

Issues of Critical Importance in the HRM Draft Regional Plan



Submitted by the Backlands Coalition

October 2023



Prepared by The Backlands Coalition

Our website is backlandscoalition.ca

Our email is backlands.coalition@gmail.com



[BacklandsCoalition](#)



[@backlandscoalition](#)



[@HfxBacklands](#)

Halifax/Kjipuktuk and the Backlands are located on Mi'kmaw territory, the ancestral and unceded territory of the Mi'kmaq people. The people of the Mi'kmaw Nation have lived on this territory for millennia, and we acknowledge them as the past, present and future caretakers of this land. We also acknowledge the Peace & Friendship Treaties signed in this Territory and recognize that we are all Treaty People.

Cover image by Jennifer Escott

Table of Contents

Introduction	4
Issues of critical importance in the draft HRM Regional Plan	6
A) Incorporate the Halifax Green Network Plan and HalifACT into all aspects of the Regional Plan	6
B) Protection for ALL wetlands: big and small	6
C) Taking a watershed approach by both Halifax Water and HRM	7
D) An environmental approach to setbacks on Purcells Cove Road	7
E) Nature Parks as Community Infrastructure	8
F) Protection for Endangered, Threatened and Vulnerable Species	9
G) Protection for wildlife corridors	9
H) Fire management and conservation strategy	9
I) Recognize the urgent need for accurate environmental mapping	10
J) Plain language for a clear expression of a requirement	10
APPENDIX A	11
Developed Areas in the Backlands	11
APPENDIX B	12
Wetlands	12
Wet Areas Mapping Predicted Flow	13
APPENDIX C	14
Fire in the Backlands	14
A Closer Look - Environmental Sensitivities	15
250 metre Examples along Purcells Cove Road	16
APPENDIX D	17
Endangered, Threatened, Vulnerable Species in the Backlands	17
APPENDIX E	18
Wildlife Corridors	18

Introduction

The process of reviewing the draft Halifax Regional Plan this year has been a learning experience for many in the Backlands Coalition. The active participation of the community and the hard work of HRM Planning staff has resulted in a draft Plan that meets our expectations in many areas. We support several of the major changes proposed. The ecological language is heartening and reflects a respect for the lands. As well, we agree that it is most appropriate for the Regional Plan to address the development of complete, connected communities with a commitment to Diversity, Equity and Inclusion (DEI) in municipal planning policies and programs.

We appreciate the recognition in the draft that our city takes the official Statements of Reconciliation to “*act as a commitment to learning from the lessons of the Truth and Reconciliation Commission, and to taking action to ensure the needs and aspirations of Indigenous peoples are fully recognized.*”¹ As thousands of new residents move to the municipality, the Mi’kmaq concept of Netukulimk provides a guide for sustainability that allows future generations to always be able to connect with the source of life: the forest, the water, and the natural world.²

The Backlands Coalition (BC) is a coalition of 11 non-governmental groups. Our mission is to ensure no loss of wildlife habitat in the Backlands and to preserve them for natural, historical, cultural, conservation, educational, recreational and common use. Because we are a coalition, our influences come from many parts of HRM. Our member organizations share a keen interest in preserving the Backlands as an important part of HRM’s urban wild lands. Members agree to the goals and values of the Coalition.³

Detailed information and important resources on the Backlands, including its location, ecology, cultural landscapes, recreational use and vulnerabilities to further development are available on our website⁴ and in the BC document *Backlands Wilderness Balance Sheet*, provided to HRM planners at a meeting on January 24, 2023.

As a part of the BC preparation for providing feedback to you on the draft Plan, we distributed relevant information on our social media feeds and to our Coalition members who, in turn distributed the information to their members. We encouraged each member to consider the draft and submit their feedback on your Shape the City page and at one of the Pop Up or workshop sessions you scheduled for Community Consultation. We thank you for providing a variety of ways for people to have their say in Regional Plan development. As well, our members and friends attended a working session with us at the Purcells Cove Social Club

1 Draft Regional Planning Strategy - P10

2 Netukulimk (In progress document, October 2020), Nova Scotia Curriculum https://curriculum.novascotia.ca/sites/default/files/documents/resource-files/Netukulimk_ENG.pdf

3 The Backlands http://backlandscoalition.ca/?page_id=21

4 Backlands Coalition history http://backlandscoalition.ca/?page_id=416

where they reviewed documents and maps and spoke to each other about their hopes and concerns for the Regional Plan. The session helped our members to make their submissions to you.

In this report, the Backlands Coalition highlights issues of special importance to HRM, the nearby communities of Spryfield, Williams Lake, Purcells Cove, Fergusons Cove and parts of Herring Cove that surround the Backlands. The overriding theme is the maintenance and viability of the Backlands as essential natural infrastructure, habitat for a diversity of wildlife and recreation space for Haligonians.

We are experiencing a dual crisis in our city: extreme climate and a severe shortage of shelter for our people. We believe the Regional Plan presents an opportunity to protect a significant asset that will tremendously benefit the municipality. Preserving the Backlands as an expanse of green space so close to our growing metropolitan centre should be a priority and not a lost opportunity.

Environmentally, the Backlands support our climate improvement and ameliorate some of the consequences of the climate crisis. The Backlands has already seen significant development. Please see **Appendix A** for detail of existing residential areas within the Backlands. As well, many parts of the Backlands are unserviced and unsuitable for development of any kind. Further residential development in the Backlands would harm the environment and offer no contribution to solving the current housing crisis.

We value the opportunity to discuss these issues with you directly on November 2, 2023 at your offices.

Issues of critical importance in the draft HRM Regional Plan

A) Incorporate the Halifax Green Network Plan and HalifACT into all aspects of the Regional Plan

In 2019, Halifax Regional Council declared that the city was experiencing a climate emergency. We believe it is necessary to provide specific instructions on amendments to the Municipality's various planning documents which are: Regional Plan, Regional Subdivision By-Law, and the various secondary plans and land use By-Laws. It is necessary to continue to move forward in implementing the action items of these important policy documents. We are encouraged by the language used in RP-1 which states "***The Municipality shall protect and conserve ecosystem health and natural open spaces by using the green network to shape where new development is located.***" In other words, land of special significance, such as the Backlands and other parts of the Green Network, must be identified immediately to ensure that these areas are conserved and existing connectivity is available.

