

World Heritage Nomination Proposal for

# The Landscape of Grand Pré

Nova Scotia, Canada

JANUARY 2011

Minister of  
the Environment



Ministre de  
l'Environnement

As the Minister responsible for Parks Canada, I am pleased to support the nomination of The Landscape of Grand Pré for inscription on the United Nations Educational, Scientific and Cultural Organization's (UNESCO's) World Heritage List. Grand Pré and the stories it tells are recognized to be of national historic significance to all Canadians. Equally, these stories are universal and part of the heritage of humanity, and Canada is proud to share them with the world.

Parks Canada, as manager of Grand-Pré National Historic Site of Canada (one of the key components of the nominated property), has been an active partner, along with the Government of Nova Scotia, the Municipality of the County of Kings, la Société Nationale de l'Acadie, the Grand Pré and Area Community Association, the Kings Regional Development Agency, la Société Promotion Grand-Pré and the Grand Pré Marsh Body, in the development of this nomination. Parks Canada is fully committed to the protection, conservation and presentation of the Landscape of Grand Pré and will continue to collaborate with its partners.

Original signed by

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The Honourable Peter Kent, P.C., M.P.  
Canada's Environment Minister and  
Minister responsible for Parks Canada

À titre de ministre responsable de Parcs Canada, il me fait plaisir d'exprimer mon appui à la candidature du Paysage de Grand-Pré pour inscription à la Liste du patrimoine mondial de l'Organisation des Nations Unies pour l'éducation, la science et la culture (UNESCO). L'ensemble de la population canadienne reconnaît l'importance historique nationale de Grand-Pré et des histoires que ce lieu raconte. Ces histoires sont universelles, et font partie intégrale du patrimoine de l'humanité. Le Canada est fier de les partager avec le monde entier.

En tant que gestionnaire du lieu historique national du Canada de Grand-Pré, lequel fait partie de l'ensemble mis en nomination, Parcs Canada a participé activement au développement de cette candidature, en collaboration avec le gouvernement de Nouvelle-Écosse, la municipalité du comté de Kings, la Société Nationale de l'Acadie, la Grand Pré and Area Community Association, la Kings Regional Development Agency, la Société Promotion Grand-Pré et le Grand Pré Marsh Body. Parcs Canada est pleinement engagée à l'égard de la protection, de la conservation et de la mise en valeur du Paysage de Grand-Pré et entend poursuivre sa collaboration avec ses partenaires.

L'original a été signé par

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L'honorable Peter Kent, C.P., député  
Ministre canadien de l'Environnement et  
Ministre responsable de Parcs Canada

Canada



Nova Scotia is tremendously proud to support the Nomination Grand Pré Advisory Board in its efforts to achieve a successful UNESCO World Heritage Site designation for the landscape of Grand Pré. The province shares the belief that Grand Pré would benefit from the recognition that a UNESCO World Heritage Site designation would provide.

The process to prepare this nomination dossier is an achievement that all Nova Scotians, including our Acadian communities, can take pride in. Grand Pré is an integral part of our rich history and holds significance for all Nova Scotians. It is a place of farming and agricultural legacy, where the current farming community continues to harness the power of the dykeland and drainage system, using traditional collective management practices. For the Acadian communities here and abroad, the Grand Pré landscape is a homeland, a place to share their common heritage, reaffirm their identity, and continue to build on their sense of community. The landscape tells the story of the survival of a language and culture against a forced removal, the Grand Dérangement. The landscape of Grand Pré is truly remarkable and we are pleased to honour all of the meanings that it offers.

A successful designation represents an opportunity to connect more visitors from around the world with the story of Grand Pré, further strengthening Nova Scotia's tourism industry and better positioning Grand Pré and the province as a heritage destination.

The province remains committed to forming a long term working relationship with the Nomination Grand Pré Advisory Board, the potential Grand Pré World Heritage Site Stewardship Board, and other partners and levels of government for the future management and protection of the landscape of Grand Pré.

Original signed by  
Darrell Dexter  
Premier of Nova Scotia

La Nouvelle-Écosse est extrêmement fière d'appuyer le Comité consultatif Nomination Grand-Pré dans ses efforts pour que le paysage de Grand-Pré soit désigné site du patrimoine mondial de l'UNESCO. La Province partage la croyance que Grand-Pré bénéficierait de la reconnaissance que lui apporterait la désignation comme site du patrimoine mondial de l'UNESCO.

Le processus de préparation du dossier de candidature est un accomplissement dont tous les Néo-Écossais, notamment les collectivités acadiennes, peuvent être fiers. Grand-Pré fait partie intégrale de notre riche histoire et a de l'importance pour tous les Néo-Écossais. C'est un lieu patrimonial agricole où la collectivité agricole actuelle continue de tirer profit du réseau de terres endiguées en utilisant des pratiques de gestion collectives traditionnelles. Pour les communautés acadiennes d'ici et d'ailleurs, le paysage de Grand-Pré représente la patrie, le lieu patrimonial commun, le lieu où réaffirmer leur identité et continuer de miser sur leur sens de la communauté. Le paysage raconte l'histoire de la survie d'une langue et d'une culture malgré l'expulsion, le Grand Dérangement. Le paysage de Grand-Pré est vraiment remarquable et nous sommes heureux de célébrer tout ce qu'il représente.

L'obtention de la désignation de site du patrimoine mondial représente une occasion de faire connaître l'histoire de Grand-Pré à plus de visiteurs de partout dans le monde, renforçant ainsi l'industrie touristique de la Nouvelle-Écosse et plaçant Grand-Pré et la province en meilleure position comme destination patrimoniale.

La Province demeure engagée à former une relation de travail à long terme avec le Comité consultatif Nomination Grand-Pré, le comité d'intendance du site du patrimoine mondial de Grand-Pré advenant l'obtention de la désignation, et d'autres partenaires et ordres de gouvernement pour la gestion et la protection futures du paysage de Grand-Pré.

Original signé par  
Darrell Dexter  
Premier ministre de la Nouvelle-Écosse



## Municipality of the County of Kings

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*Land of Orchards, Vineyards and Tides*

December 17, 2010

Grand Pré is a special place for many people for many reasons. Grand Pré is located in Kings County, in the heart of Nova Scotia's Annapolis Valley. It is associated with and well known for the traditional agricultural practises carried out on the dykelands, the unique landscapes, the Land of Evangeline, and the history of and memorials to the Acadian peoples.

It is our shared legacy that makes Grand Pré worthy of protection and important to celebrate and share with the rest of the world. Inscription as a UNESCO World Heritage Site will provide recognition of its importance and as well ensure the protection and management of those elements which make Grand Pré not only unique and exceptional, but also important to the world.

On behalf of the people of Kings County, we are committed in our support of the nomination of Grand Pré as a UNESCO World Heritage Site. We have worked in partnership with community and other organizations in contributing to the preparation of this dossier. We will continue to support the protection, preservation and promotion of this exceptional and unique place as it is of importance for present and future generations of all humanity.

The preparation of this submission has involved a great deal of cooperation and partnering with many organizations united by our common belief that Grand Pré is an exceptional place with outstanding universal value. The Municipality would like to thank the Grand Pré and Area Community Association, Grand Pré Marsh Body, Kings Regional Development Agency, Parks Canada Agency, the Province of Nova Scotia, Société Promotion Grand-Pré and the Société Nationale de l'Acadie for their contribution in preparing this document.

It is our hope that this nomination for inscription will be looked favourably upon by the World Heritage Committee.

Sincerely,

Diana Brothers  
Warden,  
Municipality of the County of Kings



Dieppe, le 15 décembre 2010

Madame, monsieur,

La Société Nationale de l'Acadie, représentante du peuple acadien, appuie sans réserve la nomination de la région de Grand-Pré au site du patrimoine mondial de l'UNESCO. Pour les Acadiens et Acadiennes, fiers membres d'un peuple sans état, Grand Pré est l'endroit principal d'ancrage de leur identité, un lieu qui témoigne de leur appartenance et de la fierté de leur patrimoine, un lieu enfin de recueillement et de souvenir comme en témoignent les milliers de gens qui y font le pèlerinage chaque année.

La Société Nationale de l'Acadie représente depuis plus de cent vingt ans les intérêts du peuple acadien et, consciente de l'importance de Grand-Pré, elle s'est engagée depuis le tout début auprès des divers organismes qui veillent à sa promotion et auprès de ceux qui travaillent à la candidature de l'UNESCO.

En tant que responsable des symboles du peuple acadien, je tiens à vous assurer que la SNA continuera à veiller sur Grand-Pré pour s'assurer que le site atteigne son plein potentiel et qu'elle assurera la coprésidence du comité d'intendance du site.

Chaque peuple a son lieu de mémoire. Pour le peuple acadien, c'est Grand-Pré, un lieu qui témoigne de notre histoire, de la rencontre avec les peuples autochtones et de notre cohabitation amicale, un endroit enfin dont la géographie porte à jamais la marque des efforts de notre peuple d'agriculteurs pour dompter les forces de la baie de Fundy et donner au lieu la richesse d'un terroir.

Françoise Enguehard  
Présidente



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info@snacadie.org - www.snacadie.org



December 9, 2010

Grand Pre Marsh Body  
661 East Long Island Road  
Grand Pre, Nova Scotia  
B0P 1M0

To whom it may concern,

Grand Pre is a place rich in history. As a seventh generation farmer in Grand Pre, I have a great appreciation for the hard work and determination undertaken; first by the Acadian people and then by my forefathers to create this beautiful and exceptional place.

The marsh was claimed from the sea in the 1600's and today consists of over 3000 acres of very fertile farm land. At least 20 separate farms grow crops on the marsh land. Some of these crops such as corn, wheat and soybeans are sold as cash crops while others including corn, wheat and soybeans, as well as legumes, grass and pasture are used on the farms to produce milk, meat and poultry products. Since these lands are very fertile and make up a significant portion of the land holdings of the various farms, this land must be preserved and protected for future agricultural uses.

The Grand Pre Marsh Body is an organization of the owners of the land on the Grand Pre marsh. Its purpose is to ensure the maintenance of the road system on the marsh, to maintain the drainage system on the marsh and to monitor the overall well being of the marsh and the dyke walls. The Grand Pre Marsh Body is totally committed to the conservation of the marsh land and keeping it in agricultural production for many years and generations to come.

Respectfully,

A handwritten signature in black ink that reads "Robert E. Palmeter". The signature is written in a cursive, flowing style.

Robert E. Palmeter  
Chairman, Grand Pre Marsh Body



Nomination Grand Pré is proud to have led the preparation of the nomination proposal for the Landscape of Grand Pré.

Since 2007, the farming, Acadian, local, and Mi'kmaq communities connected to Grand Pré, together with the support and active participation of government, universities, and businesses, have worked on the preparation of a nomination dossier that reflects their values.

We have supported the discussions between residents of Grand Pré, North Grand Pré, Hortonville, and Lower Wolfville which resulted in the first Community Plan that will guide the sustainable development of those communities. The process brought together these communities for the first time to tackle shared challenges and seize opportunities that would benefit everyone.

We have encouraged research with the help of universities, researchers, and local residents to better understand our past and our present.

We have raised awareness about the value of the Landscape of Grand Pré for the communities involved and the importance of protecting this place for future generations.

We have built bridges between communities, organizations, and peoples to listen to each other's perspectives and share a common vision for the Landscape of Grand Pré.

These accomplishments are the result of the nomination proposal drafting process. We have all learnt invaluable lessons about our heritage and about our values, both individually and collectively. We have also discovered with greater clarity how special this place is to us and have a greater appreciation for this land, its many stories and the shared legacy that binds us together.

Nomination Grand Pré est fier d'avoir guidé la préparation de la proposition d'inscription pour le Paysage de Grand-Pré.

Depuis 2007, les communautés liées à Grand Pré, incluant la communauté acadienne, les groupes d'agriculteurs et de résidents, ainsi que les Mi'kmaq, travaillent de concert avec l'appui des gouvernements, des universités, et du monde des affaires pour préparer un dossier d'inscription qui reflète leurs valeurs.

Nous avons appuyé concrètement les discussions entre les résidents des collectivités de Grand Pré, North Grand Pré, Hortonville, et Lower Wolfville par la mise en œuvre d'un plan communautaire guidant leur développement durable. Ce processus a rassemblé ces collectivités pour la première fois, leur permettant d'aborder les défis et les opportunités communs.

Nous avons encouragé la recherche avec le soutien des universités, de chercheurs, et des résidents afin de mieux comprendre notre passé et notre présent.

Nous avons sensibilisé le public par rapport à l'importance du Paysage de Grand Pré pour les différentes communautés et à la nécessité de protéger ce lieu pour les générations futures.

Nous avons bâti des ponts entre les collectivités, les organisations, et les communautés pour comprendre les perspectives individuelles et définir une vision commune pour le Paysage de Grand-Pré.

Ces réalisations sont les résultats du processus de préparation du dossier d'inscription. Ce processus nous a mené, individuellement et collectivement, à redécouvrir notre patrimoine et nos valeurs. Finalement, cette expérience nous a permis de découvrir combien ce lieu est important pour nous tous et ainsi d'avoir une plus grande appréciation pour la nature de cette terre, riche d'histoires et l'héritage en commun qui nous rassemble.

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Gérald C. Boudreau PhD

*Member of the Acadian community*

*Co-chair*

*Nomination Grand Pré*

*Membre de la communauté acadienne*

*Coprésident*

*Nomination Grand Pré*

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Peter Herbin

*Local resident*

*Co-chair*

*Nomination Grand Pré*

*Résident*

*Coprésident*

*Nomination Grand Pré*

# Executive Summary

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**State Party**

Canada

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**Province**

Nova Scotia

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**Name of Property**

The Landscape of Grand Pré

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**Geographic coordinates to the nearest second (LAT LON NAD 83)**

LATITUDE: N45° 07' 06"

LONGITUDE: W64° 18' 26"

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**Textual description of boundaries of the nominated property**

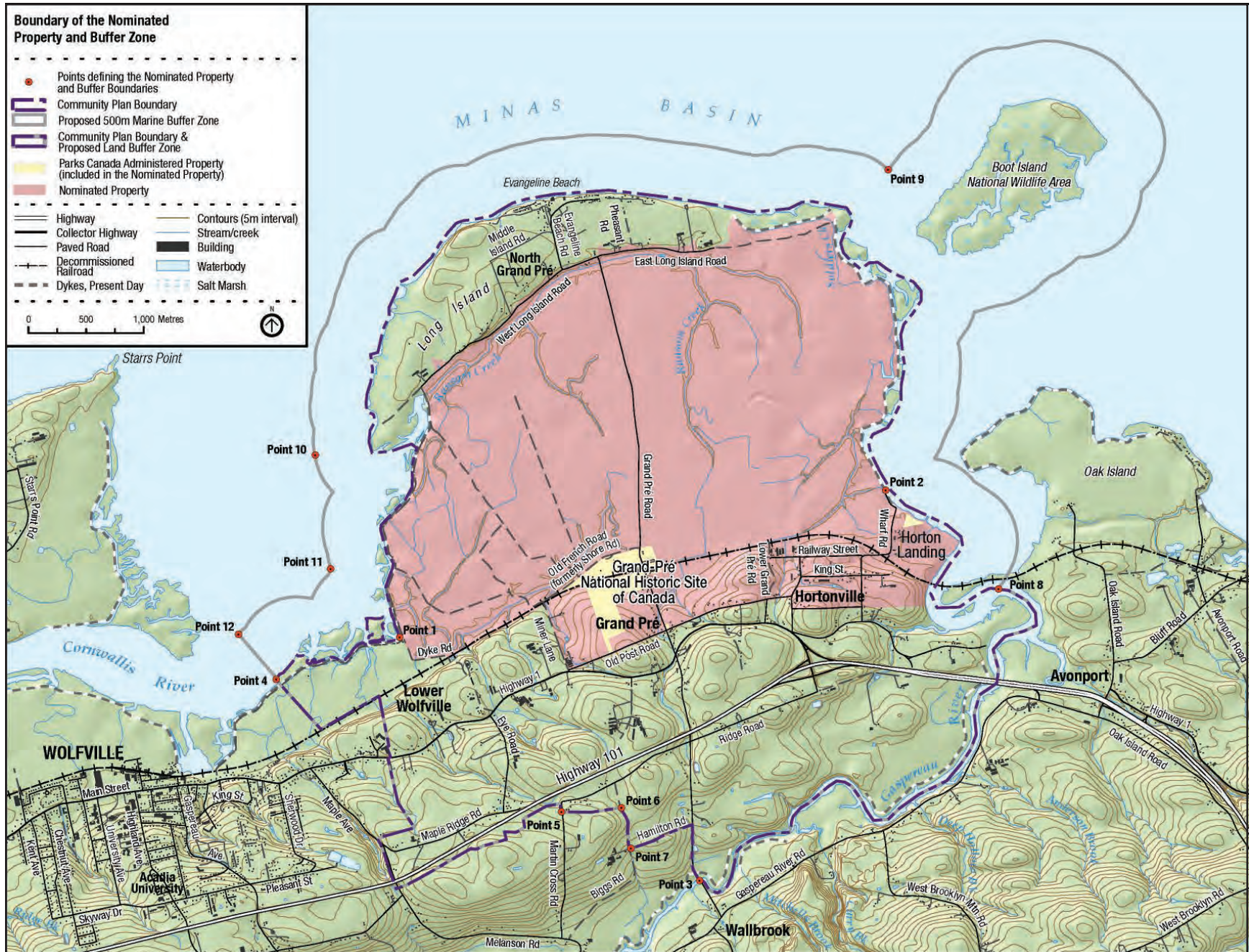
The nominated property is situated in eastern Canada in Nova Scotia. The property comprises 1323.24 hectares of land protected from the waters of the Minas Basin in the Bay of Fundy by 5.53 kilometres of dykes. It extends 4.4 kilometres east-west along Highway 1 in the northeastern corner of the County of Kings, east of the Town of Wolfville.

The boundary was assigned to include the area that has been dyked from the 1680s up to the present day, that is under the stewardship of the Grand Pré Marsh Body, and that continues to support exclusive agricultural use. It also includes the heart of the traditional settlement on the uplands and the lands that host the memorials associated with the Acadian Deportation.

The boundary of the nominated property follows, on the north side, the boundary of the marshland as defined in the designation under the Nova Scotia *Agricultural Marshland Conservation Act*. Counter-clockwise, it continues southward following the line of dykes in their middle and again follows the boundary of the designated marshland up to the point where the dykes make a westward right angle (Point 1) (the corresponding geo-coordinates for each point are illustrated in the following map). The boundary then continues straight towards the uplands, turns east and follows the Dyke Road, including the entire right-of-way. As it reaches Miner Lane, the boundary follows Miner Lane southward in the middle of the road and turns east on Old Post Road, including the right-of-way. The boundary follows Old Post Road until it reaches Horton Cross Road. It then turns south, including the right-of-way, and turns immediately east on Middle Street including the right-of-way. It continues in a straight line towards the Gaspereau River. When the boundary meets the river, it turns north and follows the coastline up to the place called Horton Landing, where the dyke resumes (Point 2). The boundary then follows the line of dykes in their middle and the boundary of the designated marshland until it meets with the north boundary.

The boundary is defined by legal descriptions within the *Agricultural Marshland Conservation Act*, as well as by topographic features that ensure it is clearly identifiable on the ground. The boundary guides appropriate management.





Map showing the nominated property, outlining its boundaries and buffer zone

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## Justification (Statement of Outstanding Universal Value)

### Brief Synthesis

The Landscape of Grand Pré is a dynamic agricultural landscape claimed from the sea. It is also a powerful symbolic landscape for the Acadians.

The Landscape of Grand Pré is the most intact agricultural polder in the world that uses an ingenious vernacular system for transforming salt marsh into fertile agricultural farmland. This system of earthen dykes, ditches, *aboiteaux*, and community-based management was first implemented at Grand Pré in the late 17th century by French (Acadian) settlers. The location they chose was subject to the most extreme tides in the world, which presented great challenges but also great opportunities in the extraordinary fertility of the land they transformed. Today, the agricultural landscape is still protected and drained by the same system, still exhibits distinctive field patterns, and is still managed through the same community approach, a testimony to the original Acadian settlers, the New England Planters who succeeded them, and the farmers who work the land today.

Symbolically, the Landscape of Grand Pré is the single most important *lieu de mémoire* for the Acadian people. The Acadians are one of the first people of European descent to call North America their homeland. The Landscape of Grand Pré is directly associated with the emergence of their new identity in this new land, but also with their tragic forced removal from it, their subsequent migration, and their renaissance. Today, this *lieu de mémoire* embodies the cultural consciousness of a widely scattered people. It is a landscape that has been peacefully and symbolically reclaimed by the Acadians, and it is their emotional and spiritual centre. It illustrates the importance of the connection between people and places in defining collective identity.

**Criterion (v):** Grand Pré is a vibrant agricultural landscape, carved out of its harsh coastal environment three centuries ago by Acadian settlers. Working collectively, they applied an ingenious system of dyking and drainage to hold back the highest tides in the

world, created extraordinarily fertile farmland, and began a tradition of collective management. This land reclamation system and this management tradition continue to ensure the livelihood of the local community today. The Landscape of Grand Pré is an outstanding example of a thriving farming community that interacts with its environment by using a successful land reclamation system and management tradition that predate the introduction of engineered drainage systems.

**Criterion (vi):** Owing to the imposing presence of the dykelands, the Memorial Church and other memorials, and its enduring use by the Acadian people, the Landscape of Grand Pré is the most important *lieu de mémoire* for the Acadians, an evocative example of a homeland symbolically and peacefully reclaimed by a diaspora that has triumphed over hardships. The legacy of the Acadian people overcoming the tragedy of a forced removal, the *Grand Dérangement*, their renaissance, and the ongoing efforts of reconciliation are embodied in the Landscape of Grand Pré. Here, Acadians share their common heritage, reaffirm their identity, and continue to build their sense of community in a spirit of peaceful reconciliation with history. The Landscapes of Grand Pré provides a poignant and powerful living example of the universal human aspirations to belong to a community, to connect with one's homeland, and to seek reconciliation.

### Integrity and Authenticity

The nominated property has integrity because its clearly defined boundaries encompass all the elements relevant both to the agricultural landscape, created from the transformation of salt marsh into farmland over several centuries, and to the symbolically reclaimed landscape. These elements include earthen dykes, ditches, *aboiteaux*, and field patterns, as well as the memorials, archaeological evidence of the village, and commemorations related to the forced removal and subsequent renaissance of the Acadians. The nominated property comprehensively represents the past and present agricultural settlements as defined by dykeland farmland, upland farmland, and the heart of the community. It includes the dykeland managed

collectively by the Grand Pré Marsh Body and the entire area of symbolic importance to the Acadians. The integrity is enhanced by the farmland included in the buffer zone. The nominated property's attributes are in good condition. Policies and mechanisms are in place to reduce or eliminate pressures on the agricultural use and the archaeological sites.

The nominated property has authenticity because the archaeological and historical evidence confirms the locations of the original Acadian and Planter settlements, the enduring agricultural use, and the location of the memorials. That evidence also confirms that the dykelands are maintained in the 21st century using the same principles and techniques originally implemented by the Acadians in the 17th century and that they have been managed collectively for over 300 years. The Acadians' continuing use of Grand Pré for individual and collective events attests to the profound value of this landscape to their community.

#### *Protection and Management Requirements*

The legal protection of the nominated property is enforced provincially on lands under provincial jurisdiction by the Nova Scotia *Agricultural Marshland Conservation Act* (Appendix 3F) and the Nova Scotia *Special Places Protection Act* (Appendix 3K), and federally on lands administered by the Parks Canada Agency under the *Parks Canada Agency Act* (Appendix 3D), and the *Canada National Parks Act* (Appendix 3A). The protective measures are appropriate to safeguard the dykeland, its agricultural use, and the archaeological sites from undue development and environmental pressures. A buffer zone around the nominated property, encompassing both land and water, was defined through community engagement leading to the adoption of the

*Grand Pré and Area Community Plan* (Appendix 2J) to ensure that zoning remains compatible with the aims of protecting the nominated property. All of these mechanisms are sufficient to control development, ensure agricultural land capacity, and monitor the effects of coastal erosion that could otherwise threaten the value of the nominated property.

The overall management system for the nominated property is exemplary. It involves community management through the Grand Pré Marsh Body, municipal zoning, and federal and provincial government legislation for protection of the site. *The Management Plan for the Landscape of Grand Pré* (Appendix 2A) is a strong framework document that ensures the coordination of multiple jurisdictions and stakeholders inside the boundary of the nominated property and its buffer zone. Parks Canada, as a federal government agency, is responsible for managing Grand-Pré National Historic Site of Canada and Horton Landing. The Province of Nova Scotia, mainly through its departments of Agriculture and of Tourism, Culture and Heritage, is responsible for protecting the dykelands and archaeological sites not located on federal lands. Finally, the Municipality of the County of Kings is responsible for implementing the *Grand Pré and Area Community Plan* (Appendix 2J) and the zoning regulations contained in it. The Management Plan depends on the Community Plan, the *Grand-Pré National Historic Site of Canada Management Plan* (Appendix 2I), provincial departmental policies, and the Grand Pré Marsh Body for its effective implementation. The management system is coordinated by the Grand Pré World Heritage Site Stewardship Board and involves the local community, the Acadian community, and government administrative bodies in its decision-making process. Local residents are proud and effective stewards of the land.

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**Criteria under which property is nominated**

The Landscape of Grand Pré is nominated for inscription to the World Heritage List under the following criteria of the *Operational Guidelines for the Implementation of the World Heritage Convention*:

**Criterion v**

Be an outstanding example of a traditional human settlement, land-use or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change.

**Criterion vi**

Be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance. (The Committee considers that this criterion should preferably be used in conjunction with other criteria).

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**Name and contact information of official local institution/agency**

Grand Pré World Heritage Stewardship Board  
35 Webster Street  
Kentville, Nova Scotia  
Canada B4N 1H4  
TEL: (902) 678-2298  
FAX: (902) 678-2324

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**Destination Southwest Nova Association:** is an independent, not-for-profit tourism marketing and management organization encompassing the Fundy Shore and Annapolis Valley, Yarmouth and Acadian Shores, and South Shore tourism regions.

**Grand Pré Marsh Body:** is an association of dykeland owners who together, under legislation, have the responsibility to manage the designated agricultural dykelands at Grand Pré.

**Grand Pré World Heritage Site Stewardship Board:** will serve as the site manager for the Landscape of Grand Pré. The Stewardship Board will ensure the implementation of the Management Plan through a coordinated management approach between all jurisdictions, promotion of the property's outstanding universal value, engagement of the stakeholders in the stewardship of the property, and reporting on the condition of the property.

**Kings RDA (Regional Development Agency):** is the regional development authority for the County of Kings, Nova Scotia, which contains the nominated property. It is a community-driven, non-profit society that works with all levels of government and community partners to make the County of Kings a better place to live, visit and do business.

**Municipality of the County of Kings:** governs the County of Kings, where Grand Pré is located, and engages in administration, planning, recreation, protective services, engineering and public works within the county.

**Nomination Grand Pré:** is the organization that coordinated this proposal. Its purpose is to “bring those with a connection to Grand Pré together to celebrate and steward the Outstanding Universal Value that makes this place special and worthy of sharing with the world.”

**Nova Scotia Department of Agriculture:** provides public services to improve rural communities, and life for all Nova Scotians, in order to foster prosperous and sustainable agriculture and food industries.

**Nova Scotia Department of Natural Resources:** has responsibilities relating to developing, managing, conserving and protecting the forests, minerals, parks and wildlife resources in Nova Scotia, as well as administering the province's Crown land.

**Nova Scotia Department of Tourism, Culture and Heritage:** promotes, develops and preserves Nova Scotia's tourism, culture and heritage resources, for social and economic benefits.

**Nova Scotia Department of Transportation and Infrastructure Renewal:** builds and maintains provincial infrastructure in Nova Scotia, including highways, bridges, and government buildings.

**Parks Canada Agency:** is a federal government agency. Parks Canada's mandate is to “protect and present nationally significant examples of Canada's natural and cultural heritage, and foster public understanding, appreciation and enjoyment in ways that ensure their ecological and commemorative integrity for present and future generations.”

**Société Nationale de l'Acadie:** is a national body representing the Acadians.

**Société Promotion Grand-Pré:** is a non-profit Acadian organization in charge of organizing all activities and events at Grand-Pré National Historic Site.

# Glossary of Key Terms

**Aboiteau (pl. Aboiteaux):** a structure that includes a sluice with a hinged clapper valve installed at the bottom of a creek running through a reinforced dyke allowing fresh water to run off the salt marsh, while preventing salt water from entering at high tide. *Aboiteau* can also refer to the entire drainage system of the marsh that is protected by dykes.

**Acadian:** French immigrants who settled in Grand Pré in the 1680s and built the first dykes in the area, to farm the salt marshes. The Acadians were deported from Grand Pré in 1755.

**Acadie (English: Acadia):** the name of lands in northeastern North America controlled by the French during colonial times, 1605–1710. The borders of *Acadie* changed over time and were often in dispute. In 1713 *Acadie* corresponded to settlements on the Bay of Fundy and in mainland Nova Scotia. In colonial times, due to unclear territorial claims, parts of New Brunswick, Prince Edward Island, and Cape Breton were considered by some to be part of *Acadie*.

**Commemorative Integrity:** the condition or state of a national historic site of Canada when the site is healthy and whole. This is the desired state for a national historic site.

**Deportation and Grand Dérangement (English: Great Upheaval):** the forcible removal of more than 14 000 Acadians from their homes in *Acadie* between 1755 and 1762. Deportation generally refers to the events taking place only during that timeframe. *Grand Dérangement* refers to the displacement of Acadian people over a longer period of time, starting in 1749 with the British founding of Halifax, until as late as the 1780s, when Acadians were given land in New Brunswick and Nova Scotia. *Grand Dérangement* is the culturally significant term used today by the Acadian people.

**Dyke:** a long wall or embankment built to prevent flooding.

**Dykeland:** a polder (see below). “Dykeland” is the term used in Grand Pré.

***Juncus gerardii* (salt marsh rush):** a plant found on the marshes of Grand Pré. Its natural resilience to tidal forces makes it an ideal plant for dyke building and maintenance.

**Mean tidal range:** the difference in height between mean high-water levels and mean low-water levels over the year. Tide heights vary throughout the year, but the height difference between high and low tides remains relatively constant (National Ocean Service, 1992). Grand Pré has a mean tidal range of 11.61 metres.

**Mi'kmaq:** indigenous people of eastern Canada.

**New England Planters:** settlers to Grand Pré, arriving in 1759 and 1760. They were brought from New England by inducements from the British.

**Polder:** an area of land, enclosed by dykes, reclaimed from a body of water.

**Saros cycle:** used to predict the locations of the sun and moon. Every 18.03 years the sun, earth and moon return to the same relative space. As the sun and the moon affect the tides, the tides are higher than average during particular points in the Saros cycle.

