

Lake Major Watershed Advisory Board Meeting Minutes

March 4, 2021 – 2:00 p.m.
Microsoft Teams Meeting

Attendees:

Mike E. Allen (MA), Source Water Protection Resource.....Nova Scotia Environment and Climate Change
Sherry Bernard (SB), Lake Loon/Cherry Brook Development Assoc. (LLCBDA).... Community Representative
Rev. Wayne Desmond (WD), North Preston Ratepayers Association. (NPRA).....Community Representative
Julie Ernst (JE), Lake Major.....Community Representative
Andrew Faulkner (AF), Development Officer/Principal Planner.....Halifax Regional Municipality
Barry Geddes (BaG), (*Secretary*), Watershed Manager.....Halifax Water
Anna McCarron (AM), (*Vice Chair*) Source Water PlannerHalifax Water
Neil Morehouse (for DM), Mgr. Prot. Areas & EcosystemsNS Environment and Climate Change (NSECC)
Mark Shaw (MS), Forest Technician (Waverley).....Nova Scotia Department of Lands and Forestry (DLF)

Regrets:

Reid Campbell (RC), Director of Water Services.....Halifax Water
Spencer Colley (SC), (*Chair*), East Preston Ratepayers Association.....Community Representative
Bernie Matlock (BM), P. Eng.....Nova Scotia Environment and Climate Change
Dawn MacNeill (DM), Protected Areas Coordinator.....Nova Scotia Environment and Climate Change
Colin Waddell (CW), Superintendent Water Supply Plants.....Halifax Water

1. Attendance and Introductions:

- AM displayed the following during the meeting:
 - i. March 4, 2021 Meeting Agenda; and
 - ii. DRAFT October 8, 2020 Meeting Minutes;

Meeting called to order by Chair (AM for SC)

- Regrets listed above; and
- Quorum noted.

2. Review of Meeting Minutes and Agenda:

a. March 4, 2021 Agenda:

- SB added (4.b.) LLCBDA question to the Agenda; and
- Motion to approve the agenda by AF, seconded by WD, all in favour.

b. Approval of October 8, 2020 Meeting Minutes:

- Approved by BG, seconded by JE with changes: from “Notes” to “Minutes”; and from “Ring Road” to “off Cranehill Road”.

3. Unfinished Business:**a. Dams Update (BG):****i. Lake Major Dam:**

- Waiting for the weather to break to finish the landscaping.
- Some work remains on the properties impacted by the adjusted water levels from the dam.
- Dam is working well.

ii. East Lake Dam:

- Halifax Water is still uncertain about its fate;
- a dam review in 2018 recommended that the dam inefficiencies need to be dealt with; and
- a contractor was hired in 2020 to propose solutions, which are pending the final report from the contractor.

Q: *When will the final report arrive? (AM)*

A: It is part of a larger project for the Lake Major water supply. (BG)

- We are contemplating 2 solutions as follows:
 1. do we retain the dam to raise Lake Major water levels as needed; or
 2. do we decommission it to let the lake go back to pre-dam conditions?
- Lake levels are currently at optimum levels, so we are not sure whether to leave it or not; the decision will be soon.

b. Lake Major Regulations:**i. Swimming [and Boating] in Long Lake:**

AM displayed a letter to the Chair of Lake Major Watershed Advisory Board (LMWAB) from the North Preston Ratepayer's Association Re: Boating on Long Lake, North Preston

- This agenda item topic was adjusted to reflect the contents of the letter on display; i.e., boating on Long Lake, in addition to the focus on swimming.
- WD informed the LMWAB that the NPRA cannot meet to discuss this item due to Covid restrictions, so their discussion on this topic will need to be deferred until they can meet.
- BG recommended that the Board ask Halifax Water, the water works operator, to request that Nova Scotia Environment and Climate Change (NSECC) open the [Lake Major Watershed Protected Water Area \(LMWPWA\) Regulations](#) for general review. There are other inconsistencies within the regulations which need to be addressed.;
- Next steps required:
 - ask for the Board's comments on the NPRA letter as well as the Lake Major Watershed PWA Regulations and provide them to BG by April 15;
 - the water works operator (Halifax Water) to inform NSECC it will open the LMWPWA regulations for review to address inconsistencies;
 - engage in a public consultation process to allow comment on the requested changes and/or augmentation; and
 - the information gathered is collated, which the Minister uses to formulate their decision on the requested changes;

Action: Circulate the NPRA letter and the [Lake Major Watershed Protected Water Area Regulations](#) regarding boats (vessels) and swimming (sections 4 and 5, respectively), to the Board members, so they know what changes are being requested.

