



Jamie Simpson, BSc(H), MScF, JD
Barrister & Solicitor
3441 Purcells Cove Rd
Fergusons Cove, NS B3V 1G3
902 817 1737 / jamie@juniperlaw.ca

Hon. Jonathan Wilkinson
Minister of Environment and Climate Change Canada

Impact Assessment Agency of Canada
22nd Floor, Place Bell
160 Elgin St.
Ottawa, ON K1A 0H3

Via Email: ec.minister-ministre.ec@canada.ca
iaac.information.aeic@canada.ca
iaac.atlanticregion-regiondelatlantique.aeic@canada.ca

May 27, 2021

Dear Minister and Impact Assessment staff:

Please find attached a request for a regional impact assessment of infilling of water lots in an area of the Halifax Harbour in Halifax, Nova Scotia. I am submitting this request on behalf of the applicants named on the attached request. Please consider me as the contact point for these request applicants.

Best Regards,

<Original signed by>

Jamie Simpson

Cc: request applicants

Requester Contact Information

This request is submitted by Jamie Simpson of Juniper Law on behalf of Allan and Leslie Shaw (Halifax NS) as well as the additional persons listed below. Please consider me as the point of contact for the Shaws and the rest of the applicants.

Address: 3441 Purcells Cove Rd, Halifax, NS B3V 1G3

Email: Jamie@juniperlaw.ca

Telephone: 902 817 1737

Re: Regional impact assessment request

Applicants for Request:

Allan and Leslie Shaw, Halifax, NS

Liz Whyte, Halifax, NS

Peter and Carol Camfield, Halifax, NS

Michele Raymond and Russell MacKinnon, Halifax, NS

Ecology Action Centre, Halifax, NS, c/o Nancy Anningson

A. Purpose of Request

1. We, the above-named applicants, request the Minister of Environment and Climate Change to conduct a regional assessment on non-federal lands, pursuant to section 93(1) of the *Impact Assessment Act*, concerning the infilling of 'water lots' in a section of Halifax Harbour, Nova Scotia, known as the Northwest Arm. These non-federal-land 'water lots' are private, submerged properties within the Halifax Harbour and thus are largely embedded within surrounding federal (submerged) lands.

We are deeply concerned with the potential impacts that infilling these water lots will have on the fishery and ecological health of the Northwest Arm, as well as the navigability of this section of Halifax Harbour.

Attached as Schedule B is an independent expert's preliminary report concerning the potential negative impacts of infilling to the Northwest Arm.

B. Description of Region

2. The Northwest Arm is located on the western side of the Halifax peninsula, Nova Scotia (44.6310° N, 63.5957° W), and is part of the Halifax Harbour, under the authority of the Halifax Port Authority per the *Canada Marine Act*.

Descriptive details of region:

3. The Northwest Arm is a narrow inlet within the Halifax Harbour, approximately 5km long and 0.5km wide. There are several small islands in the waters of the Arm including Melville Island

and Deadman's Island. The Arm is home to the Armdale Yacht Club, Waegwoltic Club, St. Mary's Boat Club, Royal Nova Scotia Yacht Squadron, a public beach, and residential homes. Two municipal parks are located along on the shore of the Arm: Point Pleasant Park and Sir Sandford Fleming Park.

4. There is active commercial fishing in the Northwest Arm, as addressed in more detail in Schedule B.
5. Areas of the Northwest Arm, including Melville and Deadman's Islands, are considered priority cultural landscapes in the *Cultural Landscape Framework Study*,¹ completed as part of Halifax Regional Municipality's Green Network Plan,² and which identifies the infilling of water lots as a possible risk to the cultural integrity of the area.³

Current/Potential development activities in region:

6. We understand that water lots along the Arm were originally deeded to preserve a landowners' access to the water and allow for the construction of wharfs and moorings.
7. However, we have observed that in the last 25 years some water-lot owners have in-filled these lots to create more land for themselves, thereby altering the coastline, reducing navigable water within this already-narrow body of water, and destroying fish habitat.
8. We are concerned that this trend will continue and accelerate; if all water lots were infilled, the surface area of the Northwest Arm would be reduced by nearly a third (31%), according to our calculations. Attached as Schedule A is a map of the Arm showing what it would look like if remaining water lots were infilled.

C. Explanation for Assessment Request

Main issues and activities to be considered in a regional assessment:

9. The key activity of concern is the infilling of water lots in the Northwest Arm, which is part of the Halifax Harbour.
10. The main issues are (1) reduced fish and lobster habitat, (2) negative environmental impacts on surrounding federal and private lands by way of increased siltation/sedimentation, accumulation of marine debris, and disruption of fish and other marine life, (3) increased storm damage to shorelines in the Northwest Arm, (4) mobilization of contaminants currently buried in

¹ O2 Planning and Design, Robert Graham, "Cultural Landscape Framework Study" (March 2016) at 54, online (pdf): https://www.halifax.ca/sites/default/files/documents/about-the-city/regional-community-planning/Cultural_Landscape_Framework_Study_160317.pdf [Graham].

² Halifax Regional Municipality, "Halifax Green Network Plan" (June 2018) at 65, online (pdf): https://www.halifax.ca/sites/default/files/documents/about-the-city/regional-community-planning/HGNP-Final%20Report_20180726_updated.pdf.

³ Graham, *supra* at 54.

sediment, and (5) interference with navigation in this already narrow channel, all of which are caused or exacerbated by the infilling of water lots.

What a regional assessment would accomplish:

11. A regional assessment would determine whether the infilling of water lots poses a cumulative threat to fish and fish habitat of the Northwest Arm as well as other ecological values of the federal and private lands within the Northwest Arm.

D. How a regional assessment would impact future impact assessments and decisions:

Is large-scale development, including potential designated projects under the Act, expected in the next 5–10 years in the region?

12. We have observed that infilling of water lots in the Northwest Arm has become more frequent in the last 25 years. This trend was noted in a recent (2016) decision of the Nova Scotia Utility and Review Board.⁴ We believe that pressure to infill these lots is mounting given increasing property values and we anticipate increasing numbers of applications for infilling within the next five to ten years.
13. As mentioned above, infilling has the potential to reduce the water surface of the Northwest Arm by 31%, which we believe would have significant detrimental impacts on fish and fish habitat within this area of Halifax Harbour.

Are there environmentally or otherwise sensitive areas or components located in the region that might be affected by development?

14. Please see the information on this point in the attached Schedule B.
15. Nova Scotia is facing significant sea-level rise and is located in the path of post-tropical storms and hurricanes. The coastline along the Northwest Arm is, like the rest of the province, experiencing inundation, storm surge, coastal flooding, and accelerated erosion. Unnecessary engineered structures, such as infilling, reduce the resilience of our coastal ecosystems, especially in the face of climate change challenges. Unregulated infilling in the Arm will exacerbate these negative impacts.

E. Does current and future development in the region have the potential to cause adverse effects, including cumulative effects, that fall within federal jurisdiction?

16. Effects on fish and fish habitat:
 - a. Lobster fishing takes place in the water lots along the Arm; infilling will harm this habitat for lobster and various other marine life that makes use of shallow water near shorelines. Please see the additional information in Schedule B. As well, please find

⁴ *Ghosn v Halifax Regional Municipality*, 2016 NSUARB 110, at para. 7, online (pdf): Nova Scotia Utility and Review Board <https://nsuarb.novascotia.ca/sites/default/files/Decision%20Ghosn.pdf> [Ghosn].

attached as Schedule C a photograph taken by Allan Shaw on May 24, 2021, of a lobster boat pulling traps within a water lot on the Northwest Arm.

17. Effects on aquatic species, as defined in subsection 2(1) of the *Species at Risk Act*: please see Schedule B.
18. Effects on migratory birds: please see Schedule B.
19. Changes to the environment on federal lands:
 - a. We predict that the submerged federal lands around the private water lots (that is, the entire remainder of the Northwest Arm, some 69% of the Arm) will be impacted by the infilling of the water lots; infilling will alter the seabed habitat, sedimentation patterns, marine debris accumulation and currents.
20. Changes to the environment that could affect the Indigenous peoples of Canada:
 - a. the Mi'kmaq of Nova Scotia have an aboriginal right to fish for lobster and other species within the Northwest Arm. It is not certain whether this right is currently being exercised; nonetheless, loss of lobster and other fish habitat increases the overall pressure on the fishery and thereby harms the livelihoods of both Indigenous and non-Indigenous fishers.
21. Changes to components of the environment, health, social or economic matters set out in Schedule 3 of the Act: Schedule 3 of the Act does not yet appear to be enacted.