**Saunier:** French term for a salt gatherer, salt maker, or salt merchant.

**Seigneurie:** a settlement pattern used in North American colonies under French control. Long narrow strips of land were provided to tenants. The overall land was managed by a *seigneur*. The land itself belonged to the King of France. Grand Pré was, in the 1680s, part of the *seigneurie* of Alexandre LeBorgne de Bélisle.

**Seigneur:** the landlord, or manager, of a *seigneurie*. The *seigneur* divided the land into long narrow strips and rented it to tenants. *Seigneurs* in North America were not always nobles, as in France; some were military officers, clergy or unions.

**Sluice:** a culvert equipped with a hinged clapper valve that opens or closes automatically depending on the direction the water is flowing.

***Spartina patens* (salt marsh hay):** a plant found on the marshes of Grand Pré. Its natural resilience to tidal forces makes it an ideal plant for dyke building and maintenance.

**Tidal range:** the difference in height between one high tide and the next low tide. The vertical difference between the high-water and low-water marks will vary throughout the tidal cycle. The head of the Minas Basin, where Grand Pré is located, has the greatest tidal range in the world, at 16 metres.

**Uplands:** the areas of the nominated property, and buffer zone, which are not part of the dykelands. These areas are at a higher elevation than the dykelands, and are referred to locally as the uplands.





# Chapter 1



*It's home.*

Robert Palmeter, 8th generation dykeland farmer

*C'est là qu'on est vraiment chez nous.*

Susan Draper Surette, Acadian

# 1.0 Identification of the Property

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## 1.a. Country

The nominated property is located in Canada.

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## 1.b. Province

The nominated property is located in the province of Nova Scotia.

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## 1.c. Name of property

The official name of the property is “The Landscape of Grand Pré.”

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## 1.d. Geographical coordinates to the nearest second

The geographical coordinates (to the nearest second) for the approximate centre of the property are:

(LAT LON NAD 83)

LATITUDE: N45° 07' 06”

LONGITUDE: W64° 18' 26”

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## 1.e. Maps and plans, showing the boundaries of the nominated property and buffer zone

### 1.e.i. Property boundary

The nominated property is situated in eastern Canada in Nova Scotia (see Map 1: *Regional Setting for the Landscape of Grand Pré Nominated Property*). The property comprises 1323.24 hectares of land protected from the waters of the Minas Basin in the Bay of Fundy by 5.53 kilometres of dykes (see Map 2: *Boundary of the Nominated Property and Buffer Zone*). It extends 4.4 kilometres east–west along Highway 1 in the northeastern corner of the County of Kings, east of the Town of Wolfville.

The boundary was assigned to include the area that has been dyked from the 1680s up to the present day, that is under the stewardship of the Grand Pré Marsh Body, and that continues to support exclusive agricultural use. It also includes the heart of the traditional settlement on the uplands and the lands that host the memorials associated with the Acadian Deportation.

The boundary of the nominated property follows, on the north side, the boundary of the marshland as defined in the designation under the *Nova Scotia Agricultural Marshland Conservation Act* (Appendix 3F). Counter-clockwise, it continues southward following the line of dykes in their middle and again follows the boundary of the designated marshland up to the point where the dykes make a westward right angle (Point 1) (the corresponding geo-coordinates for each point are listed in Table 1–1 and illustrated in Map 2). The boundary then continues straight towards the uplands, turns east and follows the Dyke Road, including the entire right-of-way. As it reaches Miner Lane, the boundary follows Miner Lane southward in the middle of the road and turns east on Old Post Road, including

the right-of-way. The boundary follows Old Post Road until it reaches Horton Cross Road. It then turns south, including the right-of-way, and turns immediately east on Middle Street including the right-of-way. It continues in a straight line towards the Gaspereau River. When the boundary meets the river, it turns north and follows the coastline up to the place called Horton Landing, where the dyke resumes (Point 2). The boundary then follows the line of dykes in their middle and the boundary of the designated marshland until it meets with the north boundary.

The boundary is defined by legal descriptions within the *Agricultural Marshland Conservation Act* (Appendix 3F), as well as by topographic features that ensure it is clearly identifiable on the ground. The boundary guides appropriate management.

#### 1.e.ii. Buffer zone

The buffer zone is an area surrounding the nominated property. It has complementary legal requirements placed on its use and development to give an added layer of protection to the property.

The nominated property of Grand Pré requires a buffer zone to ensure that the integrity of the dykelands and the continuity of its agricultural use are maintained.

The buffer zone includes a land component and a marine component. The land component includes Long Island, Boot Island and the lands surrounding the nominated property to the south, up to the boundary of the *Grand Pré and Area Community Plan* (Appendix 2J).

The buffer zone is managed through legislation and policies that add to the protection of the nominated property. The legislation and policies are described in Chapter 5.

The boundary of the *Grand Pré and Area Community Plan* encompasses four communities: the hamlet of Grand Pré at the centre, and the communities of North Grand Pré to the north, Hortonville to the east, and Lower Wolfville to the west. Starting at the southern tip of Grand Pré Road as it meets the Gaspereau River (Point 3, see Map 2 for the location of points), the boundary follows the river counter-clockwise in the middle up to its mouth where it meets the Minas Basin at the former railway bridge. Then the boundary continues northward

and follows the coastline, turns westward along Long Island and continues to follow the coastline. As it reaches the western tip of Long Island, it continues southward, still following the coastline. It then makes a sharp turn westward (Point 1) as it meets the corner of the dyke and continues westward until it meets the legal boundary of the town of Wolfville (Point 4). It turns southward following that boundary to the southern limit of the right-of-way of Highway 101. It follows this right-of-way until it intersects the western right-of-way of Martin Cross Road. It continues south on Martin Cross Road 0.07 kilometres until it meets a point opposite the southwest corner of a property, PID #55222947 (Point 5). It then continues westward along the southern limit of several properties to the southeast corner of property PID #55222897 (Point 6). The boundary turns southward on Biggs Road by the middle to Hamilton Road (Point 7), continues eastward on Hamilton Road, in the middle, to Grand Pré Road, finally continuing southward on Grand Pré Road, in the middle, ending at the Gaspereau River.

The marine component of the buffer zone extends 500 metres from the water-facing boundary of the property and, where relevant, from the land buffer zone. On the eastern side of the property, the marine component of the buffer zone begins at Point 8 and extends north along the property extending from the edge of the nominated property. It then continues eastward around Boot Island following the coastline. At Point 9, the boundary for the buffer zone follows the edge of the coastline of Long Island westward until Point 10, where it then follows the coastline of the nominated property. At Point 11 it turns westward following the edge of the area covered by the *Grand Pré and Area Community Plan*. At Point 12, the marine component of the buffer zone ends with a straight line southward, meeting with the land buffer zone. The marine component of the buffer zone includes salt marsh, beaches and mudflats.

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**1.f. Area of the nominated property (ha.) and proposed buffer zone (ha.)**

The area of the nominated property is 1323.24 hectares. The land component of the buffer zone is 1248 hectares. The marine component of the buffer zone is 945.09 hectares. The total area of the buffer zone is 2193.09 hectares.

Point	Latitude	Longitude
Point 1	N 45° 6' 12.94"	W 64° 20' 8.49"
Point 2	N 45° 6' 56.51"	W 64° 16' 57.17"
Point 3	N 45° 5' 5.97"	W 64° 18' 8.29"
Point 4	N 45° 6' 0.56"	W 64° 20' 57.13"
Point 5	N 45° 5' 24.66"	W 64° 19' 3.24"
Point 6	N 45° 5' 25.99"	W 64° 18' 39.63"
Point 7	N 45° 5' 14.62"	W 64° 18' 35.70"
Point 8	N 45° 6' 29.24"	W 64° 16' 11.87"
Point 9	N 45° 8' 26.74"	W 64° 16' 58.11"
Point 10	N 45° 7' 3.79"	W 64° 20' 43.15"
Point 11	N 45° 6' 31.89"	W 64° 20' 36.33"
Point 12	N 45° 6' 13.08"	W 64° 21' 12.30"

**Table 1-1** Geo-coordinates for pivot points for the boundary of the nominated property and buffer zone (see Map 2).

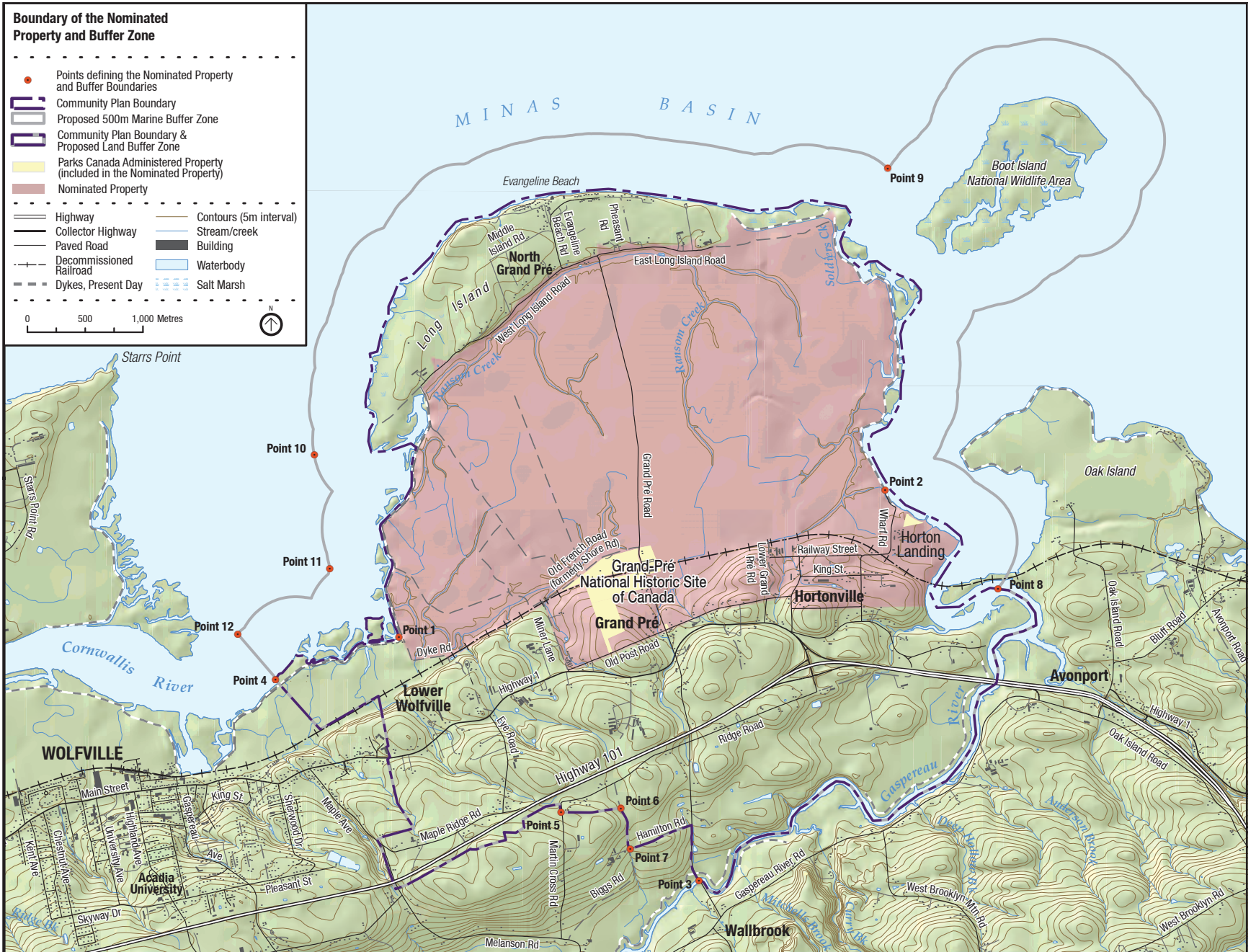
**Regional Setting for the Landscape of Grand Pré Nominated Property**

0 50 100 Kilometres

N



Map 1



Map 2

# Chapter 2

Voyage du Devoir en ACADIE, 1924  
8 HORTON LANDING — Bénédiction de la Croix commémorative  
de l'embarquement des déportés



*This place is self-evident in its special nature...  
the waters made the land, the land's made the people.*

Charles Curry, 7th generation dykeland farmer

*Grand-Pré représente la persévérance devant l'adversité,  
la réconciliation, le pardon... l'histoire est une chose.... on vit  
avec le passé mais on vit dans le présent en préparant l'avenir.*

Gérald C. Boudreau, Acadian



## 2.0 Description

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### 2.a. Description of the property

The nominated property consists of 1323 hectares of dykelands, known elsewhere as polders, and uplands on the southern edge of the Minas Basin, an eastern arm of the Bay of Fundy in western mainland Nova Scotia. It is bordered by the Gaspereau River to the east, the Cornwallis River to the west, Long Island to the north, and parts of the communities of Grand Pré, Hortonville, and Lower Wolfville to the south. Dominating the distant background, beyond the nominated property, Cape Blomidon extends into the basin as an instantly recognizable landmark.

The nominated property includes the dykeland area that the Acadians created in the 17th century, which successive generations of farmers have expanded. It also includes distinctive representative sections of the Acadian settlement and of the current agricultural community, as well as the entire planned settlement for the New England Planters, a British town grid.

No clear historical record marks the boundaries of the 17th and 18th century community of Grand Pré. In fact, historical accounts and maps alternately use the names Grand-Pré and Les Mines to refer to the general area next to the Minas Basin and to the reclaimed marsh between the Rivière-aux-Canards (Canard River) and the Rivière Gaspereau (Gaspereau River). Even so, other records attest to the presence of the Acadian settlement on the uplands portion of the nominated property. The heart of the Acadian settlement is now defined by a concentration of archaeological remains of houses, field patterns, the cemetery, the traditional location of the remains

of the parish church of Saint-Charles-des-Mines, and the intersection of main roads.

The southeast corner of the nominated property includes the surviving evidence of the planned British town grid in Hortonville. The grid is defined by Railway Street, King Street, and Middle Street running east–west and by Horton Cross Road, Wharf Road, and Patterson Street running north–south.

Today, the agricultural community surrounds the dykelands and extends over the hills to the Gaspereau River. The nominated property includes the heart of the Acadian settlement and the British town grid. Since the time of the first Acadian settlement in the 17th century, people have continuously worked these dykelands. The property also includes parts of the hamlet of Grand Pré, which hosts provincially and municipally designated heritage properties and some local services, plus farms on the hills and an expanse of fields and pastures.

At the heart of both the nominated property and the Acadian settlement lies Grand-Pré National Historic Site of Canada. The national historic site consists of the commemorative gardens, the Memorial Church, cemeteries, and many other memorials to the Acadian Deportation (see Map 3: *Overview of Features of the Nominated Property*).

Through tangible and intangible evidence, this exceptional landscape illustrates the harsh environment, the genius of the dyking system, the productivity of the farmland, and its symbolic reclamation by the Acadian people.

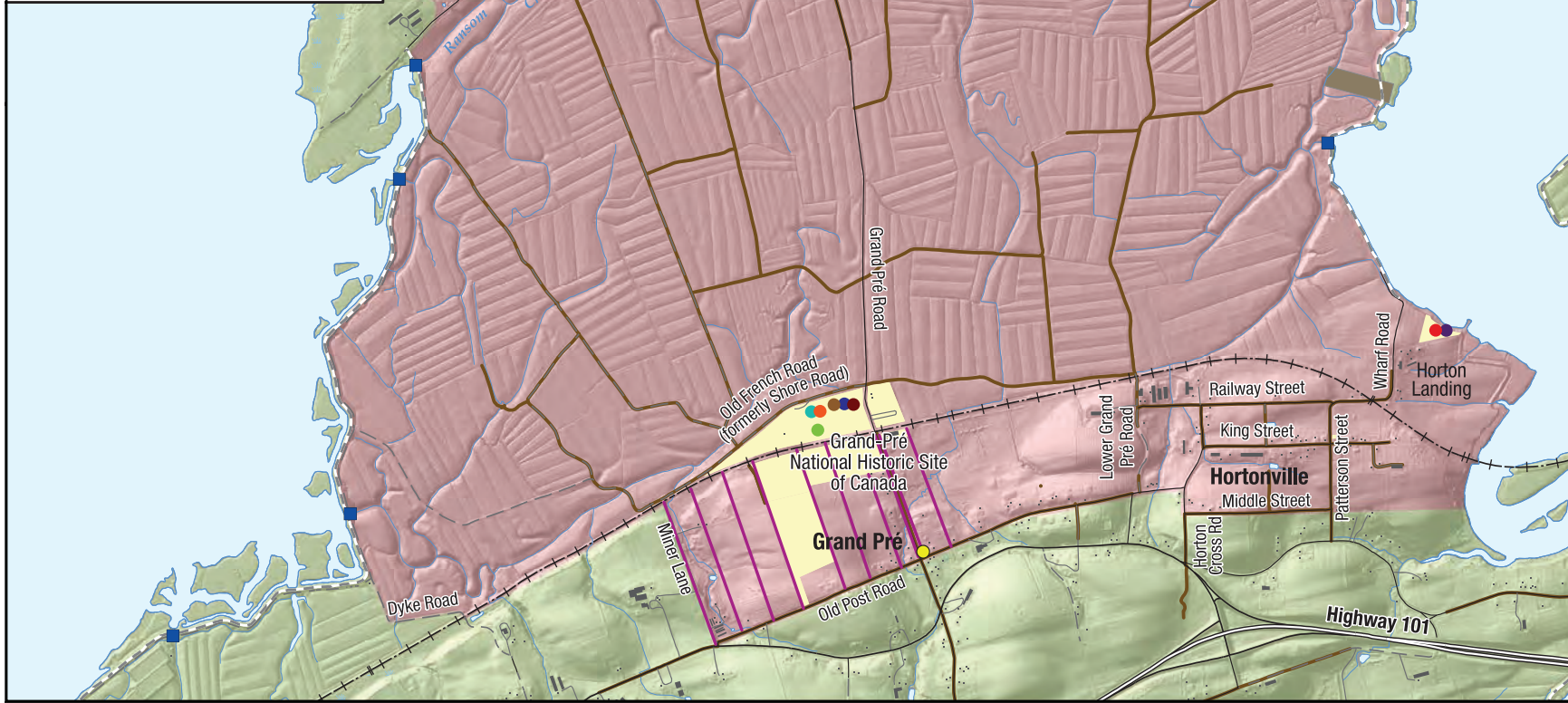
**Overview of Features of the Nominated Property**

- Parks Canada Administered Property (included in the Nominated Property)
- Nominated Property
- Aboiteaux
- Acadian Cemetery
- Attack at Grand Pré Monument
- Deportation Cross
- Evangeline Statue
- Dykes, Present Day
- Present Day Roads that Coincide with Historic Roads and Dykes
- Seigneurial System Property Line
- Area of Acadian Dyke Remnant
- Evangeline Well
- Herbin Cross
- Longfellow's Bust
- Memorial Church
- Planters Monument

- Highway
- Collector Highway
- Paved Road
- Decommissioned Railroad
- Stream/creek
- Building
- Waterbody
- Salt Marsh

0 500 1,000 Metres

N



Map 3

### 2.a.i. An exceptional setting

To understand the environmental challenges and opportunities that have faced communities here since earliest times, one needs to understand the setting.

The setting is defined by its location on the Minas Basin. Here, the shores are pounded twice a day by the highest recorded tides in the world, with a mean range of 11.61 metres. Over 100 billion tonnes of seawater flow in and out of the basin at every tide, more water than the combined flow of all the world's rivers. Yet, those tides create not only an extraordinary challenge to settlement but also an extraordinarily fertile environment, ideal for agriculture.

For approximately 5000 years, the tides of the Minas Basin have deposited the rich alluvial silts of the Bay of Fundy in the intertidal zone at Grand Pré. The resulting mudflats and salt marshes provide habitat to many species of fish, shorebirds and seabirds. They also produce highly fertile and nutrient-rich soils ideal for agriculture. One can see, in the exposed iron-stained sandstones and siltstones beneath their cap of basalt on nearby Cape Blomidon, the type of material that has contributed to the fertility of the wetland. Nutrients were continually being stored in the soils of the marsh as the marsh level rose to keep pace with gradual sea level rise. No comparable productive wetland exists in North America at the same latitude. This intertidal zone is now over 1300 hectares of highly productive farmland protected by 13 kilometres of dykes, and is locally referred to alternatively as the marsh, dykeland or marshland. Surrounding the dykeland, on its fringe, are pockets of the salt marsh (see Figure 2-1) as it would have looked before it was dyked, as well as some remains of the previous dykes that were abandoned to the force of the sea. The marsh continues to host *Spartina patens* and *Juncus gerardii*, two grass species whose natural resilience to the tidal forces makes them ideal for dyke building and maintenance (see Figure 2-2). That salt marsh and the archaeological remains of previous dykes are included in the buffer zone.



2-1 Salt marshes at Grand Pré, outside the dykelands, evoke the landscape prior to its transformation into farmland.



2-2 *Spartina patens* (upper right) and *Juncus gerardii* (lower left) grow outside the dykes at Grand Pré.

The land, as well as the sea, presented challenges and opportunities to people who settled here. The surrounding community primarily sits on the uplands, a row of hills bordering the marsh to the south. Houses and trees are also on Long Island, no longer an island but recognizable from a distance because of its elevation above the flat dykeland. Communities settled on higher ground to protect themselves from floods and to take full advantage of the fertile dykelands. Boot Island, to the east of Long Island, has been eroded by the tides to such an extent that it is now barely visible. Boot Island was, up to the 19th century, attached to Long Island. Archival and sparse physical evidence points to Acadian and New England Planter settlements on that island. An open water channel, or “guzzle,” has been forming since the early 20th century between Long Island and Boot Island and continues to increase in size. The rapid erosion of Boot Island has destroyed much archaeological evidence and is one more indicator of the constant challenge of protecting land from the forces of the tide. Long Island and Boot Island are included in the buffer zone.

Grand Pré and the surrounding area retain a strong agricultural sense of place, largely characterized by fields, vineyards, orchards, and rural dwellings. It has no large-scale commercial activities.

#### 2.a.ii. Tangible attributes

##### **The Dykeland as the Heart of the Agricultural Landscape and the Cornerstone of the Symbolic Landscape**

The dykeland defines the agricultural landscape and is the foundation for the symbolic landscape. It also connects the two.

Grand Pré, meaning great meadow or great field, derives its name from the 1300 hectares of dykeland that form the majority of the nominated property. Grand Pré has been dyked and farmed for over 300 years. It is a vast expanse of flat land interrupted only by meandering creeks, private farm roads, and a single public road bordered by utility poles. The land has been almost exclusively used for agriculture, regardless of the era or cultural group living alongside it. No permanent buildings stand on the dykeland. The key tangible features of the dykeland include the creeks, the dykes, the *aboiteaux*, and the field pattern (see Figure 2-3).



2-3 The field pattern of the dykelands is clearly visible in this aerial view of the nominated property.

Because of its origins as an intertidal zone, the clayish soil of the dykeland has low permeability. The compactness of the soil and the often humid conditions in the area can make it difficult to operate heavy machinery here. These conditions in effect limit the size and weight of the farming equipment.

Ransom Creek, Great Discharge Creek, and Deportation Creek are three of the main discharge arteries on the dykeland. They have been an integral and virtually unchanged part of the dykeland since the late 17th and early 18th centuries. Smaller creeks drain into these larger arteries and are part of the overall drainage system of the dykeland. Today many of the fields have been “landformed” to improve drainage and retain heat, and the drainage of the dykeland begins with the runoff of water from the soil into ditches. These ditches have a 30-centimetre drop over 300 metres and run through the fields towards one of the three main discharge creeks. The water then continues down those creeks towards the Minas Basin and under the dyke through an *aboiteau*.

Dykes surround the area that was transformed from wetland into farmland. Currently, there are approximately 13 kilometres (8.1 miles) of dykes along the east, west, and part of the north boundaries of the nominated property, all dating from the 20th century. A vestige of an Acadian-period dyke remains on the east side of the dykeland, in the nominated property, protected by a landowner and his ancestors for generations (see Figure 2-4).



2-4 The raised ridge is the only above-ground vestige of an Acadian-period dyke.

It is the only above-ground vestige of that period and no longer serves as a barrier to protect land. Because the dykes were moved and reinforced according to their ability to withstand the changing forces of the tides, there are underground vestiges of dykes from different periods within the boundary of the nominated property, and above ground and underground in the buffer zone. Dykes in the nominated property area were traditionally built from sod taken directly from the salt marsh. Farmers would cut bricks of sod with specialized instruments and arrange them into a solid structure that would resist the impact of the tides. More recently, the operation has been mechanized, with large machines extracting the sod and topping the dykes. Ongoing maintenance of the dykes includes weed control to support the growth of sod and other useful vegetation. In many places, the dykes are faced with boulders on the water side to help

protect them from the force of the tides (see Figure 2-5). Smaller portions of the dykes in the nominated property have been built privately by individual farmers. For all dykes, the building principles and their function have remained the same over time: restricting tidal inputs of seawater into the dykeland and protecting the farmland.



2-5 Dykes at Grand Pré are faced with rocks to help them withstand the force of tides and storms.

*Aboiteaux*, both functioning and abandoned, are found in creeks and under dykes throughout the dykelands (see Figure 2-6). These *aboiteaux* are the key technological component of the agricultural landscape. They continue to facilitate the passage of fresh water from the dykeland into the ocean at low tide, while keeping salt water from entering during high tide. Each *aboiteau* consists of a tubular structure with a simple valve at one end that regulates the flow of water. These structures were once made of wood, either from a hollowed tree trunk or an assembly of planks; today they are made from a combination of PVC piping, wood, and concrete. Once *aboiteaux* cease to function, they are left in place and new ones are installed immediately on top of or next to the old ones. Remains of earlier *aboiteaux* are regularly found by farmers as they carry out their drainage maintenance work. Five functioning *aboiteaux* are located within the nominated property and one is within the buffer zone.



2-6 A working *aboiteau* drains water from the dykelands.

The field patterns on the dykeland are a practical response to the geophysical realities of drainage on the dykelands (see Figure 2-7). Their organically shaped patterns illustrate the smaller size and uneven form of fields common in the 1700s, even though many of these fields have changed sizes and shapes since then.

Some 31 per cent of current field patterns date back to 1760, when the New England Planters were first allotted land. Landowners did not separate fields with hedges, walls, or any other physical obstacle, except when needed to keep cattle, a tradition that endures. In many instances, ditches that collect water are located along the edges of each property, which may include more than one field. Crops grown in recent years on the dykeland include corn, salt hay, soy, alfalfa, oats, and winter and spring wheat. At various times throughout the year, and in various locations, the dykeland is used as a common area to pasture cattle.



2-7 Fields on the dykelands are shaped to create optimal drainage conditions.

The dykeland also plays an important part as a feature of the symbolic landscape. Through its association with the land that was once characteristic of Acadian settlements and the setting of Longfellow's poem *Evangeline*, the dykeland serves as the foundation for the symbolic reclamation of the landscape by the Acadians. It is a reminder of the land that was lost at the time of the Deportation, even representing a "paradise lost" in an idealized vision of history for the Acadian people. Its proximity to the features of the symbolic landscape, which are discussed later, gives meaning to the memorials by setting them in a context that reflects the origins of the Acadians.

### The Agricultural Landscape and its Features

The uplands to the south and Long Island, both on the edges of the dykeland, are where the agricultural community of Grand Pré has lived since Acadian times. Four distinct communities surround the dykeland: the hamlet of Grand Pré on the south-central boundary of the nominated property and Hortonville to its east, North Grand Pré on Long Island, and Lower Wolfville to the west of the hamlet of Grand Pré. The boundary of the nominated property includes portions of Hortonville and of the hamlet of Grand Pré. The remainder of these communities, North Grand Pré, and Lower Wolfville, are included in the buffer zone.

In addition to the dykelands themselves, the key tangible features of the agricultural landscape are the settlement, the French field pattern, the British planned town grid, the roads, and the archaeological heritage.

#### *The settlement*

The settlement pattern at Grand Pré has changed remarkably little over more than three centuries. Despite all the economic, political, military, and social changes that have swept the region, Grand Pré retains the pattern of a linear, dispersed, and low-density settlement (see Figure 2-8). The settlement continues to spread out across the hills and upland areas, adjacent to but never on the dykelands.



2-8 Grand Pré remains a low-density settlement spread out next to the dykelands, here seen in the background.

This pattern reflects the importance of the farmland, a need to live near it as the main workplace, and a need to protect the settlement from risk of floods. The uplands retain key aspects of the agricultural community that complement the use of the dykelands, including farmland, agricultural buildings, and some woodlands. The many and layered architectural styles of the dwellings and farm buildings – from the oldest house dating back to the late 18th century to the modern bungalow – and the presence of the cemetery provide evidence of an evolving landscape and of its ongoing use by an agricultural community. The settlement extends over the hills, interrupted only by Highway 1 and Highway 101, down to the Gaspereau River where it meets smaller dyked wetlands. This section of the settlement is included in the buffer zone of the nominated property.

#### *The French and British settlement patterns*

While today's dispersed settlement is the most tangible evidence of the historic settlement pattern, one can see evidence of other forms of settlement that the French and British colonial authorities tried to impose.

The French pattern illustrates the seigneurial regime in that area. Typical of French North American settlement forms of land distribution, it is characterized by long and narrow property boundary lines running uphill from the closest body of water. It aimed

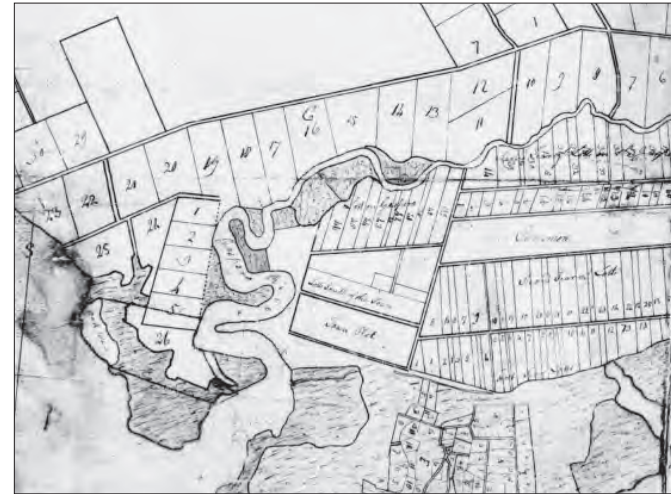
to provide an equal amount of woodlot to each settler as well as access to the water, at the time the main transportation corridor. At Grand Pré, long and narrow field shapes extending from the edge of the dykelands towards the top of the uplands are visible today (see Figure 2-9).



2-9 An aerial view of Grand Pré shows long and narrow properties, a remnant of the seigneurial regime.