Action
BG

Action: LMWAB Board members review the NPRA letter and the current LMWPWA Regulations and submit comments by April 15, 2021.

ALL
LMWAB
Chair

Action: The LMWAB to formulate a letter of response to the NPRA.

WD will go back to the North Preston Ratepayers to discuss writing a letter requesting designating a swimming area in Long Lake. The letter must be addressed to Halifax Water and circulated to Board members for review and comment.

Partially
complete:
letter
submitted/
discussion
pending
lifting of
Covid
restrictions)

c. Municipal (wastewater) service extension in Lake Loon/Cherry Brook:

- i. CBDA to discuss potential for a Cherry Brook municipal sewage system:
 - SB advised the Board that the CBDA stance on this topic is all about the cost to homeowners, many of whom are on fixed incomes;
 - as much as we are concerned about the environment, until we get an assessment done and an estimate of the cost, there cannot be any movement on this;
 - AF advised that the CBDA first needs to invite Councillor [Trish Purdy](#) to discuss options;
 - the Councillor is responsible for bringing the item to Council and putting a motion on the floor to ask for a report from staff; if passed, it will proceed from there;
 - staff direction on extending municipal services comes from Council and is usually championed by the area Councillor; and
 - SB will approach the Councillor and ask her to request an HRM staff assessment of providing municipal services to the Lake Loon/Cherry Brook community.

Action: Approach Councillor Purdy, asking her to request an HRM staff assessment of providing municipal services to the Lake Loon/Cherry Brook community at Council.

SB

ii. LMWAB letter of support for sewer system upon request from CBDA:

- Item deferred until the CBDA decides to proceed.

Action: The Board supports sending a letter to HRM and Halifax Water, at the request of the CBDA, in support of extending municipal services to the Lake Loon/Cherry Brook area of the watershed as a means of reducing the risk of contamination from OSSDS to the water supply.

Deferred
pending
response
from
LLCBDA

d. Nova Scotia Lands Montague Mines Remediation:

- The Montague Mines remediation report will be sent to NS Lands when it is completed by the consultant;
- soil tests showed elevated Arsenic but nothing too concerning in the watershed, at least;
- BG will ask for a timeline for the report.

Action: BG will provide the Board with information on the remediation it becomes available.

BG

e. Terms of Reference – Waverley Membership (BG)

BG advised the members as follows, of the community of Waverley’s interest in Board membership:

- The mandate of the Board is to act as a funnel between the communities, regulators, the utility and other stakeholders.

- Do we want to search for a Waverley representative when there are no residences within Waverley side of the Lake Major Watershed *Protected Water Area*?
- The interest in having a seat on the Board is primarily coming from low recreational user groups who perceive themselves to be stakeholders/users of the watershed area, although they are not landowners inside the watershed area.

Q: *What are the Board members' thoughts on these points raised?* (BG)

A: If they have no vested interest, then why should they be involved on the Board? (WD)

A: The vested interest is in the recreational use of the land. If they want to use the land, then they must come to the water utility for permission. (BG)

A: Seeking permission of the utility to grant access is one thing, but to be part of the Board, based on the use of the land that could affect the landowners I see as a conflict of interest. Being on the Board would provide input on the Board on issues that do not concern them. We want community representation on the Board. (WD)

A: Based on the comments from BG and WD, I see no reason for them to be on the Board. (SB)

A: If it is only for recreation, then it is not really a vested interest. If you are a landowner then you have a vested interest. I don't see where recreationists would have a vested interest since their focus is on recreation, not watershed protection, which is the mandate of the Board. (BG)

A: There is actually a high risk to people recreating in the watershed, e.g., if people get lost or other impacts, there is a risk to negatively impacting the watershed. (AM)

A: If recreational interests is the only reason that they want to have a seat on the Board, that doesn't seem to be reason enough. (JE)