B) Protection for ALL wetlands: big and small

We need accurate wetland mapping that includes the small systems as well as the large, to understand how they work together. All wetlands are important, and each one becomes more important as yet another wetland is lost. Losing them to development leads to loss of wildlife habitat and control of water flow toward streams that flow through the landscape often to the ocean. Wetlands have historically been undervalued as they provide flood mitigation, contribute to carbon sequestration, clean the water and recharge water supplies. We offer to planners this link to a CBC broadcast that highlights the value of wetlands, *The Marrow of Nature*⁵

Wetlands are essential elements of the intricate hydrology of the watersheds that make up the region, including Colpitt Lake-Williams Lake, Purcells Pond, Flat Lake-McIntosh Run-West & East Pine Island Ponds-Powers Pond in the Backlands. Wetlands in the Backlands are typically small and mostly undocumented. Most do not show up on wetland inventories and the smallest wetlands (smaller than 100 square metres in area), have no recognition in wetland policy and regulation in NS or HRM.

Wetlands are particularly vulnerable to development at the west end of Williams Lake, in the area draining to Colpitt Lake and Williams Lake and Governors Brook. This area of the watershed, and above Governors Brook have borne the burden of development, and remaining wetlands have to work harder to make up for the losses. Small wetlands are critical habitat for creatures such as frogs, dragonflies and salamanders and support the diverse bird life.

In summary, we believe that the attention paid to wetlands in the draft is incomplete and insufficient. The recognition of wetlands as critical natural infrastructure assets needs to be clearly stated and incorporated into policy. In **Appendix B** we have included two maps of the

⁵ The Marrow of Nature CBC Radio Ideas, Oct 17, 2022 <https://www.cbc.ca/radio/ideas/saving-wetlands-ecology-1.6617277>

Backlands showing water flow, underground water and wetlands. These maps are resourced through NS Provincial Landscape Viewer.

C) Taking a watershed approach by both Halifax Water and HRM

The draft Regional Plan is moving in a very positive direction by taking a watershed approach to land planning and management. The draft notes that *“Understanding how natural processes occur within watersheds can provide a robust framework for planning and land use decisions.”*⁶ Researchers, planners and scientists from across Canada have recommended a watershed-based approach to sustainable development noting the interrelationship between the health of the watershed and the health, social resilience and equitable distribution of resources for the people living there.⁷

The Backlands have two major, separate watersheds and several smaller ones leading to the ocean. Large portions of these watersheds lie outside of the Backlands and are experiencing significant development pressures. The two largest watersheds are Williams Lake⁸ and McIntosh Run⁹. We are beginning to understand that the change to watershed-based planning may change the focus of our advocacy efforts. Water knows no boundaries.

D) An environmental approach to setbacks on Purcells Cove Road

The draft Regional Plan proposes a setback of 250m from Purcells Cove Road. Specifically, the draft advises: *“re-designate privately owned Urban Reserve lands to Rural Commuter within 250m of the Purcells Cove Road and apply the Open Space and Natural Resource Designation to the remainder of the properties.”*¹⁰ While the intention of this setback may be to create an area of privately owned, undeveloped Open Space land adjacent to the Backlands, the distance of 250 m from Purcells Cove Road is arbitrary.

The proposed setback would allow development into the environmentally vulnerable and fire prone areas of the Backlands. The Backlands are a Fire Ecology¹¹ where recurrent wildfires pre-date European settlement. The map in **Appendix C** illustrates the extent of some of the fires in the recent past, one of which burned as many as ten homes to the ground. The Backlands Coalition website contains further information from the literature on fire risks and safety including the need for fire breaks and shaded fuel breaks. Please see the Backlands Coalition website post on *“Fires, Conservation and Fire Management in the Backlands”*.¹²

6 Draft Regional Planning Strategy - p84, 2023

7 Bunch, Morrison, Parkes, and Venema. 2011. Promoting health and well-being by managing for social-ecological resilience: the potential of integrating ecohealth and water resources management approaches. Ecology and Society 16(1): 6. [online] URL: <http://www.ecologyandsociety.org/vol16/iss1/art6/>

8 Williams Lake watershed <https://williamslakecc.org/2021/04/05/impact-of-developments-on-the-williams-lake-watershed/>

9 McIntosh Run watershed <https://mcintoshrun.ca/the-watershed/>

10 Draft Regional Plan, June 2023 - Attachment D: Site-Specific Amendment Requests for Consideration through the Regional Plan Review Process Table 2 - Urban Reserve

11 Nick Hill and David Patriquin. 2014. A Rare, Fire-Dependent Pine Barrens at the Wildland-Urban Interface of Halifax, Nova Scotia. http://backlandscoalition.ca/?page_id=3910

12 “Fires, Conservation and Fire Management in the Halifax Backlands,” <http://backlandscoalition.ca/?p=5961>

We recommend that the replacement of the Urban Reserve Zone on Purcells Cove Road take an environmental approach to determining appropriate setbacks. This is consistent with current HRM Mainland South By-laws¹³ which recognize the unsuitability of certain lands for development in HRM, including:

- lands that are hazard prone such as a fire prone ecology and flood plains which may necessitate the need for a buffer or fire break between existing habitation and wildland, barrens and forest;
- aspects of the geology of the land such as exposed bedrock and terrain with slopes greater than 16%;
- protection of the local water supply as the residents are reliant on wells;
- protection of the intricate hydrology of watersheds including watercourses, wetlands and riparian buffers;
- protection of the delicate lands consisting of bedrock and intricate hydrology dictate that any blasting will have unpredictable and deleterious results and cannot take place;
- protection of tree cover of 40% density and 30 feet in height on privately owned lands in non-serviced areas which would include a ban on clear-cuts.

Appendix C also contains a map that illustrates an example of the extent of these features of the land for an area along Purcells Cove Road.

In summary, the 250-metre setback is inappropriate for the reasons stated above. It is obvious that when the environmental constraints are compounded the effects of any disruption of the land are profound. The recent example of a single home at 35 Oceanview Drive underlines that any new development would have serious negative consequences. The map of setbacks on Purcells Cove Road in **Appendix C** shows current properties and their setback from the road. We recommend that the Rural Commuter Zone mirror the predominate setback of existing properties and limit setback to **100 metres**.