F. Is there an existing or planned initiative that would adequately address the issues raised in the request?

22. There is no existing or planned initiative to address the infilling of water lots in the Northwest Arm. As noted below, this is likely due to a jurisdictional gap in the effective regulation of water lots.

G. Are there opportunities for collaboration with jurisdictions in the region?

23. There is a regulatory gap concerning water lots in the Northwest Arm. As explained below, Halifax Regional Municipality has no jurisdiction over the development of water lots until they are turned into land lots by way of infilling. Given that the water lots are within the Halifax Harbour, they would have been federal land but for the pre-Confederation grant of these lots to private owners. Federal regulation does not deal with the environmental and development aspects of infilling lots, rather it deals only with navigation and fish and fish habitat. Finally, the Province of Nova Scotia has expressed its interest in regulating the coastal zone, and its yet-to-be-proclaimed *Coastal Protection Act* may or may not serve to regulate water lots within the Northwest Arm, depending on how its scope is interpreted by the province.

In short, there appears to be desire to address the issue at the municipal and provincial levels, but it is the federal government that has the most obvious authority to regulate infilling in the Arm. For this reason, we are calling on the Minister to work with the municipality and the

province to ensure that the environmental issues associated with the infilling are assessed before any more infilling is permitted to occur.

The regulatory jurisdiction of the municipal, federal, and provincial governments is briefly reviewed below:

- a. Under the *Canada Marine Act*, the Halifax Port Authority, an agent of the federal government, has jurisdiction over activities in the Halifax Port incidental to navigation and operation of the port generally.⁵ Submerged land within public ports is (usually) federal property,⁶ and the port of Halifax is such a port.⁷
- b. The *Canadian Navigable Waters Act* requires anyone who wishes to alter or construct in, over, under or through navigable waters as listed in the Schedule to the Act (which includes the Atlantic Ocean to the hightide mark), to apply for approval by the Minister of Transport.⁸ Thus, applications for infilling water lots on the Arm are assessed by the Federal Department of Transportation, per the factors listed under section 7(7) of the Act.
- c. The Department of Fisheries and Oceans Canada assesses project proposals that have potential to harm fish or fish habitat (although we are not certain what initiates such a review). The *Fisheries Act* requires that no work be undertaken that would "...result in the harmful alteration, disruption or destruction of fish habitat" unless it is authorized by the Minister or otherwise falls under an exception in the Act.⁹
- d. Halifax Regional Municipality considers infilled water lots to be land lots and thus subject to the jurisdiction of the HRM; prior to infilling, HRM does not have jurisdiction over water lots.¹⁰ HRM has amended its bylaws to indirectly de-incentivize infilling of water lots.¹¹
- e. Nova Scotia's Bill 106, the *Coastal Protection Act* (which received Royal Assent on April 12, 2019, but has not yet been proclaimed into force), seeks to protect Nova Scotia's coastline for future generations by preventing environmentally damaging development and activity on submerged coastal lands within Nova Scotia's jurisdiction.¹²
- f. Regulations currently being drafted under this legislation may address infill activity on Northwest Arm water lots; however, we do not know when these regulations will be made public or when the Bill will be proclaimed into force (or even whether Nova Scotia will consider itself to have jurisdiction over these water lots). Until adequate

⁵ *Canada Marine Act*, SC 1998, c 10, s 12(1), s 28, and Part 1 of Schedule to the Act.

⁶ *Constitution Act, 1867*, s 108 and Third Schedule.

⁷ *Canada Marine Act*, s 12(1) and Part 1 of Schedule to the Act

⁸ *Canadian Navigable Waters Act*, RSC 1985, c N-22, s 5(1).

⁹ *Fisheries Act*, RSC 1985, c F-14, s35.

¹⁰ HRM Staff Report, March 26, 2007 (Schedule D to this request); see also *Ghosn, supra*, at 35.

¹¹ *Ghosn, supra*, at paras 38-40.

¹² Bill 106, *An Act Respecting Coastal Protection in Nova Scotia*, 2nd sess, 63rd Gen Assembly, Nova Scotia (assented to 12 April 2019).

governance over infilling is in place, projects detrimental to the Northwest Arm may continue to be approved within the current regulatory gap. Furthermore, landowners intent on infilling may be incentivized to apply for permission from Transport Canada while this regulatory gap continues.

H. Is there considerable public interest related to development or cumulative effects in the region?

24. Yes. As noted above, the Halifax Regional Municipality has responded to public pressure concerning infilling within the Northwest Arm, to the extent that the municipality is able given jurisdictional restraints. In 2007, in response to public concern and following recommendations of a staff report on the issue, HRM amended its bylaws to disincentivize infilling to the extent that its limited jurisdiction allowed.

The March 26, 2007 HRM staff report (attached, in part, as Schedule D) describes the concerns of citizens as follows:

- Restriction of navigability and use of the Arm for sailing and other boating activities due to narrowing of the Arm;
- Loss or obstruction of public and private views from either side of the Arm;
- Scale and design of development occurring on water lots and abutting land;
- Potentially negative environmental impacts; and
- Loss of the traditional character and aesthetic qualities of the Arm.

The HRM study notes that it is the cumulative impact of infilling that is of greatest concern.

25. More broadly, the Province, also as noted above, has created the *Coastal Protection Act* in response to Nova Scotians' concerns with respect to protecting our coastline and the impacts of climate change. In our view, we believe that Nova Scotians and specifically those within the vicinity of the Northwest Arm are deeply concerned with the Arm's ecological, economic, recreational and scenic values.
26. As well, local citizens have created an online petition regarding infilling of the Northwest Arm. The petition was launched May 12, 2021 and at time of writing has 842 signatures. Comments left by those signing the petition are included as Schedule E.

I. Available resources to conduct regional or strategic assessments.

27. The applicants for this request will assist ECCC in whatever capacity they can, including supplying ECCC with information from local residents and institutional stakeholders in the Northwest Arm.

Schedule A



Schedule B

The Infilling of Halifax's Northwest Arm: The Case for a Regional Assessment

Prepared by: Attila (Ted) Potter, B.Sc., MMM

Prepared for: Juniper Law

Date: May 25, 2021

Objective:

Juniper Law requested that an expert opinion be prepared with respect to the potential environmental impacts that might result from infilling of water lots, in the Northwest Arm of Halifax, and to provide a rationale for the completion of a Regional Assessment, under the *Impact Assessment Act*.

The Author:

The author has 35 years of experience working with the Federal Government in the fields of environmental protection and sustainable development. He is a subject matter expert in the management of commercial, recreational and indigenous fisheries, and in the protection of fish and fish habitat. Over the last three decades he has extensive experience with Federal and Provincial environmental review processes.

Key Findings:

The infilling of water lots on Halifax's Northwest Arm is having negative effects on the marine environment, fish and fish habitat, and navigation of small water craft. The current review, and permitting processes are piecemeal, and there is a lack of coordination between the three levels of governments. Given the potential for multiple applications for infilling, and the requirement that cumulative environmental effects and climate change be considered in future processes, there is a strong case for the completion of a Regional Assessment. A Regional Assessment would allow for coordination among the three levels of government on review of future permit applications, and be the basis for an informed management planning process for the Northwest Arm.

Introduction:

Halifax's Northwest Arm is part of Halifax Harbour and is referred to locally as "the Arm". It measures approximately 5 km in length and 0.5 km in width. It defines the western side of the Halifax peninsula. The Arm runs from the southeast starting at Point Pleasant and Purcell's Cove at its mouth, ending at the Armdale area in the northwest.

The Mi'kmaq call the Northwest Arm, "Waygwalteech", which translates to "salt water all the way up." This denotes looking at the Arm from a marine perspective, similar to its current name.

