

**BENNERY LAKE WATERSHED  
MANAGEMENT COMMITTEE  
Meeting Minutes**

March 28, 2019 – 2:00 p.m.  
2 Park Ave., Lower Sackville, Halifax Water Office Boardroom

**Attendance:**

Trevor Creasor (TC) (*Vice-Chair*), Subdivision Approvals Halifax Regional Municipality (HRM)  
Barry Geddes (BG) (*Chair*), Watershed Manager ..... Halifax Water  
Jan Jachimowicz (JJ).....Landowner Representative  
Dawn MacNeill (DM), Watershed Planner .....Nova Scotia Environment (NSE)  
Anna McCarron (AM) (*Secretary*), Source Water Planner ..... Halifax Water  
Garry Oxner (GO), Superintendent of Supply Plants ..... Halifax Water

**Regrets:**

Reid Campbell (RC), Director of Water Services ..... Halifax Water  
Bernie Matlock (BM), P. Eng. ....Nova Scotia Environment (NSE)  
Paul Parusel (PP), Brookhill Estates.....Community Representative

**Guest:**

Jeff MacAulay (JM), Project Engineer, Water Infrastructure..... Halifax Water

**1. Attendance / Introductions:**

- AM distributed:
  - i. Meeting Agenda; and
  - ii. Draft October 18, 2018 Meeting Minutes.

**Meeting Called to Order by Chair (BG).**

- Regrets expressed (listed above);
- Quorum noted after JJ arrived; and
- Agenda accepted.

**2. Review and Approval October 18, 2018 Meeting Minutes**

- i. Previous Action Items correspond with Current Agenda Items; and
- ii. Approval of October 18, 2018 Minutes with amendment; i.e., pg. 3 change “McKinnon to “Williams”.

**Motion to Approve Minutes (DM); seconded by TC; all in favour.**



	<u>Action</u>
<p><b>3. Old Business:</b></p> <p><b>a. Private land logging violation in PWA update (BG):</b></p> <ul style="list-style-type: none"> <li>• still before the courts: <ul style="list-style-type: none"> <li>○ BG updated the members on the logging operations that took place two years ago on private lands, which violated the <i>Bennery Lake Watershed Protected Water Area (PWA) Regulations</i>;</li> <li>○ charges were laid to the landowner, a guilty plea was entered and accepted;</li> <li>○ the penalties deliberated in court, work in Halifax Water's and its customers' favour;</li> <li>○ the Committee will be updated after the final decision is reached;</li> </ul> </li> </ul> <p><b>Q:</b> Were HRM bylaws violated as well as the <i>Bennery Lake Watershed PWA Regulations</i>? (DM)</p> <p><b>A:</b> No. (BG)</p> <ul style="list-style-type: none"> <li>• additionally, Halifax Water met with the logging company that did the cutting, seeking compensation for their actions as well; <ul style="list-style-type: none"> <li>○ an agreement was offered to the logging company that worked in Halifax Water's and its customers' favour;</li> <li>○ The Committee will be updated after a final decision is reached.</li> </ul> </li> </ul> <p><b>Q:</b> <i>Is there a third party?</i> (DM)</p> <p><b>A:</b> Yes. Another party was caught up in the middle of the allegations. (BG)</p> <p><u>Questions from the previous October 18 Minutes regarding this case, requiring BG's confirmation (requested by DM):</u></p> <p><b>Q:</b> <i>What court did they go to?</i> (JJ)</p> <p><b>A:</b> Provincial Court. (BG)</p> <p><b>Q:</b> <i>If the landowner had followed protocol, could they have been able to do what they wanted to do?</i> (JJ)</p> <p><b>A:</b> Yes; the issue is not about harvesting in the watershed, per se, rather it is the cumulative effect of harvesting, risk management and to set the bar that violating PWA regulations will not be tolerated. (BG)</p> <p><b>Q:</b> <i>Whose land were they cutting on?</i> (GO)</p> <p><b>A:</b> Their own land. (BG)</p> <p><u>JJ arrived to the meeting which provided a quorum.</u></p> <p><b>b. PWA Signage update:</b></p> <ul style="list-style-type: none"> <li>• Three more signs need to be placed in the watershed area as follows: <ul style="list-style-type: none"> <li>○ off highway 102, situated on the water supply plant access road gate; and</li> <li>○ two signs on separate trails that provide avenues for ATV traffic to travel through the watershed area;</li> </ul> </li> <li>• the two trail signs are not up yet because the contractor could not get them into the ground in time last fall;</li> <li>• AM revisited the sites with the contractor, who marked the sign locations yesterday;</li> </ul>	