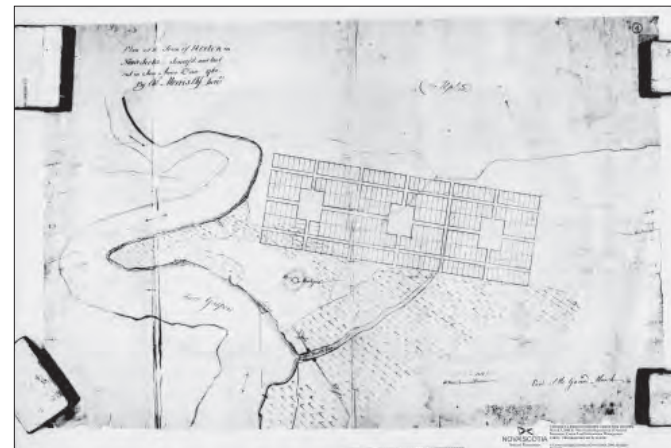
These field patterns are identical to those noted on a map by the British surveyor-general of Nova Scotia, Charles Morris, in 1760 (see Figure 2-10) and on a map from surveyor John Bishop in 1770.

These property lines do not follow the typical British authority's approach of providing equal-sized parcels to new settlers, however there are no obvious physical conditions or obstacles that account for the different approach. In fact, a close examination of these maps highlights field divisions along the Gaspereau River similar to those along the dykeland and reveals the presence of a communal space, all key attributes of the seigneurial regime's spatial organization. This leads historians to suggest that these field patterns are the vestiges of the seigneurial regime that was introduced when the settlement was created in the 1680s. This evidence is included in its entirety in the nominated property's boundaries.



2-10 This 1760 map of Grand Pré shows field patterns identical to those seen today. (Note: north is at the bottom of this map.)

The British town grid in Hortonville (see Figure 2-11) is evidence of the British authorities' plans for settling the New England Planters after the Deportation of the Acadians.

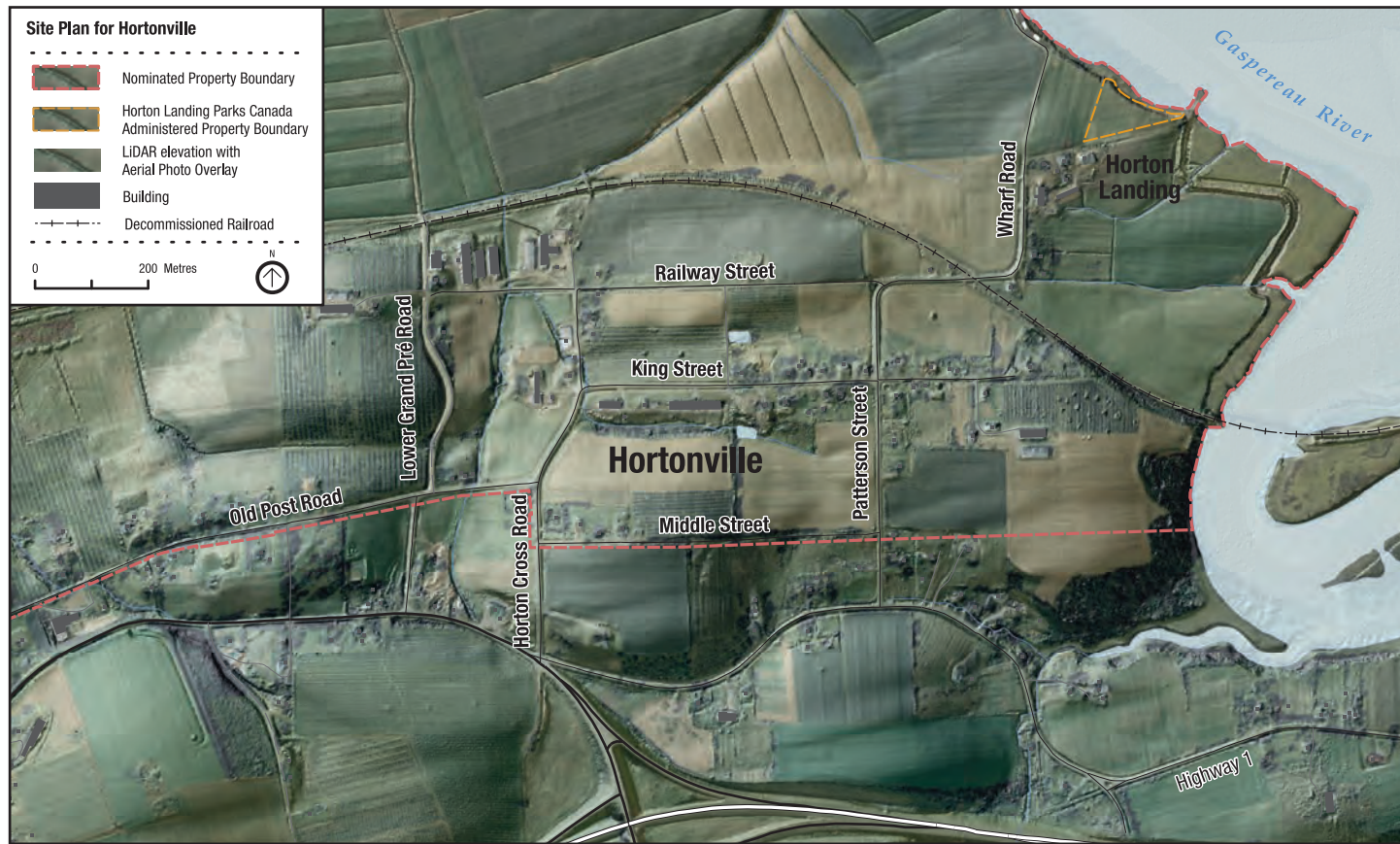


2-11 The plans for the Planter town of Horton followed the typical British settlement grid pattern.



The arrival of the New England Planters, commemorated by a Historic Sites and Monuments Board of Canada monument at Horton Landing next to the Deportation Cross, marks the beginning of their presence and that of their descendants in the area. The roads and field patterns are intact evidence of the British town plot, a rectilinear grid designed in 1760 and typical of British North American settlement patterns. The Hortonville town grid remains visible, and about half of the original roads are still used today. Middle Street runs east–west at the top of both the grid and the hill. Today, only two-thirds of the street is accessible by vehicle, while the remaining one-third is a

footpath that connects with Patterson Street. King Street and Railway Street also run east–west in the grid, Railway Street being the most northerly of the three east–west roads. Patterson Street is currently the most easterly street in the grid and runs north–south. Horton Cross Road is the most westerly north–south road in the grid. About one-third of this road is not rectilinear like the others in the grid system, but curves following the natural shape of the land. Wharf Road, a dirt road running north–south, leads to Horton Landing. See Map 4: *Site Plan for Hortonville*.



Map 4

Both the French and the British settlement patterns are reminders of the two colonial powers that struggled to take control of *Acadie*. The two patterns contrast with the dispersed low-density vernacular adaptation that the settlers used for successfully working on the dykelands. Tangible evidence of that rivalry is commemorated by a Historic Sites and Monuments Board of Canada's cairn. Located on the corner of Grand Pré Road and Old Post Road, the cairn commemorates the Franco-British imperial rivalry that led to the 1747 attack by French and Aboriginal allies on the British troops stationed at Grand Pré. That event influenced the British authorities' decision to deport the Acadian population in 1755.

### Roads

Several historic roads lie within the nominated property. Old Post Road is one of the most important and historically significant roads in the area, connecting the communities from east to west. It dates back to Acadian and New England Planter times and is the southernmost boundary of the nominated property. Today, the road has been graded and paved, but not widened, retaining its original feel as a rural road. Grand Pré Road is the only public road that runs north-south through the dykeland, connecting North Grand Pré with Grand Pré. A portion of this road may date back as far as the 17th century, but most of it is from the late 19th century. Over time, it has been widened, graded and paved.

Smaller, private roads were built on top of dykes, and may date back as far as the late 17th century. Most of these roads are the responsibility of the Grand Pré Marsh Body. Lower Grand Pré Road is a historic dirt road that begins at Old Post Road and descends to the dykeland, gently curving across to Long Island and the community of North Grand Pré. It has been widened and graded in places. The Old French Road (also referred to in part as Shore Road) dates back to the 1680s and runs parallel to the dykelands (see Figure 2-12).



2-12 The Old French Road (as seen today) dates back to the 1680s and runs east-west along the dykelands.

It is traditionally associated with the road travelled by the Acadians on their way to Horton Landing and the ships that deported them. The road has been widened and graded over the years. The western boundary of the upland portion of the nominated area follows the middle of Miner Lane. Miner Lane runs north-south and leads down to the dykeland. All these roads are intricately linked to the agricultural use of the nominated property.

The railway line, formerly operated by the Dominion Atlantic Railway, was an important transportation corridor and element of the history of the area. It brought tourists to discover Grand Pré and allowed farmers to export their goods throughout North America and the British Empire. It runs east-west just south of the dykeland boundary. Although trains have not travelled on the railway line since 2008, the tracks are still present.

### Archaeological heritage

The nominated property includes a number of known archaeological sites. It also contains areas that may contain archaeological resources according to historical evidence and predictive modelling. While archaeological evidence confirms that humans were present here

for thousands of years before the Acadians arrived, the key attribute relates to the archaeological heritage from the 1680s onwards.

On the dykeland, on which no homes have ever been built, archaeological sites consist essentially of sub-surface remains of dykes, *aboiteaux*, and roads. Due to the anaerobic nature of the dykelands soils, any discovered organic material would be in good condition. On the settled uplands, numerous sites have been found through surveys and by accidental discoveries (see Figure 2-13). These include structural features from the Acadian period, the New England Planter period, and the later 19th century. Archival evidence suggests the presence of important structures, burial grounds, and other features dating from the 17th and 18th centuries. Additional research is required to confirm their presence.



2-13 Archaeologists document and excavate an *aboiteau* discovered in 2006.

Grand-Pré National Historic Site of Canada has been the location of most of the archaeological research in the area (see Figure 2-14).



2-14 Archaeological research at Grand-Pré National Historic Site of Canada.

Since the 1960s, archaeologists have studied depressions in the ground and later identified them as Acadian-period buildings. Two are located on the triangular piece of property that houses the Blacksmith Shop. Other archaeological evidence has been uncovered at the historic site, mostly adjacent to the Memorial Church and near the Herbin Cross. Most of the artifacts discovered on this property are either on display in the visitor centre or housed in the Parks Canada facility in Dartmouth, Nova Scotia.

### Memorials of the Acadian Symbolic Landscape

Creating the memorial park and erecting the memorials have physically transformed the landscape of Grand Pré into an Acadian symbolic landscape. These memorials are concentrated at the Grand-Pré National Historic Site of Canada and at Horton Landing.

### Grand-Pré National Historic Site of Canada

The Grand-Pré National Historic Site of Canada lies along Grand Pré Road where the road meets the railway. It hosts key memorials associated with the Acadians, such as the commemorative garden, the Memorial Church (*église-souvenir*) (see Figure 2-15), the Herbin Cross, the Longfellow monument, and the Statue of Evangeline.



2-15 The Memorial Church at Grand-Pré National Historic Site of Canada is revered by Acadians worldwide.

The visitor centre, at the entrance to the historic site on Grand Pré Road, offers exhibit areas, an audio-visual theatre, a gift shop, a multi-purpose room, storage space, and washrooms. Between mid-May and mid-October, this is where visitors to the site are welcomed, oriented, and informed about their visit and the history of Grand Pré.

The commemorative gardens were designed by Canadian architect Percy Erskine Nobbs, by commission from the Dominion Atlantic

Railway in 1918. His design links the different key memorials, displays the symbols of Acadian identity, provides a contemplative setting to reflect on the events surrounding the Deportation of the Acadians, and stands in marked contrast to the agricultural setting surrounding the historic site (see Figure 2-16).



2-16 The commemorative gardens give visitors a quiet place to reflect on the Acadian story.

The Memorial Church is a place revered by the Acadians and their Louisiana cousins, the Cadiens (Cajuns). It has become a destination for an untold number of personal and group pilgrimages and is considered sacred, even though it has never been consecrated by the Roman Catholic Church. The cornerstone was, however, blessed upon completion of the church. Built of fieldstone, the church was finished in 1922, and resembles a Norman French church (see Figure 2-17). It symbolizes the trauma and dislocation associated with the

Deportation of the Acadians, as well as the perseverance and hope with which later generations of Acadians were able to surmount their challenges and hardships. The Memorial Church is believed to be near the location of the 18th-century Acadian church of Saint-Charles-des-Mines. It has iconic status as a symbol of Acadian history in general and of Grand Pré in particular.



2-17 The Memorial Church, here seen in 1935, was erected in 1922 in the commemorative gardens designed by Percy Nobbs.

The Herbin Cross represents one of the earliest attempts to mark, formally and artistically, the prior presence of the Acadians on the ground at Grand Pré (see Figure 2-18). It was erected in 1909 at the direction of John Frederic Herbin, an Acadian descendant and the

founder of the historic site, to mark the place where old coffins were uncovered during the 19th century. Constructed from fieldstones collected on location and presumed to be from Acadian houses, it accurately indicates where the Acadian cemetery was located from the 1680s to 1755. A plaque honouring Herbin was added to the cross in the 1930s.



2-18 The Herbin Cross was the first memorial erected at Grand-Pré and marks the location of the historic Acadian cemetery.

The Longfellow monument is a plaster bust of American poet Henry Wadsworth Longfellow, author of the poem *Evangeline, A tale of Acadie* that brought worldwide attention to Grand Pré and the plight of the Acadians following their Deportation (see Figure 2-19). The monument was erected in the park in 1955 by the Province of Nova Scotia, on the occasion of the 200th anniversary of the Deportation of the Acadians. It symbolizes the impact that Longfellow's poem, retelling the forced migration of the Acadians, had on readers around the world and on the collective memory of the Acadian people. It also acknowledges how the success of that literary creation brought untold numbers of tourists to Grand Pré.



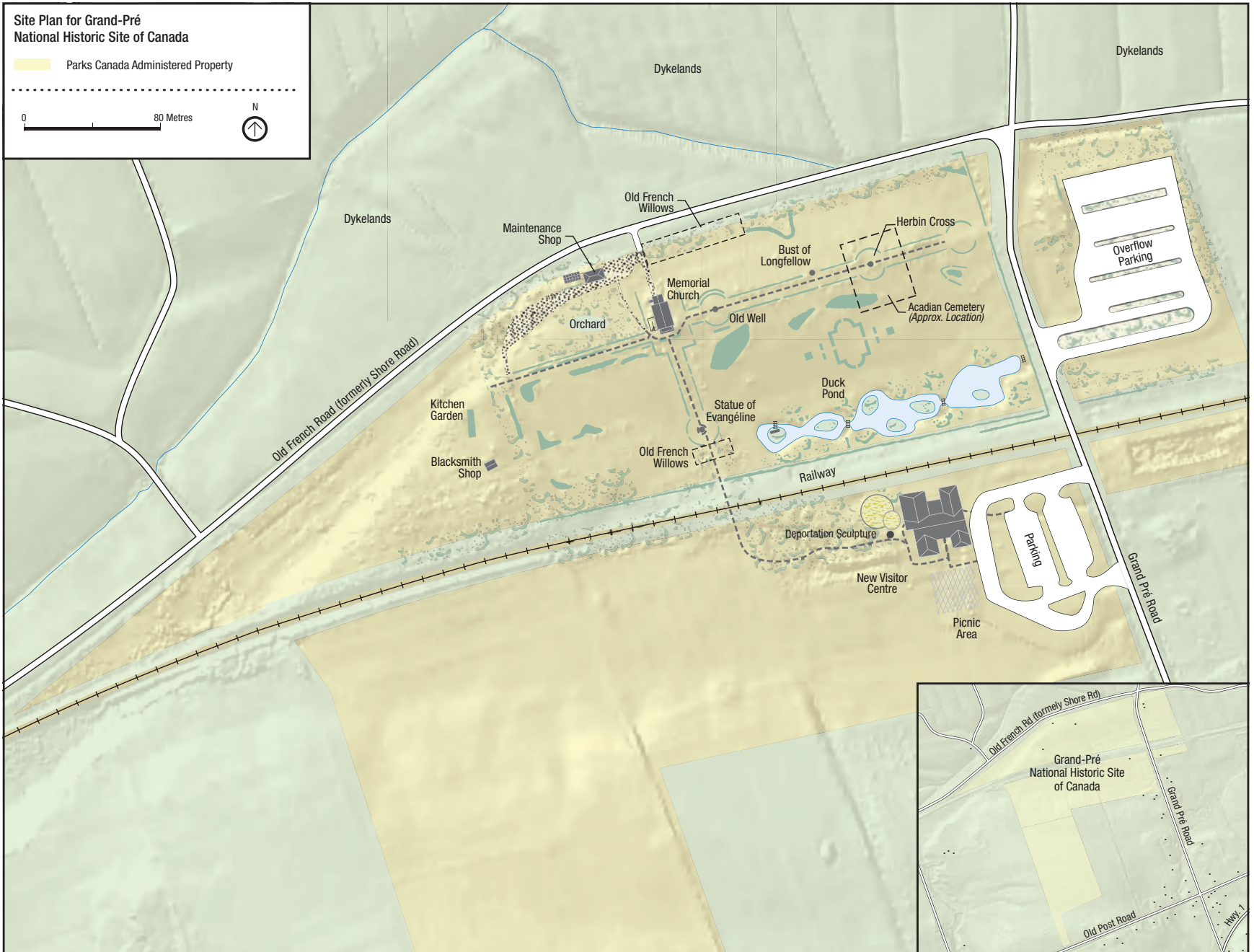
2-19 The bust of Longfellow commemorates the attention the author brought to the Acadian story.

The poem's main character, the fictional Evangeline, acquired symbolic status with Acadians and non-Acadians. The character represents hope, the strength of a people's character in adversity, and the trauma of losing one's homeland, all essential aspects of the Acadian experience. That symbolic status was confirmed with the erection of a bronze statue of Evangeline commissioned by the Dominion Atlantic Railway and executed by Montreal sculptor Henri Hébert in 1920 (see Figure 2-20). The Statue of Evangeline, especially with the Memorial Church as its backdrop, has become an iconic symbol of the Acadian history of Nova Scotia in general and of the tragedy of the Acadian Deportation from Grand Pré in particular.



2-20 Longfellow's *Evangeline* popularized the story of the Acadian people around the world.

The Statue of Evangeline, as well as the other attributes of the national historic site, are depicted in Map 5: *Site Plan for Grand-Pré National Historic Site of Canada*.



Map 5

### *Horton Landing*

Horton Landing lies at the end of Wharf Road where the land meets the mouth of the Gaspereau River. It is a small triangular piece of land, marking the spot where Acadians were boarded onto small

boats to begin their forced migration in 1755 (see map 6, Site Plan for Parks Canada Administered Property – Horton Landing). An iron cross, known as the Deportation Cross, symbolically marks the place of the beginning of the forced migration and honours the sufferings of the Acadian people (See Figure 2–21).

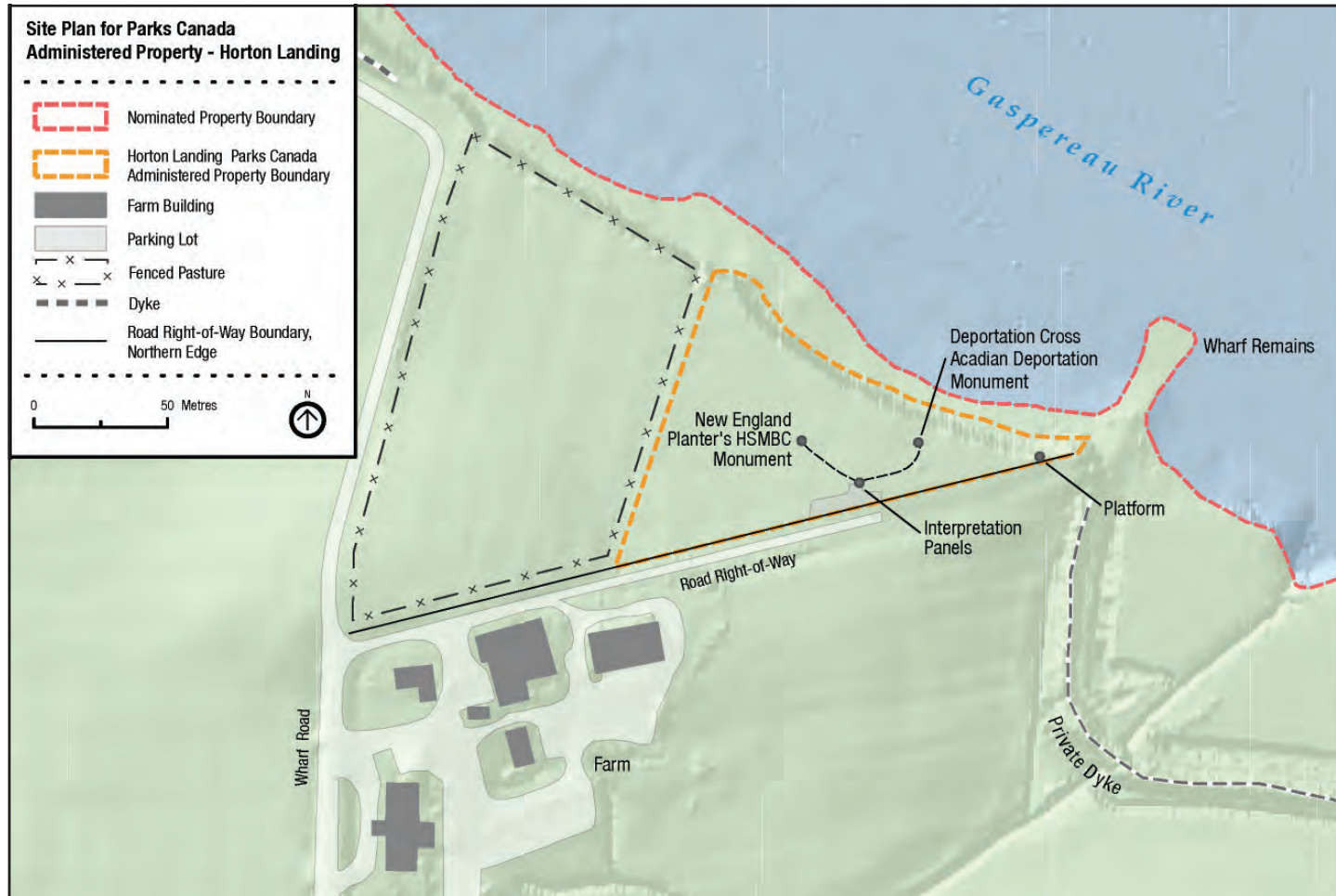


2–21 The Deportation Cross at Horton Landing marks the spot from which the Acadians were boarded onto boats in 1755. Cape Blomidon lies in the background, on the left.



Originally erected by the Acadian community in 1924 next to a nearby creek and the railway, the Deportation Cross was moved to Horton Landing in 2005 as new information confirmed the exact location of the event. It displays a plaque that reads,

The dry bed of the creek which is in sight, a few paces in the marsh is the spot where the VICTIMS OF THE EXPULSION OF THE ACADIANS OF 1755 were embarked on the small boats to be rowed over to the transports lying at anchor in Minas Basin.



Map 6

### 2.a.iii. Intangible attributes

As an agricultural landscape, the main intangible attribute, resulting in the tangible attributes described earlier, is the community-based approach to maintaining the dykeland, including its drainage and roads. Since creeks are maintained as the main drainage outlets, the drainage of individual fields is directed towards those creeks. The result is the characteristic field pattern of a patchwork of shapes and sizes. As a symbolic landscape, the main intangible attribute of the nominated property is the Acadian community's continuing understanding and use of the landscape as a *lieu de mémoire*.

These intangible attributes illustrate the integral relationship between the agricultural and symbolic dimensions of the landscape.

### Community-based Management of the Dykeland

The first Acadian builders of the dykes adopted a collaborative approach to managing the dykeland. Today, the dykeland continues to be managed the same way. The Grand Pré Marsh Body is an association of dykeland owners who together, under legislation, are responsible for managing the designated agricultural dykeland. Its membership stands at about 30 owners who use and manage thousands of hectares of dykeland. Many of the current members are descendants of the New England Planters. Their families have been farming the land for close to eight generations, which is extremely rare in North America. Newer members include Dutch farmers who settled in Canada after the Second World War. The centuries-old knowledge of the principles of working the land, of dyke building, and of drainage maintenance is shared among members and within families. It is a thriving organization that ensures collaboration and respect for the land.



2-22 Today farmers work the fields with the help of modern farm equipment.

The ongoing agricultural use of the dykeland, the maintenance of the drainage and dykes, and the incredible productivity of the land are the result of that knowledge and of its nurturing through the Grand Pré Marsh Body (see Figure 2-22). The dykeland area included in the nominated property is managed under the jurisdiction of the Grand Pré Marsh Body.

### *Lieu de mémoire* for the Acadians

Grand Pré is a place where Acadians commemorate their collective experiences and celebrate their identity, a *lieu de mémoire*.

As a *lieu de mémoire*, the symbolic landscape of Grand Pré shows how the Acadians are associated with this area beyond the tangible memorials. This is particularly evident in the many ways Acadians use the commemorative spaces, in particular at the national historic site and at Horton Landing. These uses include annual "Acadian days," annual events commemorating the Deportation and the Acadian National Day, and other cultural and social events. Acadians organize events and take an active role in managing the national historic site. It is also evident in the references to the Memorial Church and to other symbols of Grand Pré in literary and artistic works.



2-23 In 2008, the organizing committee of the Acadian Games gathered 1500 young Acadian athletes at Grand-Pré to learn about their history and celebrate their pride in Acadie.

Numerous events at Grand Pré have brought together Acadians from around the world in the past century. These gatherings have united Acadians and allowed them to celebrate and express their collective memory (see Figure 2-23).

Notable events include the bicentenary of the Deportation of the Acadians in 1955 and the World Acadian Congress in 2004, an event organized and held in a different region of the Acadian diaspora every five years.

These intangible associations are evidence of the ongoing evolution of the landscape. They also demonstrate the ability of the Acadian community to continually transform this *lieu de mémoire* to reflect its values and its renaissance.

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## 2.b. History and development

### The Evolution of an Agricultural and Symbolic Landscape

Since the 1680s, when a small group of Acadian settlers first arrived in the area and called the vast wetlands *la grand pré*, the human history of Grand Pré has been linked to its natural setting and the exceptional fertility of this land by the sea.

The earliest settlers were isolated. They were a long way from home and were mostly ignored by the various French and British authorities who administered the area. The settlers developed close relations with the local Mi'kmaq, the indigenous people of Nova Scotia – not just at Grand Pré but elsewhere in *Acadie* – as they came to grips with the natural setting and began to claim fertile land from the sea by building dykes. All of these factors contributed to their developing a new and distinct identity. Though French by birth, over the course of the second half of the 17th century they came to see themselves as belonging to *l'Acadie*, as being *Acadiens* and *Acadiennes*.

During the roughly 70 years before their forcible removal in 1755, the Acadian community of Grand Pré introduced an environmental management approach that had been applied elsewhere in *Acadie*. Acadians took European practices, developed for wetlands and saltpans, and adapted them to the much different environment in *Acadie*.

Faced with the highest recorded tides in the world (see Figure 2–24), the Acadians at Grand Pré worked for three generations to transform over 1300 hectares of tidal marsh into farmland. The farmland was then – and remains today – some of the finest farmland in North America.

In 1760, five years after the Acadians were first deported from Grand Pré and dispersed throughout the world, a contingent of New England Planters was settled at Grand Pré to take over the lands. Then, as now, the transformed marsh was the primary focus for the area's inhabitants. Like the Acadians before them, the New England Planters in the Grand Pré area developed their own strong connections to the land and their rural way of life. The Grand Pré dykeland

remains highly fertile today, and the most important features of the original dyked area remain in place.

Then, beginning in the late 19th century and continuing until today, Grand Pré developed as the most important *lieu de mémoire* of the Acadian people. Memorials and commemorative gardens were created adjacent to the transformed marsh to mark the ancient Acadian settlement, commemorate the removal of the people in 1755, and celebrate the vitality of the Acadian community. This last transformation completed the symbolic reclamation by the Acadians of an agricultural land from which they had been forcibly removed.

### Before the Arrival of the Acadians: The Highest Tides in the World, a Fertile Environment, and the Mi'kmaq

#### *The Highest Tides in the World*

Following the retreat of the glaciers after the last Ice Age about 14 000 years ago, sea levels around the planet rose. Rivers draining from the newly deglaciated land began to wash away sediment. In Eastern Canada, these sediments came to line the bottom of the Bay of Fundy. At this time, the Minas Basin was a shallow freshwater or brackish lake, and Georges and Browns Banks at the entrance to the Bay of Fundy were dry land. As sea levels continued to rise, and Georges Bank became submerged, more sea water entered the Bay. By 4000 years ago, the tidal range in the Minas Basin was only about 1 to 1.5 metres (3.2–4.9 feet), but this range has steadily increased over time to an average of 12 metres (39 feet) in the Minas Basin, 11.61 metres (38 feet) at Grand Pré and a maximum in excess of 16 metres (52.5 feet) – the highest recorded tides in the world.

The greatest ranges and the greatest extent of an intertidal zone occur today in the Minas Basin. As part of the tidal cycle – two high tides and two low tides daily – 100 billion tonnes of sea water flow in and out of the Minas Basin twice each day. That is more water than the combined daily flow of all the world's rivers.



2-24 As a result of the large tidal range, extensive mudflats at Grand Pré are visible at low tide.

### *A Natural Fertility*

By any measure, the Bay of Fundy is an extraordinary, complex and highly productive ecosystem. All coastal waters and estuaries tend to be biologically rich because they are adjacent to land that provides a steady supply of nutrients, are generally shallow so that light and nutrients are available to support plant growth, and provide a diverse array of habitats for different species. In the Bay of Fundy, these natural attributes are enhanced by the dramatic tides. Tides create major upwelling areas at the mouth of the Bay in which cold, nutrient-rich water is brought to the surface where light is available to support growth of phytoplankton. This is the foundation for a highly productive food chain that sustains vast numbers of animals from plankton to whales. This is also one of the major reasons that numerous species of fish, birds and mammals migrate to the Bay of Fundy to feed each year.

At the head of the Bay, in the Minas Basin, the larger tides drive a totally different ecosystem, one in which the waters are cloudy because of silts and clays kept in suspension by the tides. There is little biological production in the water, but at the same time large areas of intertidal zone are exposed where phytoplankton and salt marshes flourish. Sustained both by the constant provision of sediment and by the continuous supply of nutrients brought in on the rising tide, salt marshes are more extensive in the Minas Basin, allowing the marsh to grow as sea level rises. As a result, the Fundy marshes are naturally among the richest in the Northern Hemisphere. Together, the marshes and mudflats provide a major feeding ground that attracts millions of fish and birds.