Much of the Arm is fronted by private residences, public parks, sailing and boat clubs, many of which have an associated water lot. As the name implies, water lots were set aside for adjacent landowners, intended for moorings and wharves. In recent years, a number of these water lots have been infilled as an extension of the landowner's property. The transition from using water lots for moorings and wharves to be infilled as property has raised concern among residents and stakeholders alike, as each infill has direct, indirect and cumulative impacts on the marine environment, adjacent properties, and those who use the waters of the Arm.

When it comes to infilling on the Arm, there are roles for all three levels of government. However, the current piecemeal process has many gaps. It is not a coordinated approach, and further it fails to consider the Arm as an ecosystem, and the cumulative effects of each project. Contributing factors are; that infilling has been done before, so it is OK to do it again; the relatively smaller size of many of the infills; a narrow interpretation of navigation that is applied primarily to commercial vessel traffic; and there is no "real" requirement on proponents to consider cumulative effects. In general, proponents balk at the suggestion of considering cumulative effects. However, recent history on the Arm points to the progression of more and more infilling, impacts are increasing, and the environmental costs are being externalized, cumulative effects need to be considered and taken into account.

What is happening to the Arm, is the slow and incremental loss of fish habitat, and the constriction of the ability to navigate on the Arm. Members of the Public are expressing concern that something needs to be done. A Regional Impact Assessment would take these concerns into consideration and allow for a marine planning approach for future development on the Arm. In the case of Northwest Arm, what is happening now, is not death by a thousand cuts, but rather it is an infilling by a (hundred) thousand dump trucks. If the Arm was a lake anywhere else in Canada, there would be no debate about this infilling for the extension/creation of private property, why is it being allowed in the marine environment? It is time for the value of coastal environments to be fully considered from environmental assessment, and societal values perspectives.

Regional Assessments:

The following link is to the Impact Assessment Agency of Canada's website on Regional Assessments.

<https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/regional-assessment-impact-assessment-act.html>

An overview of what are Regional Assessments, Regional Assessments under the *Impact Assessment Act*, and the approach and types of Regional Assessments has been included as Appendix 1. It is important to note that, the Impact Assessment Agency of Canada is developing a policy to clarify the conduct of regional assessments under the *Impact Assessment Act*. In situations lacking formal policy guidance, Ministerial decisions and directions are departmental and agency policy.

The government of Canada defines a valued ecosystem component as an environmental element of an ecosystem that is identified as having scientific, social, cultural, economic, historical, archaeological or aesthetic importance. The value of an ecosystem component may be determined on the basis of cultural ideals or scientific concern. Valued ecosystem components that have the potential to interact with project components should be included in the assessment of environmental effects. As such, what is Halifax's Northwest Arm, what are its valued ecosystem components and what are its valued social components?

An overview of the Arm:

The structure of the Arm is defined by its underlying geology and glacial past¹. The slate and granite formations that occur along its length are overlaid with silt, sand, mud, cobble, broken rock and glacial erratic boulders. There are pockmarks at the mouth of the arm, generated by methane gas release, leaving unique features in the sea bottom. There are a variety of sediment types occurring in different combinations, allowing for a variety of marine habitats. A variety of habitats translates into biological diversity.

Following the retreat of the glaciers, there were two freshwater lakes located in the Arm. With post-glacial sea level rise, it is in these two areas where mud is predominately deposited. These muddy basins are separated by an area of gravel and bedrock in front of Sir Sandford Fleming Park. It is in this area, adjacent to the Park the arm narrows and the currents increase in velocity, forming a large sedimentary furrow. This is a linear depression that persists due to a lack of deposition resulting from stronger currents that have persisted in this area.

The bathymetry of the Arm² allows for navigation throughout its entirety. It has a mean depth of 6.5 m, with a channel depth of 13 m, and a maximum depth of 17 m. It has a mean width of 320 m, with a maximum width of 520 m, and a minimum width of 155 m.

- 1) For more on the geology of Halifax Harbour, visit Natural Resources Canada's website at, http://www.bedfordbasin.ca/halifaxharbour/origin_halifax_harbour-eng.php
- 2) For a further look at the Oceanography of the Northwest Arm, see Gregory, Doug, 1972. A Physical Oceanographic Study of the Northwest Arm of Halifax Harbour. Dalhousie University

The Arm has salinity, temperature and density profile gradients that would be expected for a coastal inlet, in Nova Scotia. These gradients are influenced by tides, seasonal temperatures, wind speed and direction, and freshwater inputs from rain events. Freshwater enters the arm from overland run off, storm water, and from brooks associated with the following water bodies: Chocolate Lake, Frog Pond, and Williams Lake system.

The Arm has an abundance of marine life. Eelgrass, rockweed and laminaria kelp along with other species of algae grow throughout the arm. There is a wealth of marine vertebrate and invertebrate fish species. These include: lobster, rock crab, green crab, flounder, scallops, sculpin, perch (cunner), urchins, starfish, mussels, whelk and periwinkles, along with mackerel and sand lance. The arm is a particularly good area for juvenile mackerel. At times in the summer, juvenile mackerel, locally referred to as “tinkers” are present in great numbers from one end of the arm to the other.

The Arm is a vibrant place for migratory, and resident species of birds. These include: Canada Geese, Common loons (on occasions migratory flocks), Black, Mallard, Golden Eyes, Bufflehead, Wood, and Common Merganser ducks, Dovekie, Herring and Black back gulls, Cormorants, Terns, various species of Sandpiper shore birds, Bald Eagles and Osprey.

In terms of marine mammals, Grey, and Harbour seals are the most common marine species, but Minke whales have been observed in the outer portion of the arm, and Harbour porpoise have been observed in the waters south of Point Pleasant Park. Along the shore line of the arm, Mink are observed regularly, and on occasion River otters have been observed using the shoreline banks as slides into the arm. While Sea Otters occur on Canada’s west coast, River Otter are known to use and take advantage of the rich food sources offered by coastal environments.

In short, given the number of marine fish and invertebrate, algae, and marine and coastal mammals, Halifax’s Northwest Arm has a rich and diverse flora and fauna and an especially rich one at that for an urban marine environment.

In terms of fishing, there is commercial fishing for lobster throughout the entire arm. Local fishermen report a high number of egg-bearing females in the arm, especially as the water warms in the Spring. Also, Aboriginal Food, Social and Ceremonial Fishing is permitted in the arm, and long-term residents and newly arrived immigrants alike recreationally fish for mackerel when they are present.

Two of Halifax’s five main sailing clubs are located on the Arm, these are the Armdale Yacht Club, and the Royal Nova Scotia Yacht Squadron. In addition to these yacht clubs, there is also the Waegwoltic Club, which offers sailing lessons for young, aspiring sailors. Also, Halifax Regional Municipality operates the St. Mary’s Boat Club which provides paddling and sailing training to thousands of youth each summer. They also offer canoe, kayak, and paddle board rentals. Users of these rentals have to abide by the safety regulation as set out by Transport Canada and the club.

In addition to these clubs, there are numerous wharves and moorings located throughout the arm. You can also launch a boat at the end of Jubilee Road, or at Sir Sandford Fleming Park. On any given day during the Summer the following types of vessels would be using the waters of the arm: canoes, kayaks, sailing dinghies, sail boats, paddle boards, row boats, power boats and yachts, commercial fishing boats, and commercial tourist vessels from downtown Halifax. The evening dinner cruise is a sought-after ticket for visitors to the city. The Northwest Arm has a no wake buoy, with a speed limit of 6 knots (11 km/hr), to reduce the impact on paddlers, boats alongside of wharves, moored vessels, and shorelines. This is a safety measure that protects the arm and those that use it.

The Northwest Arm has a number of municipal parks on its shores. Best known are the Point Pleasant Park at the mouth of the arm, and the Sir Sandford Fleming Park located approximately halfway up the Arm. The public beach at Fleming Park has been deemed safe for swimming since the Harbour Solutions Project began in 2008. There is also Horseshoe Island Park, and the newly created Shaw Wilderness Park. Each of these parks plays a role in attracting residents and visitors to the area and contributes greatly to the quality of life in Halifax.