A: If there is a proposal to build a trail or what have you, and the bylaws allow that, then a plan would need to be created which would then have to be reviewed by the Board. So, there is already an avenue for recreationists to present their interests before the Board, as outlined in the example I just gave. Further, if there is a recreation member on the Board, under that scenario, that member would have to abstain from commenting anyway due to a conflict of interest. (BG)

A: There is a defined boundary to the watershed advisory board based on the watershed and on those who have a direct interest. Need to consider where to stop. Do we extend the boundary by including recreational interests? Right now, we include fishing and hunting interests within the watershed boundary, which are manageable, but to extend beyond those interests beyond the watershed boundaries, I would caution is too much. (AF)

A: Waverley landowners were initially on the Board, but over time those landowners sold to Halifax Water or to the Crown. Now there are no Waverley residential landowners in the PWA. (BG)

A: What do the ToR outline? Are there any errors or omissions that need to be ironed out to include recreation groups? Typically the Board's interest is in protection of the water source. (MA)

Q: *Why did Waverley drop off the Board in the first place? They were included as a member when the Board was first formed?* (AM)

A: The Village of Waverley was originally on the Board either through the Joint Action Committee (JAC), or the Lake Major Watershed Working Committee (LMWWC). As things started to progress with regard to water services and community development, the municipality began to propose bylaws that had more impact on the other communities in the watershed area – i.e., North Preston, East Preston, Lake Major, Loon Lake and Cherry Brook. Since Waverley already had these things established in their community, they lost interest because those issues did not apply to them and limited their participation. I believe, therefore, they just dropped off. (WD)

A: The discussions about the watershed all started because the new municipal bylaw proposed to

prevent further development in North Preston. North Preston gathered the other watershed area communities together to help oppose this bylaw, which included Waverley. But as discussions progressed, Waverley learned that our issues such as building, policing, and housing and those types of things were not their issues. So, their interest waned as a result. (WD)

A: People are encouraged to recreate within the Protected Areas portion of the watershed. But any trail development would go through a process through the Protected Areas branch of NSECC. (NM)

Q: *If the province wanted to build a trail within the PWA portion of the Protected Wilderness Area, they would still be mandated to come before the LMWA Board with a plan, correct?* (BG)

A: Yes. (NM)

A: A trail development proposal to NSECC would then be brought to the Board by a representative from the protected areas branch for their recommendations and approval. (MA)

A: The community of Waverley is within the watershed, as are the communities of Fall River and Montague Mines. To provide landowners of all those communities a say in advising what goes on in the watershed, while they do not have land within the watershed area, does not hold the same weight regarding providing advice on the watershed as the communities with landowners living within it.

Q: *Do we have a motion now or leave it for more discussion? Or do we have consensus right now?* (AM)

A: We should vote now about having a Community of Waverley representative sit on the Board. (WD)

Q: *Is everyone in agreement?* (AM)

Q: *Does Waverley have any other avenue to use the watershed for recreational purposes?* (JE)

A: Yes, it could be permitted on public land and on Halifax Water land, if it is compatible with the watershed PWA regulations. For example, fishing, in most of the watershed is permitted as per the Lake Major Watershed PWA Regulations. However, while there are no regulations stating whether mountain bikers and hikers are permitted, they do say that you can't cut trees (to create trails for example). In such cases you are encroaching on building things. (BG)

Q: *Are they able to apply to sit on the Board?* (JE)

A: We have been approached by a couple of user groups who want to build trails who live in Waverley and asked to sit on the board. However, there are no dwellings in the PWA portion of Waverley. There are only two private landowners in the Waverley area: Webbers and Conrad's – industrial landowners. You must live in the watershed to have a say. What other interest would there be in being on the Board if you have no land in the watershed area? (BG)

AM displayed the Terms of Reference (ToR)

- We can conclude that we have not been approached by a formal community group, only by residents who live near the watershed area who want to recreate there. However, they can still make a request to the Board by letter.
- The following is the preliminary wording of a motion on the agenda topic that AM and BG will refine and circulate to the members for approval:

Based on the current ToR and the membership structure of the Board which consists of watershed landowners there is no need to add Waverley as a member of the Board at this time. Also, the Community of Waverley has not formally requested a seat on the Board.