E) Nature Parks as Community Infrastructure

We were extremely encouraged to read policy 4.2.1 CI-5 which states: “*The Municipality shall study lands in close proximity to nature park areas and ensure land use is of a suitable use and scale to support the creation and ongoing use of the nature park.*” This policy mandates the study of the lands contiguous with the Shaw Wilderness Park, the Nova Scotia Nature Trust Lands, and McIntosh Run Park. The policy also mandates that the Municipality ensure that the land use is of a suitable use and scale to support the creation or expansion of the existing parks. In other words, this policy dictates that the Open Space and Natural Resource zone should cover all of the lands which are currently zoned Urban Reserve.

The opportunity currently available to create one contiguous park in the middle of the Backlands bordering on the three parks named above should not be lost. The suggestion in the draft plan that a new Purcells Cove Backlands Designation and Zone within the Halifax Mainland Secondary Municipal Planning Strategy and Land Use By-law be created would accomplish this goal.

¹³ Halifax Mainland Land Use By-law, Mainland South https://www.halifax.ca/sites/default/files/documents/business/planning-development/applications/HalifaxMainland_LUB.pdf

F) Protection for Endangered, Threatened and Vulnerable Species

There are 3 pieces of legislation, provincially and federally, that pertain directly to the conservation, recovery, protection and sustainable use of wildlife species and their habitats in Nova Scotia.¹⁴ Please see **Appendix D** for the list of species at risk found in the Backlands. The draft Regional Plan is an opportunity for our city to initiate policy that protects these species and promotes the importance of biodiversity in land use planning. We recommend this inclusion in the final Regional Plan.

G) Protection for wildlife corridors

Protection and reinforcement or remediation of the corridors and pinch points that remain in the Backlands must be a conservation priority including those at the west end of Williams Lake/Colpitt Lake and Governors Brook, connecting to the Shaw Wilderness Park, and those connecting the Shaw Wilderness Park to Purcells Pond, Flat Lake and Pine Island Lakes. Most of the important wildlife corridors leading out of the Backlands to large areas of Crown Lands such as Terrance Bay Wilderness Area have already been blocked and require remediation, including at Old Sambro Road and Dunbrack and along the Herring Cove Road especially near Long Pond. Please see **Appendix E** for a look at wildlife corridors formerly mapped which are now blocked and no longer available.

H) Fire management and conservation strategy

HRM Emergency Management has initiated hazard, risk and vulnerability assessments in the municipality. The Backlands include the fire-adapted Jack Pine-Crowberry Barrens ecosystem that is of high conservation value as these Barrens are nationally unique and globally rare.¹⁵ As well, the Backlands are very susceptible to fire¹⁶ because of exposed bedrock and shallow soils over more than 80% of the area and exposure to coastal winds. With these innate conditions, the presence of an important rare ecosystem, the close proximity to large residential areas and a lengthy history of recurrent fires, the Backlands requires a combined fire management/conservation strategy. Key components of such a strategy might include for example (a) minimizing any further intrusions into the undeveloped lands (b) facilitating FireSmart practices around the settled perimeter (c) mapping of the aging of Jack Pine-Crowberry communities and the past occurrence of fires in order to develop predictive models and (d) as appropriate, construction of fire breaks and use of controlled burns.¹⁷ A summary of the issues around a combined fire management and conservation strategy by David Patriquin can be found in a recent post on the BC website.¹⁸

¹⁴ Protection of Endangered, Threatened and Vulnerable Species <https://novascotia.ca/natr/wildlife/biodiversity/legislation.asp> Endangered Species Act, Wildlife Act, Federal Species at Risk Act

¹⁵ Draft Regional Municipal Planning Strategy - p55, 2023

¹⁶ Mapping Forest Fire Risk in the Eastern Chebucto Peninsula Backlands, Mosky, S, April 6, 2021, <https://storymaps.arcgis.com/stories/e0c0d198a6ac4556ae1f6562dce8d5ec>

¹⁷ "Reducing Fire Risk on Your Forest Property." Bennett, Fitzgerald, Parker, Main, Perleberg, Schnepf and Mahoney, October, 2010. Oregon State University Extension Service <https://catalog.extension.oregonstate.edu/pnw618>

¹⁸ Towards a combined Conservation/Fire Management Strategy for the Backlands 26Oct2023" <http://backlandscoalition.ca/?p=6025>

I) Recognize the urgent need for accurate environmental mapping

The Backlands area is under extreme development pressure from all sides. Many of the maps that currently exist are incomplete, vague, and date back to before amalgamation in 1996¹⁹.

There is a need for accurate, complete, environmental mapping of the land that includes:

- small and large wetland areas with a goal to understand how they work together;
- storm water routes, engineered water systems and the detailed hydrology of the watersheds;
- updated wildlife corridors especially before new subdivisions are initiated along Herring Cove Road;
- other features of environmental sensitivity such as steep slopes, tree cover, bedrock, flood plains, and;
- areas highly susceptible to fires where there should be increased fire safety concerns.

J) Plain language for a clear expression of a requirement

Throughout the draft plan, the use of directive language is an issue which we would like addressed. For example, in section 10.3.2 Policy I-8 of the draft, we read *"In considering development agreements or amendments to development agreements, or any proposed amendments to the Regional Plan, secondary planning strategies, or land use by-laws, in addition to the policies of this Plan, the Municipality shall consider the objectives, policies and actions of the priorities plans approved by Regional Council since 2014."*