Of historic significance, the Dingle Memorial Tower is located in Fleming Park. It was built in 1908 to commemorate the 150th anniversary of the establishment of responsible government in Nova Scotia, the first colony in the British Empire to do so. This was the precursor to responsible government elsewhere and can be viewed as contributing to the model that allowed for the creation of Canada.

Also of note, Deadman's Island located next to Armdale yacht Club, is a civic historic park and it contains the graves of prisoners of war from the Napoleonic Wars, and the War of 1812. Given that this is an American POW burial ground, there is an annual Memorial Day service held on Deadman's Island by the US military and government representatives.

The preceding paragraphs are a short vignette of the valuable environmental and social components of the Northwest Arm. Next, what are the environmental impacts of infilling, and how they need to be considered in association with climate change.

Considerations for a Regional Assessment:

The Government of Canada acknowledges that climate change is real and it champions efforts to combat climate change. It notes that climate is the greatest long-term threat that we face. What does climate change mean to Halifax and the Northwest Arm? It is understood that there will be changes in sea water temperature, increased storm frequency and severity, rising sea levels, increased erosion to name some of the key components. Less often considered, but also of importance, are the potential adverse

changes to water quality. How will climate change be considered for reviews of infilling applications?

There is an urgent need to make Canada's ambitious climate change plans local in their application, to take coastal planning and development into consideration. There is strong support for protecting coastal property from erosion, but what about the effects of infilling and the creation of personal property?

It is well known that infills affect tides and currents in the local area. Infills also affect deposition and erosion on adjacent and nearby areas. There are a number of challenges here, what if the adjacent property becomes a depositional area? Over time it may require dredging, who would cover that cost? What if the adjacent property experiences increased erosion? Who will cover shoreline stabilization cost? Will this be attributed to climate change, or is there an externalized impact from the infilling that contributes to and possibly accelerates these impacts? How does narrowing of the arm, the hardening of the shoreline respond to climate change and associated sea level rise?

A decade ago, the three levels of government funded the \$ 333 M Harbour Solutions Project to address sewage going into Halifax harbour. Since then, water quality has improved to the point where it is safe to swim at Black Rock and Dingle beaches. The water in the Arm, went from brown to clear.

However, this project dealt with sewage inputs, it did nothing to address the heavy metals and other toxins that had entered the harbour and the arm during the preceding two centuries. In particular, lead based anti-fouling paint had been used on boats for decades. This often involved scrapping down and repainting vessels. This toxic paint found its way into the Arm and can now be found in soft sediments in depositional areas. Infilling has the potential to disturb these toxins and have them redistributed. What is the extent, and what are the risks associated with heavy metals being re-animated due to infilling?

There is also another potential threat to the water quality of the Arm. A narrower, more constricted waterbody, potentially 30 % smaller by area due to infills, has less water volume to deal with land-based, non-point source, sources of pollution that would be carried into the Arm through rain water. There is a saying, "The answer to pollution, is dilution". What are the effects of more concentration of run off in the Arm? In addition to this, there are an increased number of blue-green algae blooms being reported in our lakes. Some are attributing these blooms to impacts of climate change. How will climate change affect the water quality of the Arm?

In terms of navigation, how do you safely navigate a sail boat to a wharf next to an infill? Where previous to the infill, and depending on the winds, the approach would take you through the adjacent water lot? What happens to paddlers and other vessels as the Arm is narrowed by incremental narrowing through infills? Will owners of infills be allowed to construct wharves and place moorings in the waters beyond their property? It is already a busy space, what happens when you make it smaller?

Infills lead to the harmful alteration, disruption and destruction of fish habitat. Lobster bottom that is filled in, is lost. This is particularly true for juvenile lobster which would use the entire water portion of any infill as habitat. Similarly, adult lobster habitat would be impacted, and commercial fishermen would be displaced. To allow for offsetting from fish habitat loss, the Department of Fisheries and Oceans often requires a 3 to 1 to replace each square meter of lost habitat. It is preferred that this type of habitat be similar to the one that is lost. The question is, how do you successfully replace lobster habitat?

There is strong consensus in the scientific community that sea levels are rising. In 2016, Florian Goetz completed a thesis titled, "Visualizing Future Extreme Water Levels in Halifax's Northwest Arm in 2100³". He noted that Halifax is expected to have a larger change in sea level than the global average. Water levels can also get much higher in the event of a storm and from local geographic conditions. By 2100, extreme water level conditions could increase Halifax's water levels to higher than three metres. This is understandable given sea level rise, storm surge, and hitting the peak of a tidal cycle. Extreme water levels would be a key component for a Regional Assessment and any marine use planning.

The link that follows is to:

A story map: Viewing Halifax's Northwest Arm With Extreme Water Levels

<https://www.arcgis.com/apps/MapJournal/index.html?appid=5643815144b14c60b12a39f6baff8913>

When it comes to sea level rise and extreme water levels, the pictures speak for themselves.

Conclusion:

Nova Scotia is known as "Canada's Ocean Playground", the Northwest Arm is Halifax's Ocean playground. A real marine gem in the heart of the city, a gem that needs to be protected and cared for, and one that could be irreparably damaged or lost without thoughtful stewardship and good governance. Canadians expect all levels of government to collaborate to protect our environment. The Northwest Arm is a good place to demonstrate this commitment. A Regional Assessment is required to allow for the consideration of the cumulative negative environmental effects stemming from potentially multiple infills applications.

3) Goetz, Florian, 2016. Visualizing Future Extreme Water Levels in Halifax's Northwest Arm in 2100. Thesis for Dalhousie University's School of Planning

More about the author:

Attila J. (Ted) Potter is a retired Federal Public Servant. He holds a B.Sc. (Marine Biology) from Memorial University of Newfoundland, and a Master's of Marine Management from Dalhousie University.

He is a subject matter expert in the management of commercial, recreational and indigenous fisheries, and in the protection of fish and fish habitat. For over a decade and a half, he held multiple Regional Manager positions with the Department of Fisheries and Oceans, based out of the Bedford Institute of Oceanography, in Halifax. These positions include being the Regional Manager for: (Fish) Habitat Management, Environmental Assessment and Major Projects, Aboriginal Fisheries, and (Fisheries) Resource Management.

While working for Parks Canada, he conducted his first Environmental Assessment in 1989 under the Environmental Assessment and Review Process (EARP). He has participated in and led environmental review teams for DFO on projects such as: the Sydney Tar Ponds Remediation Project, Georges Bank Moratorium Review, Deep Panuke Natural Gas Project, numerous linear highway and pipeline projects, and the environmental assessments for the establishment of multiple commercial fishing harbours.

Appendix 1

Regional Assessment under the *Impact Assessment Act*

What are Regional Assessments?

Regional assessments are studies conducted in areas of existing projects or anticipated development to inform planning and management of cumulative effects and inform project impact assessments.

Regional assessments allow the Government of Canada to go beyond project-focused impact assessments to understand the regional context and provide more comprehensive analyses to help inform future impact assessment decisions.

A regional assessment can be used to inform and identify:

- A baseline against which to assess the incremental impact of a discrete project
- Thresholds to support future project decisions
- Standard mitigation measures for future projects
- Potential impacts on rights and interests of Indigenous peoples
- Guidance for land- or marine-use planning and other initiatives for managing cumulative effects that may be undertaken by various jurisdictions

Regional assessments are one component of a broader Government of Canada effort to address the issue of cumulative effects nationally. In addition to regional assessments under the *Impact Assessment Act* (IAA), a number of regional initiatives are being carried out by Government of Canada departments and agencies outside of this legislation. For example, Fisheries and Oceans Canada is initiating Marine Spatial Planning and Transport Canada is leading an initiative to understand the cumulative effects of marine shipping. These efforts can also inform project-level impact assessments.

Regional Assessment under the *Impact Assessment Act*

The IAA includes the following provisions for regional assessment:

- The Minister of Environment and Climate Change (the Minister) is able to appoint a Committee or ask the Impact Assessment Agency of Canada (the Agency) to conduct a regional assessment.
- If a regional assessment is not entirely on federal lands, the Minister may enter into agreements with other jurisdictions respecting the conduct of the regional assessment (Committee-led assessment) or the Agency must offer to consult other jurisdictions (Agency-led assessment).
- The Minister must establish the terms of reference for regional assessments and appoint Committee members for assessment led by a committee.