Action: BG and AM will refine the wording and circulate to the members to vote on [as follows]:

AM/BG

Motion: *The Lake Major Watershed Advisory Board (Board) acknowledges that there are other*

community interests within the watershed boundary; however, regarding these interests, the Board feels that its current Terms of Reference sufficiently depict the required representation of the watershed community. Further, most of the watershed lands that other communities are interested in using are currently owned by Halifax Water and the province and are subject to regulation. Moreover, the Board feels that any land-uses that impact the watershed are adequately addressed through the current Lake Major Watershed Advisory Board structure. Therefore, the LMWAB will not be expanding its membership to include areas or activities that do not meet the LMWAB Terms of Reference.

WD seconded the Motion.

Action: Reach out to the community, in search of representation on the Board.

f. Land Purchase request of property in PWA located on Cranehill Road:

- The expropriation exercise was conducted, it went through the tender process and the sale was finalized November 2020 with Halifax Water signing off with the landowners; and
- the land on Cranehill Road is now owned by Halifax Water.

Action: Remove from Agenda

4. New Business:

a. Lake Loon/Cherry Brook Development Association (CBDA) questions:

- During a meeting between Councillor Purdy and the Lake Loon/Cherry Brook community regarding land title issues, a few questions arose pertaining to Halifax Water as follows:
 1. Given that the entrance to the road to the Lake Major Water Supply Plant (WSP) is located at 341 Cherry Brook Road, in the centre of the Cherry Brook community, members wanted to know how that happened.
 2. Did HRM have contact with the owners of that land?
 3. Exactly where does the Lake Major watershed area boundary fall within the LL/CB community; and are they able to build within it? Please show us some maps.
- Councillor Purdy directed the CBDA to the LMWAB for answers to these questions.
- SB is bringing these questions forward to the LMWAB on behalf of the CBDA, who feel they have no real history as to how the water supply plant came to be in their community.
- BG responded that he could provide some information at this meeting but would need to delve further to get all the answers to these questions.

BG displayed a ViewPoint Google Map© satellite view showing the WSP land area boundary (see illustration in Appendix A) to help answer the questions as follows:

1. & 2. Regarding landownership of the land the WSP sits on and how it came to be:
 - BG explained that this 276.6-acre parcel of land was purchased by the City of Dartmouth in 1977 from George Turner of Westphal;
 - In 1996-1997 during amalgamation this parcel was turned over from the City of Dartmouth to HRM and in 1997 HRM turned this over to Halifax Water.
 - George Turner bought this parcel in 1952 from Percy and Lorna Ernst.
 - WD added that Gorge Turner owned the store on the corner of Lake Major Road and the #7 Highway, just before Ross Road – long since gone.

Q: Can you provide more information before 1952? (SB)

Action

Rescinded

AM

A: Maps that WD has, shows that Michael Wise and Michael Johnson have some stake in the land. There used to be a lumber mill on the lake below the hill going into North Preston. The owner of the mill was Percy Ernst.

Action

The community of Lake Major formed as summer cottages. From our understanding, the residents to that area came lately, but we understand that that land was part of the grant that was issued to the residents of the Preston Townships. SB agreed to this recollection. (WD)

JE arrived to the meeting and was apprised of the current discussion and asked if she had any knowledge of how the land in question was acquired by Percy Ernst prior to 1952.

- JE knew that her great-grandfather (father of Percy Ernst) purchased a large tract of land around the mid-late 1800s, including a large part around Lake Major.
- BG will ask Halifax Water's legal counsel to investigate the succession of ownership of the land that the WSP sits on (PID 00653584) and JE will look in her files as well.

Action: Investigate the succession of landowner for PID 00653584 through Halifax Water's legal counsel and JE's family files.

BG/JE

- SB would like this discussion to continue at the next meeting, which would allow time for more research in the meantime.
 - SB extended appreciation to WD of his knowledge and history of the watershed area.
 - BG displayed through Property Online the ownership of the parcels of land adjacent to the WSP land, through which there is a right of way for the road that leads to the WSP;
 - WD explained that many of the names attached to the properties in the Preston Townships, e.g., Johnson, Riley, Thompson, Allen, etc., were the names of the surveyors who were designated to distribute the land parcels.
3. Regarding the ability to build inside the watershed area:
- BG and AF explained that a landowner is permitted to build inside the watershed area in accordance with HRM zoning bylaws and provincial sewage disposal regulations;
 - Call 311 to be connected to the HRM planning department, where a planner will do the research to determine what is permitted on the lot.
 - This information will help SB start the process to determine what more questions need to be asked in regards to land titles and ultimately whether they will pursue asking for a municipal sewer system in Cherry Brook, once they find out what the costs would be.

b. Source Water Protection (SWP) Report – Lake Major Excerpt

BG described the highlights of the SWP Report as follows:

- The members were encouraged to review the report and provide comments to BG by March 15;
- The SWP Report is an update of accomplishments and outstanding activities.