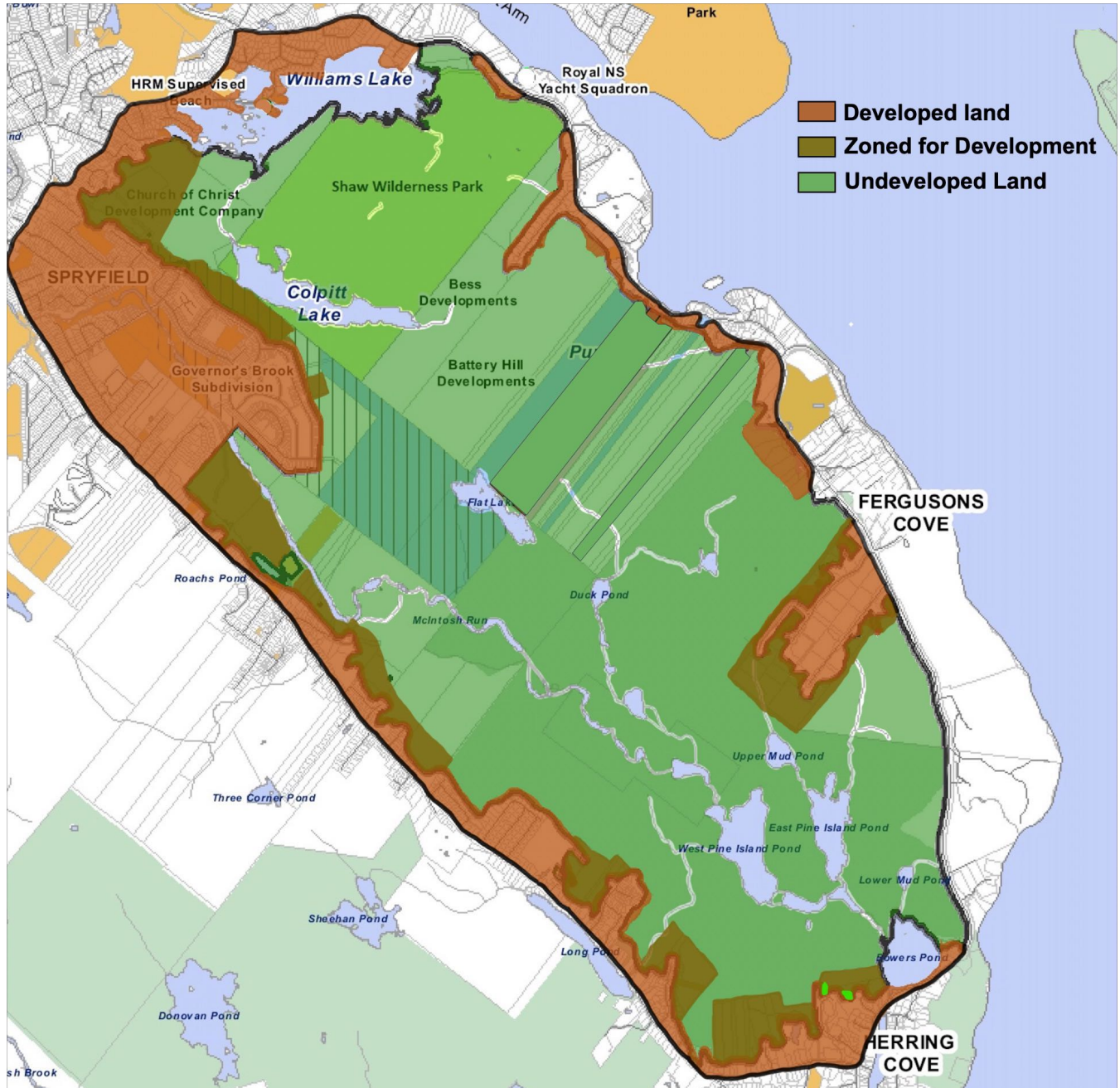
There has been a change in the use of the word 'shall' to 'must' in drafting legislation in three Canadian Provinces in order to aid in interpretation.²⁰ The word 'shall' is ambiguous and the word 'consider' is permissive rather than imperative. In other words, the drafter of any new by-law will not be obliged to insert an imperative action. At this time, we urge a replacement of the phrase 'shall consider' with the phrase 'must apply' throughout the Regional Plan.

19 As an example of outdated mapping: Planning District 5 (Chebucto Peninsula) Plan Area <https://www.halifax.ca/about-halifax/regional-community-planning/community-plan-areas/planning-district-5-chebucto>