For much of the 4000 years that the Minas Basin has been tidal, salt marshes have been present, building up continuously to keep pace with sea level rise. This vertical increase results from the trapping of sediments, together with absorbed nutrients, by salt marsh plants as the tide rises twice each day. Thus a Fundy salt marsh represents thousands of years of biological production: the plant roots, sediments and nutrients have been stored in the marsh over a geological timespan, producing an accumulation of fertile soil. With the coming of the Acadians, and the dyking of some of these marshes, that

fertility became available for agriculture. Indeed, topsoil is on average four and a half metres deep. Although the low permeability of the sediment makes it difficult for salt to be washed out of the soil, farmers were still able to grow shallow-rooted crops. Prior to the Acadian settlement, human use of the Bay of Fundy was mainly through the capture of animal life – shellfish, fish, birds and mammals.

In the period just before the first Acadians came to settle at Grand Pré, the lower-lying parts of what is today the Grand Pré dykelands were covered twice a day by sea water. The higher areas were covered less frequently, just during extreme high tides. When the tide fell, it revealed an extensive salt marsh, consisting of over 1000 hectares of marsh grasses and tidal drainage creeks. This luxuriant marsh was home to a wide range of marine and estuarine life.

### *The First People, the Mi'kmaq*

For thousands of years before the arrival of Europeans in northeastern North America, the *Mi'kmaq*, the indigenous people of Nova Scotia, lived, hunted, and fished throughout parts of the maritime provinces and Gaspé peninsula in Québec, in a region that came to be known collectively as *Mi'kma'ki*. The particular district in which the shores of the Minas Basin and Grand Pré are located was called *Sipekni'katik*, the name by which today's *Mi'kmaq* still know it.

Their presence in the broader landscape is confirmed from traditional, archaeological, and ethnographic sources. The archaeological discovery in 2009 of a 4000-year-old stone gouge at Horton Landing provides the earliest date of use of the area by the ancestors of the *Mi'kmaq*. The Minas Basin figures prominently in the history, legends, and spirituality of the *Mi'kmaq*, especially Cape Blomidon, which has been for centuries the dominant feature on the landscape in the overall Grand Pré area. This is the setting for the stories of Glooscap – the most important *Mi'kmaq* hero – including Glooscap and the Whale, Glooscap's battle with the Beaver, and Glooscap and Lazy Rabbit. These stories and more confirm the importance of the Minas Basin and the lands surrounding it for the *Mi'kmaq*.

Archaeological and ethnographic evidence shows that the *Mi'kmaq* had settlements in the area, particularly on nearby Oak

Island (see Map 2 for location), at Melanson along the Gaspereau River, and at Horton Landing, confirming their presence in the area over several thousand years. Among the many important Mi'kmaq sites in the Grand Pré area is a burial ground on Oak Island. The Minas Basin falls within range of a regional trading network that brought chert mineral, a stone similar to flint and used to make tools, and traded stones and products from the sea.

The Mi'kmaq typically harvested a wide range of resources in estuarine environments like the one that existed at Grand Pré: waterfowl, fish, shellfish, sea mammals, and medicinal plants. It is almost certain that the Mi'kmaq took the resources they needed from the area on a seasonal basis, such as when certain fish species were abundant in adjacent waters and when the huge flocks of migratory birds came to the area to rest and fatten up.

#### **The Acadians and the Creation of the Dykeland 1680–1755**

When the first Europeans arrived in the 17th century to the area that is now Nova Scotia, they found willing trading partners in the Mi'kmaq, who had developed sophisticated trading networks over the millennia. During the succeeding centuries, European settlements gradually encroached on Mi'kmaq territory, especially the rich coastline, and intense competition for the region's resources ensued. Early on, though, the French authorities and the Mi'kmaq forged positive relationships that led to alliances. One such alliance resulted from the historic baptism of Grand Chief Henri Membertou in 1610, the first Aboriginal person to be baptized in what would later become Canada. There are no known treaties between the French and the Mi'kmaq.

When the Acadians began transforming the marsh at Grand Pré, the Mi'kmaq did not prevent them from altering and ultimately removing a vast wetland from the regional resource base. This attests to the harmonious relationship that generally existed between the two peoples, a relationship that was rare in colonial era North America. Acadian settlers maintained positive relations with the Mi'kmaq throughout the late 17th and early 18th centuries, which were years of political uncertainty. As the French and British imperial powers

fought for control of Nova Scotia, the settlers were left to build their own alliances and trade networks. The physical transformation of the landscape could only have taken place with the acceptance of the Mi'kmaq, since the latter greatly outnumbered the Acadians in that area in the late 17th century. An analysis of the Acadian parish records between 1707 and 1748 reveals a high number of mixed heritage individuals at Grand Pré. Of the many different Acadian communities before 1755, Grand Pré was the one with the highest percentage of mixed heritage families. There are also frequent documentary references to the Mi'kmaq being at or near Grand Pré, in what the Acadians called the district of Les Mines.

#### *The French in Acadie*

The Acadians are a people born in North America. Their identity is the result of the transformation of their individual European values as they came into contact with a new environment and new people. Their story begins with the French settlement of North America.

In 1604, the French made their first attempt to establish a permanent settlement in North America, at Ile Sainte Croix in the Bay of Fundy. They were quickly demoralized and threatened by the rigours of winter in this climate. In 1605, they tried again, better prepared and better located at Port Royal in today's southwestern Nova Scotia. That settlement succeeded, signalling the foundation of a territory called *Acadie* which the French claimed included roughly the lands between the 40th and 60th parallels along the Atlantic Ocean. This would cover today's Canadian provinces of Nova Scotia, New Brunswick, and Prince Edward Island, plus eastern Québec and parts of three American states in New England.

From Port Royal, the French began their expansion throughout *Acadie* and New France by founding Québec (1608), Beaubassin (early 1670s), and Grand Pré–Les Mines (1682). The settlers came from the French regions of Poitou, Saintonge, and Aunis to an unknown land with the promise of a better life.

The transition from French to Acadian came gradually as a result of environmental, social, and political influences. The settlers found themselves in a wholly unfamiliar environment and having to adapt

to a new climate, wildlife, and vegetation. Socially, they were shaped by their contact with the Mi'kmaq, the indigenous people of Nova Scotia. Through the mutual trust and relative harmony that the two peoples established, the French were able to settle peacefully and learn the ways of the land to survive and thrive. The high number of mixed marriages confirms the good relations and strengthened the bond between the two peoples. Politically, since *Acadie* was strategically important for the imperial powers and changed hands frequently between the British and the French, the settlers were often left to fend for themselves. Consequently, they took matters of justice, administration, and community life into their own hands. These three environmental, social and political influences greatly affected the settlers' sense of independence, initiative, and ownership of the land. By the mid-17th century, these characteristics were distinctive enough to have French officials take note and refer to the French settlers as Acadians. As for the British, they referred to them as "French Neutrals," after the 1730s, as a result of their steadfast resolve to remain neutral in the conflicts between France and Britain.

#### *A Disputed Territory*

While the French claimed *Acadie* as their own, the British were competing with them for territorial claims over similar areas. Located strategically between New England to the south and New France to the west, *Acadie* from the early 1600s onward was often a battleground for control of key settlements and military positions. There were numerous violent incidents and, occasionally, outright wars. The struggles were sometimes between French and Anglo-Americans, sometimes among rival groups of French colonists, sometimes between French and British forces, and sometimes between the Mi'kmaq and British or Anglo-American forces. All skirmishes, battles, and raids during the 17th and 18th centuries occurred in the broader context of European conflicts resulting from the race to colonize new worlds, dominate lucrative trading routes, and expand empires in Europe and abroad.

The conflicts resulted in the colony of *Acadie* changing hands frequently. It was under French authority six times and British authority (which, after 1621, sometimes referred to the land as Nova Scotia)

four times over 155 years until the French lost Canada in 1763. During that era, Acadians were actively establishing their communities along the Bay of Fundy, the Atlantic Coast, Ile Royale (now Cape Breton Island in Nova Scotia), and Ile Saint-Jean (now the province of Prince Edward Island).

The Minas Basin area was not spared the negative effects of the conflicts. In both 1696 and 1704, expeditions from New England, led by Benjamin Church, came to different parts of *Acadie*. In the latter expedition, the attackers devastated the community at Grand Pré. They burned houses, carried off prisoners, and broke the dykes to let in sea water, because they knew that the enclosed dykeland was crucial to the Acadians' agricultural output. A contemporary account says that the soldiers dug "down the dams [dykes], and let the tide in, to destroy all their corn, and everything that was good." Once the force left, the Acadians returned to the area, rebuilt their houses and repaired their dykes to begin anew.

This incident took place during the War of the Spanish Succession, a European conflict that had many repercussions in North American colonies. When the war ended with the signing of the Treaty of Utrecht in 1713, one of the terms of the peace agreement was to have a major impact on the Acadians and their settlements. The clause in question saw France transfer sovereignty over *Acadie*/Nova Scotia to Great Britain. The British presence in Nova Scotia was small at the time, with few British settlers and small garrisons only at Annapolis Royal and Canso. Most of the territory either remained under the control of the Mi'kmaq or was home to growing Acadian villages. Nonetheless, beginning in 1713 and increasingly in the years that followed, British officials regarded Acadians as a people owing obedience to their monarch, with all the obligations that this entailed. The question of the Acadians' loyalty was one that would not be settled – to the satisfaction of the British officials – between 1713 and 1755. In fact, this question played a major role in the sequence of events that led to the forcible removal of Acadians from Grand Pré and elsewhere beginning in 1755.

Despite these conflicts and transfers of power, the settlers managed to expand the colony and grow roots in *Acadie*.



### Settling Grand Pré

When the French settlers came to Les Mines (Grand Pré) from Port Royal in the 1680s, they occupied lands that were initially part of the *seigneurie* of Alexandre LeBorgne de Bélisle who was the *seigneur* of Port Royal. As was the custom in New France, the settlers were granted lands shaped as long strips that extended away from the nearest water course. This seigneurial pattern, common to New France and somewhat to *Acadie*, allowed each settler to have access to the water, to varying degrees of land quality, and to woodlots. It was the task of the settler to clear the land for farming. The *seigneur* would collect rent and build a mill for the community.

For Grand Pré, little is known about the strength of the relationship between the *seigneur* and his settlers, or about the first years of settlement. LeBorgne de Bélisle had tried to reinstate the authority of the *seigneur* after years of nominal British authority (1654–1670), but he seems to have failed. Even so, it is most likely that the settlers adopted the typical seigneurial land pattern, although no maps or description have survived to confirm that. From the archival evidence and landscape analysis described earlier in section 2.a., historians and archaeologists believe that the settlers of Les Mines did in effect implement a *seigneurie*, and that tangible and visible evidence of that landscape form exists today.

While the first settlers may have adopted the *seigneurie*, their settlement pattern evolved in response to the creation of the dyke-land. They created farmland by transforming marshland rather than by clearing woodland. In order for the community to be close to their work area without settling on the newly created land, they built their homes alongside the marsh. The Acadians erected their houses, barns, mills, and other buildings on the adjacent upland and created a system of roads and footpaths to link them with other Acadian villages.

Over time, they cleared land from the uplands to make way for the buildings, roads, and paths, as well as to create some farmland and allow access to the woodlots. From these lots they extracted the building material for their houses, barns, *aboiteaux*, and dykes. From the 1680s onwards, three generations of Acadians gradually enclosed

and converted the marsh (*la grand pré*). The resulting agricultural abundance brought prosperity to the local community and allowed it, along with other similar Acadian communities, to enjoy a remarkable population growth.

### The Acadians Create Farmland from the Marsh

The Acadians' focus and ability to transform marshes is distinctive in colonial North America. They were the only pioneer settlers in that era to farm so extensively below sea level.

In 1670, the new French governor of *Acadie* observed the settlements close to Port Royal and wrote, "On these dykes they raise with so little labour large crops of hay, grain and flax, and feed such large herds of fine cattle that an easy means of subsistence is afforded, causing them altogether to neglect the rich upland." This comment, which ignores the back-breaking work that went into creating the dykelands, could well have applied to Grand Pré a decade later. In Grand Pré, the great fertility of the dyked marsh was an important key to the region's success.

By the 1680s, Acadians already had half a century's experience of transforming land in *Acadie*. The first recorded evidence of dykelands comes from the Port Royal area at the site of the first successful permanent French settlement in North America. While the origin of land transformation in *Acadie* is not recorded, there are two possible sources of the Acadians' knowledge: one individual and one collective. It seems that these sources may have been at work simultaneously.

In 1636, Isaac de Razilly, governor of *Acadie*, enlisted five *sauniers* from western France for the purpose of "dyking the marsh" (*faire des marais*) at Port Royal, which may be interpreted as either creating salt pans or dyking for agricultural purposes. Their presence in the colony is confirmed in the roll call of their ship the *Saint Jehan*, a list where they were specifically identified along with dozens of other settlers from different parts of France, but mainly from the coastal region of Aunis and Saintonge. These *sauniers* were keepers of the centuries-old expertise of building dykes and draining lands in western France. Dykelands were indeed created in Port Royal as confirmed by the 1670 observation by the French governor at the time. Historians,

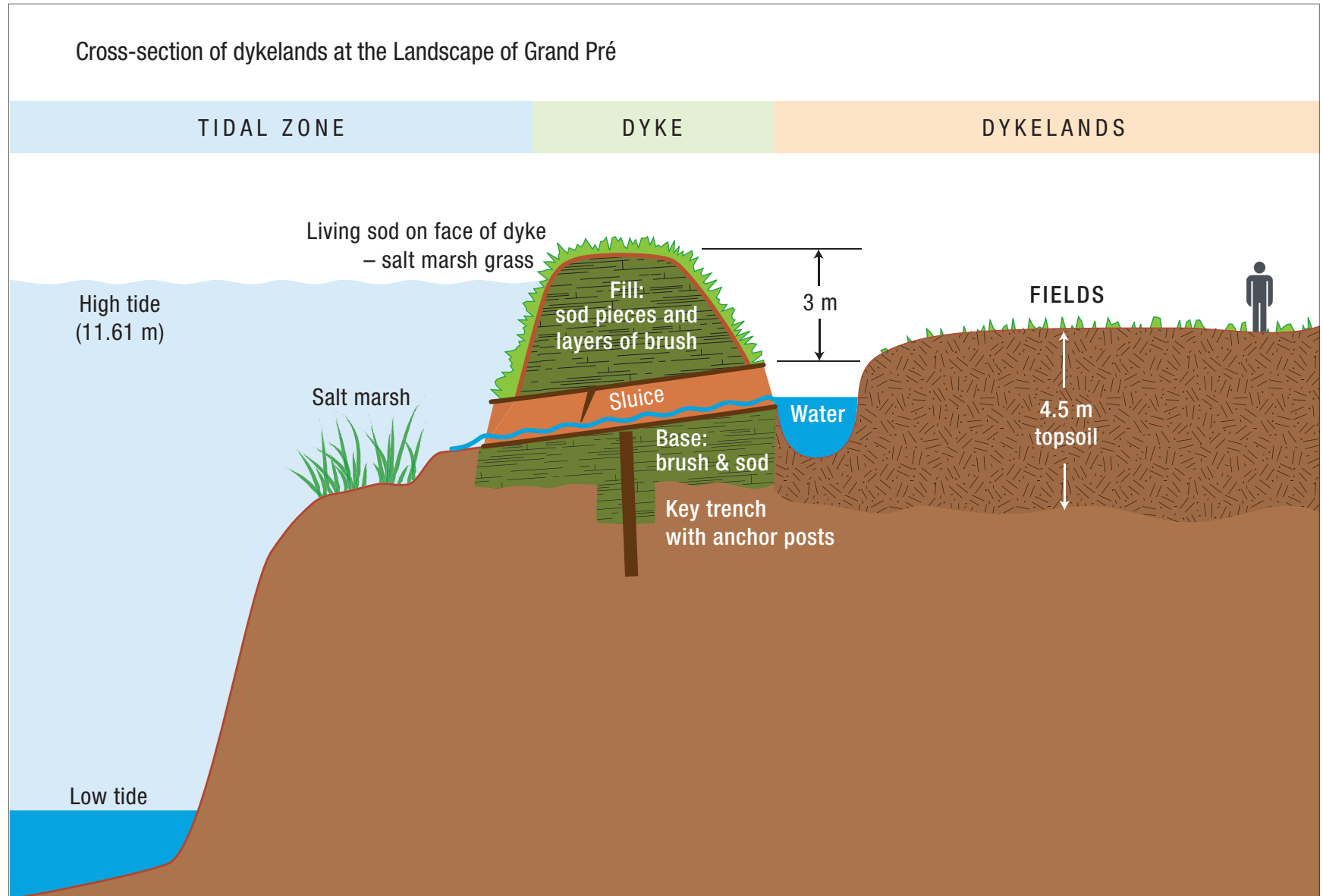
however, have lost track of these *sauniers*, and their impact is difficult to assess. While there is no indication that salt collection per se was ever attempted in *Acadie*, it is reasonable to believe that these *sauniers* would have had a role in carrying knowledge acquired in Europe and adapting it to the environmental conditions of *Acadie*.

The other possible origin, one noted at the turn of the 20th century by historian William Francis Ganong and more recently by historians Yves Cormier, John Johnston, and Ronnie-Gilles LeBlanc, is a collective knowledge of dyke building that the French settlers likely brought with them to the new world. The majority of these settlers came from western France, where marshy areas had been transformed and reclaimed over centuries to create much-needed land. In particular, they came from Poitou, Aunis, and Saintonge, areas along the Atlantic coast with large expanses of marsh. These areas were the home of peoples that had mastered the skills of dyking, land drainage, and salt extraction since the Roman period. These regions were also the target of intensive land transformation as early as the 11th century under the direction of religious and political authorities. By the late 16th century, salt water had again flooded many of those large tracts of transformed lands, largely as a result of the dyking and drainage works having sustained great damage from the religious wars that swept across Europe in that century.

However, the knowledge of dyking and drainage was not lost. Many dyking systems still remained, particularly in Poitou, Aunis, and Saintonge, and local populations made constant efforts to maintain them for agricultural use and to protect their settlements. Some of the settlers who came to *Acadie* at the beginning of the 17th century certainly carried this knowledge with them. Its application in *Acadie* is an extension of that tradition from Europe to North America and reflects a simple dyking and drainage experience that predates the large engineering works of the 17th century. The use of more advanced technology to drain the dykes was never necessary. The extreme tides at Grand Pré make mechanized draining unnecessary, because the low tide is well below the level of the dykelands (see Figure 2-25).

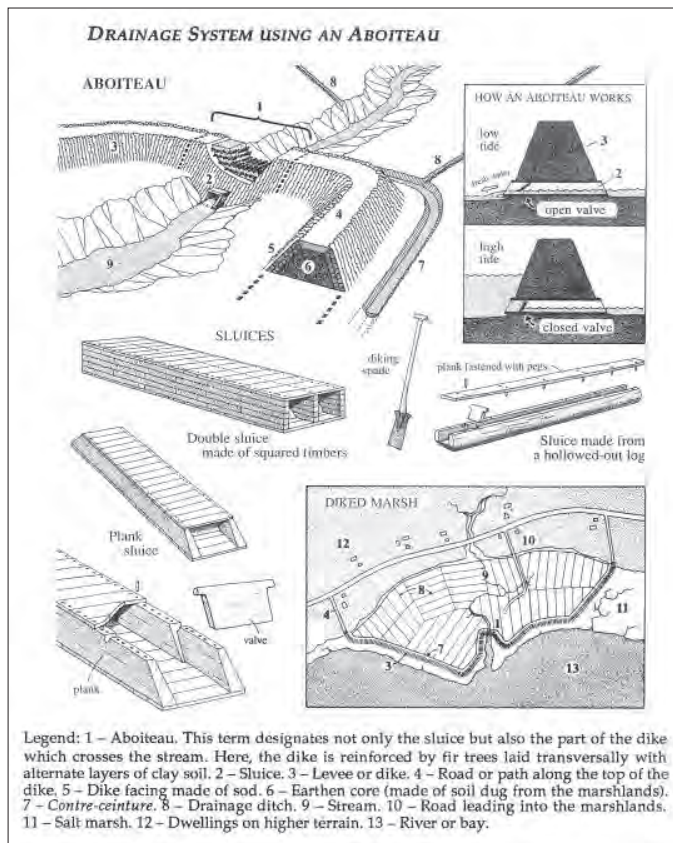
At the turn of the 17th century, western France was again the focus of large projects, this time under the engineering leadership and the financial backing of the Dutch. Invited by the royal and seigneurial authorities, the Dutch undertook significant work in France to reclaim those lands through a more systematic and improved system of drainage that involved canals, channels, gates, and landscape design. The Dutch made a significant contribution to land reclamation in those regions, primarily by introducing these engineering designs works. They had a lasting impact on the design and technology of dyking and drainage.

The technology that the Acadians used to transform wetlands and marshes could not have been simpler: special spades, pitchforks, axes, and hollowed-out tree trunks. Much more important than the tools was the ingenuity of the people to read the natural drainage systems of the marshes and then to build dykes that channelled the flow of those creeks in only one direction, discharging into the sea. One element of the Acadians' success was to use sod cut from the original wetlands in their earthen dykes. In a process similar to peat extraction in western Europe, special spades were used to cut bricks of sod in specific sizes and shapes that were then assembled to form the dyke. The grasses and rushes in the sod could withstand being covered by salt water for many hours each day. They also had deep and densely matted root systems that anchored them when the sea water swirled over them, protecting the exposed sides of the dykes at high tide. Cutting the sod and assembling the dykes were a communal undertaking because of the skills, efficiency and speed the work required.



2–25 Illustration of a cross-section of the dykelands at Grand Pré, including the tidal range, salt marsh, *aboiteau* system and fields. Note the *aboiteau* refers to the section of the dyke surrounding the sluice; this cannot be accurately represented in a cross-section, but can be seen in 2–26. Additionally, the tidal zone at Grand Pré includes mudflats that extend for hundreds of metres. In order to illustrate the mean tidal range, this diagram considerably reduces the mudflats.

Along with using the strong, dense plant growth in the sod, the Acadians took advantage of the natural drainage patterns of the marsh by building *aboiteaux* in the small creek beds that drained the marshes at low tide. The *aboiteau*, a term used in *Acadie*, refers to the section of the dyke surrounding the sluice, as well as to the completed dyking project. The sluices each had a *clapet* (clapper), a wooden valve that allowed fresh water out of the sluice and into the river or bay at low tide but did not allow sea water back in during high tide (see Figure 2–26).



2-26 An *aboiteau* opens to allow fresh water to drain from the marsh and, under the effect of the rising tide, closes to prevent sea water from entering. Details of construction are illustrated above.

Once a section of marsh was enclosed, the fresh water from rain and snow melting gradually washed the salt out of the top layers of the soil. The desalination process generally took two to three years for each plot of dyked land. The *aboiteau* approach used by the Acadians was imaginative and ingenious, an adaptation of techniques used in Europe and elsewhere for centuries before French colonists arrived in North America.

Impressed by the fertility and productivity of the initial transformed lands in *Acadie*, the Acadians would go on, until 1755, transforming many marshes of different sizes along tidal rivers and various coves and bays around the Bay of Fundy, in many parts of today's Nova Scotia and New Brunswick. Acadians came to be known as *défricheurs d'eau* (water pioneers), to distinguish them from other colonists in North America who created farmland by clearing the forest. The Acadians did clear some upland areas for their villages, orchards, gardens, and livestock, but the dominant element in their agriculture, highly unusual in North America, was to claim the tidal marshes by enclosures.

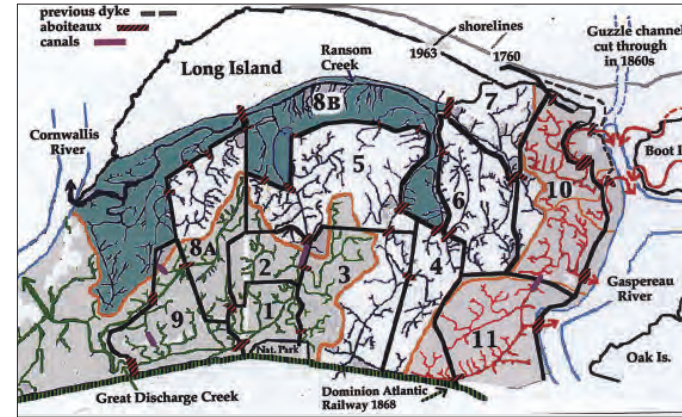
Though the Acadians used marsh enclosures to give themselves agricultural land in many different areas, the high tidal range at Grand Pré presented exceptional challenges. Along the Annapolis Basin, where the first Acadian dykes were erected, the tidal range varies from 4 metres to a maximum of 8.5 metres. Within the Minas Basin at Grand Pré, the mean tidal range is 11.61 metres, and the highest tides in the basin reach more than 16 metres. To the Acadian dyke builders, countering this churning volume of sea water required toughness and ingenuity. They had to devise a building technique that would not wash away as the dyke was being built, dexterity to assemble the different parts of the dyke effectively, collective coordination to transform large tracts of lands quickly, and great labour to build large dykes that could withstand the pressure of such formidable amounts of water (see Figure 2–27).

Yet dyking the marshlands was also a major agricultural opportunity. Between 1680 and 1755, the Acadians took on the project of excluding the sea and claiming the highly fertile tidal marshes. They appear to have begun with the easiest part of the marsh, in the centre not far from the upland shore. Once they had successfully enclosed that area, they moved on to a series of other dyking projects. Biologist



2-27 View of a 19th century *aboiteau*, illustrating the elaborate structure required to withstand the pressure of the tides and waves.

and dykeland historian Sherman Bleakney offers a likely construction sequence of the dykeland enclosures in his book *Sods, Soils and Spades* (2004) (see Figure 2-28). Construction began near the centre and progressed in large sections around that first enclosure in 12 sequences that follow the three main creeks and their drainage watershed. Gradually, the Acadian farm families of Grand Pré turned nearly all of *la grand pré* into agricultural land.



2-28 Biologist and historian Sherman Bleakney's map of the Grand Pré dykelands indicates the sequence of dyking.

They left only a portion at the western limit of the wetland undyked, a project that the descendants of the New England Planters would successfully complete after their arrival in 1760. At Grand Pré, the Acadians eventually reclaimed over 1000 hectares, a massive artifact that still exists as an active testament to the Acadian accomplishment. It was also the largest single dyking project that Acadians, or any settlers of European descent, would complete anywhere in North America before 1755.

As the Acadians transformed *la grand pré*, the adjacent village grew steadily. Within a few decades, the Grand Pré area had become the most populous of all the Acadian settlements. Acadians began to export their surplus production, especially grain, to both French and British settlements. The exports were shipped in vessels that anchored in the Minas Basin and loaded and unloaded their cargoes at the landing point (now known as Horton Landing) on the Gaspereau River. Eighteenth-century British and French commentators acknowledged the unrivalled fertility of the dykelands created by the Acadians. For example, Grand Pré was renowned for its grain production.

It is noteworthy that the dyking projects at Grand Pré, and in most other Acadian settlements in the late 17th and early 18th centuries, were community projects (see Figure 2-29). Archival evidence

and first-hand accounts from travellers and authorities, in the 18th and 19th centuries, indicate that communities had rules to guide collective work for the benefit of all. The main rule governing collective management was that each landowner contributed to the building and maintenance of dykes and *aboiteaux* by providing either labour or financial compensation.



2-29 Artist Lewis Parker's painting, *Acadians building dykes and aboiteaux at Grand Pré*, shows the collaborative building of dykes at Grand Pré.

It is clear also that collaboration did not mean collective ownership. Evidence suggests once the collective transformation had been completed, the land was allotted through a lottery system. In order to consolidate fields or acquire better land, landowners would then trade or buy fields. An entrepreneurial spirit characterized the farming activities of the settlers. Local farm families made the decision to transform the vast wetlands of Grand Pré, and their children and grandchildren continued the work. Most other Acadian land transformations followed the same process. The only exceptions were the

original dykes initiated at Port Royal in the 1630s and the uncompleted project in the Tantramar marshes of the Chignecto area that straddled the border between New Brunswick and Nova Scotia in the 1750s. These two projects were initiated and controlled by a leader or hierarchical figure. By contrast, the more common community approach helped to shape the Acadian identity and strengthen the ties of their close-knit society over the long term.

#### *Continuing French and British Conflict*

As France and Great Britain continued to jockey for imperial domination of North America throughout the 18th century, most Acadians, including those at Grand Pré, wanted to stay out of the conflict and be accepted as neutrals. Unfortunately, neither French nor British officials were willing to accept that position. Both powers wanted the Acadians, or the “French neutrals” as the British and Anglo-Americans labelled them, to support their cause and, ideally, to fight for it. The French saw the Acadians as natural allies, since they were Roman Catholics, mostly of French descent, and spoke French. The British, on the other hand, viewed the Acadians as subjects of their king since the signing of the Treaty of Utrecht in 1713. A few Acadians were pro-French and a few others worked with the British, but most were caught in the middle between competing imperial aspirations. Following the Treaty of Utrecht, the Acadians were expected to take an oath of allegiance to the King of Great Britain. This they at first refused to do, in an attempt to maintain their identity and their neutrality.

In 1729–30, Acadians throughout mainland Nova Scotia agreed to a modified oath proposed by the British governor based at Annapolis Royal. The governor assured the Acadians that they would not be forced to take up arms against the French and the Mi'kmaq, and that they would be allowed to remain neutral. Events in the 1740s and 1750s, however, led later British administrations to revisit the question of Acadian neutrality.

In addition to their concern over the Acadians, the British were also troubled with their relations with the Mi'kmaq. As the British strengthened their position in New England and *Acadie* at the

beginning of the 18th century, they signed treaties with the Aboriginal peoples of those regions, including a treaty signed in Boston in 1725 with the Wabanaki Confederacy intended to ensure the protection of existing British settlements from attack. The Mi'kmaq, who were part of the Confederacy, agreed to the treaty in 1726 after several modifications.

After three decades of peace, Great Britain and France again found themselves in conflict during the War of the Austrian Succession (1744–1748). The main theatre was in Europe, yet Canada saw its share of action. Several incidents at or near Grand Pré had a long-term impact on the Acadian population.

In the summer of 1744, a military expedition from the French stronghold at Louisbourg on Cape Breton Island advanced through the main Acadian communities, including Grand Pré, appealing to the Acadian men to join the campaign. Few answered the call. Acadians wanted to remain neutral, and they had a harvest to bring in. While the overall Acadian response in 1744 disappointed the French, it worried the British, who had hoped to see them actively turn against the French.

The following year, 1745, the French launched an unsuccessful attack on the British base at Annapolis Royal. At around the same time, a large army of provincial soldiers from New England, supported by British warships, captured Louisbourg. In 1746, France outfitted a massive expedition to cross the Atlantic on a mission to regain Louisbourg, to take Annapolis Royal, and to compel the Acadians to commit themselves to the French cause. The expedition ended in disaster because of delays, storms and illnesses.

