



# HIGHWAY 113 PROJECT ISSUES UPDATE Final Report



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For Nova Scotia Transportation  
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HIGHWAY 113 PROJECT  
ISSUES UPDATE

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## I Background to the Highway 113 Project

### *Description of the Highway*

Highway 113 is proposed as a 100 series highway that connects Highways 102 (Bicentennial) and 103 and bypasses congested sections of these highways that access the Halifax urban core as well as the alternative route, Hammonds Plains Road (Route 213).

The proposed alignment connects to Highway 103 just north of Exit 4 at Sheldrake Lake and continues east between Maple and Frasers Lakes and skirts the southern edge of the Kingswood subdivision. It crosses and connects to Kearney Lake Road with a diamond interchange and continues east to connect to Highway 102 near Exit 3, (Hammonds Plains Road). The right-of-way to be reserved for the highway is 150 metres wide. The highway is 9.9 km in length.

### *Timing of Construction*

In Halifax Regional Municipality's (HRM) Regional Plan, Highway 113 is expected to be needed at some time beyond 2026, which is consistent with the expectations of the Nova Scotia Department of Infrastructure and Transportation (NSTIR). The Department is planning now for the Highway, but does not intend to build it until such time as it is needed. Currently an immediate objective is to preserve the corridor for eventual construction, which will be scheduled in consultation with HRM through the Strategic Joint Regional Transportation Planning Committee.

### *Environmental Assessment*

The project is subject to a Class I Environmental Assessment. The timeline on milestones to-date is:

1. April 2000. The Project was registered as a Class I undertaking pursuant to the Environmental Assessment Regulations made under the Environment Act.
2. November 12, 2004. The Minister of the Environment determined that a Focus Report was required for the project.
3. March, 2006. Focus Report was submitted.
4. July, 10, 2006. The Minister of the Environment determined that an Environmental Assessment Report is required for the project.
5. October 16, 2006. Terms of Reference for the Environmental Assessment were released.
6. October 16, 2008. A one-year extension was granted for the Environmental Assessment Report.

### *Wilderness Area*

During the public review period of the Focus Report, The Nova Scotia Department of Environment received submissions from residents and organizations regarding the project. Many of the concerns raised were with respect to the Highway leading to the potential development of the wilderness lands in the area south of the proposed Highway and west of the Bicentennial Highway.

On October 30, 2007 the Province of Nova Scotia declared its intention to designate 1,312 hectares of Crown Land in the area as the Blue Mountains-Birch Cove Lakes Wilderness Area. On April 21, 2009 that designation was made.

## **2 Purpose of this Report**

Many of the issues that were raised during the public review on the Focus Report addressed preservation of the wilderness area. Because the Blue Mountains-Birch Cove Lakes Wilderness Area declaration was made subsequent to the public review, the Nova Scotia Department of Transportation and Infrastructure Renewal felt that it was important to conduct a review of the issues that had been previously raised to determine if the designation of the wilderness area has changed the views of those who had raised them. Lura Consulting was contracted to conduct that review.

This report describes the methodology used to conduct a review of some of the issues and the findings of the review.

## **3 Methodology**

As part of its work for the development of the Environmental Assessment Report for NSTIR, Dillon Consulting had developed an issues table that itemized issues raised during public reviews and who had raised them.

Lura Consulting reviewed the issues table and assessed which issues had the most potential to be affected due to the designation of the Blue Mountains-Birch Cove Lakes Wilderness Area. In addition, the list of people and organizations which had raised the issues was reviewed to identify potential targets for interviews. The goal was to identify individuals who had been involved in the public reviews and demonstrated a thorough understanding of the project and the issues that had been raised. People who had raised multiple issues were considered as strong interview targets as they could be able to provide updates on more than one issue in a single interview.