20 Plain Language Guidelines <https://www.plainlanguage.gov/guidelines/conversational/shall-and-must/>

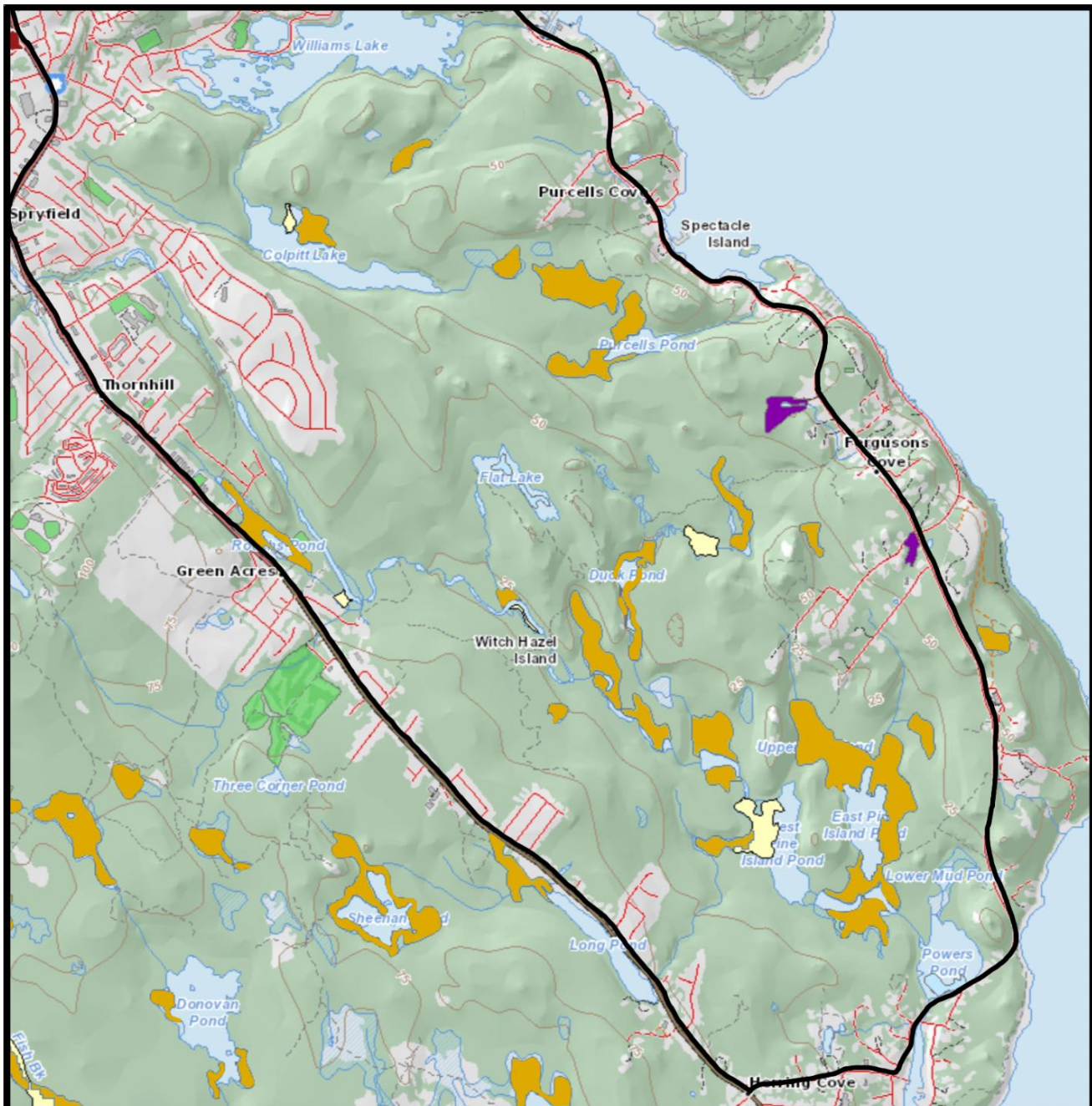
APPENDIX A

Developed Areas in the Backlands



APPENDIX B

Wetlands



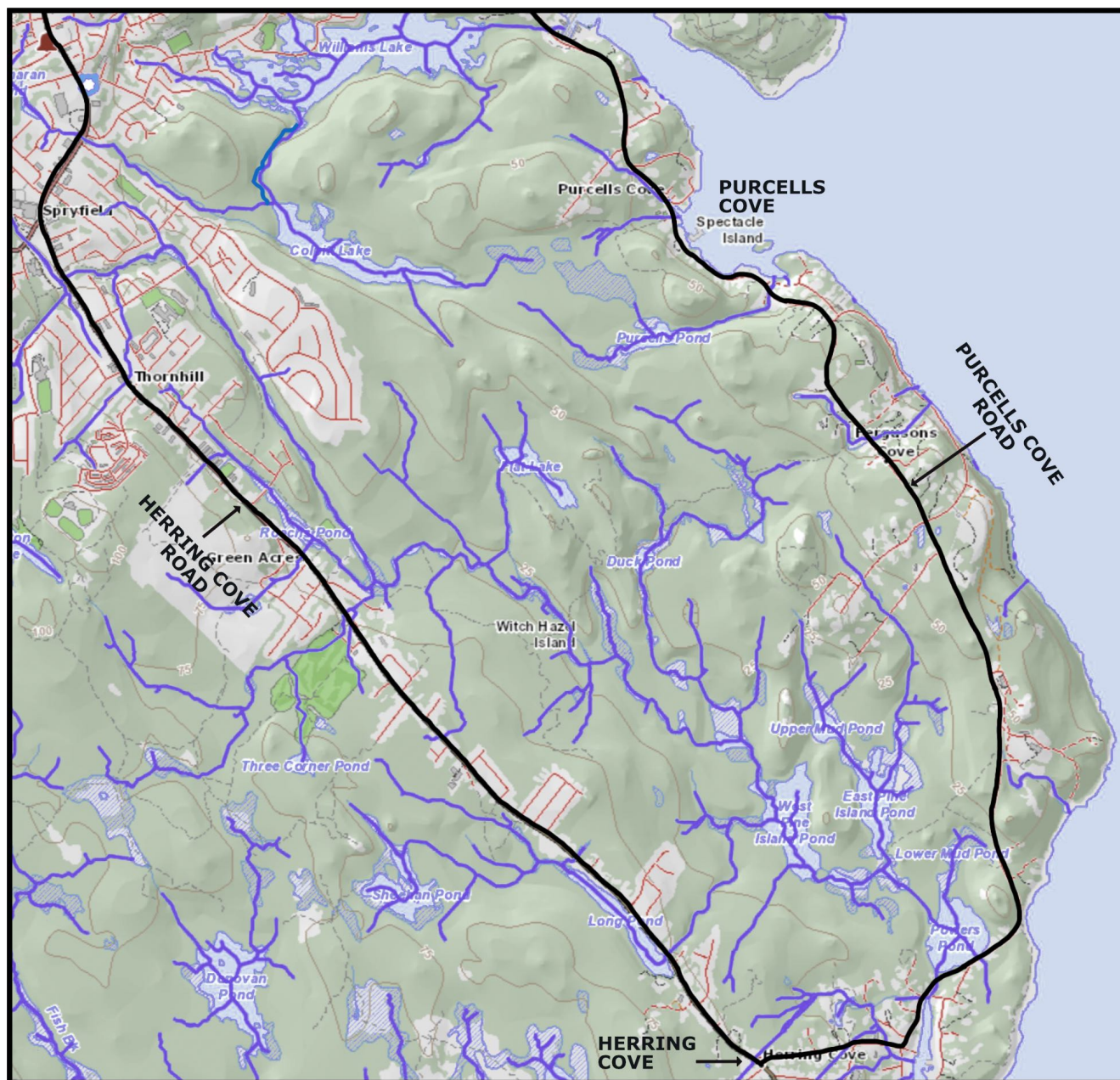
WETLANDS

 **Bog or Fen**  **Marsh**  **Swamp**  **Water**

Note that all wetlands in the Backlands are NOT shown here. Hundreds of small wetlands, vernal pools, intermittent streams and other lesser wetlands are not mapped. Micro-hydrology is generally not recognized or protected by Provincial or Municipal policy for the role it plays in providing habitat and in supporting the larger systems of streams, lakes and wetlands in the landscape.