- The Committee or the Agency must take into account any scientific information and Indigenous knowledge — including the knowledge of Indigenous women — provided with respect to the assessment.
- Federal authorities, such as Environment and Climate Change Canada or Transport Canada, must provide specialist or expert information or knowledge to the Committee or the Agency if that information or knowledge is relevant to the conduct of the regional assessment.
- The Committee or the Agency must ensure information used in the assessment is made available to the public.
- The Committee or the Agency must ensure that the public is provided with a meaningful opportunity to participate in the regional assessment.
- The Committee or the Agency must provide the Minister with a report that meets the established terms of reference and describes how Indigenous knowledge provided was taken into account, including the knowledge of Indigenous women.

The IAA also requires that the results of regional assessments be considered at the following points in future project impact assessments:

- If the Minister is considering designating a physical activity under s.9(1) of the IAA
- When the Agency decides if an impact assessment is required for a designated project
- As a factor to be considered in impact assessments

The Agency must also consider any relevant regional study or plan that is provided by a jurisdiction.

Regional Assessment Approach

The Agency is developing a policy to clarify the conduct of regional assessments under the IAA. A key driver for regional assessments under the IAA is to inform future project impact assessments. Using regional assessment to address issues that are best considered at a regional level will improve both the effectiveness and efficiency of the impact assessment process.

Regional assessments would be undertaken cooperatively with provincial, territorial and Indigenous jurisdictions that have responsibilities within the region. The Government of Canada would work with jurisdictions to identify opportunities to partner on regional assessments that would be mutually beneficial.

Indigenous peoples and the public would be engaged throughout the regional assessment process to ensure meaningful participation and the integration of scientific information and Indigenous knowledge during the conduct of regional assessments. This would include engagement in the planning, undertaking and final reporting for the regional assessment.

Types of Regional Assessment

Regional assessments should be flexible. They can be designed to allow a better understanding of and response to regional issues. As a result, the goals and activities of regional assessments may be different. A range of approaches could be used in regional assessments, including filling data gaps and analyzing trends, establishing thresholds and standard mitigation, or supporting the identification of regional development objectives and scenarios.



Figure 1 - Illustration of the range of types of regional assessments. Other activities and outcomes than the ones outlined here are possible.

This diagram describes a continuum of activities that could be undertaken in a regional assessment, showing that cost and complexity increases as you move from: data gathering/trend analysis to settings thresholds and standard mitigation to regional development planning.

Data Gathering / Trend Analysis

- Better understanding of environmental, social and cultural context
- Early identification of region-specific issues

Setting Thresholds and Standard Mitigation

- Establish standard mitigation and/or effects thresholds to guide future planning and project development

Regional Development Planning

- Assessment of future (alternative) development scenarios
- Support identifying regional development objectives

A regional assessment could include multiple activities and/or project-types within a region, or it could focus on a specific sector or activity within a region. For example, the ongoing regional assessment in the offshore of Newfoundland and Labrador is focused on the existing and anticipated effects of offshore oil and gas exploratory drilling.

All types of regional assessment can improve impact assessment processes and decisions and support a better understanding of effects and how best to manage them.

Schedule C



1066P3

Schedule D



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

11.2.1(ii)

Halifax Regional Council
April 10, 2007

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: <Original signed by> _____
Councillor Sheila Fougere, Chair, Peninsula Community Council

DATE: April 3, 2007

SUBJECT: Case 00596: Amendments to Halifax MPS and LUBs - Water Lot
Infilling, Subdivision, and Development on Northwest Arm, Halifax

ORIGIN

Peninsula Community Council meeting of April 2, 2007.

RECOMMENDATION

It is recommended by Peninsula Community Council that Halifax Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law, as provided in Attachments "A" and "C" of the staff report dated March 26, 2007 (attached), and schedule a Public Hearing.

BACKGROUND

See attached staff report dated March 26, 2007.

DISCUSSION

See attached staff report dated March 26, 2007.

BUDGET IMPLICATIONS

There are no budget implications associated with this report.

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 associated with this report. Refer to March 26, 2007 staff report for alternatives.

ATTACHMENTS

March 26, 2007 staff report with attached maps, MPS amendments, LUB amendments, and PIM minutes.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208. <Original signed by>

Report Prepared by: Jennifer Weagle, Legislative Assistant, 490-6521



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Chebucto Community Council - April 2, 2007
Peninsula Community Council - April 2, 2007

TO: Chair and Members of Chebucto Community Council and Peninsula Community Council

<Original signed by>

SUBMITTED BY:

Paul Dunphy, Director of Community Development

DATE:

March 26, 2007

SUBJECT:

Case 00596: Amendments to Halifax MPS and LUBs - Water Lot Infilling, Subdivision, and Development on Northwest Arm, Halifax

ORIGIN

- Citizen concerns expressed about water lot infilling, subdivision and development activities along the Northwest Arm;
- May 3, 2004, request from Chebucto Community Council that the Halifax Harbour Plan include an assessment of infilling activities on the Northwest Arm; and,
- Staff report dated July 28, 2005 and August 9, 2005 agreement by Regional Council to initiate the MPS amendment process.

RECOMMENDATIONS

It is recommended that Chebucto Community Council recommend Regional Council:

1. Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law as provided in Attachments "A" and "B" of this report, and schedule a Public Hearing.
2. Approve the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law as provided in Attachments "A" and "B" of this report.

It is recommended that Peninsula Community Council recommend Regional Council:

1. Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law as provided in Attachments "A" and "C" of this report, and schedule a Public Hearing.
2. Approve the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law as provided in Attachments "A" and "C" of this report.

BACKGROUND

Issues related to water lot infilling, subdivision and development along the Northwest Arm (see Map 1) have been the subject of past media and community attention. Citizens and members of Community Council have called upon the Municipality to develop an appropriate response to identified issues. In general, concerns have been expressed about such matters as:

- Restricting the navigability and use of the Arm for sailing and other boating activities by narrowing its width;
- Loss or obstruction of public and private views from either side of the Arm;
- Scale and design of development occurring on water lots and abutting land;
- Potentially negative environmental impacts; and
- Loss of the traditional character and aesthetic qualities of the Arm.

Some of the above issues, such as restricting navigability and potential environmental impacts, are directly associated with the activity of infilling itself over which the Municipality has no control.¹ However, the Municipality does control the eventual use and development of land once infilling has taken place and it is at this stage where municipal zoning, subdivision and other regulations can be applied in a manner which can address key issues.

Initiation: On August 9, 2005, Regional Council requested staff to initiate the process to consider amending the Halifax Municipal Planning Strategy (MPS) and Halifax Peninsula and Mainland Land Use By-laws (LUB) to establish policies and regulations aimed at controlling development and subdivision on water lots and abutting land lots located along either side of the Northwest Arm.

Process: MPS amendments, along with the LUB amendments necessary to implement the MPS amendments are under the jurisdiction of Regional Council. The Halifax Mainland and Peninsula LUBs are within the authority of Chebucto CC and Peninsula CC, respectively. Therefore, the recommendations of staff have to be forwarded to Regional Council by these two Community Councils. The MPS amendment process requires a public hearing which must be held by Regional Council.

DISCUSSION

The Northwest Arm is a narrow recreational inlet characterized by major urban parks (Sir Sandford Fleming, Point Pleasant, Deadman's Island and Horseshoe Island Parks), historical assets and predominantly residential uses. The Northwest Arm is also home to a number of boat/sailing clubs which generate significant boating traffic in the Arm. Consequently, the infilling of water lots along either side of the Arm tends to have a major impact on community character and recreational activities.

¹Infilling is a jurisdiction of the Federal Government and not the Municipality.

As illustrated on Map 2, the Northwest Arm contains many water lots, some of which are privately owned and some of which are owned/managed by the Halifax Port Authority. The concern is related not so much to a small number of minor infill activities, but rather to the potential cumulative effect of major infill activities and the resultant implications on the Arm's aesthetic character and navigability.