Both the French and the British strengthened their positions in the Atlantic region in the late 1740s. In the autumn of 1746, in response to earlier French actions in the area, the British sent roughly 500 New England soldiers to establish a post in the village of Grand Pré. The Anglo-American troops took over several houses on the uplands overlooking the reclaimed marsh and settled in for the winter. A few hundred kilometres away in the Chignecto region near the New Brunswick border, a contingent of 250 French soldiers and 50 Maliseet and Mi'kmaq warriors heard reports of the New Englanders' occupation of Grand Pré. Despite being outnumbered two to one and facing the hardships of mid-winter travel, they set out

for Grand Pré in January 1747. They were joined or assisted by a small number of Acadians who were sympathetic to the French cause. At the same time, some pro-British Acadians warned the New England soldiers that an attack might be imminent. The New Englanders ignored the warnings, thinking the severe winter conditions made an attack unlikely.

In the early morning hours of 11 February 1747, in the middle of a blinding snowstorm, the French, Maliseet, and Mi'kmaq force caught the New Englanders by surprise. Known to history as the Attack at Grand-Pré, the encounter left as many as 80 New England men dead, including their commander (see Figure 2–30). The bodies of the soldiers were interred in a mass grave, while their commander was buried separately nearby.

The incident was too large to loom in the thinking of some British leaders in 1755, when they decided to implement a massive removal of the Acadians.



2–30 The Monument to the Attack at Grand-Pré.

When the War of the Austrian Succession ended in late 1748, the Treaty of Aix-la-Chapelle returned Louisbourg to the French. Not long after, both France and Britain expanded their military presence in Atlantic Canada. France's major move was to send an expedition of several thousand colonists to re-occupy Louisbourg in 1749. From 1749 to 1751, the French also established a post at the mouth of the Saint John River and two forts in the Chignecto region, at Beauséjour and Gaspareaux. The British, meanwhile, sent a massive expedition to establish Halifax in 1749 as a counterbalance to Louisbourg. Over

the next few years, the British also established several new posts, forts, and settlements beyond Halifax. They included Fort Edward within the Acadian community at Pisiquid, a small fort at Vieux Logis (Horton Landing) near Grand Pré, Fort Lawrence in the Chignecto

region (opposite Fort Beauséjour), and a sizeable new town of “foreign Protestants,” mostly of German and Swiss origin, at Lunenburg, on Nova Scotia’s southeastern shore.



2-31 This 1748 map shows plans to settle Protestants at Grand Pré, labelled as “No 2” in this map, prior to the Acadian Deportation. The British authorities had planned settlements (shown as grids on this map) in the immediate vicinity of the existing Acadian settlements (illustrated as concentrations of houses here). Note, the large concentration of houses and the church (shown as a square with a cross) at Grand Pré, in the middle of the map, illustrating the importance of the settlement of Grand Pré.



## Deportation and New Settlement 1755–1810

### *Deciding to Deport the Acadians*

The Seven Years' War, sometimes called the first “world war,” pitted Britain against France and involved allied countries on both sides. While France concentrated on the war in Europe, Britain sent 20 000 troops to North America in a bid to bring down France's colonial empire. The war led to the fall of New France.

As world events crowded in on Acadian and British settlements in Nova Scotia, the British administration, known as the Nova Scotia Council, decided to revisit the question of Acadian neutrality. They did so more forcefully than in the past, when their control over the province had been more nominal than real. Over the next few years a complex series of events unfolded that culminated in what became known as the *Grand Dérangement*, the Deportation of the Acadians. This term refers collectively to many separate forcible removals that took place over seven years beginning in 1755.

In the early summer of 1755, the surveyor-general of Nova Scotia, Charles Morris, prepared a detailed plan for the Nova Scotia Council that outlined how the Acadians might be removed from their lands in Nova Scotia and dispersed elsewhere in other British colonies.

This plan revived a school of thought that dated back to the 1720s when some British officials favoured removing the Acadians from Nova Scotia and replacing them with Protestants, either British or “foreign,” who would be loyal to the British crown. The British had also noticed the value in the fertility of the farmlands owned by the Acadians, which were an economic driver in the area. The idea of attracting “foreign Protestants” surfaced periodically for several decades; even before the British brought over German and Swiss Protestants to establish the new town of Lunenburg in the early 1750s, a British plan of 1748 shows where Protestants might be settled in the Grand Pré area. The 1748 plan shows where the New England Planters would later establish their town (see Figure 2–31).

In June 1755, an expedition put together by acting Nova Scotia Governor Charles Lawrence and Governor William Shirley of Massachusetts captured the two French forts in the Chignecto region,

Fort Beauséjour and Fort Gaspareaux. When news reached Halifax that 200 to 300 Acadians had taken part in the defence of Beauséjour – compelled to do so by the French commander of the fort – the authorities in Halifax saw this as a sign of Acadians' complicity with the French. The Nova Scotia Council decided that all Acadians in the Chignecto region would be rounded up and deported, even if they or a member of their family had not helped to defend the French fort. About a month later, on 28 July 1755, after meeting twice with the deputies of the Acadian communities on mainland Nova Scotia, the Nova Scotia Council resolved to remove every Acadian man, woman and child from all of Nova Scotia. The Deportation would begin at Grand Pré and nearby Pisiquid in early September.

While the deportation of the Acadians was about removing a disloyal group, there is no denying that the fertile dykelands at Grand Pré and elsewhere were also extremely important to the British plans for settlement. The acting governor of Nova Scotia, Charles Lawrence, offered the following opinion on 18 October 1755, in a letter to the Lords of Trade in London, England:

... As soon as the French are gone, I shall use my best endeavours to encourage People from the Continent to settle their lands ... and the additional circumstances of the Inhabitants evacuating the Country will, I flatter myself, greatly hasten this event, as it furnishes us with a large Quantity of good Land ready for immediate Cultivation.

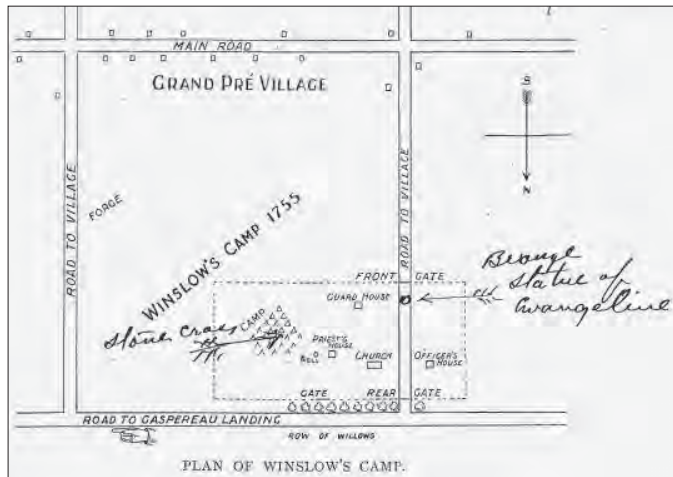
In the end, of the slightly more than 14 000 Acadian men, women and children, three quarters were deported to other parts of North America or to Europe. The rest went into hiding or fled.

### *The Deportation at Grand Pré*

The events at Grand Pré were among the earliest and largest of the Deportation. Most importantly, they were recorded by some of the key British participants. The records provide a detailed historical account of the events and their impact on the Acadians, and also set the context for later depictions of Acadian culture. They also provide later Acadians with a snapshot of a transformative event in their

cultural history. The following information comes from the two most important sources: the journals of Lt-Col. John Winslow and of one of his junior officers Jeremiah Bancroft.

Lt.-Col. John Winslow of Massachusetts was the officer in charge of rounding up and deporting the Acadians from Grand Pré. He arrived on 19 August 1755 with about 300 New England provincial soldiers. He gave no indication of what was to happen, but gave the impression he was there on a routine assignment. His first act was to establish a secure base of operations, because his force was greatly outnumbered by the 2100 Acadian men, women and children living in the Minas Basin area. For his stronghold, Winslow chose the area around the Grand Pré parish church, Saint-Charles-des-Mines. His soldiers erected a palisade around the priest's house, the church, and the cemetery, and his troops pitched their tents within that enclosure (see Figure 2-32). So as not to upset the Acadians unnecessarily, Winslow informed community leaders they should remove the sacred objects from the church before it became a military base. By early August 1755, the parish priests of Saint-Charles-des-Mines, and of neighbouring parishes, had already been arrested and brought to Halifax to await their deportation to Europe.



2-32 Early 20th century depiction of Lt-Col. Winslow's camp at Grand Pré, based on Herbin's assessment of historical evidence and tangible features.

As August 1755 came to a close and September began, the Acadians of Grand Pré and other nearby villages were harvesting crops from the dykeland and cultivated upland areas. This harvest, although the Acadians could not know it, would be their last in Grand Pré.

On 4 September 1755, Lt.-Col. Winslow issued a call for all men and boys aged 10 and older to come to the parish church at three o'clock the next afternoon to hear an important announcement. A similar ploy was used by Capt. Alexander Murray to call Acadian males of the nearby Pisiquid region to come to Fort Edward, on the same day at the same time. In fact, the British had used a similar ruse on 11 August in the Chignecto area to attract and imprison some 400 Acadian men in Fort Beauséjour, renamed Fort Cumberland after its capture, and Fort Lawrence. Winslow and his men had witnessed this just before their departure for Grand Pré.

On 5 September, 418 Acadian males of Grand Pré proceeded to their parish church – now surrounded by a palisade and controlled by armed soldiers – to hear the announcement. Once they were inside, Winslow had French-speaking interpreters tell the assembled men and boys that they and their families were to be deported. Included in the announcement was this statement:

that your Lands and Tenements, Cattle of all Kinds and Live Stock of all Sorts are Forfeited to the Crown with all of your Effects Saving your money and Household Goods and you your Selves to be removed from this ... Province.

Jeremiah Bancroft, one of Winslow's junior officers, records in his journal that the look on the Acadian faces as they heard the announcement was a mixture of "shame and confusion ... together with anger." He added that the "countenances" of the Acadians were so altered they could not be described.

The removal of the roughly 2100 people who lived at Grand Pré and in the neighbouring villages proceeded neither quickly nor smoothly. Winslow had to cope with a shortage of transport ships and provisions. The men and boys spent more than a month imprisoned within either the church of Saint-Charles-des-Mines or on the transports anchored in the Minas Basin before the rest of the population was forced on board the ships. Winslow described the scene of the

first contingent of young men, marching from the church along the road beside the dykeland to what today is known as Horton Landing (see Figure 2-33).

He wrote,  
[they] went off Praying, Singing, & Crying, being Met by the women & Children all the way...with Great Lamentations upon their knees praying.



2-33 The stained glass at the Memorial Church at Grand-Pré National Historic Site of Canada depicts the deportation of the Acadians.

On 8 October 1755 the mass embarkation of the men, women, and children to the waiting ships began, with the small boats setting off from Horton Landing. Those who lived at Grand Pré and Gaspereau went first. Winslow recorded that,

[the inhabitants left] unwillingly, the women in Great Distress Carrying off Their Children in their Arms, Others Carrying their Decrepit Parents in their Carts and all their Goods moving in Great Confusion and appeared a scene of Woe and Distress.

Acadians lived together in large, extended family units. Although Winslow gave orders that families were to be kept together, this often proved impossible in the confusion and because of the small size of the ships. Friends, relatives and neighbours were separated, never to see each other again.

On 19–21 October, the soldiers compelled families from outlying communities to assemble at Grand Pré in preparation for their eventual loading on board transport ships. This group of Acadians numbered about 600, from 98 families. While they waited for the transports to arrive, they lodged in the now-empty Acadian homes near Winslow's camp, along the upland area by the reclaimed marsh. These families were deported to the Anglo-American colonies just before Christmas 1755. This time the departure point was not Horton Landing but another spot nearby.

#### *The Acadian Odyssey*

In the coming decades, thousands of Acadians would land at ports around the world, only to depart again in search of a place from which they could one day return to their homeland in *Acadie*. Out of this Odyssey was born the Acadian diaspora.

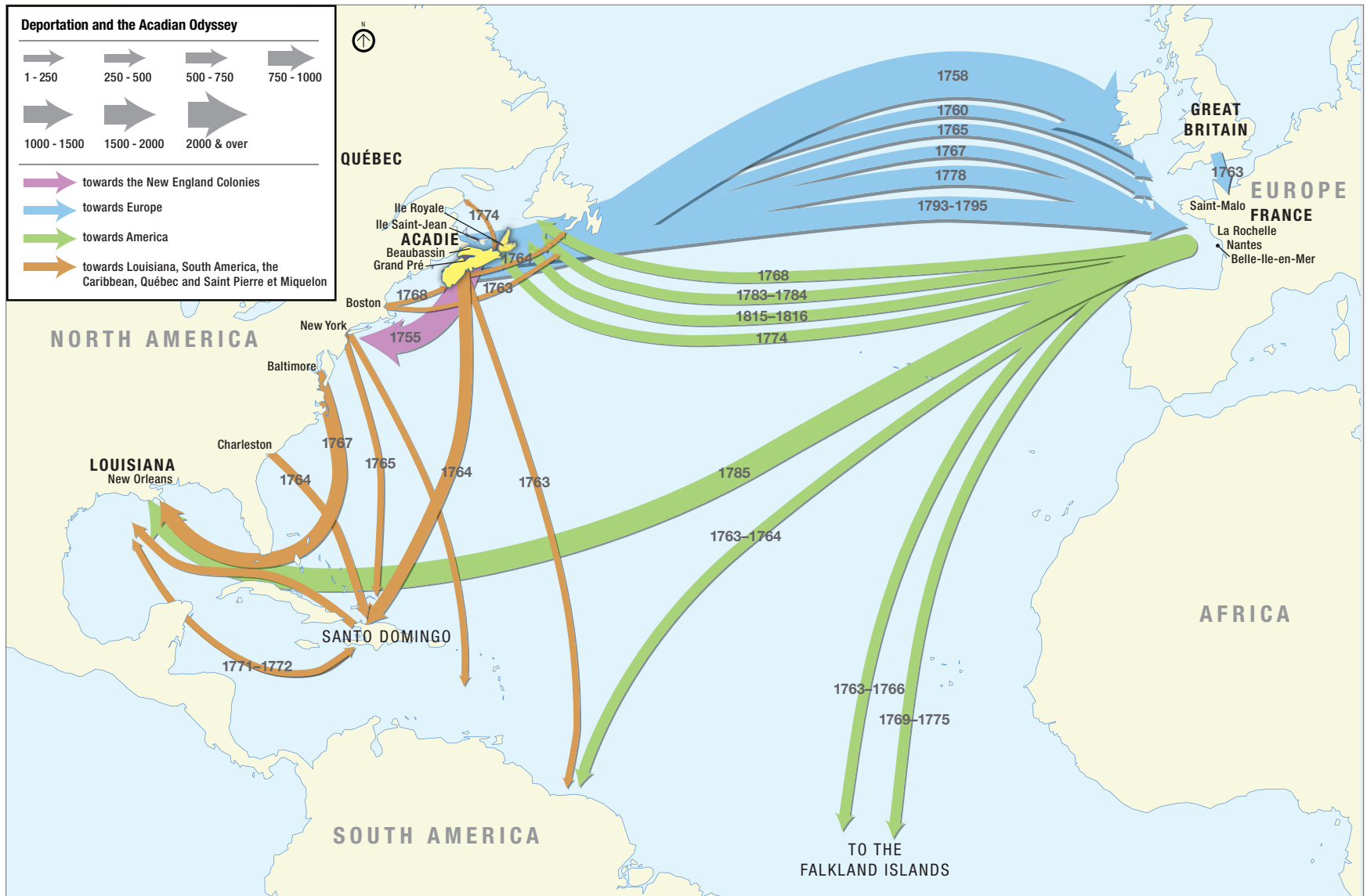
Between 1755 and 1762, the British authorities organized the gathering of Acadian populations in key locations to board ships and sail in convoys to various destinations (see Figure 2–34). In the last months of the year 1755 alone, 6000 Acadians, or close to half the entire population, had been deported: from the Minas Basin area,

including Grand Pré, from the Pisiquid area, from Chignecto and from Port Royal.

In the Minas Basin area that year, a total of 2100 Acadians were removed. This includes the removal, by late October 1755, of over 1500 Acadian children, men, and women – with children by far the largest category – from Grand Pré and nearby villages onto the transport ships. The convoy sailed out of the Minas Basin bound for Pennsylvania, Virginia, Maryland, Connecticut, and Massachusetts. At the same time, transport ships carrying an estimated 1119 Acadian deportees from the Pisiquid area also sailed south to destinations in the Anglo-American colonies. These ships formed a convoy as they were joined by those carrying the 1100 deportees from the Chignecto area who were destined for the southernmost colonies of the Carolinas and Georgia. In December, some 1664 Acadian men, women, and children from the Port Royal region were also deported from Annapolis Royal to the Anglo-American colonies.

In the years that followed, thousands more would be deported from *Acadie*, mainly to France, following the fall of Louisbourg in 1758. Some 4000 Acadian deportees from île Royale (Cape Breton Island) and île Saint-Jean (Prince Edward Island) were deported directly to France in the fall of 1758, as were more than 200 inhabitants from the Cape Sable area in 1758 and early 1759. In the summer of 1762, another 915 Acadian men, women, and children were deported from Halifax to Boston. The Boston authorities refused to accept them. The ships brought the Acadians back to Nova Scotia, where they were detained as prisoners of war. The movement of the Acadian people is illustrated in Figure 2–34.

These deportees were sent to different locations, with the intent by Governor Charles Lawrence to “divide [the Acadians] among the colonies ... as they cannot easily collect themselves together again.” Some were sent to the New England colonies, whose authorities were required to provide shelter and food. Many colonies did not wish to take on that burden and did not allow the ships to land, forcing them to continue on to the next port. In many cases, families were separated, children were assimilated into Protestant families, and adults were subject to imprisonment or servitude. In some colonies, the governors were anxious to get rid of the deportees and granted



2-34 Destinations and movements of the deportees during the Acadian Odyssey. Based on an original design by Robert Leblanc.

them passports to travel freely between borders, with the hopes that they would move back to Nova Scotia. Some Acadians, after Virginia refused to welcome them in 1756, were sent as prisoners of war to Britain, where they were distributed among the coastal towns of southern England. These were eventually sent to join thousands of deportees that had made it to France. The return to France did not offer any comfort, however, as there was too little land for them to settle. Many ended up destitute.

After the fall of New France in 1760, the authorities in Nova Scotia did not wish to have the Acadians back, even though the British no longer deemed the French to be a threat. Authorities in other parts of Canada needed settlers and were open to attracting the Acadians. The Governor of Québec, James Murray, was one who pursued that idea. In a 1761 letter to Jonathan Belcher, the Lieutenant Governor of Nova Scotia at the time, Murray wrote that Belcher would be ill advised to allow the Acadians back to the lands they had vacated. He argued that it "... must renew to them in all succeeding Generations the miseries the present one has endured & will perhaps alienate for ever their affections from its Government, however just & equitable it may be." Nova Scotia's need for settlers prevailed, however, and in 1764 the British authorities gave Acadians leave to settle there again, with certain conditions attached to their return: they could not settle on the lands they had once occupied, and they could not concentrate in large numbers. This latter condition was to prevent them from forming a community. Some 1600, or a little more than 10 per cent of the pre-Deportation Acadian population, decided to settle in Nova Scotia and the two neighbouring maritime provinces.

The Acadian regions of present-day Nova Scotia are now hundreds of kilometres away from their former settlements, primarily in the southwest and in Cape Breton. Most of those who survived the Deportation preferred to settle instead in Québec, in France, or in French territory such as Saint-Pierre et Miquelon, Santo Domingo (present-day Haiti), and Guyana. In 1785, some 1584 Acadians made their way from France to Louisiana, then a Spanish colony. They are among the ancestors of today's Cajuns.

The Acadians who had been deported to France came directly from the conquered French colonies of Ile Saint-Jean and Ile Royale in 1758 and, in 1763, from Virginia via England where they had spent seven years in detention. In total, some 3000 deportees arrived in France in the mid-18th century. They were concentrated in the Poitou area and in Belle-Ile-en-Mer in Brittany. Most were unsuccessful in settling, and the French authorities increasingly considered them a burden. In 1785, two-thirds of them departed for Louisiana. Two decades earlier, in 1763, others had arrived in the French island territory of Saint-Pierre and Miquelon near the coast of Newfoundland in the Atlantic Ocean. They were removed by the French in 1767 and brought back in 1768. In 1778, the British took control of the islands and deported the entire population to France. The islands changed hands several more times before the French recovered them in 1816 and Acadians were finally able to return. Both in France and in its overseas territories, the few Acadian families that settled there eventually adapted to mainstream society but retained a sense of their ancestry and their identity through oral tradition and artistic expressions.

Acadians had settled in Louisiana as early as 1764. Some families came from Nova Scotia via Santo Domingo, in 1764–1765, while most of the other families went directly from Maryland and from other Anglo-American colonies, through the Caribbean. They were joined in 1785 by the large group from France that had not succeeded in resettling among the French. Acadians were concentrated principally in southern Louisiana and exerted much influence in politics and in the economy. Until the American Civil War in 1861, Louisiana was a bilingual state where French was actively used in public administration, the courts, and business. Steadily, however, that presence was eroded as mainstream Louisiana society came to view the expression of Cajun (Acadian) culture as inappropriate. Legislation was passed in the early 20th century to integrate Cajuns into mainstream society through the school system. Throughout the 19th century, much as in *Acadie*, the Cajuns preserved their traditions because of relative isolation. They followed in the steps of Acadians in Canada and adopted some symbols, including Notre Dame de L'Assomption as their patron saint. Music, songs, and other artistic expressions maintained the oral tradition of their story and the collective sense of identity.

However, the Cajuns had to wait until the middle of the 20th century to rekindle a severed relationship with their homeland in *Acadie*. Grand Pré was to serve as the location of that return.

The Acadians who ended up in Guyana and the Caribbean were sent there by the French authorities, whose twofold aim was to relieve the burden on the administration in France and to settle the colonies that France had kept after signing the Treaty of Paris in 1763. From France, the Acadians were sent to settle the Falkland Islands, Guyana, and Haiti. Although some families remained where they had landed, over time the majority made their way to Louisiana. There is little awareness today, in Guyana and the Caribbean, of an Acadian identity at a community level.

In Québec, the Acadians settled in every corner of the province starting in the late 1760s. Mostly concentrated along the St. Lawrence River, they progressively settled in other areas where agriculture was predominant. The province of Québec is where the largest Acadian population was living by the end of the 18th century. Because of the similarities in religion, language, and social status with the *Canadiens* (French Canadians, today's *Québécois*), the Acadians easily integrated into mainstream society. The Acadians who lived in the province embraced the struggle for the rights of French speakers that drove politics and social discourse in Québec throughout the 19th and 20th centuries. Despite their integration, these communities maintained an awareness of their ancestry and contact with the Acadian communities of eastern Canada. In the late 19th century, delegates from those communities in Québec attended the national Acadian conventions held in New Brunswick. The largest population of Acadian ancestry is still in Québec.

### *The Arrival of the New England Planters and their Legacy*

Having addressed the Acadian threat by deporting most of the Acadians, the British authorities sought to address the Mi'kmaq threat by signing treaties with them throughout the 18th century. Indeed, the Mi'kmaq had been allies of the French and the Acadians. During the Deportation, the Mi'kmaq helped some Acadians escape into the forest and in many instances sheltered them as their own. For the British Crown, these treaties meant peace with the Mi'kmaq and the freedom to settle Nova Scotia with populations whose loyalty was unquestionable.

Once the Acadians were removed from their lands, the British endeavoured to attract settlers from New England. In late 1758 and early 1759, they issued inducements to attract land-hungry settlers from those colonies. The colonists, known collectively as the New England Planters, arrived in 1760 at Grand Pré, an area they knew by reputation to be a highly productive agricultural district (see Figure 2-35). What they found instead was that a large portion of the dyke-land was submerged.



2-35 A Historic Sites and Monuments Board of Canada monument at Horton Landing commemorates the arrival of the New England Planters in 1760.

After the Acadians were forcibly removed from Grand Pré in 1755, no one was left to carry out routine repairs on the dykes. In November 1759, a great storm struck at the peak of the 18.03-year Saros cycle, when tides are unusually high in the Bay of Fundy and Minas Basin. A sea surge broke the dyke walls at Grand Pré in several places alongside the Gaspereau River, and sea water flooded a large portion of the eastern and western sections of the dykeland. Some of the dykes that had protected earlier enclosures were still intact and stopped the water from invading the entire dykeland.

In 1759, the British authorities subdivided Nova Scotia into counties for administrative purposes. The County of Kings covered a large area along the Bay of Fundy, including the Minas Basin. The county was divided into three townships: Cornwallis, Horton, and Falmouth. Grand Pré fell within the jurisdiction of the township of Horton. It had the largest amount of dykeland – over 2000 hectares (5000 acres) – and included 1200 more hectares of cleared upland. These conditions were ideal for an agricultural settlement.

The authorities drew up plans for a town in Horton township based on their typical colonial settlement pattern, a rectilinear town grid with central squares, perched on the highest point of land. For Grand Pré, renamed Horton except for the vast marsh that retained its original French name, the town plot was laid out on the hills adjacent to Horton Landing nearest to the Gaspereau River. The settlers were allocated four types of land: a parcel in the town plot, a parcel of cleared upland, a parcel of dykeland and a woodlot. The New England Planters were directed to settle the town and to relocate existing buildings and erect new ones.

The first order of business for the British authorities was to take possession of the dykelands, redistribute them to the new farmers, and ensure that the farmers acquired the skills they needed to maintain the dykes. The interior sections of the Acadian-created dykeland were still protected by dykes, and the authorities immediately distributed them to individual farmers. The sections that had been flooded with seawater in 1759 posed a greater challenge. New England Planters had no experience with dyke building and dykeland farming practices before they arrived in Grand Pré. The British

authorities turned to imprisoned Acadians, some of whom were at nearby Fort Edward, for advice, assistance and labour.

New England Planters were at first not as successful farmers as their predecessors. They knew nothing about drainage on the dykelands, the little need for manure on those lands, the value of ploughing in autumn rather than in spring, and crop rotation, all practices that arose from an understanding of the environmental conditions of an intertidal dykeland. Over time, thanks to the knowledge and techniques they learned from the imprisoned Acadians, the newcomers who settled on the uplands at Horton eventually became master dyke builders themselves.

The British settlement pattern proved inefficient for the farmers. The four types of land they had been allocated were often scattered across the landscape. As a result, many parcels of land were sold or exchanged. Most farmers wanted to live on their best land, not in a town plot on a promontory. The New England Planters quickly understood the efficiency of the Acadian settlement pattern. As they were under no threat from the French or the Mi'kmaq after the fall of the Fortress of Louisbourg in 1758 and Québec in 1759, they abandoned the town plot in favour of the dispersed and linear Acadian settlement pattern along the dykeland. They continued the Acadian relationship between the living space on the uplands, the primary farmland on the dykeland, and the woodlots for building materials. The New England Planters expanded the living space farther upland, erecting churches and community halls, and settled on Long Island as well. By 1817, the Governor of Nova Scotia Lord Dalhousie would note, "There is no town of Horton; it is a scattered settlement of neat common houses, small farmers, but rich in their way of life."

It is noteworthy that the Acadian pattern of local ownership and control over the dykeland would be continued when the New England Planters took over Grand Pré in 1760. In fact, the first legislation relating to dykeland was passed by the government of Nova Scotia as early as 1760. It provided for a group of owners to appoint commissions and a Commissioner of Sewers for each dykeland in Nova Scotia. This recognized that building and effectively maintaining dykelands can only be done collectively and locally (see Figure 2–36). The Commissioner would decide what work was required and arrange for labour and



the raising of all funds to meet costs associated with keeping the dykes in repair. The farmers would share expenses for dyke maintenance. They would also appoint from among themselves individuals to assess the size and value of dykelands, to “police” the dykelands and monitor the condition of the fields, to verify fences and enclosures, and to perform other similar duties of common interest.

As time went by, the New England Planter settlements at Horton and elsewhere put down deep roots. Much of Horton itself would, in the 20th century, see its name revert to what the Acadians had called it: Grand Pré. Wherever they settled, the New England Planters and their descendants exerted an influence on Nova Scotia’s culture, politics, landscape, and architecture. The best-known standing buildings in Grand Pré associated with the New England Planters are the Crane house (1767), the Calkin house (1768), and the Covenanter Church, constructed between 1804 and 1811. Nearby Acadia University, in Wolfville, also has a link with the New England Planters, although it dates from a few generations later. A Prime Minister of Canada, Sir Robert Borden (1854–1937), is probably the best-known New England Planter descendant. He was born and raised in the village of Grand Pré.

## A Productive Dykeland and the Birth of a Symbol 1806–1907

### *Expansion of the Dykeland and Agricultural Productivity in Grand Pré*

The first expansion of the dykeland occurred in 1806 on the west side, with the building of the “New Dike” or “Wickwire Dyke”.

It was built west of the north–south Acadian dyke in an area the Acadians had never dyked, in part because of the challenges of resisting the tidal pressure. This dyke enclosed over a hundred hectares of new farmland and withstood the brunt of storms and tides coming from the west. It did not break until 1869, when the Saxby Gale lashed the coast, bringing a combination of high tides and strong winds. As the Acadian dykes had been left in place after the Wickwire Dyke was built, the main Grand Pré Marsh remained relatively untouched. The Wickwire Dyke was rebuilt in 1871.

The maintenance and expansion of the dykes allowed farmers to maintain a high level of productivity that was admired by experts and visitors. The foremost Nova Scotian expert on agriculture in the early 19th century, John Young, offered an assessment of the Grand Pré dykeland in 1822. At that point, the dykelands had been in New England Planter hands for about 60 years:

The coast of the Bay of Fundy is unquestionably the garden of Acadia, and accordingly we find that the French planted themselves there on the first occupation of the country. They threw across those dikes and *aboiteaux* by which to shut out the ocean, that they might possess themselves of the rich marshes of Cornwallis and Horton, which prior to our seizure they had cropped for a century without the aid of manuring. ... Spots in the Grand Prairies [Grand Pré] of Horton have been under wheat and grass alternately for more than a century past, and have not been replenished during that long period with any sort of manure.



2-36 Repairing the dykes at Grand Pré, circa 1900. The tradition of building and maintaining dykelands collectively began with the Acadians and continued with the New England Planters and successive generations of farmers.

Writing in the early 1880s, another expert, D.L. Boardman, observed, [The] Grand Pré Dike [dykeland] is one of the oldest in Kings County and one of the best in the province. The old French had dikes here on the first occupation of the country, and there are now to be seen all over the Grand Pré remains of old dikes within those now doing their duty in keeping back the tide. These have been plowed down and leveled off in places, but it is not a difficult matter to trace them.