Mapping and data obtained from NS Provincial Landscape Viewer

Wet Areas Mapping Predicted Flow



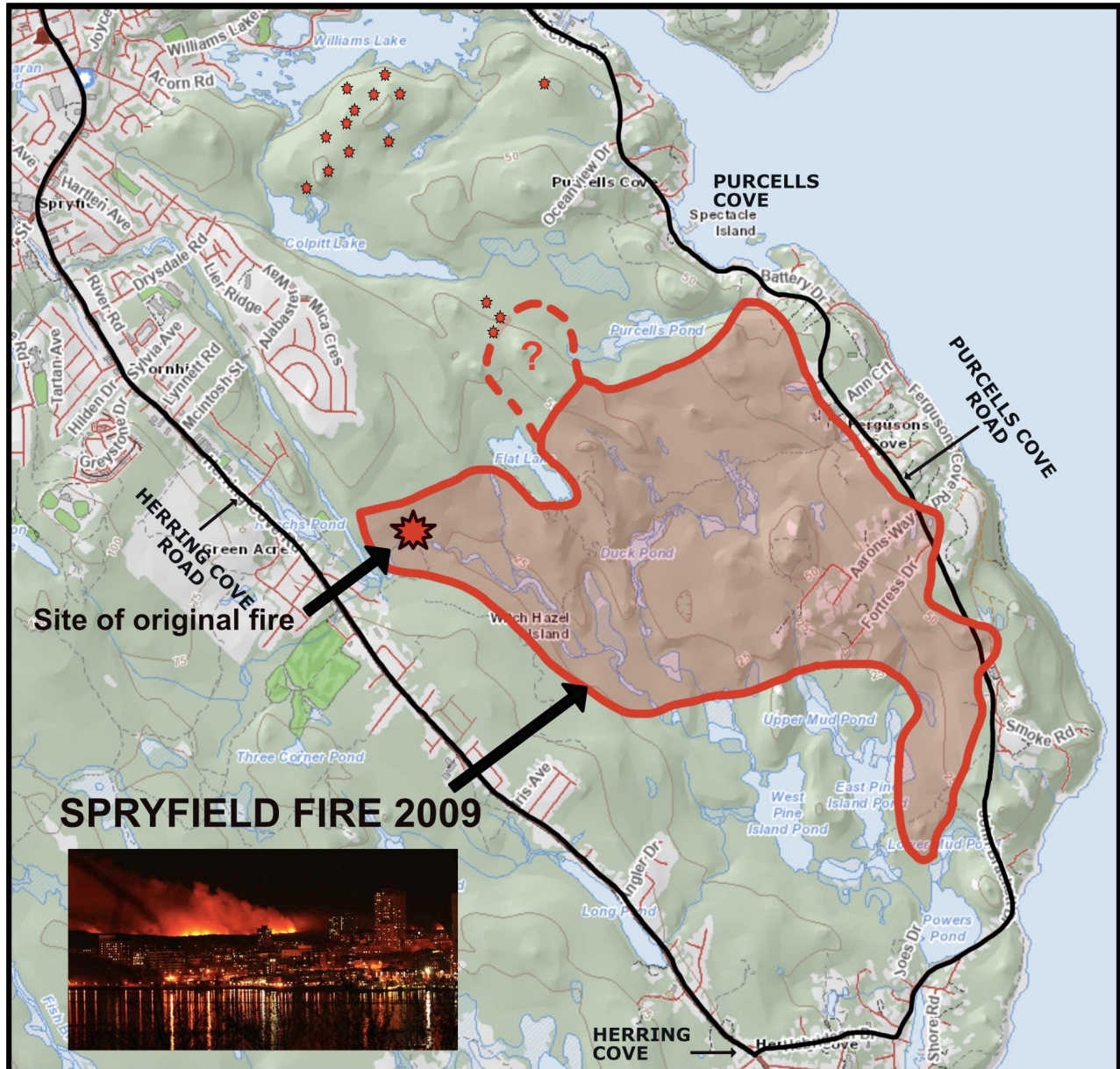
WET AREAS MAPPING (WAM) PREDICTED FLOW

This map shows the predicted/unmapped/ephemeral streams (surface and subsurface drainage) in Nova Scotia, as created through the flow accumulation sub-process of the Wet Areas Mapping (WAM) project. The predicted polyline features mimic mapped stream paths, and extend beyond the mapped endpoints to include unmapped channels. A minimum threshold drainage area of four (4) hectares was used. The project was completed under contract by the Nexfor/Bowater Forest Watershed Research Centre at the University of New Brunswick.

Mapping and data obtained from NS Provincial Landscape Viewer - October 2023

APPENDIX C

Fire in the Backlands



FIRE IN THE BACKLANDS



Fire icons are placed where there have been fires in the Williams Lake Backlands from 2007 to 2014. These fire locations are *only* those found within a surveyed area for a report titled *Ecological Assessment of the Plant Communities of the Williams Lake Backlands* report by D. Patriquin and N. Hill.