From a municipal perspective, the infilling of water lots is a difficult issue to address since municipal powers to control both infilling and land use under the Municipal Government Act do not explicitly extend to land submerged under water. Only when a water lot has been filled in beyond the water column does it necessarily become land and thus falls under municipal jurisdiction. Therefore, the amendments proposed through this report are limited in scope to development and subdivision controls once a water lot has been infilled.

Property owners who propose to infill water lots within Halifax Harbour are required to obtain approvals from a number of government agencies. Key approval agencies at the Federal level include Department of Fisheries & Oceans, Transport Canada (Navigable Waters) and the Halifax Port Authority. At the Provincial level, the Department of Natural Resources and the Department of Environment & Labour are involved. Lastly, once the infill approvals are secured from the senior levels of government, HRM's by-laws regulate the use and development of the newly created land.

Council is made aware that through the Harbour Planning project, staff have struck a working committee of the above mentioned government agencies. The mandate of the group is to develop improved communication and clearance procedures regarding water lot infill, review of respective legislative authorities and procedures, and to collaborate in developing measures by which water lot infilling can be better managed or restricted. These efforts are ongoing.

Under existing HRM by-laws, once a water lot is infilled, the newly created land parcel assumes the zoning of the abutting land parcel and becomes subject to the applicable provisions of the Subdivision By-law and the Land Use By-law. Provided all regulations are met, including requirements for minimum lot frontage and area, the "water lot" becomes a fully developable piece of property. The proposed new MPS policy and LUB regulations, if approved, will place new restrictions on current property rights.

In its review of concerns brought forward by citizens and members of Council, staff identified four issues relating to subdivision and development along the Northwest Arm that can and should be addressed by Council in order to protect the aesthetic character and traditional built form of the Arm. These issues are:

- The lack of restrictions against the use of infilled water lots in lot area calculations;
- The absence of land use regulations preventing the erection of buildings on wharves, piles or similar type structures;
- The lack of an adequate setback from the Arm; and,
- The absence of proper controls over the use of water lots once they become land.

Proposed Amendments

The proposed MPS and LUB amendments, if adopted in their entirety, will entail:

1. The creation of a new designation and zone (Water Access) that will limit the use of land created by infilling of the Northwest Arm to wharves, docks, historic sites and monuments, passive recreation uses, public works and utilities, and ferry terminal facilities.
2. The establishment of a 9-metre (30-foot) setback from the Northwest Arm in which only boathouses, public works and utilities, ferry terminal facilities, parks on public lands, historic sites and monuments, wharves, docks, gazebos and existing structures will be permitted. The four existing boat/sailing clubs will be exempt from the setback regulation.
3. Control over the size, height and number of boathouses that can be erected within the 9-metre (30-foot) setback from the Arm.
4. A restriction in using water lots for lot area and setback calculations.
5. A restriction against the erection of buildings on wharves, pillars, piles, or any other type of structural support located on or over a water lot. Public works, public utilities and ferry terminal facilities will be exempt from this restriction.

While the proposed amendments are geared towards protecting the character of the Northwest Arm in terms of setback, subdivision control, and the types of uses and structures permitted on an infilled water lot, it is anticipated that the resulting regulations will nonetheless act as a strong disincentive to infilling itself by preventing additional development and subdivision opportunities which would not exist had a water lot not been infilled. A detailed description of the proposed amendments is provided in Attachments "A" to "C" of this report.

Public Information Meeting / Area of Notification

In accordance with Regional Council's Public Participation Program for MPS amendments, staff held two public information meetings on this application (November 3 and 9, 2005). Minutes of these meetings are provided as Attachments "D" and "E" of this report. Community attendees were in favour of enhanced regulations over the development and subdivision of water lots and abutting land along either side of the Northwest Arm. Should Regional Council decide to hold a public hearing, in addition to published newspaper advertisements, property owners in the area shown on Map 3 will be sent written notification.

Conclusion

Staff is of the opinion that the proposed amendments represent an appropriate response to the issues identified by the community, and given the legislative authority, HRM can exercise in the matter of water lot infill. As such, staff recommend that Regional Council adopt the attached amendments to the Halifax MPS and Halifax Peninsula and Mainland LUBs.

BUDGET IMPLICATIONS

There are no budgetary implications.

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

The following alternatives are identified in conjunction with this report for consideration by Regional Council:

1. Regional Council may choose to approve the amendments provided in Attachments "A", "B" and "C" of this report. Staff recommends this alternative for the reasons outlined above.
2. Regional Council may choose not to approve the amendments provided in Attachments "A", "B" and "C" of this report. This is not recommended for reasons discussed above.
3. Regional Council may choose to either adopt certain amendments but not others outlined in this report or alternatively request that additional amendments not identified in this report be made in which case an additional staff report(s) may be required.

ATTACHMENTS

Map 1	Area of Interest
Map 2	Water Lots to be Zoned
Map 3	Notification Area
Attachment "A"	Amendments to Halifax MPS
Attachment "B"	Amendments to Halifax Mainland LUB
Attachment "C"	Amendments to Halifax Peninsula LUB
Attachment "D"	Minutes from November 3, 2005, Public Information Meeting
Attachment "E"	Minutes from November 9, 2005, Public Information Meeting

A copy of this report can be obtained online at <http://www.halifax.ca/commcounc/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: Luc Ouellet, Planner I, 490-368

<Original signed by>

Report Approved by: _____
Kelly Denty, Acting Manager of Planning Services, 490-6011



Map 1: Area of Interest

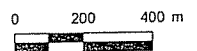
Northwest Arm
Halifax

 Area to be designated "Water Access"