The American biologist and writer Margaret W. Morley (1858–1923) was clearly impressed by what the Acadians had first achieved and the New England Planters maintained when she wrote in 1905: “[We] cannot gaze upon the broad meadows before the door of Grand Pré without remembering the hands that first held back the sea.”

### *The Birth of a Symbol*

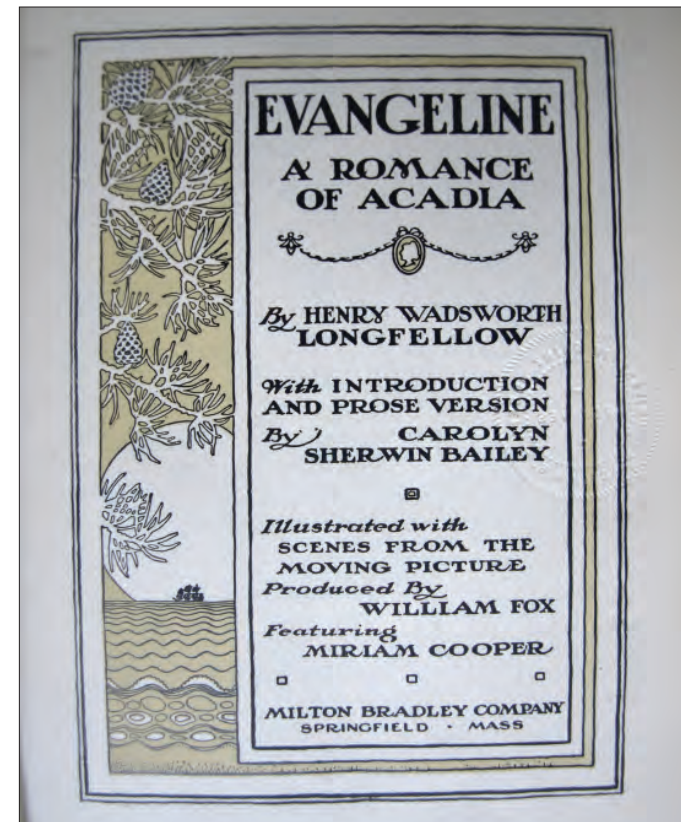
The Deportation of the Acadians scarred the landscape. In 1755, the New England and British troops burned many Acadian houses, barns, churches and other structures as they depopulated the areas. They wanted to make sure that no shelter was left behind for anyone who escaped Deportation. In the overall Minas Basin area, soldiers set fire to about 700 houses, barns, and other buildings.

Those acts of destruction set the stage for the mythological and symbolic aspects of the Deportation. In reality, the village of Grand Pré itself was spared, at least initially. Winslow had his headquarters there, and approximately 600 Acadians were later brought from neighbouring communities and held in the houses for over a month before being sent into exile. Some of the structures at Grand Pré may have been burned after that date. However, sources produced in 1760 describe that at least some – and possibly a good many – of the buildings in Grand Pré were still standing. According to the surveyor-general of Nova Scotia, Charles Morris, roughly 100 houses were still standing at Grand Pré when the New England Planters arrived in the spring of 1760. One of those buildings was apparently the church of Saint-Charles-des-Mines. Regardless of the extent of the destruction, the rupture has been symbolically expressed in oral tradition and the collective memory of the Acadians as they recounted a destruction by fire and the desolation of the land following the removal of the population.

In the early 19th century, certain individuals and organizations began to commemorate the bygone Acadian presence at Grand Pré. Two major forces were at work. One related to the historical, literary and artistic works that linked Grand Pré more than any other pre-1755 Acadian village to the Acadian Deportation (see Bibliography for a list of literary works). The other was the Acadian renaissance that began in the latter half of the 19th century throughout the maritime provinces of Canada. Together, the two forces combined to overlay the agricultural landscape with a symbolic landscape.

### *Evangeline, A Tale of Acadie*

The most influential of the many literary works connected with Grand Pré was Henry Wadsworth Longfellow's epic poem *Evangeline, A Tale of Acadie*, published in 1847 (see Figure 2–37). The poem tells a love story about two fictional characters, Evangeline and Gabriel, yet it was based on a tale Longfellow had heard of a young couple separated at the time of the Deportation.



2–37 Longfellow's 1847 epic poem, *Evangeline*, has gone through many translations and editions, including this 1922 version.

The American poet was not the first to write about the upheaval in a literary form, but his characters and plotline became by far the best known and were instrumental in creating Grand Pré as a symbol. Longfellow's description was loosely based on Thomas Chandler Haliburton's *An Historical and Statistical Account of Nova-Scotia* (1829), in which the historian described the events at Grand Pré in 1755 by presenting material from the eyewitness account in John Winslow's journal. Grand Pré, a real place with a real history, became the opening scene for a fictional work that for the next century would become the best-known interpretation of the Acadian Deportation.

Over the next 100 years, Longfellow's *Evangeline* went through at least 270 editions and 130 translations. The first foreign-language adaptations were in German and Polish in 1851. French and Danish followed in 1853, Swedish in 1854, Dutch and Italian in 1856, and so on around the globe. Illustrated editions began to appear in 1850, and over the next 150 years dozens of artists offered their visual (and often fanciful) interpretations of Grand Pré and other locales. When motion picture technology was developed, the story of *Evangeline* and the Acadian Deportation soon turned up in cinemas. Short, one-reel adaptations of Longfellow's tale were produced in 1908 and 1911. In 1913, the first feature-length film ever produced in Canada was a five-reel production of *Evangeline* that lasted over an hour. American film versions of the *Evangeline* story were released in 1919 and 1929.

Though the *Evangeline* phenomenon began among non-Acadians, first the Americans and then the British, it was quickly embraced by Acadians and other Francophones (see Figure 2–38). They often came to know the story through the French-language adaptation written by Pamphile Lemay in 1865 and revised in 1870. Lemay's adaptation differed significantly from the original poem by Longfellow, yet the central characters were the same, the opening setting remained Grand Pré, and the narrative arc was essentially the same.

Longfellow generated a high public awareness of the Acadians' story and of its link with Grand Pré. He was followed by many others who physically transformed the landscape so that it symbolically reflected the attachment of the Acadians to their homeland, commemorated the Deportation, and displayed symbols of their values.



2–38 Here in New Brunswick, in a community welcoming the *Congrès mondial Acadien* in 2009, figures of *Evangeline* and *Gabriel* are displayed.

In 1869, at the newly opened Grand Pré railway station, the Windsor and Annapolis Railway Company hung a sign that read: “Welcome to the Land of *Evangeline* and *Gabriel*.” The next year, the first organized tour by rail of the “Land of *Evangeline*” brought Americans from Boston. Acadians were not involved.

In 1895, an article by historian Henri L. d’Entremont appeared in the principal Acadian newspaper *L’Évangéline*, in which the author argued that Acadians needed to honour their ancestors at the emerging tourist site at Grand Pré. This article, along with political speeches and other public appeals, raised Grand Pré as a place of significance in the Acadian consciousness. A little over a decade later, Acadians took their first concrete steps to commemorate Grand Pré, following the renaissance of their culture and identity.

#### *The Acadian Renaissance*

The Acadian Renaissance was a period of renewed cultural awareness during the 19th century in Canada’s maritime provinces. Its effect then influenced the identity of Acadian communities elsewhere in the world. While each community had its own challenges

to overcome in maintaining its identity, for the Acadians who came back to Nova Scotia after 1764 the challenge of returning to their homeland, and making a new home, was enormous. Unable to return to their original lands, Acadians became tenants until, in time, they acquired their own lands.

Throughout the ordeal of their wandering, Acadians held onto their culture. It survived in part because they were relatively excluded from the predominant society, and in part because they maintained strong oral traditions. Folklore was passed on between generations and within each small community. Following the resettlement of some Acadians in Nova Scotia, communities began rebuilding on the foundations of their French language, their Catholic faith, and their family ties. These settlements were small and dispersed, as required by the conditions set for their resettlement. This added to the difficulty of maintaining a sense of community, especially within the larger context of a new and very different social and political structure. The strong foundation of Acadian culture allowed the elite to build a sense of national Acadian identity.

The story of the Acadian forced removal had shocked British society at the time, but this sentiment provided no tangible opportunities for rebuilding Acadian society or acknowledging the wrongs they had suffered. In fact, those opportunities only materialized in the middle of the 19th century with the publication of the poem *Evangeline, A Tale of Acadie*. While entirely fictional, its success allowed the real story of the Deportation to be heard and communicated to the world.

The publication of *Evangeline* was a seminal moment in the emergence of the Acadian Renaissance. First, it was written in English, which brought it to many readers in North American and British society. Second, it emerged in elite circles of New England, a region with which Nova Scotia had close ties, both because of the history of the New England Planters and because of the many Acadian deportees who found themselves in New England after the Deportation. That connection provided the conditions for *Evangeline* to become equally popular among English speakers and Acadians. *Evangeline* was, even as fiction, the first public acknowledgement of the events

that had surrounded the forced removal of the Acadians almost 100 years earlier.

The story of *Evangeline* quickly resonated with the Acadian religious and social elite, who saw an opportunity to enhance their own efforts to build a strong community and claim rights for it. The characters in the poem and their story embodied the values that the Acadian elite recognized in their own people, and they inspired a gradual period of political, economic, and social empowerment. *Evangeline*, the main character, and her devotion to her lover Gabriel throughout her ordeal became a symbol of the power of faith in a greater purpose. Her belief echoed the message from the Catholic Church to the Acadians and illustrated the perseverance of the people in the face of adversity. These characteristics, and the values of sacrifice, obedience, and resignation to life's ordeals, were consistent with the church's teachings, thus making *Evangeline* acceptable. The Catholic Church authorized the reading and even the teaching of *Evangeline* as a means to raise the cultural awareness, sense of identity, and history of the Acadians. As the educated elite became immersed in the story and the emotions surrounding the Deportation, they now had a medium for conveying that story and a set of symbols to supplement the oral tradition with which they had grown up. Most importantly, *Evangeline* provided a tangible setting as a focus for the Acadians' cultural reawakening. Grand Pré was introduced to the collective memory of the Acadian people. It became a point of reference, so much so that the expression "the children of Grand Pré" was used in political discourse of the time to refer to the Acadians. It embodied the lost homeland, the symbol of what Acadians aimed to return to, and the evidence of the wrongs they had suffered.

The Catholic Church's acceptance and promotion of this poem was important at a time when it played a key role in Acadian society and provided the tools for its renaissance. The Church was a driver in building the Acadian national identity, providing, amongst other things, access to education and their language and symbols. In 1854, the first Acadian school of higher learning, the Collège Saint-Thomas, was founded in Memramcook, New Brunswick. In 1864, it became the Collège Saint-Joseph under the authority of the Congregation of the Holy Cross and obtained degree-granting status, later becoming a

university. During the 1880s, the Acadians of the Maritimes began to hold “national conventions,” following the participation of Acadians in French Canadian political gatherings in Québec, to defend the interests of their community. Their focus was to achieve cultural objectives by promoting the use of the French language in education and in the political, economic, and religious spheres. The Church played an instrumental role, along with the educated elite, in leading these conventions. The first convention was held in 1881 at the Collège Saint-Joseph in Memramcook where most of the young Acadian elite who took part in these patriotic events had been educated. The delegates to that convention created the *Société nationale L’Assomption*, whose mandate was to promote and defend the interests of the Acadian people in Atlantic Canada. The second convention took place in Miscouche, Prince Edward Island, in 1884. At that convention, the Acadians adopted a national feast day (15 August), a patron saint (Notre Dame de l’Assomption), a flag (the French tricolour with a gold star in one corner, see Figure 2–39), an anthem (*Ave Maris Stella*) and a motto (*L’union fait la force* – unity makes strength).



2–39 The Acadian flag is a common sight around Grand Pré and in present-day Acadian communities.

By the end of the decade, Acadians had three French weekly newspapers, the oldest one being the *Moniteur Acadien*, founded in 1867 in Shédiac, New Brunswick, and members of their elite were elected to the highest offices of the province and the country. By the beginning of the 20th century, Acadian folklore had acquired status along with these symbols to entrench the foundations of Acadian identity. All these manifestations of social empowerment became sources of pride and self awareness.

The Acadian Renaissance was a period of social and political transformation of the Acadian community of Canada in the late 19th century. Through various collective acts, Acadians acquired a sense of unity, in spite of the original British intention to keep them dispersed. Embracing the wave of nationalistic consciousness that moved through Europe and North America in the 19th century, the Acadians elected to reclaim their presence in eastern Canada through incremental actions that gave them the tools for political, economic, and cultural empowerment. An important step was to choose symbols of identity such as a flag, a patron saint, and an anthem, and to tell a national story, all adopted in part or in whole by Acadian communities of the diaspora. Grand Pré grew to become the location to anchor that identity, those symbols, and the collective memory.

Acadian Anthem

French	English
Ave Maris Stella	Ave Maris Stella
Dei Mater Alma	Dei Mater Alma
Atque Semper Virgo	Atque Semper Virgo
Felix Coeli Porta	Felix Coeli Porta
Felix Coeli Porta	Felix Coeli Porta
Acadie ma patrie	Acadia my homeland
À ton nom je me lie	To your name I draw myself
Ma vie, ma foi sont à toi	My life, my faith belong to you
Tu me protégeras	You will protect me
Tu me protégeras	You will protect me
Acadie ma patrie	Acadia my homeland
Ma terre et mon défi	My land and my challenge
De près, de loin tu	From near, from far you
me tiens	hold onto me
Mon cœur est acadien	My heart is Acadian
Mon cœur est acadien	My heart is Acadian
Acadie ma patrie	Acadia my homeland
Ton histoire je la vis	I live your history
La fierté je te la dois	I owe you my pride
En l'Avenir je crois	I believe in your future
En l'Avenir je crois	I believe in your future
Ave Maris Stella	Ave Maris Stella
Dei Mater Alma	Dei Mater Alma
Atque Semper Virgo	Atque Semper Virgo
Felix Coeli Porta	Felix Coeli Porta
Felix Coeli Porta	Felix Coeli Porta

**A Century of Tourism, Agriculture, and *Lieu de Mémoire* 1907–present**

*The Physical Transformation of a Landscape into a Symbol*

Individuals such as John Frederic Herbin and Father André-D. Cormier, private companies such as the Dominion Atlantic Railway and the *Société nationale l'Assomption*, and the Acadian community transformed Grand Pré into a historic site and a major tourist attraction in North America. The commemorative monuments, buildings and garden they created were a symbolic reclaiming of the Grand Pré area by the descendants of the people who were forcibly removed in 1755. As a result, for people of Acadian descent, Grand Pré became the most cherished of all their historical sites.

In 1907, John Frederic Herbin, a jeweller and poet – of Acadian descent – in nearby Wolfville, purchased the land at Grand Pré that contained the most prominent ruins that were said to date back to before 1755. Herbin had published a book of local history in 1898 that had echoed the opinions of historian Henri L. d'Entremont, who had argued for the need to honour Acadian ancestors at Grand Pré. The oral tradition of the time held that the ruins on Herbin's new property were vestiges of the old Acadian parish church, Saint-Charles-des-Mines, the same church in which Acadian males were imprisoned on 5 September 1755. Not far from those ruins was a well, also said to date back to the Acadian period (see Figure 2–40). A little farther on was the old Acadian burial ground or cemetery. Nearby were a number of old willow trees, which in the oral tradition were said to have been silent witnesses to the events of 1755 (see Figure 2–41).



2-40 Visitors to Grand Pré, in 1923, at the well near the willow trees.



2-41 This photo of the willow trees at Grand Pré dates from the late 19th century.

The purchase was a public acknowledgement that this land was significant to the Acadians. Herbin’s vision that “...The Grand Pré memorial field is the outstanding historical landmark most closely associated with the occupation of the Acadians of this country for seventy years” convinced others to protect and commemorate the site.

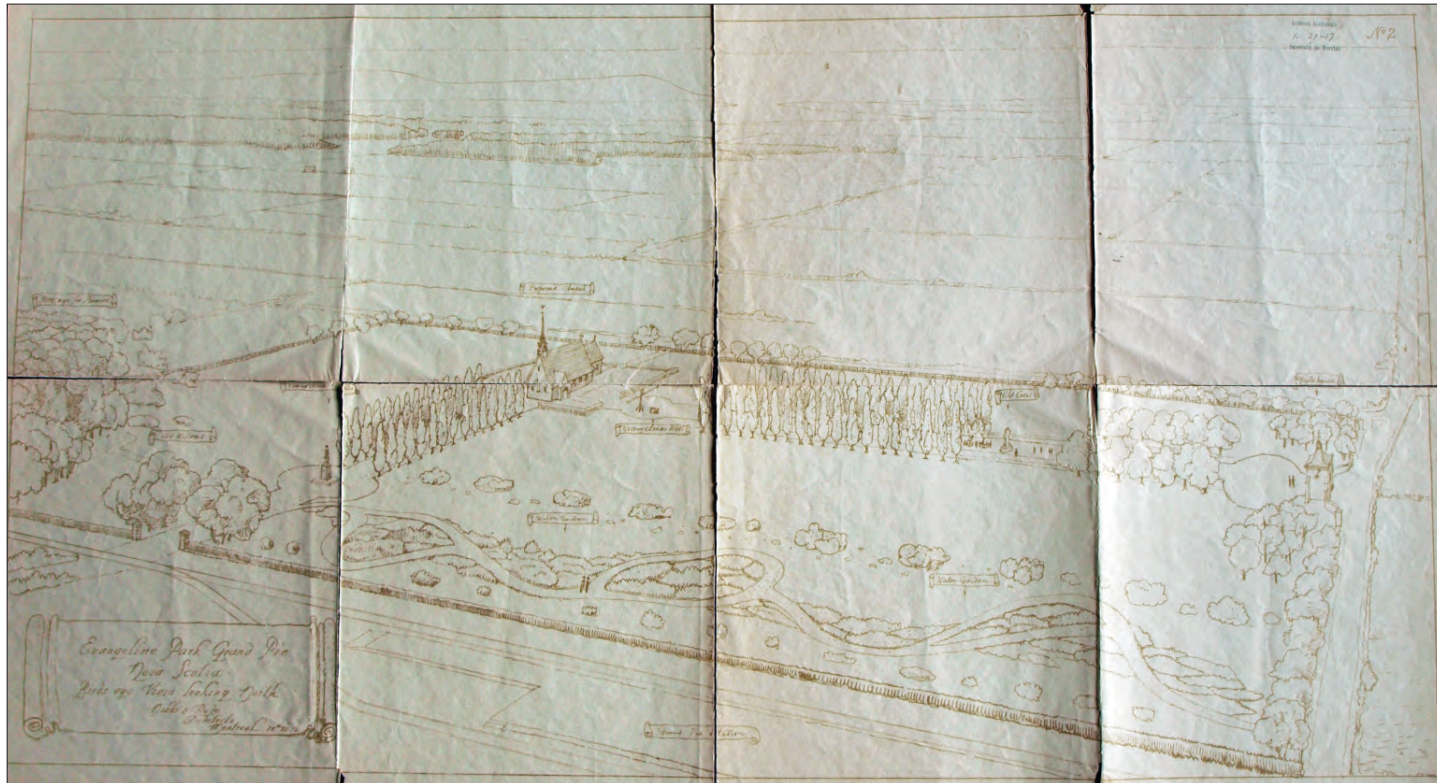
In 1908, the Government of Nova Scotia passed an Act to recognize and incorporate the trustees of the “Grand-Pré Historic Grounds.” This was the first attempt by any government at any level to safeguard the site at Grand Pré.

In 1917, Herbin and the other trustees sold the property with the ruins on it to the Dominion Atlantic Railway (DAR) on the condition that the church site be deeded to the Acadian people so they could erect a memorial to their ancestors. The following statement by Herbin explains his vision:

The proposed restoration of the Memorial Park will consist of buildings to be erected by the Acadians upon the site of the St. Charles’ Church. A statue of Evangeline on a stone base with bronze tablets will be erected on the space between the stone cross and the old well. Roads, walks, flower beds and structures to mark the various spots, will add to the attractiveness of the place. From there the great stretch of the Grand Pré lies as a monument of unremitting labour.

The DAR assumed responsibility for the Grand Pré site and engaged renowned Canadian architect Percy Nobbs to bring Herbin’s vision to fruition. The architect developed a detailed landscape plan for the grounds, complete with pathways, flower beds and potential monument locations (see Figure 2-42).





2-42 Percy Nobbs's 1919 plan for the gardens at Grand Pré included potential locations for monuments.

With Nobbs's drawings in hand, the rail company developed a "park" for tourists who wanted to see the spot Longfellow had made famous in his epic poem. The park-like setting – a cross between a *jardin des plantes* and a commemorative cemetery – encouraged many visitors to reflect on the tragedy of the Acadians in 1755. The first

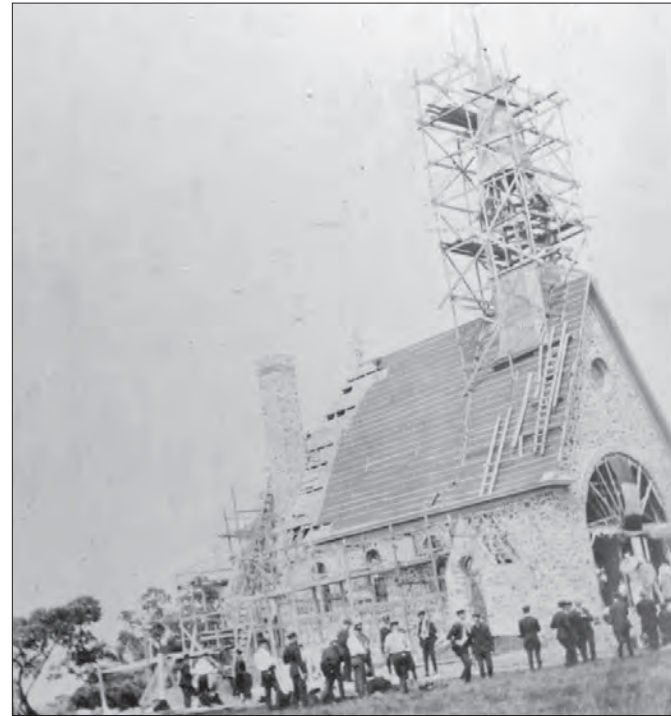
major artistic element added to the landscape was a bronze statue of Evangeline, unveiled in 1920. The statue was the work of renowned Québec sculptor Henri Hébert and was inspired by a design by his father, sculptor Louis-Philippe Hébert (see Figure 2-43). The Hébert artists were of Acadian descent.



2-43 Henri Hébert's statue of Evangeline was placed at Grand-Pré in 1920.

Throughout the 1920s and 1930s the DAR, the provincial department responsible for tourism, and many private companies used images and slogans employing the Evangeline theme and Grand Pré association to sell their products. At the same time, there was a marked commercialization of Evangeline: various depictions of the fictitious heroine showed up on a range of products from soft drinks to car dealerships to chocolates.

Despite the commercial overlay and the frequent tie-ins with a literary figure, Acadians during the 1920s were becoming increasingly interested in Grand Pré and attached to it as an evocative site that was a symbolically reclaimed homeland and a legacy of the tragedy of their forced removal. In 1919, Father André-D. Cormier, a priest from New Brunswick, took part in the negotiations to acquire the property in Grand Pré to build a church. In 1921, the *Société nationale l'Assomption* (predecessor of today's *Société nationale de l'Acadie* [SNA]) held part of its eighth national convention at Grand-Pré. At that convention, the SNA took official possession of the church site and launched a fundraising campaign to build a Memorial Church (*église-souvenir*) on or near the site of the presumed ruins of the parish church (see Figure 2-44).



2-44 Final work is carried out on the Memorial Church, 1922.

Father Cormier became the founding president of the Memorial Church Committee and began organizing several fundraising campaigns. The Acadian diaspora from the maritime provinces, Québec, Louisiana, and France was solicited for donations. The construction of the church reflected the growing wave of Acadian nationalism that had been on the rise since the 1880s. Having achieved a number of successes in asserting Acadian rights and identity, the Acadian community now felt the time was right for such a symbolic gesture.

The Acadian community's commemoration efforts at Grand Pré continued in 1923, when they raised funds for a sculpture of the Acadian patron saint, Notre-Dame de l'Assomption, to be placed inside the newly completed church (see Figure 2-45 and 2-46).



2-45 & 2-46 The statue of Notre Dame de l'Assomption, the patron saint of the Acadians, was placed within the Memorial Church. It is seen here in 2008 and 1923.

The next year, a group of Acadians from the maritime provinces and Québec, as well as non-Acadians interested in Acadian history, erected a poignant symbol of the 1755 Deportation. That new marker was an iron cross, referred to as the Deportation Cross, which was erected beside the DAR rail line, about two kilometres from the Grand Pré site. It was placed by a dry creek bed that was believed at the time to be where their ancestors had embarked in small boats during the Deportation. Later research found that the actual embarkation spot was at Horton Landing. The cross was relocated there in 2005.

Up to the mid-1950s, concerned citizens and organized groups, primarily within Canada but also from the United States, were responsible for all the commemorative action and development at

Grand-Pré. By 1955, all the major elements of what has now become a *lieu de mémoire* (discussed later in this chapter) had been in place for three decades: the Memorial Church, the Statue of Evangeline, the Deportation Cross, the old willows, a stone cross to mark the Acadian burial ground, the well, and the flower beds. In May 1955, the Historic Sites and Monuments Board of Canada, the arms-length advisory body that recommends designations of national significance to the responsible federal minister, concluded that the “Grand Pré Memorial Park possesses historical features which would make it eminently suitable as a National Historic Park.” Negotiations took place over the next year. On 14 December 1956, the *Société nationale l'Assomption* finalized the sale of Grand Pré to the Government of Canada. Five years later, in 1961, the federal department responsible for historic sites officially opened Grand-Pré National Historic Site of Canada.

Since that transition, Parks Canada has maintained the original commemorative monuments and worked closely and collaboratively with representatives of the Acadian community. Since the mid-1990s, the *Société Promotion Grand-Pré*, a new group representing the Acadian community at Grand-Pré National Historic Site of Canada, has worked closely with Parks Canada to promote and enhance the national historic site, supporting the tradition of erecting memorials and organizing events that reflect the Acadian identity and attachment to the site.

#### *A Place that Brings Together a Diaspora*

Since the beginning of the 20th century, many events have taken place in Grand Pré that have secured its role as the heart of *Acadie* and the place most closely associated with Acadian identity. These include Acadian congresses, events commemorating the Deportation, pilgrimages, and cultural events.

The first major Acadian event at Grand Pré was associated with an Acadian Congress. In 1921, the eighth general convention of the *Société nationale l'Assomption* took place at Church Point (Pointe-de-l'Église) in southwestern Nova Scotia. It ended with a pilgrimage to Grand Pré, where delegates officially took possession of the lot that was said to contain the vestiges of the former parish church of

Saint-Charles-des-Mines. This was a powerful gesture. It highlighted an event of great historical significance for the Acadian people, symbolically reclaiming an important part of their homeland. The following year, hundreds of Acadians came back to Grand Pré to celebrate the first mass held there since 1755 (see Figure 2-47). It was directed by the first Acadian bishop, Monsignor Édouard LeBlanc. On that occasion, the cornerstone of the Memorial Church was blessed, completing the erection of the most significant symbol of the homeland.



2-47 The first mass at Grand-Pré since 1755 was held in 1922, led by the first Acadian bishop, Monsignor Édouard LeBlanc.

The Deportation Cross, an important symbol of the Acadian experience, was erected in 1924. The cross was unveiled during the first of two pilgrimages organized by the daily newspaper *Le Devoir* from Montreal (see Figure 2-48).



2-48 First pilgrimage organized by *Le Devoir*, in 1924, at which time the Deportation Cross was erected.

At the time, the founder of that newspaper, Henri Bourassa, encouraged French Canadians of Acadian ancestry to join him in the return to the “sacred land” (*terre sacrée*), the “land of memory” (*terre de mémoire*) of Grand Pré, which they did in great numbers. The Deportation Cross, as it is known, has since inspired artists and Acadians around the world, symbolizing the memory of the Deportation but also the identity of the people. Since 2003, it has been reproduced in different locations where Acadians have landed or settled, including Louisiana, New Brunswick, Nova Scotia, PEI, Newfoundland and Saint-Pierre et Miquelon. More will soon be erected in France, New England, and Great Britain.

The 175th anniversary of the Deportation in 1930 was the first major event that brought together Acadians from Canada and the United States and sealed Grand Pré’s role as the heart of *Acadie*. That year, Senator Dudley LeBlanc from Louisiana led a delegation of “Évangélines” to Québec, New Brunswick, and Nova Scotia, where they took part in the anniversary celebrations in Grand Pré (see Figure 2-49).



2-49 “Évangélines” from Louisiana came to Grand-Pré in 1936, one of many visits by groups of Cajuns to the park.

The following year, a delegation of “Évangélines” from Canada went to Louisiana. Since then, Cajuns have regularly participated in events in Grand Pré and elsewhere in *Acadie*.

In 1955, thousands of Acadians from around the world gathered in Grand Pré to mark the bicentenary of the Deportation. Social and cultural events were organized everywhere in *Acadie* as well as in other parts of Canada. The open air mass held on 15 August (the national day of the Acadians) in Grand Pré was the high point of the commemoration. Over 10 000 Acadians participated in the mass, celebrated by the Apostolic Nuncio for Canada, along with three archbishops, eleven bishops, hundreds of priests, and members of religious orders from Canada, France, and even Haiti (see Figure 2-50).



2-50 Thousands of Acadians attended the open air mass held at Grand-Pré for the 200th Anniversary of the Deportation in 1955.

In 1994, Acadians began organizing events specifically to bring together the diaspora. The *Congrès mondial acadien*, held every five years in an Acadian region, is a display of the Acadian culture and an opportunity for Acadians with common ancestors to get together in the context of *retrouvailles* (reunions). The first was held in southeastern New Brunswick, the second in Acadiana in southwestern Louisiana (United States), and the third in Nova Scotia. The third *Congrès*, in 2004, also celebrated the 400th anniversary of the founding of *Acadie* with the settlement of Ile Sainte Croix. During that congress, Grand Pré, as so many times before, hosted an open-air mass that attracted 10 000 Acadians.

The following year, in 2005, Grand Pré again welcomed thousands of Acadians, this time to commemorate the 250th anniversary of the Deportation. This event celebrated the vitality of the Acadian people and their culture. At this time, the Deportation Cross was moved to its current location at Horton Landing, where the Acadians were forced to board the ships in 1755 (see Figure 2-51).



2-51 In 2005, the Deportation Cross was relocated to Horton Landing to mark the place where Acadians had been loaded onto ships 250 years earlier.