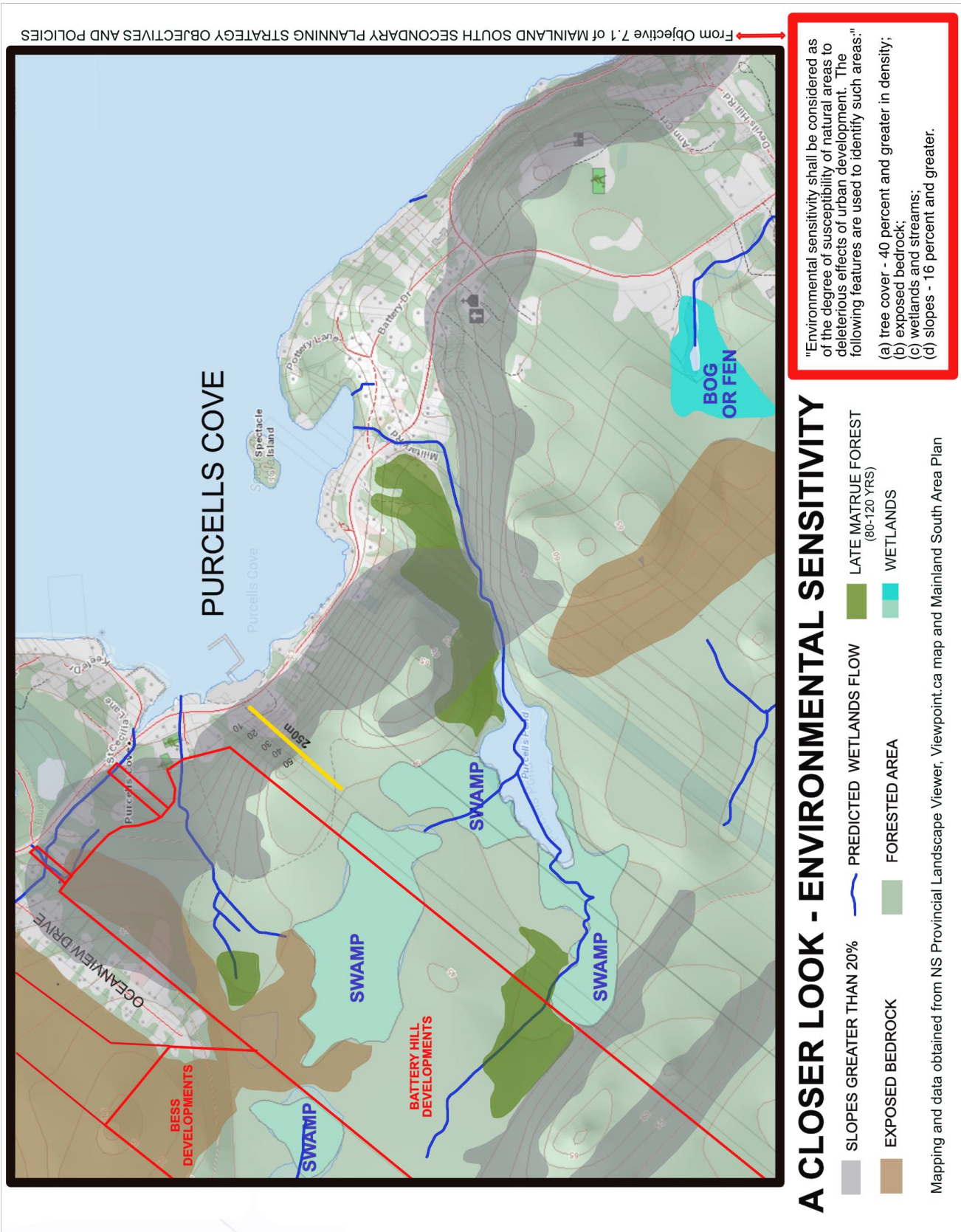


SPRYFIELD FIRE - 2009*

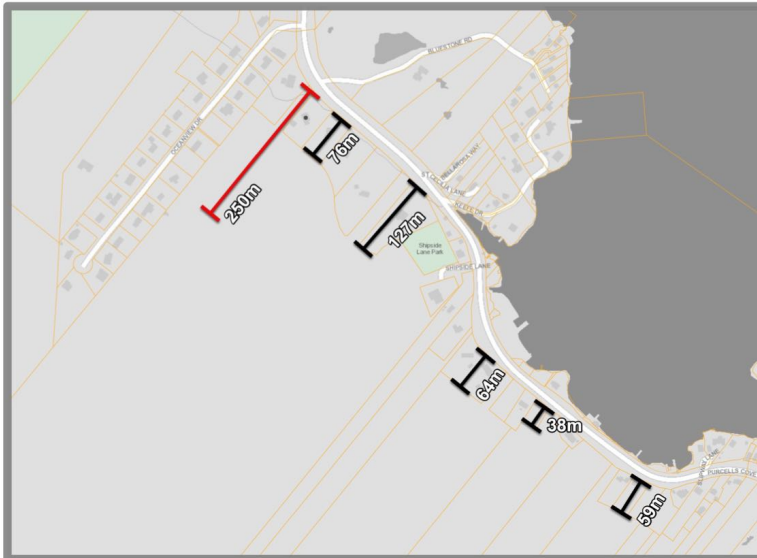
This fire started in a campfire pit on the west bank of McIntosh Run, north of Roaches Pond in Spryfield. It quickly spread through the woods to Purcells Cove Road. 1,100 residents were evacuated, eight homes were destroyed and 16 others damaged.

*Fire documentation by Richard Beazley and David Patriquin for the Halifax Field Naturalists (HFN) on September 2, 2010

A Closer Look - Environmental Sensitivities



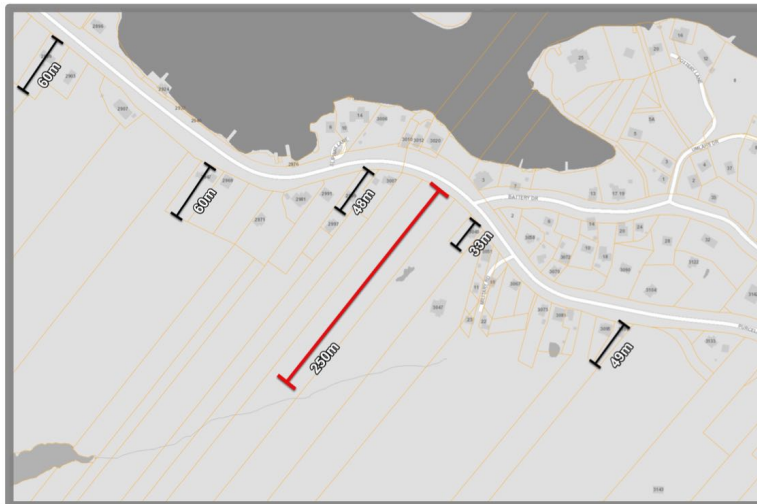
250 metre Examples along Purcells Cove Road



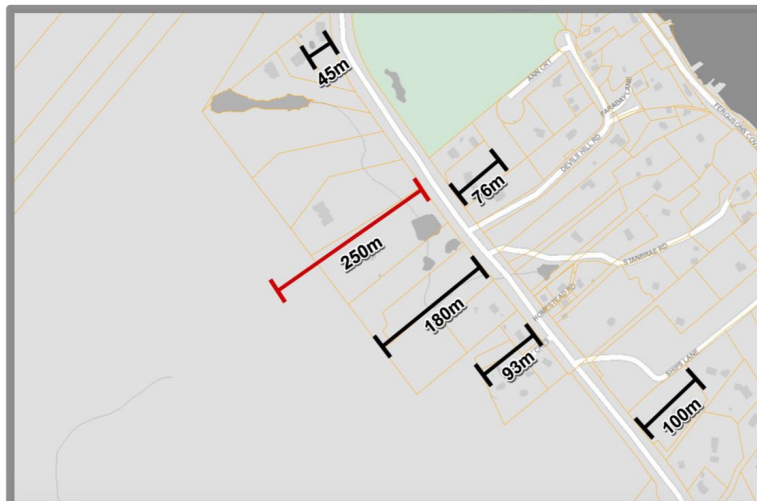
How does 250m compare to existing property sizes?