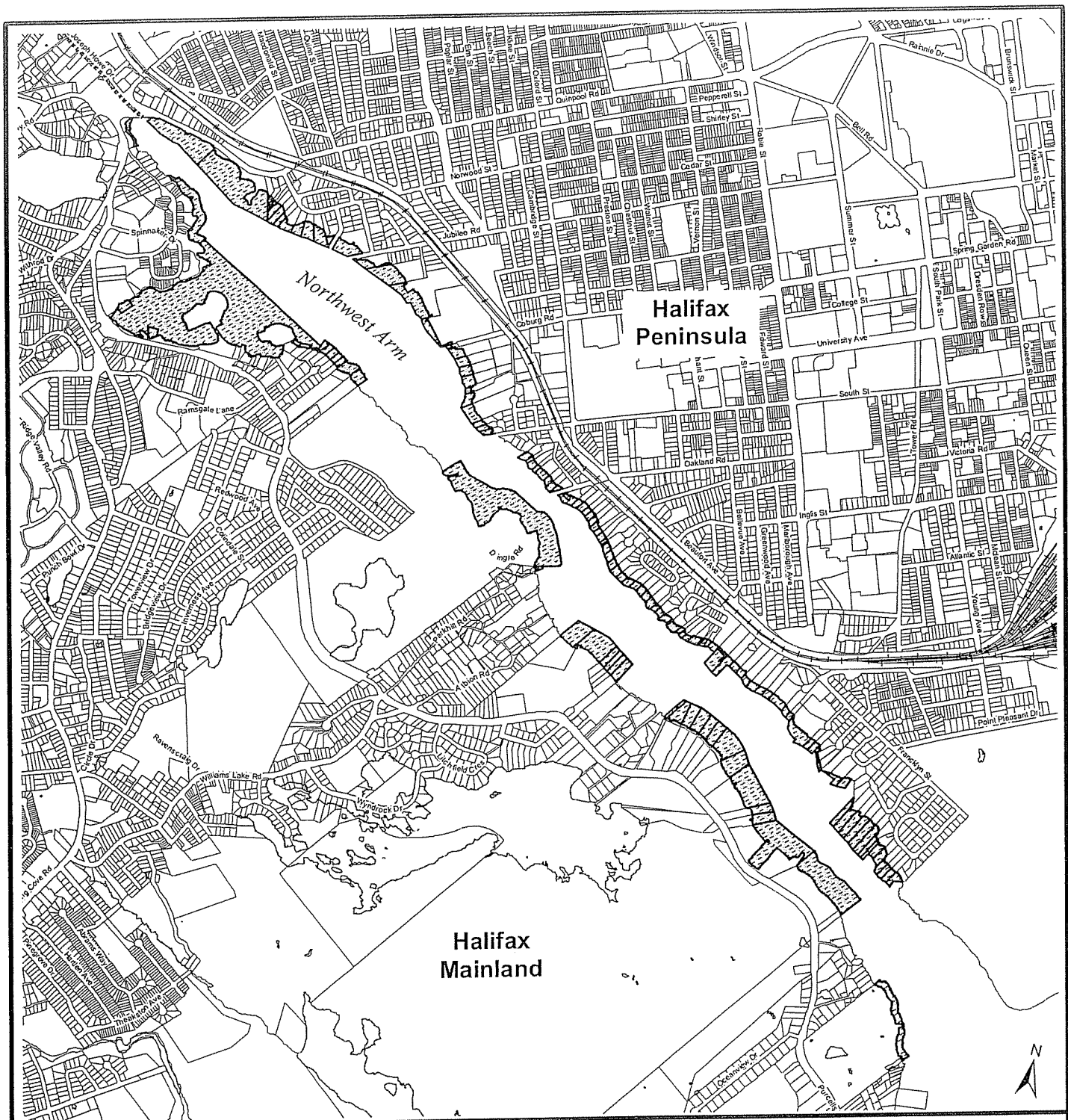
Halifax Plan Area

HALIFAX
REGIONAL MUNICIPALITY

COMMUNITY DEVELOPMENT
PLANNING SERVICES




HRM does not guarantee the accuracy
of any representation on this plan.



Map 2: Water Lots to be Zoned

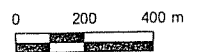
Northwest Arm
Halifax

 Water lots to be zoned "WA - Water Access"

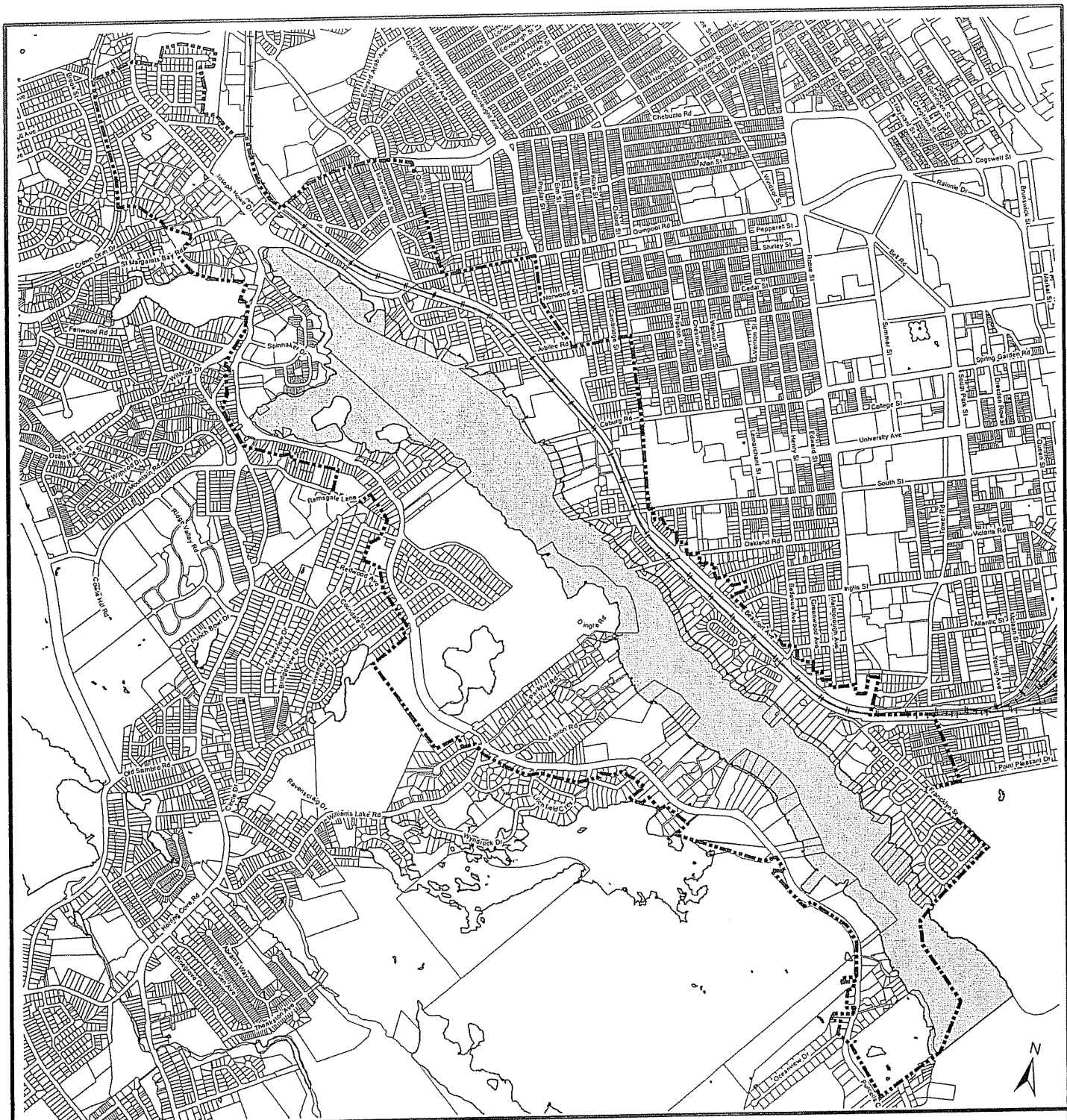
Halifax Plan Area
Halifax Peninsula Land Use By-Law Area
Halifax Mainland Land Use By-Law Area

HALIFAX
REGIONAL MUNICIPALITY

COMMUNITY DEVELOPMENT
PLANNING SERVICES




HRM does not guarantee the accuracy
of any representation on this plan.