In addition to these major anniversaries, every year on 5 September an event takes place in Grand Pré to commemorate the day in 1755 when the men and boys of Grand Pré were imprisoned in the church and then on transport ships. Hundreds of Acadians walk from the Memorial Church to Horton Landing, remembering the walk that the Acadians from Grand Pré took in 1755 on their way to exile.

Through the years, Grand Pré has welcomed many social and cultural events. In 2008, the organizing committee of the Acadian Games (*Société des Jeux de l'Acadie*) gathered 1500 young athletes at Grand Pré to learn about their history and celebrate the pride of *Acadie*.

#### *Dyke and Aboiteau Maintenance at Grand Pré*

This strong symbolic landscape has remained a strong agricultural landscape. The dykes at Grand Pré are maintained, and new expansions have been partially built as well on the west side. The northeastern dyke on Long Island and parts of the eastern dykes were built in the 1940s, some behind the previous lines of dykes, others in front. The Wickwire Dyke, rebuilt in the 19th century, was again abandoned in 1932 following years of degradation from violent storms. It was rebuilt for a second time in 1959. The footprints of sections of other dykes were moved to maintain their ability to withstand the tides. In each case, the decision to build dykes was based on the capacity to maintain the integrity of the system of dykes and *aboiteaux*.

The dykes built in the 1940s, along with the rebuilding of the Wickwire Dyke, were part of a government initiative known as the Emergency Programme. In 1943, the federal government and the provincial governments of Nova Scotia and New Brunswick established the Maritime Dykeland Rehabilitation Committee (see Figure 2-52).



2-52 During the 1940s, federal and provincial governments launched programs to repair and rebuild dykes in the maritime provinces, including these at Grand Pré.

An even more ambitious initiative followed in 1948, with the creation of the Maritime Dykeland Rehabilitation Administration through an act of the Parliament of Canada. The task of maintaining the condition of all dykelands in the maritime provinces was thus treated as a single project that unlocked major financial resources. By the late 1960s, all major projects of rebuilding dykes and replacing *aboiteaux* had been completed. Supervision of the dyke maintenance was transferred to the provinces, where the responsibility remains to this day.

Throughout three centuries of evolution and changes, Grand Pré farmers have retained their distinctive approach to building and maintaining the original dykeland. The design of *aboiteaux* has not changed, although new materials now enhance their reliability and lifespan. The dykes are still built from earth, and the native vegetation continues to protect them. For 300 years, local farmers have experimented with different combinations of materials to strengthen the dykes – sometimes using rocks, sometimes wooden planks held with rods as facing (known as a “deadman”) – yet the basic technology is the same. The creeks have been kept intact to ensure the proper drainage patterns.

Today’s farmers, some of New England Planter descent and many of Dutch origin who arrived after the Second World War, continue to retain the knowledge of dyke building and maintenance. While few local farmers still know how to handle a spade to cut sod into bricks, many understand the appropriate design and the inner workings of drainage and of *aboiteaux*, as evidenced by the private dykes and *aboiteaux* that continue to be built. The Department of Agriculture has some of this knowledge, but it needs the experience of the farmers to maintain the dykes.

Community-based management continues today in the 21st century. The farmers of the Grand Pré Marsh Body own the land individually but share resources and make decisions collectively about maintaining the marsh. The farmers do not have direct responsibility for the dykes but retain an essential role in their maintenance and the experience of building them. Their management approach keeps alive the spirit of collective concern for this agricultural landscape and the individual desire to thrive. Throughout the major federal

and provincial government projects of the past 70 years, the Grand Pré Marsh Body maintained its role. The Grand Pré Marsh Body’s recorded minutes and archives go back to the late 18th century. It is the oldest and most active organization of its type in North America.

#### *Centuries of Progress and Adaptation*

In the past, dykeland was used for crops during summer and as common pasture in the fall. This allowed nutrients in the form of manure to be reintroduced into the soil. The farmers would gather in Grand Pré next to the dykelands to divide the herds into two, one for the east section and one for the west. They would identify individual branding tools, fence the area, brand the animals, and let them loose on the dykelands. That practice continued until the 1970s, when crops became more sensitive to the impact of cattle and when new farming techniques lengthened the season. Today, cattle are still sent for pasturing on the dykeland, but only in specific areas (see Figure 2–53).



2–53 Cattle still graze on the dykelands at Grand Pré.

Starting in the 1970s, farmers placed an emphasis on the surface drainage of these soils. Their method of drainage became known as

landforming and involved shaping the surface of a field so that excess rainfall ran off into grassy ditches (see Figure 2-54).



2-54 Landforming, or reshaping the surface of the dykeland to improve drainage, has been carried out at Grand Pré since the 1970s.

Landforming in Grand Pré consists of open ditches with a 30-centimetre drop over a distance of 300 metres to drain into the creeks. As a result, the soil dries much faster and holds the heat more efficiently. Farmers can begin working the land earlier in the season and grow a greater variety of crops. Typical crops are pasture, hay, cereals, soy, alfalfa, and some vegetables. During dry summers, dykeland soils hold water better than the upland soils.

Many farmers today raise milk-producing cattle and grow crops for their animals. As milk production is a regulated industry, the farmers have a stable means of ensuring their livelihood. Most of the crops grown on the dykelands are intended as cattle feed for both local consumption and sale. The farmers of Grand Pré are recognized as being progressive in their techniques, tools, and use of fertilizers as well as protective of their traditions. Today, 100 per cent of the dykeland is used for agriculture, and the area retains its point of pride

of being one of the most productive agricultural communities in Atlantic Canada. That enduring use is evidence of a successful adaptation to the prevailing environmental conditions and community management. Future success is assured by the farmers continuing to be the stewards of this agricultural landscape, the product of hard labour, pride, and centuries of acquired knowledge.

#### *A lieu de mémoire of enduring relevance*

Since the early 1980s, the *journées acadiennes* are celebrated annually at Grand Pré at the end of July.

It is a week-long event that showcases Acadian culture, arts, and history and typically attracts thousands of people. At the same time a commemorative event takes place next to the Deportation Cross, on 28 July, the national day commemorating the deportation (see Figure 2-55).



2-55 Every July, the *journées acadiennes* are celebrated at Grand-Pré. The commemoration of the Deportation takes place during this event, on July 28 at the Deportation Cross.



The national day of commemoration of the Deportation was declared by the Parliament of Canada in 2003 and first celebrated in 2005. This was the result of individual and collective efforts from members of parliament, members from the Cajun community in Louisiana, and the *Société nationale de l'Acadie* who were seeking a formal apology from the British Crown and an acknowledgement of the impact of the Deportation on the Acadians. This came in the form of a Royal Proclamation signed by Queen Elizabeth II as Queen of Canada which included the following statements:

"[...]Whereas on July 28, 1755, the Crown, in the course of administering the affairs of the British colony of Nova Scotia, made the decision to deport the Acadian people; [...]

Whereas We acknowledge these historical facts and the trials and suffering experienced by the Acadian people during the Great Upheaval; [...]

Whereas We hope that the Acadian people can turn the page on this dark chapter of their history; [...]"

The proclamation concludes with the declaration of a national day of commemoration of the event every year on 28 July, which is the day when the Order of Deportation was signed by the Governor in Halifax in 1755. The proclamation was another important milestone in the public awareness in Canada of the events surrounding the Deportation. The first year was celebrated in New Brunswick and Nova Scotia with the unveiling of the first two monuments to the Acadian Odyssey, marking the location of Deportation and resettlement of Acadians around the world.

Since 2005, a multi-faith event has been held at the Deportation Cross at the initiative of local non-Acadian residents (see Figure 2-56).



2-56 The multi-faith ceremony draws Acadians and non-Acadians alike to Horton Landing, as part of the National Day to commemorate the Deportation.

It typically includes a ceremony with Catholic priests, Anglican ministers, Mi'kmaq elders, and recently members of other faiths; a mass at the Covenanter Church in Grand Pré; and a walk from that Church to the Memorial Church.

This last event is significant as it involves non-Acadians in an important commemorative event. Throughout the years, non-Acadians have played a role in supporting the Acadians' aspiration to symbolically reclaim Grand Pré. From the early years of the 20th century, when a local jeweller partly of Acadian descent acquired the land and the DAR developed the site for tourism purposes, to today's local community, non-Acadians have learned about the Deportation and its impact on the Acadians and contributed toward the commemoration of Acadian heritage at Grand Pré. Acadian politician Pascal Poirier noted in 1917 that "the return to Grand Pré is a symbolic resurrection of *Acadie* [an event] that should not offend our friends and fellow citizens of foreign nationality. On the contrary, a sincere feeling of fraternity and peace oversee this return." This spirit continues to underpin the relationships in Grand Pré.

The relationship between Acadians and non-Acadians has been an ongoing exercise of mutual understanding and respect. Grand Pré is not a contested landscape, as the local residents and other non-Acadians have recognized for a long time the Acadian layer of heritage. The local community has been celebrating the Apple Blossom Festival since the 1930s as a means to advertise the agricultural products of the Annapolis Valley but also to celebrate the scenic beauty and Acadian history that was the background to *Evangeline*.

Recently, during the Acadian World Congress in 2004 and the 250th Anniversary of the Deportation in 2005, the local community worked to welcome Acadians on their ancestral land by hosting them and offering resources to carry out their events. One particularly powerful moment was when a farmer whose family had lived and farmed in Grand Pré since the 1760s offered to host the descendants of the Acadian family that once owned that land. The event was attended by hundreds of people, descendants of the Thibodeau family from Canada and Louisiana, as well as the current landowners, the Shaws.

Actions such as these are important indicators of a mutual desire to understand, remember and learn from experiences. They allow a peaceful, symbolic reclamation by the Acadians of their homeland and are evidence of ongoing efforts towards reconciliation, efforts foreshadowed by Pascal Poirier in the early 20th century when he stated “that [the acquisition of the lands] will result in our return home, here at Grand Pré, owners of our ancestral land, amongst our fellow citizens of foreign ancestry, now our friends.” The landscape of Grand Pré continues to play a central role in the reclamation by the Acadians of their homeland.



# Chapter 3



*Puis levant la tête et le poing au ciel, la  
vieille Arcadie, paradis perdu surgi de ses  
cendres, bucha aux générations à venir :  
Vous y reviendrez en pèlerinage pour y  
fleurir les tombes de vos aïeux.*

Antonine Maillet, Acadian Author, Prix Goncourt 1979

## 3.0 Justification for Inscription

### 3.a. Criteria under which inscription is proposed

The Landscape of Grand Pré is an outstanding example and enduring model of the human capacity to overcome extraordinary natural challenges and cultural ordeals.

Canada wishes the Landscape of Grand Pré to be considered a cultural landscape.

**Criterion (v): “an outstanding example of a traditional human settlement which is representative of a human interaction with the environment.”**

Grand Pré is a vibrant agricultural landscape, carved out of its harsh coastal environment three centuries ago by Acadian settlers. Working collectively, they applied an ingenious system of dyking and drainage to hold back the highest tides in the world, created extraordinarily fertile farmland, and began a tradition of collective management. This land reclamation system and this management tradition continue to ensure the livelihood of the local community today. The Landscape of Grand Pré is an outstanding example of a thriving farming community that interacts with its environment by using a successful land reclamation system and management tradition that predate the introduction of engineered drainage systems.

#### *An extremely challenging coastal environment*

Grand Pré lies on the shores of the Bay of Fundy, on the northeastern coast of North America. The dykes that protect Grand Pré’s landscape are assailed by tides that have an average range of 11.61 metres. Twice a day, 100 billion tonnes of sea water flow in and out of the bay, more than the combined flow of all the world’s rivers. This churning volume of sea water presented a major challenge to the Acadians,

the area’s first European settlers and first dyke builders. Yet they saw beyond the challenge to the major agricultural opportunity this environment presented. If they could exclude the sea and allow rain and snow to wash the salt from the soil, they could claim the highly fertile tidal marshes for agriculture. This work began in the 1680s, with a series of dyke-building projects that went on for over 70 years. Today, the Landscape of Grand Pré exhibits the work of the Acadians and their successors, the New England Planters: more than 1300 hectares of tidal marsh transformed into fertile farmland in one of the most challenging coastal environments in the world.

#### *An ingenious dyking and drainage system*

The dyking and drainage technology applied at the Landscape of Grand Pré is ingenious in its simplicity and its use of natural forces. The *aboiteau*, a sluice with a valve, is its key component. The design and installation of *aboiteaux* is determined by the drainage pattern formed by creeks, which operate in response to the natural force of the incoming and receding tides. In effect, farmers who build and maintain the dykeland use gravity and hydrographical patterns to drain it. Indigenous grasses of the salt marsh, *Spartina patens* and *Juncus gerardii*, have always been used in creating and maintaining the dykes because of their natural resilience and resistance to the eroding forces of the formidable tides. Both the adaptation to the area’s geomorphology and the use of natural building materials for the dykes are evidence of the enduring use of an approach that successfully drained large areas of salt marsh for centuries in North America and in Europe before the introduction of pumps and designed drainage channels. The design and principles of building dykes and *aboiteaux* at Grand Pré have not changed since they were first created in the 17th century.

Grand Pré showcases the most intact example in the world of this traditional vernacular technology as part of an agricultural system.

#### *A successful agricultural settlement*

Grand Pré was the largest and most prosperous of all Acadian-settled regions. Within decades of the Acadians' arrival, it became one of the most productive agricultural settlements in colonial North America. Its productivity resulted from the natural fertility of the land and the system of collective management that the Acadians put in place when they created the land. The land has remained highly productive over the centuries and is still dedicated exclusively to agricultural use.

This spirit of collective management is maintained through the Grand Pré Marsh Body, the oldest known and most active marsh body in North America. This exceptional example of a community-based approach to managing the farmland and the dykes is a form of land management now rare in North America and Europe. The natural conditions, the collective effort, and the technology used in the Landscape of Grand Pré provided the ingredients for a successful agricultural settlement, one that continues to ensure the livelihood of the local community.

**Criterion (vi): “a property that is tangibly associated with beliefs of outstanding universal significance.”**

Owing to the imposing presence of the dykelands, the Memorial Church and other memorials, and its enduring use by the Acadian people, the Landscape of Grand Pré is the most important *lieu de mémoire* for the Acadians, an evocative example of a homeland symbolically and peacefully reclaimed by a diaspora that has triumphed over hardships. The legacy of the Acadian people overcoming the tragedy of a forced removal, the *Grand Dérangement*, their renaissance, and the ongoing efforts of reconciliation are embodied in the Landscape of Grand Pré. Here, Acadians share their common heritage, reaffirm their identity, and continue to build their sense of community in a spirit of peaceful reconciliation with history. The Landscape of Grand Pré provides a poignant and powerful living example of the universal

human aspirations to belong to a community, to connect with one's homeland, and to seek reconciliation.

#### *A landscape transformed into a lieu de mémoire*

Grand Pré is the most important *lieu de mémoire* for the Acadians, associated with the forced removal of that people from its homeland and with the subsequent survival of its diaspora. Over a period of seven years beginning in 1755, British authorities deported more than three-quarters of the approximately 14 000 Acadian men, women and children living in what are now the easternmost provinces of Canada. Some of those who survived the Deportation resettled in Nova Scotia after 1764, while most settled in what is now Québec, Louisiana, France or French territories such as Saint-Pierre et Miquelon, Santo Domingo (present-day Haiti), and Guyana. Today, most of these places are home to thriving Acadian or Cajun communities. They share a common sense of history, values, and traditions that is embodied in the Landscape of Grand Pré.

Once strictly an agricultural landscape, Grand Pré has been progressively transformed since the mid-19th century. The transformation began with the 1847 publication of American poet Henry Wadsworth Longfellow's internationally renowned poem *Evangeline, A Tale of Acadie*, which brought an awareness of the Deportation and of Grand Pré to the world stage. The memorials found at Grand Pré commemorate the forced removal of the Acadians and celebrate their survival. Memorials such as the Deportation Cross are reproduced in Europe and elsewhere in North America where the Acadians landed during their *Odyssey*. The memorials' association with the dykeland as an agricultural landscape completes the sense of place as the homeland. Today, Acadians come to Grand Pré to understand their ancestors' legacy as expressed by the dykelands, the archaeological remains, and the memorials erected by their predecessors. The landscape and the memorials are powerful, tangible symbols of the impact of the *Grand Dérangement* on the Acadians, their attachment to their ancestral lands, their cultural survival, their collective memory, their identity, and their aspirations. Through that discovery and through the use of that landscape for key formative cultural events,

Grand Pré is a place that allows Acadians to reaffirm their identity and to continue building their community on these foundations. Visitors to Grand Pré share this experience and can find inspiration in this place of contemplation that illustrates the universal human aspirations to belong to a community, to connect with one's homeland, and to make peace with the past.

*A symbolically and peacefully reclaimed landscape*

Grand Pré is a landscape that has been symbolically and peacefully reclaimed through the actions of Acadians and non-Acadians over more than a century. By raising public awareness, acquiring land, and erecting memorials, they have created a landscape that has united Acadians around the world. They did it without either resorting to conflict or disrupting the ongoing agricultural community, in a landscape that was primarily lived in by those who succeeded the Acadians after the Deportation. Grand Pré continues to be a place that is inclusive and open to the world, touching Acadians and non-Acadians alike. It is an exceptional landscape of reconciliation and peaceful sharing of the land.

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### 3.b. Proposed Statement of Outstanding Universal Value

#### Brief Synthesis

The Landscape of Grand Pré is a dynamic agricultural landscape claimed from the sea. It is also a powerful symbolic landscape for the Acadians.

The Landscape of Grand Pré is the most intact agricultural polder in the world that uses an ingenious vernacular system for transforming salt marsh into fertile agricultural farmland. This system of earthen dykes, ditches, *aboiteaux*, and community-based management was first implemented at Grand Pré in the late 17th century by French (Acadian) settlers. The location they chose was subject to the most extreme tides in the world, which presented great challenges but also great opportunities in the extraordinary fertility of the land

they transformed. Today, the agricultural landscape is still protected and drained by the same system, still exhibits distinctive field patterns, and is still managed through the same community approach, a testimony to the original Acadian settlers, the New England Planters who succeeded them, and the farmers who work the land today.

Symbolically, the Landscape of Grand Pré is the single most important *lieu de mémoire* for the Acadian people, one of the first people of European descent to call North America their homeland. The Landscape of Grand Pré is directly associated with the emergence of their new identity in this new land, but also with their tragic forced removal from it, their subsequent migration, and their renaissance. Today, this *lieu de mémoire* embodies the cultural consciousness of a widely scattered people. It is a landscape that has been peacefully and symbolically reclaimed by the Acadians, and it is their emotional and spiritual centre. It illustrates the importance of the connection between people and places in defining collective identity.

**Criterion (v):** Grand Pré is a vibrant agricultural landscape, carved out of its harsh coastal environment three centuries ago by Acadian settlers. Working collectively, they applied an ingenious system of dyking and drainage to hold back the highest tides in the world, created extraordinarily fertile farmland, and began a tradition of collective management. This land reclamation system and this management tradition continue to ensure the livelihood of the local community today. The Landscape of Grand Pré is an outstanding example of a thriving farming community that interacts with its environment by using a successful land reclamation system and management tradition that predate the introduction of engineered drainage systems.

**Criterion (vi):** Owing to the imposing presence of the dykelands, the Memorial Church and other memorials, and its enduring use by the Acadian people, the Landscape of Grand Pré is the most important *lieu de mémoire* for the Acadians, an evocative example of a homeland symbolically and peacefully reclaimed by a diaspora that has triumphed over hardships. The legacy of the Acadian people overcoming the tragedy of a forced removal, the *Grand Dérangement*, their renaissance, and the ongoing efforts of reconciliation are embodied in the Landscape of Grand Pré. Here, Acadians share their common

heritage, reaffirm their identity, and continue to build their sense of community in a spirit of peaceful reconciliation with history. The Landscape of Grand Pré provides a poignant and powerful living example of the universal human aspirations to belong to a community, to connect with one's homeland, and to seek reconciliation.

### **Integrity and Authenticity**

The nominated property has integrity because its clearly defined boundaries encompass all the elements relevant both to the agricultural landscape, created from the transformation of salt marsh into farmland over several centuries, and to the symbolically reclaimed landscape. These elements include earthen dykes, ditches, *aboiteaux*, and field patterns, as well as the memorials, archaeological evidence of the village, and commemorations related to the forced removal and subsequent renaissance of the Acadians. The nominated property comprehensively represents the past and present agricultural settlements as defined by dykeland farmland, upland farmland, and the heart of the community. It includes the dykeland managed collectively by the Grand Pré Marsh Body and the entire area of symbolic importance to the Acadians. The integrity is enhanced by the farmland included in the buffer zone. The nominated property's attributes are in good condition. Policies and mechanisms are in place to reduce or eliminate pressures on the agricultural use and the archaeological sites.

The nominated property has authenticity because the archaeological and historical evidence confirms the locations of the original Acadian and Planter settlements, the enduring agricultural use, and the location of the memorials. That evidence also confirms that the dykelands are maintained in the 21st century using the same principles and techniques originally implemented by the Acadians in the 17th century and that they have been managed collectively for over 300 years. The Acadians' continuing use of Grand Pré for individual and collective events attests to the profound value of this landscape to their community.

### **Protection and Management Requirements**

The legal protection of the nominated property is enforced provincially on lands under provincial jurisdiction by the Nova Scotia *Agricultural Marshland Conservation Act* (Appendix 3F) and the Nova Scotia *Special Places Protection Act* (Appendix 3K), and federally on lands administered by the Parks Canada Agency under the *Parks Canada Agency Act* (Appendix 3D), and the *Canada National Parks Act* (Appendix 3A). The protective measures are appropriate to safeguard the dykeland, its agricultural use, and the archaeological sites from undue development and environmental pressures. A buffer zone around the nominated property, encompassing both land and water, was defined through community engagement leading to the adoption of the *Grand Pré and Area Community Plan* (Appendix 2J) to ensure that zoning remains compatible with the aims of protecting the nominated property. All of these mechanisms are sufficient to control development, ensure agricultural land capacity, and monitor the effects of coastal erosion that could otherwise threaten the value of the nominated property.

The overall management system for the nominated property is exemplary. It involves community management through the Grand Pré Marsh Body, municipal zoning, and federal and provincial government legislation for protection of the site. *The Management Plan for the Landscape of Grand Pré* (Appendix 2A) is a strong framework document that ensures the coordination of multiple jurisdictions and stakeholders inside the boundary of the nominated property and its buffer zone. Parks Canada, as a federal government agency, is responsible for managing Grand-Pré National Historic Site of Canada and Horton Landing. The Province of Nova Scotia, mainly through its departments of Agriculture and of Tourism, Culture and Heritage, is responsible for protecting the dykelands and archaeological sites not located on federal lands. Finally, the Municipality of the County of Kings is responsible for implementing the *Grand Pré and Area Community Plan* (Appendix 2J) and the zoning regulations contained in it. The Management Plan depends on the Community Plan, the *Grand-Pré National Historic Site of Canada Management Plan* (Appendix 2I), provincial departmental policies, and the Grand Pré Marsh Body for



its effective implementation. The management system is coordinated by the Grand Pré World Heritage Site Stewardship Board and involves the local community, the Acadian community, and government administrative bodies in its decision-making process. Local residents are proud and effective stewards of the land.

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### 3.c. Comparative analysis

The Landscape of Grand Pré is a dynamic agricultural landscape claimed from the sea. It is also a powerful symbolic landscape for the Acadians.

The Landscape of Grand Pré is presented as the most intact agricultural polder in the world that uses an ingenious vernacular system for transforming salt marsh into fertile agricultural farmland. This system of earthen dykes, ditches, *aboiteaux*, and community-based management was first implemented at Grand Pré in the late 17th century by French (Acadian) settlers. The location they chose was subject to the most extreme tides in the world, which presented great challenges but also great opportunities in the extraordinary fertility of the land they transformed. Today, the agricultural landscape is still protected and drained by the same system, still exhibits distinctive field patterns, and is still managed through the same community approach, a testimony to the original Acadian settlers, the New England Planters who succeeded them, and the farmers who work the land today.

The Landscape of Grand Pré is the single most important *lieu de mémoire* for the Acadian people, one of the first people of European descent to call North America their homeland. It is therefore also presented as a symbolically reclaimed homeland. The Landscape of Grand Pré is directly associated with the emergence of the Acadians' new identity in this new land, but also with their tragic forced removal from it, their subsequent migration, and their renaissance. Today, this *lieu de mémoire* embodies the cultural consciousness of a widely scattered people. It is a landscape that has been peacefully and symbolically reclaimed by the Acadians, and it is their emotional and spiritual centre. Grand Pré is a symbol of collective achievement and pride that continues to shape their identity.

In light of this dual value, the Landscape of Grand Pré is compared to agricultural landscapes that are polders as well as to sites that serve as a *lieu de mémoire* for a particular community, reinforcing its shared identity. Although these values are connected at Grand Pré, for the purpose of providing a reasonable comparative framework both aspects will be compared individually to other sites. The analysis will first compare Grand Pré as an agricultural landscape, then as a *lieu de mémoire* and symbolically reclaimed landscape.

#### 3.c.i. Establishing a list of comparable sites for Grand Pré as an agricultural landscape

The Landscape of Grand Pré applies a dyking and drainage system to transform intertidal lands into farmland, a type of landscape known locally as dykeland, but more commonly elsewhere as a polder.

Polders are typically defined as “a level area which was originally subject to a high water level, either permanently or seasonally and due to either groundwater or surface water. It becomes a polder when it is separated from the surrounding hydrological regime so that its water level can be controlled independently of surrounding regimes” (Segere, in ‘Polders of the World’, p. 15). They can be created in essentially three different types of environment:

- *Land reclaimed from the sea or any other body of water.* The Netherlands represents one of the best and most well-known examples of this type, where low-lying lands were claimed from the sea by means of complex drainage systems. Initially these systems involved sluices that drained the fresh water out of the area while keeping out the sea water. In the late Middle Ages, pump systems were added, which provided opportunities to extend the claimed land. These pumps were once activated by windmills that were and continue to be a distinctive feature of the Dutch landscape. The pumps are now predominantly operated electrically. While the need for land in part resulted from population and settlement expansions, the use of land for agriculture was also important.
- *Protected flood plains.* These were some of the first types of polders. They were recorded in Ancient Egypt, Mesopotamia, the Indus Valley and China, where annual floods were harnessed to irrigate

the crops along rivers. The alluvial deposits nourished the soil to allow agriculture, and water was managed to ensure consistent and sufficient irrigation of the crops. In Europe, flood plains were also extensively used for agriculture, in such places as the Pô Delta in Italy (first dyked by the Romans), Switzerland, and the Loire Valley in France.

- *Protected and drained marshes.* Over the centuries, fresh or brackish water marshes have been drained for public health reasons, for agriculture, or for peat extraction. The dyking of intertidal marshes was seen as an opportunity to access extremely fertile land, with early examples in Europe dating back to Roman times. Many areas around the world offer the right environmental conditions to create these marshes and have been dyked for agricultural purposes. In Europe, the marshes in the Netherlands were among the first to be dyked for land expansion. The northern coasts of Denmark and Germany have also seen these marshes dyked and drained for agricultural purposes at various times in history.

This analysis recognizes that transformation of land that is partly or wholly humid, i.e. wetlands, for agriculture occurred in many places in the world and in different environments. In Africa, Ancient Egyptians learned to master agricultural techniques in the face of the annual flooding of the Nile and adapted to the conditions of the soil along rivers by building canals and walls. In Western Africa, some societies apply a centuries-old ingenious technology, using hollowed palm tree trunks to drain rice fields in intertidal areas and in wetlands along rivers. Examples include areas along the Gambia River in the Republic of the Gambia, along the Casamance River in Senegal, and in estuaries and islands off the coast of Guinea-Bissau.

In pre-Columbian America, a number of societies had developed technologies to adapt to water environments. The Aztecs had experience building complex irrigation systems in valleys to allow for irrigation farming. While their canal technology is best illustrated by their main settlement at Tenochtitlan, built entirely on raised islets on Lake Texcoco, it also served an important function in expanding the

productivity of farmland in valleys. In general, though, the Aztecs developed their technology to adapt to a lake or riverside environment. The Incas developed the *camellones*, a technology that consisted of raised land surrounded by channels along the banks of Lake Titicaca to protect crops from flooding and to regulate water. In these cases, the technique involved dykes or dams, and channels.

In Asia, irrigation farming and wet-field farming has long been used by societies in mainland China, the Mekong Delta, the Korean Peninsula, and Japan. Although creating rice paddy fields is the typical use of water-management works for agriculture in Asia, there are numerous examples of major engineering works, such as the one at Dujiangyan in Sichuan province in China that aimed to manage the excess water during major floods and redirect it to improve field irrigation and crop production.

In Europe, land transformation from wetlands has occurred for millennia. Areas that were once bogs, marshes, and other forms of wetlands were transformed as early as the 7th century BCE in Friesland in northern Europe. Through the centuries, Europe saw the emergence of dyked wetlands in western France, Flanders, northern Germany, Italy, and England. The Middle Ages was a defining period in land transformation in Western Europe. The population increased dramatically, forests and marshes were cleared to create farmland, the seigniorial system (“seigneurial” in 17th century New France) was implemented, and significant strides were made in agricultural technology. All these factors contributed to an expansion of transformed wetlands for agriculture and the emergence of societies associated with that settlement pattern. This was followed by over a century of wars and plagues, and large tracts of the transformed lands were abandoned. The 16th century heralded a movement to reclaim these lands and develop advanced technologies to do so.

Today, land reclamation remains a significant approach to creating land for agriculture and settlement throughout the world.

This analysis focuses on comparing Grand Pré to other agricultural landscapes that were created from land reclamation of marshes in intertidal areas. The natural conditions of the intertidal

environment represent both the challenge of the twice-daily force exerted by the tides on the polder's walls and the opportunity of the typically rich nutrient content of the wetlands' soil. Intertidal land reclamation is different from land reclamation projects along rivers or in river deltas, where the potentially destructive force of the tides is largely absent. The Landscape of Grand Pré does not compare to ancient land-reclamation projects typically found along the rivers and in the deltas of Africa and Southeast Asia.

In addition, the comparative context for Grand Pré focuses on protected and drained marshes in Europe because of their cultural connections. Europe is also the only region of the world, other than colonial North America, where land transformation from intertidal lands occurred extensively before the 19th century.

Finally, the approach to land reclamation at Grand Pré, with its system of *aboiteaux*, earthen dykes, cooperative management, and adaptation to land forms, is a simple, effective, and ingenious system that predates the use of pumps and other engineering feats and has withstood the test of time.

#### *Exceptional coastal conditions*

Among the locations in the world with the highest tides, as compiled by the United States National Oceanographic and Atmospheric Agency (NOAA), the locations in the Minas Basin, part of the Bay of Fundy, top the list (see Figure 3-1). Grand Pré is less than two kilometres from Horton Bluff, Avon River, Minas Basin, in Nova Scotia. Locations in the broader Bay of Fundy area account for 13 of the 50 highest tide locations.