## **4 Interviewees**

After a thorough review, it was determined that a small number of interviewees could provide feedback on a wide range of issues which might have been impacted by the designation of the wilderness area. The interviewees included:

- Chris Miller, Canadian Parks and Wilderness Society
- Bob MacDonald, Halifax Field Naturalists
- Wendy MacDonald, Halifax North West Trails Association
- John Charles, Halifax Regional Municipality
- Jan Skora, Halifax Regional Municipality
- Dave McCusker, Halifax Regional Municipality
- A representative of Clean Nova Scotia

Interviews were requested with each of the people and organizations listed. All agreed except Clean Nova Scotia, as a representative reported that none of the staff who had been involved in the previous public reviews were working there any longer.

## 5 Findings

The findings of the interviews have been organized by issue in Appendix A of this report in Issue Papers. These Issue Papers contain details on how the interviewees currently see the issues they have raised in the past. In some cases concerns about particular issues have been put to rest. In other cases the concerns have been modified, and in others they remain the same. While detail can be found in Appendix A, general observations are included here.

### *The Threat of Urban Development of Wilderness*

Perhaps the most significant issue raised in the public review was the fear that the highway would open up access to the area between the proposed Highway and the Bicentennial Highway, with the effect that the wilderness would be lost to development.

In terms of the Crown Lands that have been designated, this concern has been essentially put to rest. There remain concerns about potential development of privately held lands that have been identified in the HRM Regional Plan as parkland, but those concerns are unrelated to Highway 113 because if they were developed, access to them would most certainly be from the Bicentennial Highway. NSTIR has no plans for interchanges on the Highway in proximity to the wilderness area. There is potential for an interchange at Kingswood Subdivision to provide a link to the 113 and reduce traffic on the Hammonds Plains Road, but that would be built by HRM if the municipality deems it useful for traffic management. Because the lands in the area south of the Highway are designated as part of the Blue Mountains-Birch Cove Lakes Wilderness Area, an interchange at Kingswood could not contribute to development in that direction as the Wilderness Area extends continuously from Frazers Lake to Kearney Lake.

Representatives of Halifax Regional Municipality will review the Environmental Assessment Report and provide comments, but they do not expect to be opposed to the project. The designation of the wilderness area has ensured the protection of the Crown Land that had been identified for the Regional Park in the Regional Plan, which was the municipality's main concern about the project.

### *HRM's Regional Park*

While the concern about development in the Wilderness Area has subsided, concern about HRM's Regional Park remains. In the Municipality's Regional Plan, HRM identified a large Regional Park that included both the Crown Land which has been designated as the Blue Mountains-Birch Cove Lakes Wilderness Area and adjacent privately held lands. The concern is that the land continues to be privately held and therefore is subject to development. While interviewees understand that development is inconsistent with the Regional Plan, they also understand that the Regional Plan is subject to review and HRM Council could make changes that would allow the development of those privately held lands. They are keen to see HRM follow through on their commitment to include those lands in the Regional Park, and have indicated that they would like to see the Province provide assistance to HRM to acquire the lands at a reasonable price.

It is important to note that the potential development of the privately held lands in question is a separate and distinct issue from the proposed Highway 113. If HRM was to allow development of those lands, access would be from the Bicentennial Highway, not the 113.

### *The Wildlife Corridor to the North of the Highway*

During the interview with Planning representatives from HRM, a concern was raised that the Nova Scotia Department of Natural Resources could sell or trade Crown Land that is north of the proposed Highway 113 and that this land could be developed with access from Highway 113. If so, it could potentially interrupt the wildlife corridor identified in the Regional Plan which connects the Blue Mountains-Birch Cove Lakes Wilderness Area to Cox Lake to the north.

According to municipal officials, the Nova Scotia Department of Natural Resources has stated that they would not be disposing or trading Crown Land, but that assurance has not satisfied the concerns of planning staff. If the Crown Land did become privately-held, the potential development of the lands would become a municipal issue as it would require planning approvals that would require a change to the Regional Plan. As such, although HRM planning staff may be concerned about this potential development, it will only happen if HRM decides to allow it to happen. Therefore this is an issue for HRM and is unrelated to the proposed Highway.