<ul style="list-style-type: none"> <li>• Need to do an underground utility infrastructure locate again because the 28 day timeframe is past, which is conducted through a third party locate company; <ul style="list-style-type: none"> <li>○ the locate is for the water pipe lying next to the sign location.</li> </ul> </li> </ul> <p><b>4. New Business:</b></p> <p><b>a. Investigate Status of Game Sanctuary:</b></p> <ul style="list-style-type: none"> <li>• HO sent an email regarding the status of the <a href="#">Waverley Game Sanctuary as defined under Section 113 of the Wildlife Act</a>, which was read by AM: <ul style="list-style-type: none"> <li>○ The Game Sanctuary exists; but within it, more stringent regulations may apply (e.g., <a href="#">Wilderness Areas Protection Act</a>) with respect to the <i>Bennery Lake Nature Reserve</i> (see under b. below);</li> <li>○ you cannot hunt but you can fish in the Game Sanctuary; however, you can do neither in the Nature Reserve;</li> </ul> </li> </ul>	<p><b><u>Action</u></b></p>
<p><b>Action: Remove from Agenda.</b></p> <p><b>b. Ecological significance of the Bennery Lake Nature Reserve:</b></p> <ul style="list-style-type: none"> <li>• HO sent the <a href="#">excerpt from the website in</a> an email, as a response to this query, which AM read aloud;</li> <li>• among the reasons for this Nature Reserve is to protect a population of Michaux's dwarf birch, which grows on the margins of wetlands in only a few areas of NS.</li> </ul>	<p><b>AM</b></p>
<p><b>Action: remove from Agenda.</b></p> <p><b>Q: Are ATVs going through the Nature Reserve? (DM)</b>  <b>A: No. (BG)</b></p>	<p><b>AM</b></p>
<p><b>Action: Send JJ a picture of the Nature Reserve, where it is and where it overlaps the Protected Water Area (PWA).</b></p> <p><b>c. Access Road Update:</b></p> <ul style="list-style-type: none"> <li>• still in the planning stage;</li> <li>• JM is the Halifax Water engineer on this project;</li> <li>• there are 4 access route proposals: <ul style="list-style-type: none"> <li>○ the priority considerations in locating this road include safety, cost, power access and least disturbance of the watershed area;</li> </ul> </li> <li>• next steps: <ul style="list-style-type: none"> <li>○ going back to the road design consultant and finalizing the concept design.</li> </ul> </li> </ul> <p><i>What will happen to the old road? (DM)</i>  <b>A: BG and JM showed the maps of the DRAFT proposed concept plans of all of the road options submitted by the contractor:</b></p> <ul style="list-style-type: none"> <li>• if we use the (old) pipeline road we would look at a realignment to decrease the grade;</li> <li>• there is no final choice at this time, still in the planning stage; they all have some sort of complication; and</li> <li>• estimated timeframe is uncertain – most likely 2 year window after the concept plan is determined.</li> </ul>	<p><b>AM/BG</b></p>

<ul style="list-style-type: none"> <li>• Keep topic on agenda.</li> </ul> <p><b>d. Source Water Protection Report</b></p> <p><i>i.</i> Updates and Accomplishments (pg. 9 of Report) (circulated in advance of meeting);</p> <ul style="list-style-type: none"> <li>• continuing to work on erecting signs;</li> <li>• consultant hired to conduct a study on access road options;</li> <li>• educated the committee on NS Protected Areas through presentation by HO;</li> <li>• ATVs are still an issue; and</li> <li>• landowner/logging issue ongoing;</li> <li>• correct the way the HRM Subdivision file #21707 is depicted;</li> </ul> <p><b>Action: Correction for SWP Report: Item #4 re file # 21707 should be referred to as a “Subdivision” file number rather than a “Case” number; the latter being how planning cases are referred to, not subdivisions. (TC)</b></p> <p><i>ii.</i> Pg. 10 water quality for the year</p> <ul style="list-style-type: none"> <li>• The water is still in an oligotrophic (low-nutrient) state, determined by using the Carlson Index;</li> </ul> <p><b>e. Increase in ATV traffic in the watershed;</b></p> <ul style="list-style-type: none"> <li>• machines are crossing the frozen lake and the settling pond (the first time it had been frozen in a while); and</li> <li>• recently, five bikes were observed crossing the lake, which is very risky now considering the ice is beginning to thaw.</li> </ul> <p><b>Q:</b> <i>Since TC has come on the Committee, have we done an overview of the water quality monitoring program? (DM)</i></p> <p><b>A:</b> Yes. (TC)</p> <p><b>A:</b> Because the two different types of geology meet in the middle of Bennery Lake, we get high concentrations of certain water quality readings. (BG)</p> <p><b>Q:</b> <i>What does the dash mean? (DM)</i></p> <p><b>A:</b> We did not collect a sample at that point. (BG)</p> <ul style="list-style-type: none"> <li>• “Program detection limits” – a new revised table heading; and</li> <li>• “mg”/litre not “µ/L” is the correct unit symbol expression.</li> </ul> <p><b>5. Municipal Planning Update:</b></p> <p><b>a. Oakfield Estates Subdivision File# 21707:</b></p> <ul style="list-style-type: none"> <li>• located at northwest end of Bennery Lake – some properties are in the PWA;</li> <li>• application for a cul-de-sac along the Old Truro Road – K class road;</li> <li>• a number of land holdings along this road;</li> <li>• still under review; and</li> <li>• it is an as-of-right application.</li> </ul> <p><b>6. Landowner Q&amp;A</b></p> <ul style="list-style-type: none"> <li>• None.</li> </ul>	<p style="text-align: center;"><b><u>Action</u></b></p> <p style="text-align: center;"><b>BG</b></p>
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