Map 3: Notification Area

Northwest Arm
Halifax

 Area of Notification

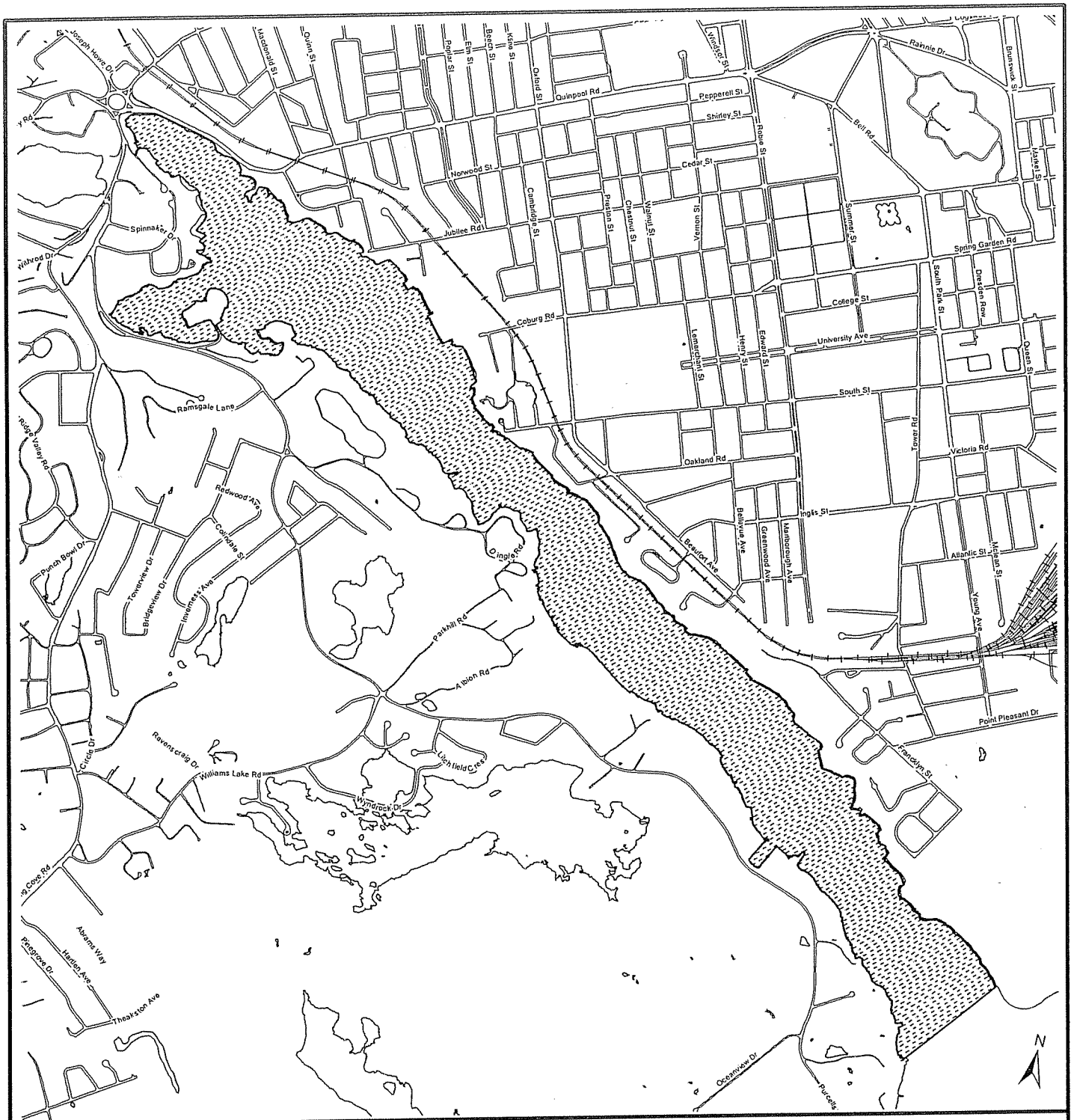
Halifax Plan Area

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

0 200 400 m



HRM does not guarantee the accuracy of any representation on this plan.



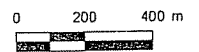
Appendix A: Generalized Future Land Use

Northwest Arm
Halifax

 Area to be designated "Water Access"

HALIFAX
REGIONAL MUNICIPALITY

COMMUNITY DEVELOPMENT
PLANNING SERVICES



HRM does not guarantee the accuracy
of any representation on this plan.

Schedule E

Comments submitted by signatories to the Northwest Arm infilling petition:

- I've NEVER understood why on earth this would be allowed?! Please stop it!
- Please do not continue to allow our waters to be filled in!! Why is this still allowed?!!
- All levels of government MUST act NOW to protect this beautiful natural environment. The damage done by infilling cannot be undone. Do the right thing for the environment and protect this space for future generations to enjoy and for all the wildlife who depend on this critical waterway.
- Please step up to save this precious and well used asset to our community.
- As a member of Halifax Rowing Club, I know that the width of the Arm on a sunny evening or weekend afternoon is already precariously narrow at times. Overbuilt Macmansions do not need more of our Arm.
- Please stop. It's so narrow there as is. Will impede boat traffic and the pleasures of 100s of haligonians.
- We need to keep the arm open for the seals, other vertebrates and non vertebrates, to help preserve our environment. Not to help the wealthy expand their lots! The arm is a treasure for so many. Kids learn to boat and sail. Please consider all of this! Especially the environmental impact!
- This waterway has recreation value, historical value, environmental value and is a gem of Halifax. To allow rich people to take this away from the people of Halifax would be shameful and an utter distance. Do the right thing and say no to disturbing the North West Arm. Just imagine what Sir Winston Churchill would think, vhe donated the land to the dingle tower for the people. Not the 1%
- The NW Arm is an incredible resource for all citizens, not just wealthy people who can afford waterfront property.
- After moving back home to Halifax in 2014 after 25 years in Ontario, I've been shocked by both the exceptions made for construction in the city and the infilling of the NWArm. It's only a matter of time before we will have the same issues as larger cities like Toronto. Hong Kong Harbour also comes to mind with the infilling.
- "This is an historic landmark. Queen Victoria would turn in her grave and would probably have rescinded her 19th century gift to the people of Nova Scotia of the Point Pleasant Park and the associated look-off points to view the harbor channel and the Northwest Arm if she realized certain developers and property owners and most likely influential municipal / provincial politicians to turn their heads and eyes away from the people whom they are entrusted to serve by despicably ignoring the very historic attachment of the late venerable Queen Victoria's 19th century patron gift to all the people and citizens of Nova Scotia the lands known as Point Pleasant Park and the Northwest Channel inland waterway and it's 'pleasant point' view from the look-off of the then crown lands in perpetuity associated with the aforesaid Point Pleasant Park.
- The Provincial Government and the federal parks land authority has an ethical and lawful duty to safeguard in trust to the will of the late Queen Victoria for the enjoyment in perpetuity for all the citizens and visitors to the great Province of Nova Scotia this landmark that comprises the the Point Pleasant Park, the channel waterway arm known as the Northwest Arm and all adjacent parcels that historically belongs to all the people for their enjoyment as public park ground.

- The Province and federal park management service has a fiduciary duty to the people of Nova Scotia and Canada combined to prevent the rape and deterioration of these beautiful landmarks by private interest groups and political despots seemingly in the back pockets of wealthy influential coastal property owners!! SHAME, SHAME on all those who have manipulated the trust willed by the late Queen Victoria.”
- This water way is not the domain of wealthy land owners who are privileged enough to own property up to (and not beyond) the water line.
- This process must be transparent and open to citizen engagement, and ultimately, broad citizen approval.
- It is backwards to commit known damage to wetlands to allow infill in the northwest arm. We must not allow Pyritic fill to further acidify our waters.
- Infilling would greatly impact my quality of life as I use it extensively for recreational purposes.
- Do the Right Thing Please!
- The NW Arm is a public resource and is not for private owners to encroach upon.
- The creation of private property out of a public resource is a threat to all Nova Scotians.
- It is an outrageous intrusion to take up water space that in years gone by was reserved so that boats, not monster houses, could be moored in the Arm.
- The interests of a privileged few should not destroy this body of water
- Please find a way for the 3 levels of government to collaborate in halting more infill development along the Northwest Arm. Please Keep it for everyone to enjoy,
- I am one of the people owning a water lot on the Arm. Please disallow infilling in this beautiful and historic Halifax waterway.
- Enough destruction of our coast line and fragile waterways. If the global pandemic has taught us anything it is that we need our outdoor spaces and the attachment we have to nature as human beings. Only our government can protect from the very few who see themselves as more important than the many.
- Landowners on the arm should think about the greater community and not be selfish and greedy. Keep to the land you already have!”
- “I can't stress how important it is to the tourism and visitor experience to Halifax to protect the Northwest Arm from being filled in. It is there for the benefit of all - not just a select few who wish to take more of it for themselves. Sir Sanford Flemming would be mortified if he knew that this was even being contemplated. Thank you for your efforts to protect this natural beauty and do the right thing for the greater good!”
- “This is absolutely irresponsible with increasing sea-level rise due to the climate crisis. This will also lead to increased flooding as more water is squeezed into a restricted area as shorelines move inward.
- Not to mention the destruction of the environment and aquatic habitat along these coasts.”
- “Stop creating land by infilling water lots. Changing natural water currents in one area can create erosion issues in another area. Mother Nature knows best, so leave her alone to do her work to benefit us all.”
- “U would sure hope that public water use/enjoyment and the environment is considered and heavily weighted. This resource to priceless to all Haligonians. MY fear is that

'death by 1000 cuts' (one permit at a time) means no one realises what is happening. Then poof it's gone."

- "We need a Blue commons!"
- 'Continuing to infill around the perimeter of the northwest arm is fundamentally going to change the ecological and hydrological condition and function of the Arm. Ignoring the direct habitat loss, which on its own should be reason enough to halt this ill-conceived development, the impacts to water quality, water levels and the increased risk to public safety should give us pause. Continuing to infill will result in increased flood risk, escalating property & infrastructure damage due to storms and high water levels, and is the exact opposite of how we should be managing our shorelines as we adapt to climate change and rising waters.'