### *Transportation*

Long-term transportation needs is a key component of the Regional Plan. HRM planning staff stated that they feel the proposed Highway 113 is consistent with the Regional Plan now that the Blue Mountains-Birch Cove Lakes Wilderness Area has been designated.

With respect to HRM's long term traffic planning, there is an opportunity to provide access to the Highway from the south of Kingswood Subdivision, diverting traffic off of the Hammonds Plains Road. An additional benefit is that the 113 will remove traffic from the Bicentennial Highway, which is expected to have increased traffic as a result of other aspects of the Regional Plan.

An important issue for HRM's traffic planners is the opportunity to have an Active Transportation corridor alongside of the proposed highway. Discussions between NSTIR and HRM have accommodated that within the right-of-way for the highway.

### *Consultation*

Some interviewees feel strongly that the Highway 113 project should have included a public hearing. Some felt that the project should have been registered as a Class II undertaking and that public hearings should have been part of the process. They feel that public discussion would improve transparency in the process and would allow for the benefit of creativity in developing mitigation strategies for some of the issues of concern.



### *Remaining Issues*

While opposition to the Highway has diminished with respect to the primary concern about the development of the Blue Mountains-Birch Cove Lakes Wilderness Area, some people still question the need for the Highway and concerns remain about other issues. These include:

- environmental impact on flora and fauna;
- expertise in gathering environmental information;
- the EA process and consultation;
- wildlife migration; and
- trail access.

These issues will be addressed through the Environmental Impact Assessment. Details on these issues are included in the Issue Papers in Appendix A.

## **6 Summary**

With the designation of the Blue Mountains-Birch Cove Lakes Wilderness Area, concern that the proposed Highway 113 would facilitate the loss of the wilderness lands in the Crown Lands to the south, has essentially disappeared. However, other development concerns remain, related to privately held lands immediately adjacent to the Blue Mountains-Birch Cove Lakes Wilderness Area which are identified as part of a Regional Park in HRM's Regional Plan. Although it is recognized that this is not an issue with respect to the proposed Highway 113, the concern about wilderness protection remains.

Halifax Regional Municipality will review the Environmental Assessment report, but do not expect to have major issues with the proposed Highway 113 as it is consistent with the Regional Plan. The designation of the Blue Mountains-Birch Cove Lakes Wilderness Area, the inclusion of an active transportation corridor, the consideration of wildlife migration and the expectation that HRM and NSTIR will be able to work cooperatively to iron out details have satisfied the municipality's issues.

In addition, the concerns and issues related to construction and operation of Highway 113 remain, many of which will require mitigation under the Environmental Assessment Regulations should the Highway be approved. These issues are directly related to environmental impact and are addressed in the Environmental Assessment Report.



## **APPENDIX A – Issue Papers**

# Highway 113 Issues Update

Issue Category: EA Process

Issue Topic Area: Demonstrated Need for Highway

## **Persons who provided comment/were consulted:**

- Bob MacDonald, Halifax Field Naturalists
- Wendy MacDonald, Halifax North West Trails Association
- Chris Miller, Canadian Parks and Wilderness Society

## **Updated Issue:**

- Bob and Wendy MacDonald have not changed their position that there is no clearly demonstrated need for Highway 113. They would like to see an impartial needs assessment from an outside consulting company and a review on whether the Highway 113 is aligned with regional sustainability goals.
- Chris Miller questions the need for the highway. He feels that an emphasis should be placed on controlling suburban and exurban sprawl, and creating the conditions necessary to facilitate public transportation. Building highways often exasperates the problem of sprawl, particularly in the outlying areas near the city, and perpetuates reliance on the automobile.

# Highway 113 Issues Update

Issue Category: EA Process

Issue Topic Area: Public Communication & Consultation

## Persons who provided comment/were consulted:

- Bob MacDonald, Halifax Field Naturalists
- Wendy MacDonald, Halifax North West Trails Association
- John Charles, Halifax Regional Municipality
- Jan Skora, Halifax Regional Municipality
- Chris Miller, Canadian Parks and Wilderness Society

## Updated Issues:

- Bob and Wendy Macdonald continued to express concern about the lack of public awareness campaigns or open houses throughout the EA process. They feel this has limited the public's:
  - understanding of the degree of impact being considered (e.g. number of interchanges proposed and locations);
  - understanding of the potential impact of the Highway on them as individuals and communities; and
  - ability to make informed decisions about their position.

