when EAs are circulated for public review, anyone who [signs up](#) will be notified as to when the EAs are coming out.

Action

Action: Send letter to Minister from the Committee regarding the concerns about the perceived lack of consideration about the potable water supply in Lake Fletcher, vis-à-vis the Scotian quarry EA. AM/BG/All

4. New Business:

- None raised.

5. Education and Awareness:

a. East Hants newsletter.

- AM approached EH for information about the educational information they distributed to the public;
 - EH sent information to AM stating that the Committee has permission to use the EH newsletter about care of OSSDS and brochure about good and bad shoreline development practices (by Habitat Joint Venture) and put our own stamp on it;
- The Committee needs to create education package and start with discussing an education strategy including:
 - The Laker;
 - Halifax Water bill inserts;
 - Existing Source Water Protection Brochure distribution;
 - A proper document that goes out to everyone in the watershed area.

Action: AM to create education package with some graphics including about OSSDS and riparian buffers, for the Committee's review and discussion about a distribution strategy – preferably the whole watershed area, not just the IPZ. AM/All

6. HRM Planning and Development Update:

- Nothing new is going on
- Want to look at the Concept Plan Map more closely for the next meeting
 - Types of applications – an on-going item
 - May want to zoom into [applicable applications](#) in the red zone (see SWPP)

7. Election of Officers – 2020

8. Next meeting:

- March 21, 2019

Action: Send out Minutes twice; early and later.

AM/BG

9. Motion to adjourn:

- Meeting adjourned 9:20.

Respectfully Submitted: AM