Will development be allowed in the Backlands, behind existing homes?

↔ **Purcells Cove Road-
Oceanview Drive to
Slipway Lane**



↔ **2899 Purcells Cove Rd
to
3142 Purcells Cove Rd**



↔ **3291 Purcells Cove Rd
to
3550 Purcells Cove Rd**

APPENDIX D

Endangered, Threatened, Vulnerable Species in the Backlands

October 2023

Endangered Bird Species

Barn Swallow (2022)
Rusty Blackbird (2023)
Chimney Swift (2023)
Canada Warbler (2015)
Bank Swallow (historical)

Threatened Bird Species

Common Nighthawk (2023)
Olive-sided Flycatcher (2023)
Eastern Whip-poor-will (historical)

Vulnerable Bird Species

Eastern Wood-Pewee (2021)
Bobolink (2021)
Evening Grosbeak (2023)
Peregrine Falcon (2017)

Other Species at Risk

Snapping Turtle - Vulnerable (2023)
American eel - Threatened in Canada (2023)
Monarch butterfly - Endangered in NS (2023)
Little Brown Myotis (*myotis lucifugus*) - endangered (2023)

Flora

Golden Heather (*Hudsonia ericoides*) S2 Imperiled (2023)
Mountain Sandwort (*Minuartia groenlandica*) S2 Imperiled (2023)
Burnt Sedge (*Carex adusta*) S3/S2 Vulnerable/Imperiled (2023)
Broom Crowberry S4 Jack Pine S4: The plant communities in which they both occur are Nationally unique and globally rare (2023)

APPENDIX E

Wildlife Corridors

In November 25, 2020, the Nova Scotia Crown Share Legacy Trust hosted a virtual charrette to bring together scientists, planning experts, and community advocacy groups with specific local area knowledge to create a conceptual map for wildlife corridors extending from the Backlands to the Ingram River Wilderness Area and the Sandy Lake-Sackville River Area. HRM Regional Planning staff attended this session. The report was submitted to HRM as an input to the ongoing Regional Plan Review 3 project on April 7, 2021.

The Charrette Report examined four core areas within and connecting to the Chebucto Peninsula, identifying additional primary corridors, secondary corridors, aquatic corridors, and pinch points that were not included within the HGNP mapping. In addition, parcels of land or larger areas of land made up of multiple parcels are also identified as areas to consider for conservation. These corridors paint a more detailed picture of overall landscape connectivity in this area of HRM than what is included in the HGNP.

The intention of the Charette Report was to identify wildlife corridors that would increase landscape connectivity and proposes that these corridors **be considered for addition into the HGNP and the Regional Plan** as part of the current review process.



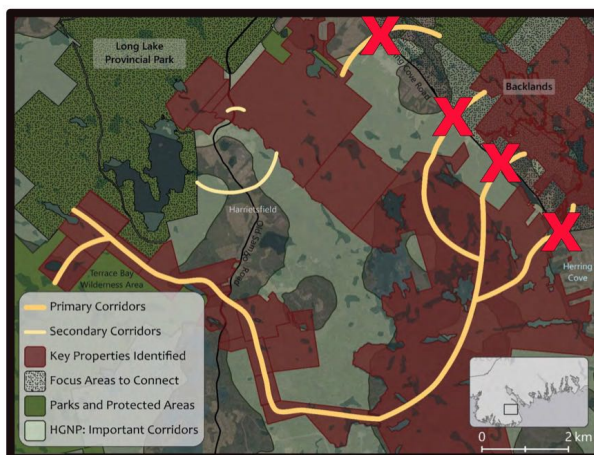
Connectivity within the Backlands

The group looked at connectivity within the Backlands and identified several properties that should remain undeveloped to maintain conductivity. The primary corridor identified connects Frog Pond Park and the Nova Scotia Nature Trust's Backlands property. The corridor first crosses Williams Lake Road and then goes through several key undeveloped properties before reaching Shaw Wilderness Park and Colpitt Lake.

The group also identified a key pinch point along this corridor, where it crosses Williams Lake Road. On the other side of the Wilderness Park, key properties were identified to ensure a connection to the Nova Scotia Nature Trust's lands.



Pinchpoints identified around Williams Lake Road on the corridor, connecting Frog Pond Park, and the Backlands



Connectivity between the Backlands and Long Lake Provincial Park and Terrace Bay Wilderness Area

Moving out of the Backlands towards the Terrence Bay Wilderness Area, and the Long Lake Provincial Park, the first major barrier to connectivity is Herring Cove Road. The group identified several places along the road where the development on either side is relatively thin or nonexistent between the communities of Herring Cove and Spryfield for potential wildlife crossings.

Beyond Herring Cove Road, a large parcel of ground land was identified as critical to the conservation strategy of the area. If left undeveloped, the crown land will continue to act as a core habitat and provide contiguity with Long Lake Provincial Park and Terrace Bay Wilderness Area. The group also identified two opportunities for connectivity across Old Sombro Road at locations of large parcels of undeveloped land, currently owned by a development company, which provide natural habitat on both sides of the road in gaps between subdivisions.

X These corridors have been lost in the past 2 years! Let HRM know that you want critical wildlife corridors protected.

SOURCE - Nova Scotia Crown Share Land Legacy Trust. 2021. Wildlife Corridor Landscape Design Charrette: Chebucto – Timberlea – Sandy Lake area of Halifax, NS.