They expressed concern that if the length of interchanges were included the highway would be over 10 km thereby requiring a more extensive EA process. Examples of lack of communication they noted include government land purchase in the corridor being interpreted as commitment to building the highway, and traditional trail access being blocked with no public notification. Their position stands that the public should have an opportunity to have their questions answered in an open house setting before a decision proceeds.

- John Charles noted a concern that current public perception confuses issues that are relevant to the current EA/under provincial jurisdiction, with those that are part of future HRM planning and design exercises should Highway 113 proceed. He also expressed concern that the public currently perceives that an immediate need for the highway is being communicated by government agencies. He noted that in general a public hearing for the EA would be considered a good thing for transparency.
- Chris Miller stated that there should have been a Class II Environmental Assessment from the beginning of the project. That would have provided increased consultation, a full hearing, and the opportunity to hear creative approaches to mitigating issues for a highway that will last forever.

# Highway 113 Issues Update

Issue Category: EA Process

Issue Topic Area: Biological Data in Decision-Making

## **Persons who provided comment/were consulted:**

- Bob MacDonald, Halifax Field Naturalists
- Wendy MacDonald, Halifax North West Trails Association

## **Updated Issues:**

- Bob and Wendy MacDonald noted they were still concerned about the quality of data being used in the decision-making process for the Highway 113 corridor EA. Specifically, they would like to see a vegetation specialist and wetland specialist collecting data over a period of seasons as opposed to single visits, as life cycles vary and not all species may be able to be documented on one given day alone. They noted that there is already existing flora and fauna data on the corridor area from environmental groups (such as Nova Scotia Bird Society, St. Mary's University) and the expertise of local individual experts that could be put to better use in the EA decision-making process.

# Highway 113 Issues Update

Issue Category: Recreation

Issue Topic Area: Trail Access

## **Persons who provided comment/were consulted:**

- Wendy MacDonald, Halifax North West Trails Association
- John Charles, Halifax Regional Municipality
- Jan Skora, Halifax Regional Municipality
- Dave McCusker, Halifax Regional Municipality

## **Updated Issues:**

- Wendy MacDonald indicated that there is still concern that the proposed Highway 113 bisects the traditionally used hiking trail from Anahid Drive (Kingswood subdivision) to the top of Blue Mountain. If the land this trail is on remains private, the concern is about how HRM can provide access given that parking alongside Highway 113 will not be possible. If there is a convincing need for the development of Highway 113, Wendy MacDonald noted that there must be measures to ensure safe access to the Blue Mountain and other trails.
- John Charles noted that in any potential trail areas connecting with the Highway 113, there will need to be service/emergency vehicle access off of the highway.
- Dave McCusker noted if HRM ever decided to build an interchange at Kingswood, there would be a need for a parking lot to provide access to the wilderness area.

# Highway 113 Issues Update

Issue Category: Land Use

Issue Topic Area: Development Near Highway 113

## People who provided comment/consulted:

- Bob MacDonald, Halifax Field Naturalists
- Wendy MacDonald, Halifax North West Trails Association
- John Charles, Halifax Regional Municipality
- Jan Skora, Halifax Regional Municipality
- Chris Miller, Canadian Parks and Wilderness Society