Q: *Is there a wilderness area update to include in the SWP report? The [protected areas map](#) shows that the Little Soldier Lake Nature Reserve, located on the northwestern quadrant of the Lake Major Watershed Area, is pending (as are new sections of the Waverley Salmon River Long Lake Wilderness area). Is it pending or waiting for approval? (BG)*

A: Several protected areas are under consultation and a number are still within the plan. If it is not on the list we are consulting on right now, then it is still in the plan and still pending. If there are still outstanding issues, then it does not go under the consultation list. We are in batch 10 of designated

wilderness areas. (NM)

Action: Review the SWP Report and respond to BG with any comments by March 12.

Action

All

5. Landowner Questions/Update

a. Halifax Water

i. Land Access:

- For the past 15 years Halifax Water has been in discussions with the mountain biking community regarding their request to access the Spider Lake area of the watershed;
- since Covid, more people have been accessing the watershed than ever before, resulting in trails being built, which is an activity we are trying to curtail;
- a land access partnership between the user group (in this case the mountain bikers) and Halifax Water is being explored;
- we are still in discussions, which BG will keep the Board apprised of.

ii. Preston and Area Trails

- Halifax Water has been contacted about a Greenway Plan for the Preston Areas Trail;

Q: *There are some questions about how to connect the trail and its proximity to North Preston and making sure the public walk is not putting anyone at risk; is there an update to share (WD)? (BG)*

A: The trails committee for the community have been speaking with [Upland Urban Planning + Design Studio](#) Landscape Architects, consultants who were engaged by HRM Transportation and Public Works. They are looking at the safety issues involved in extending the trail, which is proposed to go into Lake Major, into the end of the highway and/or probably along Old German Road, and coming out at Cherry Brook. The consultants are still working through the design process. (WD)

- BG and WD added that there have been some questions about how to design the trail extension through a pinch point between the lake and the road, which is currently a safety concern – i.e., how to design the trail so walkers are directed off the road and kept safe.

Members to advise BG of any word about extension of the Preston and Area Trail.

Complete

a. Crown:

- No questions or updates.

b. Private

- What is the status of the property at 3 Ernie Lane; a subdivision application that AF alerted the Board to at last meeting, under the Municipal Update.
- There has been no update yet, but AF will investigate.

6. Education Update:

a. Arnold D. Johnson Sr. Water Resources Award Update (AM)

- A memo about Halifax Water’s awards program was circulated by Halifax Water’s General Manager, Cathie O’Toole

Action: Find out and target the program’s promotion, which could include a tour of the WSP, following a presentation.

AM

Action: Continue to provide reminders of the Arnold D. Johnson Award application deadlines.

AM

b. Tour of LM Water Supply Plant:

Action

- Pending Covid restrictions being lifted.

c. Logo (AM)

- Pending Covid restrictions being lifted.

Action: Continue to explore logo update.

d. Lake Major Newsletter Update:

- Create a newsletter that focusses on what is or is not permitted in the watershed area.

Action: Include an article to create community awareness about the restrictions in the watershed in the next issue of the newsletter.

**Pending
(AM)**

**Pending
AM**

7. Municipal Update (AF):

- Regarding the lot behind 3 Ernie Lane (see item 5. B. above);
 - HRM received a final subdivision application yesterday;
 - AF will send a reminder that it should be circulated to BG to circulate to the LMWAB

Action: Send a reminder to the subdivision planners to circulate the development to BG for circulation to the Board.

AF

Action: Monitor the property during regular watershed rounds to watch for any building or clearing before proper permits are in place.

BG

8. Election of Officers:

- Next election – Fall, 2022

9. Next Meeting Date/Time:

- October 7, 2021 - 2:00 – 4:00 p.m.

10. Adjournment:

- 4:10 p.m.

Respectfully submitted by AM