## Updated Issues:

- In general, with the establishment of the Blue Mountain/Birch Cove Wilderness Area, those who commented were no longer concerned about development of land that is now protected in the Wilderness Area south of the Highway 113. However there were other concerns about land development north and south of Highway 113, as noted below.
- Bob and Wendy MacDonald noted they were still concerned about development pressure in privately owned land surrounding the Blue Mountain/Birch Cove Wilderness Area as an indirect impact of Highway 113, in terms of potential new housing developments along the edges of the Wilderness Area. Private land south of Highway 113 for which access has been severed by the project will not be provided access, once the highway is constructed. Compensation for loss of access to the land will form a portion of the overall land settlement.
- John Charles indicated that there was a concern that private companies bordering the Wilderness Area are now lobbying for increased development opportunities, which may include pressure for an interchange with Highway 113 to service these areas. This was noted as a concern given that one of the operating assumptions has been that Highway 113 would be a barrier to development in all lands south of the corridor. It was noted that the province has no plans for such an interchange, and that this would be an HRM planning decision, and not under provincial jurisdiction.
- John Charles was also concerned about pressure to re-zone and develop Crown land north of Highway 113 as an unintended consequence of the highway, which would interfere with the wildlife corridor between the Wilderness Area and Cox Lake. It was noted that if these Crown lands become private lands, re-zoning would be an HRM planning decision, and not under provincial jurisdiction.
- Chris Miller reported that one of the principle concerns with the highway was that it would open up the public lands of the Blue Mountain – Birch Cove Lakes Crown Block to development. He stated that the wilderness area designation on these lands goes a long way in addressing this concern, since it prohibits clearcutting, mining, road-building, and development. He feels that permanency of the wilderness area designation still needs to be assured and the Province still needs to work with the City to acquire lands at fair market value for an adjacent regional park as stipulated in the HRM regional plan. This would be the responsibility of the Department of Natural Resources.



# Highway 113 Issues Update

Issue Category: Ecological

Issue Topic Area: Habitat Fragmentation

## **Persons who provided comment/were consulted:**

- Bob MacDonald, Halifax Field Naturalists
- Wendy MacDonald, Halifax North West Trails Association
- John Charles, Halifax Regional Municipality
- Jan Skora, Halifax Regional Municipality

## **Updated Issues:**

- Bob and Wendy MacDonald indicated that they are still concerned about Highway 113 bisecting Crown land to the north and the Blue Mountain/ Birch Cove Wilderness Area to the south, limiting the ability for wildlife to move between the two areas (e.g. between the Wilderness Area and Cox's Reserve).
- John Charles indicated that issues regarding wildlife migration were no longer of concern as long as adequate wildlife corridor measures are taken in the design of Highway 113.

# Highway 113 Issues Update

Issue Category: Ecological

Issue Topic Area: Disturbance of Flora and Fauna

## Persons who provided comment/were consulted:

- Bob MacDonald, Halifax Field Naturalists
- Wendy MacDonald, Halifax North West Trails Association

## Updated Issues:

- Bob and Wendy MacDonald indicated that their position had not changed with respect to concerns of the potential impact of Highway 113 on flora, fauna, and wetlands. They especially noted aspects involving the design, construction, and use of the potential highway, including:
  - Clearing the 100m width of the corridor for the highway;
  - Removal of trees and waste generation emanating from creating interchanges;
  - Gravel, salt and general run-off contamination into natural areas and wetlands once the highway is active;
  - Potential ATV use alongside the highway as is seen along other 100 series highways in Nova Scotia.
- Bob and Wendy MacDonald did note that if a convincing need for the Highway was evident, they would like to see cooperation amongst community groups and governmental agencies to find effective measures to mitigate and remediate this potential impact.

# Highway 113 Issues Update

Issue Category: Transportation

Issue Topic Area: Demonstrated Need for Highway

## **Persons who provided comment/were consulted:**

- Dave McCusker, Halifax Regional Municipality

## **Updated Issue:**

- Dave McCusker also stated that Highway 113 would take some of the traffic loading off of the Bicentennial Highway, which is important to partially offset the increased loading on the Bicentennial Highway expected from the Regional Plan.
- Dave McCusker stated that the potential for HRM to build a Kingswood Interchange at Highway 113 is of interest to the Traffic Planners as it could reduce loading on the Hammonds Plains Road.
- Dave McCusker stated that Active Transportation is an important part of the Regional Plan, and that an active transportation corridor alongside the Highway is desired. He expressed satisfaction that this was being addressed in the project.