Other high tide locations include Ungava Bay (Québec, Canada), Cook Inlet (Alaska, United States), Koksoak River entrance (Greenland, Denmark), Cape Astronomicheski (Kamtschatka, Russian Federation), locations along the Magellan Strait (Chile and Argentina), Bristol

Channel (United Kingdom), the Island of Jersey (United Kingdom), and locations along the English Channel and the Baie du Mont-Saint-Michel (France).

Of the 50 highest tide locations, 37 are located in areas that can support agriculture. Of these, intertidal polders have been created in the Baie du Mont-Saint-Michel, Bristol Channel, and Jersey.

#### *Reclaiming land in Western Europe*

Land transformation in intertidal environments similar to Grand Pré's occurred notably in Britain, France, the Netherlands, and Germany for centuries prior to the settlement of Grand Pré. The Middle Ages witnessed intensive dyking activity as land-hungry religious and political authorities ordered or commissioned the building of dykes for agricultural purposes. Many of these lands were abandoned during the wars and plagues that affected Europe in the late Middle Ages.

Activities resumed in the 16th century, when people actively began to reclaim the abandoned lands. These projects were led by authorities advised by engineers, in effect shifting such projects from the traditional vernacular approach for draining lands to new engineered methods, leaving a very different imprint on the landscape. The coasts of western France (Saintonge, Poitou, Brittany, Normandy, Pas de Calais), Belgium, the Netherlands, Germany (the Wadden Sea), and the United Kingdom (primarily along the south and east coasts) were all transformed to create new agricultural land. These places still exhibit evidence of the different periods of reclamation. Today, in particular since the middle of the 20th century, the lands that had been reclaimed for agricultural use now have a mixed use and increasingly host permanent infrastructure. Also, where groups of landowners had historically fulfilled the primary stewardship role in managing those lands, government bodies have now taken over to ensure the management of the polders.

### *List of comparables*

Only two sites already inscribed on the World Heritage List can be compared to The Landscape of Grand Pré, based on the Western European land-reclamation tradition that predates the introduction of pumps:

1. Beemster Polder (Netherlands)
2. Schokland and Surroundings (Netherlands)

In order to expand the comparison to sites not inscribed on the World Heritage List, the following sites are deemed comparable because of their location in extreme intertidal environments, their cultural affiliation with the Western European tradition of dyking, and their comparable agricultural systems:

3. Tantramar Marsh, Bay of Fundy (Canada)
4. Marais de Dol – Baie du Mont-Saint-Michel (France)
5. The Gwent Levels, in the Bristol Channel/Mouth of the Severn (United Kingdom)

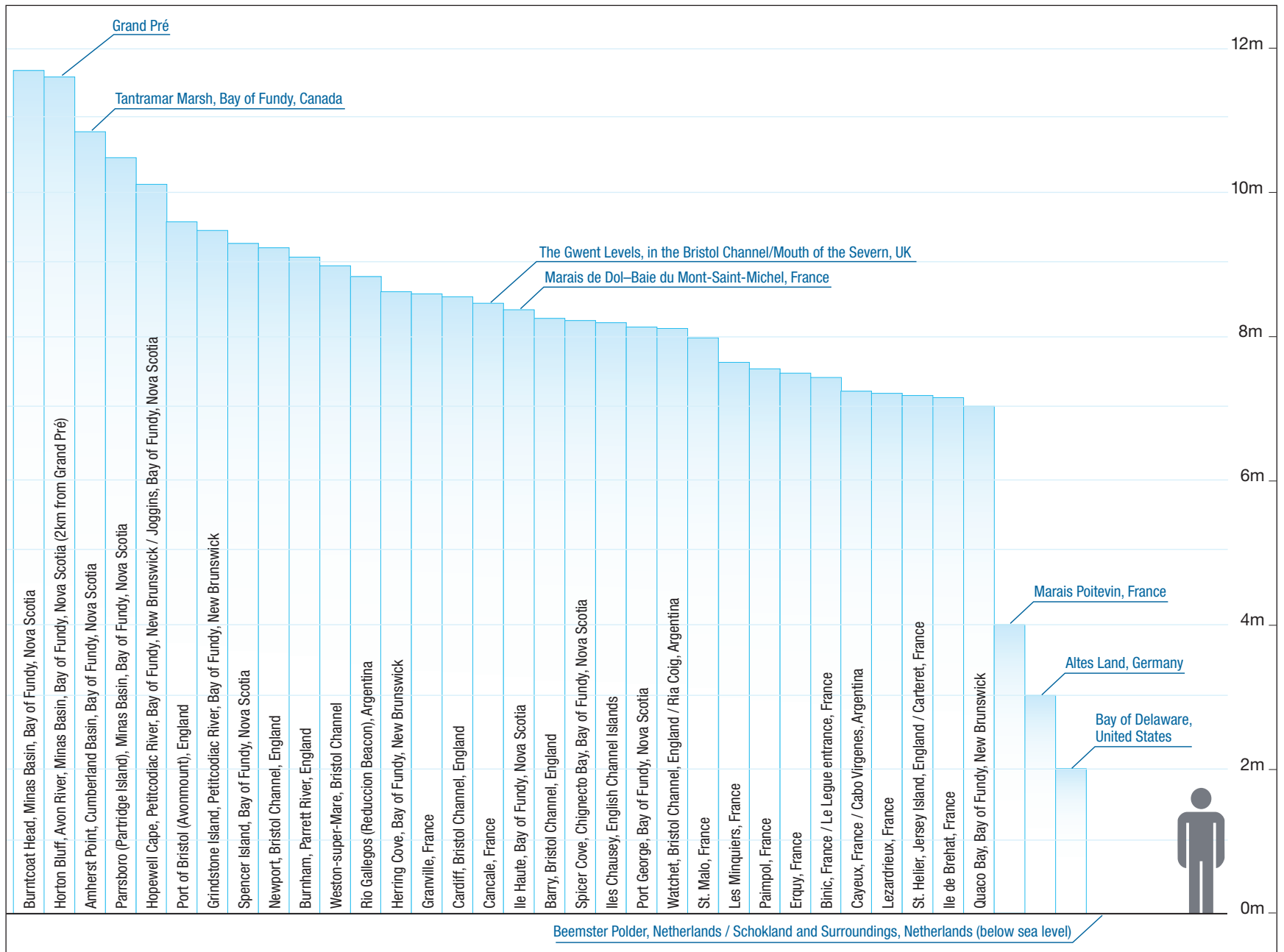
Finally, some sites are not in intertidal environments as extreme as at Grand Pré, but they exhibit elements of the Western European dyking tradition before the use of pumps and date to the same period. These include:

6. Dutch and English dykes in the Bay of Delaware (United States)
7. Marais Poitevin (France)
8. Altes Land (Germany)

Figure 3–1 shows these sites in comparison with a list of the highest tides in places of the world capable of supporting agriculture.

The size of the European polders chosen for comparison is, in general, significantly larger than the one at Grand Pré. But keeping in mind that neither the Acadians nor the New England Planters could engage in large-scale reclamation projects because of the labour involved and the nature of North American politics at the time, this analysis does not consider size as a factor for comparison. Instead, the focus is on the quality of the attributes that define these types of polders.

The two World Heritage Sites will be discussed first, followed by sites 3 to 8, organized regionally with North America first and then Europe.



3-1 High Tide Comparison Chart: this graph shows the mean tidal ranges, in metres, for those locations capable of supporting agriculture among the top 50 highest tides in the world, compiled by the United States NOAA, and the mean tidal ranges for the sites included in the comparative analysis.

### 3.c.ii. Criteria for comparison for the agricultural landscape

As the Landscape of Grand Pré is being proposed as a polder landscape (known locally as dykeland) that reflects an agricultural settlement, the analysis will be based on criteria that allow for a comparison with similar landscapes. These criteria will particularly focus on comparing the coastal conditions, the polder system, the agricultural settlement, and the system of management.

The analysis is based on the World Heritage Committee having already recognized the outstanding universal value of sites associated with agriculture, particularly in Europe. Although the criteria applied here pertain to the different components of the agricultural system, the integrity and authenticity of the system as a whole will be the object of the comparison. In addition, the criteria allow for a comparison with similar environments, since the system at Grand Pré is an adaptation to specific and exceptional environmental conditions.

The following criteria will be used for comparing Grand Pré as an agricultural landscape to other agricultural landscapes:

1. *Environment*: this agricultural landscape is in part created from the interaction with a coastal environment and the forces of the tides. The comparison with other intertidal environments and the importance of the tides in contributing to the soil's natural fertility are relevant.
2. *Polder system*: polders (or reclaimed lands) have existed for millennia and have been created from different technologies to dyke and drain desirable wetlands. These include ditches, channels, sluices, pumps, and dykes constructed from earth, vegetation, or stone.
3. *Land tenure and management*: land tenure and management approaches influence the use of an agricultural landscape and the success of an agricultural settlement. Categories of land tenure include individual ownership, communal ownership, and rental. Land-management categories include individual owner, community, and institutional.

4. *Dykeland use*: the Landscape of Grand Pré is primarily agricultural. The use of the dykeland and its importance for agriculture are relevant in the comparison. Uses may include crop growing, pasturing, infrastructure, and a mix of uses.

5. *Settlement pattern*: the relationship between the work space and the living area influences the physical shape of a settlement. The shape can indicate an adaptation to environmental conditions, a concern for efficiency, and the value attributed to certain types of lands. In the case of polders created for agriculture, the spatial organization of the settlement between dykeland and living areas, as well as the organization of the living areas themselves, is relevant in a comparison.

These five criteria enable comparison of the Landscape of Grand Pré as an agricultural landscape by focusing on the key elements articulated in the proposed Statement of Outstanding Universal Value, namely on challenging coastal environments (criterion 1), on ingenious dyking and drainage systems (criteria 2, 3, and 4), and on successful agricultural settlements (criteria 4 and 5).

### 3.c.iii. Comparative analysis for the agricultural landscape

Grand Pré is an agricultural landscape resulting from human interaction with the environment. It is a polder that exemplifies an agricultural system imported from Europe and adapted to the unique environmental and social conditions of North America. The productivity of those lands has sustained successful agricultural activities in Grand Pré for centuries. That productivity, coupled with a response to the market value of products, has resulted in an agriculture that is driven by economic forces rather than specialization in key crops.

The two sites on the World Heritage List directly associated with land transformation for agriculture, namely Beemster Polder (Netherlands) and Schokland and Surroundings (Netherlands), focus on the Netherlands' long history of transforming wetlands into farmland.

From 1000 AD to 1300 AD, the majority of fenlands in Holland had been transformed and local water-management organizations created to collectively address operations and maintenance issues. These lands progressively subsided and were lost again, as sea levels rose, during the 1300s. They were reclaimed after 1400 with the help of windmills. Today, a vast majority of these lands are drained with the help of electric pumps. The Dutch experience is representative of the European expansion of agricultural land in the Middle Ages and later, which included wetland reclamation. Beemster represents the period after 1400 when land that had once been transformed but subsided was again reclaimed.

Schokland is different. Like Beemster, it emphasizes reclamation, but it also stresses the disappearance of a society that once lived in a distinct environment, the loss of land, and the fact that agriculture represents a threat to the integrity of the site.

Compared to the polders in the Netherlands that are already inscribed on the World Heritage List, as shown in Table 3-1, the nominated property is distinctive in having been created and maintained exclusively for agricultural purposes in an intertidal zone. In addition, its approaches to wetland transformation and land tenure were adapted from mediaeval Western European approaches, predating those used at the Dutch polders already on the World Heritage List. It stands out in its authenticity and integrity, as it has retained those three characteristics – agricultural use, vernacular approach to dyking, and community-based management – intact since its creation because of the ongoing protection and stewardship of farmers and authorities. While the Dutch polders on the World Heritage List focus on technical accomplishments as well as adaptation to settling wetlands, the Landscape of Grand Pré illustrates an ongoing human interaction with the environment and the settlement pattern that ensues.

	The Landscape of Grand Pré	Beemster Polder	Schokland and Surroundings
Environment	Transformed intertidal salt marsh, highest tides in the world	Reclaimed land, no tidal influence	Reclaimed island – land, no tidal influence
Polder system	Sluice, ditch, and dykes – gravity and natural drainage	Pumps, channels, dykes	Pumps, channels, dykes
Land tenure and management	Individual ownership Community-based management	Individual ownership Government management	Individual ownership Government management
Dykeland use	Agricultural	Mixed – residential and agricultural	Agricultural
Settlement pattern	Dispersed, dykeland as primary work space, upland as living space and complementary work space	Concentrated, flat land, living space and work space combined	Concentrated, flat land, living space on elevation, work space surrounding
Integrity and authenticity	Continuous use of polder system, land tenure, and land management  Dykeland is 100 per cent used for agricultural purposes. Settlement pattern maintained.	OUV related to design of land reclamation and influence on other projects  Continuous use of polder system. Dykeland is mixed use.	OUV related to prehistoric and historic occupation of wetland  Continuous use of the polder. Archaeological elements in good condition. Integrity threatened by agriculture.

Table 3-1 Comparison of Grand Pré with Beemster and Schokland

The Landscape of Grand Pré, in relation to agricultural landscapes and to polders already inscribed on the World Heritage List, is comparable in highlighting the importance of the connection between people and the land. However, it is distinct in that it focuses on the human interaction with the highest tides in the world to transform land into farmland, and it has organized a settlement pattern to take full advantage of the transformed land. In addition, the community of Grand Pré has maintained its agricultural focus.

#### *European polders in North America*

Other similar sites exist in eastern Canada. Close to 17 400 hectares (43 000 acres) of land have been dyked over the years in the Province of Nova Scotia and 14 973 hectares (37 000 acres) in the neighbouring Province of New Brunswick. While most of that land is dyked along the Bay of Fundy, as it is in Grand Pré, much of it is also found along rivers. However, not all of it is still farmed. In Nova Scotia, about 2610 hectares (6450 acres, or 15 per cent) of the total dyked agricultural land is not farmed any more, and the proportion is higher in New Brunswick with 6070 hectares (15 000 acres, or 41 per cent) no longer farmed, according to a study by the Mount Allison Coastal Wetlands Institute and the Mount Allison Rural and Small Town Programme in 2006. The trend in both provinces is a decline in agricultural use and an abandonment of those lands.

The Tantramar Marsh, which straddles the border between New Brunswick and Nova Scotia, stands as the best comparison to Grand Pré. It was first created in the late 1600s at the same time as Grand Pré and continues to be used for agriculture today. Once known as the largest hayfield in the world, the Tantramar Marsh exhibits the remains of this golden age in its barns and other farm-related structures. Over the years, however, many farms were abandoned, and historic structures were lost. The area has also lost integrity through intrusions that have altered the landscape and its use, such as freshwater marsh-regeneration ponds by Ducks Unlimited, a major highway connecting Nova Scotia to New Brunswick, and a radio-transmission site (see Figure 3-2).



3-2 The field patterns of the Tantramar Marsh (New Brunswick, Canada) are eroding as agricultural use is discontinued. The construction of a highway (middle across) and the building of ponds (middle bottom) have impacted the integrity of the dykeland.

At 1323 hectares, Grand Pré stands as the largest polder in eastern Canada in which 100 per cent of the land is actively farmed. In that respect it has the highest level of integrity for a polder created for agriculture. Moreover, it has the largest and most active group of landowners (the Grand Pré Marsh Body) and has been maintained as agricultural dykeland through centuries of local and provincial planning that has in effect ensured its authenticity. Other dykelands have suffered permanent structural intrusions, changes in function, and abandonment. Compared to other polders in eastern Canada, Grand Pré stands as rare intact evidence of the agricultural system that was once prevalent in the region and remains extremely successful in ensuring the livelihood of the local community.

The dyking of land for agriculture by European settlers in the 17th and 18th centuries occurred in other parts of Eastern North America, notably around the Bay of Delaware in the American states



of Delaware and New Jersey. These dykes were built by Dutch, Swedish, Finnish, and English settlers. While these were also important endeavours, and traces still exist in New Castle County (Delaware) and in Salem and Cumberland counties (New Jersey), there are fundamental differences in their creation, use, and current condition.

The network of dykes built in those areas faced environmental challenges that were only partly similar to those encountered by settlers along the Bay of Fundy. The maximum tidal range is only about 2 metres in the Bay of Delaware, compared to 16 metres in the Bay of Fundy. During one particular storm in 1869 that combined strong winds with a perigean spring tide, the tidal range in the Minas Basin (which is part of the Bay of Fundy) was recorded at 21.6 metres (70.87 feet). This difference in tidal range represents a significant challenge in adapting settlement patterns to build polders and maintain agricultural land that can withstand the incredible force of the water flow, conditions of which most European settlers would have known nothing.

The dykes along the Bay of Delaware were primarily used for agricultural land, much as in Grand Pré and elsewhere in *Acadie*. However, in the Bay of Delaware those lands complemented the agricultural output of uplands; in *Acadie* they were the primary agricultural land. Today, the use of the dykelands is still an essential component of the agricultural system in Grand Pré. Until the end of the 19th century, the transformation of wetlands to increase the agricultural potential was common practice among farmers along the Atlantic Coast of the United States, and to a lesser degree along the Gulf of Mexico. Today, the act of reclaiming land for agricultural purposes is almost non-existent.

In addition, the management approach along the Bay of Delaware was different. Soon after the British conquered the Dutch and Swedish colonies, the dyked lands were owned by meadow companies. These companies maintained the dykes cooperatively. The head of a company would hire men to build and maintain dykes, and the companies would work together to maintain a larger dyked area. In contrast, groups of landowners in Nova Scotia formed marsh bodies responsible for maintaining the dykes, drainage, and *aboteaux*. These marsh bodies continue to exist today, as their status is

enshrined in provincial legislation. The meadow companies of the dyked lands in the United States have largely disappeared or changed their mandate over time and lost their agricultural focus.

Finally, as industrialization pressed ahead and agricultural communities dwindled, the Bay of Delaware farms and their dykes were abandoned for the most part around the time of World War II (see Figure 3-3). The US Corps of Engineers progressively took responsibility for maintaining the dykes that are still essential for protecting roads, infrastructure, and key agricultural land. In the 1970s, some American states enacted legislation forbidding the reclamation of new land. In Nova Scotia, legislation emphasizes conservation for agricultural purposes, and landowners still play an active role in maintaining the drainage system of the marsh as a community of landowners.



3-3 Development has completely taken over the Bay of Delaware dykelands outside New Castle (United States). This land was once pasture and hay fields.

In conclusion, as shown in Table 3–2, The Landscape of Grand Pré is the best example compared to other similar landscapes in North America in terms of its exceptional environmental conditions, its maintenance of a community-based approach to management, its authenticity, and its integrity.

	The Landscape of Grand Pré	Tantramar Marsh	Bay of Delaware
Environment	Transformed intertidal salt marsh – highest tides in the world (11.61 metres)	Transformed intertidal salt marsh – highest tides in the world (10.85 metres)	Transformed intertidal salt marsh – tidal influence (2 metres)
Polder system	Sluice, ditch, and dykes – gravity and natural drainage, use of indigenous vegetation and local materials	Sluice, ditch, and dykes – gravity and natural drainage, use of indigenous vegetation and local materials	Sluice, ditch, and dykes – gravity and natural drainage, use of indigenous vegetation and local materials
Land tenure and management	Individual ownership Community-based management	Individual ownership Community-based management	Where existing, individual ownership Company-based management
Dykeland use	Agricultural	Agricultural	Mixed
Settlement pattern	Dispersed, dykeland as primary work space, upland as living space and complementary work space	Dispersed, dykeland as primary work space, upland as living space and complementary work space	Dispersed, dykeland as complementary work space, upland as living space and primary work space
Integrity and authenticity	Continuous use of polder system, land tenure, and land management. Dykeland is 100 per cent used for agricultural purposes. Settlement pattern maintained.	Continuous use, but eroding, of the polder system. Land tenure intact. Land management no longer community-based. Dykelands have significant intrusions that affect the integrity. No longer used exclusively for agriculture.	For the most part abandoned.

Table 3–2 Comparison of Grand Pré with the Tantramar Marsh and marshes on the Bay of Delaware

### *Polders in Europe*

Important polders still exist in Western Europe that apply a dyking and drainage system using the natural conditions of their particular environment. Over time, these systems have been modified by the gradual introduction of pumps and channels to improve drainage where gravity and other natural forces were no longer sufficient. The polders of the Baie du Mont-Saint-Michel (France) and the Bristol Channel (United Kingdom) are notable as polders that apply a similar technology and were built in a comparable environment.

The Baie du Mont-Saint-Michel was inscribed on the World Heritage List in 1979, but the inscription focuses on the Abbey and its setting rather than the polders of the bay. Even so, the Mont-Saint-Michel area is a relevant comparison. It has been polderized for centuries, with an accelerated pace in land transformation that started in the 19th century. Much of the current work dates from that period.

The Marais de Dol, in Brittany, is protected by the Digue de la Duchesse-Anne, the largest dyke in the Baie du Mont-Saint-Michel and first built in the 11th and 12th centuries. In the centuries since then, it has been extended and now stretches more than 30 kilometres. Constructed from large cut-granite stones, the dyke protects over 12 000 hectares of land, once salt marsh, from the highest tides in Europe. These tides have a mean range of approximately 8.38 metres. Before the French Revolution, the dyke was maintained by the Parliament of Brittany, which protected land that fell under three seigniorial jurisdictions. Following the Revolution, the government allowed the creation of committees of owners responsible for maintaining the thousands of hectares of agricultural land. In 1799, the *Association syndicale des propriétaires de Dignes et Marais* was created to maintain the dyke and the drainage system. Today, much of the land has retained its agricultural use as pasture for sheep and farmland for crops (see Figure 3-4). Villages such as Saint-Méloir-des-Ondes were first settled in the Middle Ages following land-reclamation projects. Since then, they have been flooded numerous times over the centuries.



3-4 The field patterns of the Marais de Dol (France) have some level of irregularity. Settlements are built on the reclaimed land.

Like the Landscape of Grand Pré, the polders around the Baie du Mont-Saint-Michel are landscapes that demonstrate the human interaction with the environment and have maintained their identity as lands transformed from intertidal land.

Yet Grand Pré is different in that its dykes were built using earth, indigenous vegetation, and materials from the surroundings. The challenge of maintaining an earthen wall compared to one made of granite speaks eloquently to the specific environmental adaptation applied in *Acadie*. The simplicity of that approach was more easily reproduced and carried out by communities independently. The current infrastructure at the Marais de Dol includes flood gates, canals, and other mechanical devices introduced in the 19th and 20th centuries. In addition, the settlement pattern in Grand Pré has not been altered; it has maintained the relationship between living space on higher ground and work space on the fertile lowland. Settlements on the Baie du Mont-Saint-Michel had to concentrate and expand on the transformed land itself.

Finally, the community-based management at Grand Pré that continues in the form of the Grand Pré Marsh Body is similar in spirit to the *Association syndicale des propriétaires de Dignes et Marais*. Both groups are evidence of an ongoing stewardship and responsibility for the maintenance of vital land by the community. Where the Grand Pré Marsh Body has approximately 30 members who decide collectively on the work to be done and vote on the key decisions affecting life on the marsh, the *Association syndicale des propriétaires de Dignes et Marais* includes 8000 members who elect 57 representatives (*députés*), who in turn make decisions affecting the marsh. While there is no clear indication that Mont-Saint-Michel landowners had any type of collective management approach before the Association was set up in 1799, in Grand Pré not only was the Marsh Body established in 1760 without direction or funds from the government, but the historical evidence leads us to believe that a similar mechanism was in place during Acadian times. This would in effect predate the same approach used in France.

The Gwent Levels, in the United Kingdom, comprise the Wentlooge Level and the Caldicot Level in the Bristol Channel on the northern side of the Estuary of the River Severn. They cover some 11 100 hectares of land in an area that experiences some of the highest tides in the world. It is a challenging environment in which to practise agriculture, yet it also presented potential for great productivity. First drained by the Romans, it was flooded and abandoned until people returned to settle there during the Middle Ages. From then on, the Levels expanded in multiple phases, each phase representing a new accomplishment using the more advanced techniques available. The phase that is comparable to Grand Pré is the early mediaeval phase, which exhibits an irregular field pattern similar to that at Grand Pré. Later phases were “planned,” reflecting an organized settlement and field pattern. The mediaeval phase is most apparent in Rummey Marsh (Wentlooge Level), Nash, Goldcliff, Redwick, and Undy marshes (all in the Caldicot Level).

In the early phases, the dykes were built mainly from earth and protected in certain areas with rocks. A series of gouts (tidal doors) at the heads of embanked tidal pills (creeks) evacuated water from the reclaimed land (see Figure 3–5).



3–5 The tidal doors at the Gwent Levels (United Kingdom) allow water to leave the reclaimed land.

The gouts were later moved farther downstream so that the dyke would form a continuous wall. Today, the dykes protecting the Gwent Levels are for the most part the result of work performed between the 1950s and the 1970s. The work involved protecting the front of the dykes with large boulders, topping them with a concrete wave-return wall, and excavating a ditch behind the wall to store excess fresh water. While gouts are still in use in some parts of the Levels, pumps were introduced in the 1990s. Channels of different sizes criss-cross the Levels to allow water to be evacuated and also to be regulated for agricultural use. This is different from the Landscape of Grand Pré, where dykes continue to be built and maintained with soil and vegetation, where the only drainage approach is through the use of gravity and the force of the tides, and where there are no channels, just the natural shape and location of the creeks.

For centuries, the Gwent Levels were managed by the lords and their tenants. In the 13th century, the government began to get involved in their maintenance through the creation of Commissions of Sewers. The presence of such a commission at the Gwent Levels was first mentioned in the 16th century. From the beginning, members of these commissions were local gentlemen appointed for 10 years. They would supervise the condition and work on the marsh and had

the authority to levy taxes, resolve disputes, and impose maintenance work on the dykes and drainage to the local landowners. In the late 19th century, the responsibility for maintenance was removed from the landowners and assigned to the Commission of Sewers. The Commission ceased to exist after the Second World War and was replaced by government agencies. This is different from the Grand Pré management environment. Here, even though the Department of Agriculture is responsible for the dykes, the landowners in effect are the ones maintaining the drainage and roads. Landowners also continue to build private dykes, thus ensuring the maintenance of a local tradition of farming on the dykeland. Moreover, the Commission of Sewers that once existed at Grand Pré was never a committee of individuals appointed by the government. Instead, its members were elected by the landowners, worked with the landowners collectively to assess priorities and carry out work, and had very limited financial support from the government. This was truly a collective approach to managing the dykeland.

Finally, the current condition of the Gwent Levels is precarious. It is severely affected by development and has lost much of its agricultural land and use (see Figure 3-6), unlike Grand Pré's dykeland which continues to be used strictly for agricultural purposes.



3-6 Development has encroached on the agricultural lands of the Gwent Levels (United Kingdom).

Table 3–3, below, compares the Landscape of Grand Pré to the Marais de Dol and the Gwent Levels.

	The Landscape of Grand Pré	Marais de Dol	The Gwent Levels
Environment	Transformed intertidal salt marsh, highest tides in the world	Transformed intertidal salt marsh, extremely high tides	Transformed – reclaimed intertidal salt marsh, extremely high tides
Polder system	Sluice, ditch, and dykes – gravity and natural drainage, use of indigenous vegetation and local materials	Sluice, ditch, dykes, flood gates, natural gravity, granite	Sluices, ditches, dykes, pumps, indigenous vegetation
Land tenure and management	Individual ownership Community-based management	Individual ownership Community-based management – elected representatives on a body	Individual ownership Community-based management – elected representatives on a body
Dykeland use	Agricultural	Agricultural – pasture and agriculture – residential	Agricultural – residential
Settlement pattern	Dispersed, dykeland as primary work space, upland as living space and complementary work space	Concentrated, dykeland as work space and living space	Concentrated, dykeland as work space and living space
Integrity and authenticity	Continuous use of polder system, land tenure, and land management. Dykeland is 100 per cent used for agricultural purposes. Settlement pattern maintained.	Field patterns and function under pressure from urbanization and industrial agriculture.	Multiple phases of reclamation. The irregular landscape pattern corresponding to the earlier periods is one section of the Levels and has adapted over time to new technologies. Overall under pressure from development.

Table 3–3 Comparison of Grand Pré with the Marais de Dol and The Gwent Levels

Other areas of western France that have a tradition of land transformation and reclamation are found where most of the settlers of New France came from, including the Poitou and Saintonge areas. The Marais Poitevin is one of the most impressive land-reclamation works in western France. Divided into a *marais humide* (wet marsh) and a *marais desséché* (dry marsh), it has evolved greatly over close to

a millennium six centuries. The *marais desséché* is the section that is subject to tidal influences.

The Marais Poitevin has not retained much of its settlement pattern and agricultural system from the Middle Ages, when field patterns were irregular and the system relied on limited engineering works such as channels and gates (see Figure 3–7).



3-7 The irregular field patterns and traditional drainage systems of the Marais Poitevin (France) are being eroded and replaced by regularly-shaped, larger fields for intensive agriculture.

Constant development pressures and the accelerated pace of introducing industrial agriculture have significantly altered its settlement pattern and natural ecosystem. The area now exhibits mostly modern transformations that have had an impact on the landscape, including the loss of the natural drainage system, an increase in field sizes, and an altered spatial organization. The Marais Poitevin was once actively managed by groups of landowners, now known as *Syndicats de marais*. However, these groups have been progressively disappearing under the pressures of an aging demographic and the financial responsibilities tied to managing the dykes. As a result, the traditional skills and knowledge of farming dykeland are becoming less common.

Overall, the Marais Poitevin has lost its integrity and its authenticity primarily as a result of intensive agriculture. Grand Pré is exceptional compared to the Marais Poitevin in that it has continuously evolved while maintaining the principles that created the dykeland. Farmers now use modern equipment and technology to carry out their work, but the way they build the dykes, maintain the drainage, and use a community-based approach to management have

remained intact. This in turn has maintained the integrity of the landscape attributes.

Other areas of Europe have maintained an agricultural identity and a strong settlement pattern associated with transformed intertidal lands in the Middle Ages. The Altes Land in Germany, located along the Elbe River close to the North Sea and a few miles from Hamburg, is a particular example. It is the largest orchard in Europe and is typified by a settlement pattern known as *Marschhufendörfer* where farms with intricately decorated houses are located along main roads, with the farmland stretching behind them in long narrow fields delineated by ditches. While this area was transformed during the Middle Ages, it displays a very organized pattern different from the one at Grand Pré and reflects a different social organization (see Figure 3-8).



3-8 Altes Land (Germany) has regular field patterns.

Moreover, it does not face the same tidal range as in Grand Pré, thus removing some of the exceptional environmental challenge that this represents.

Table 3–4, below, outlines the comparison of Grand Pré with the Marais Poitevin and the Altes Land.

	The Landscape of Grand Pré	Marais Poitevin	Altes Land
Environment	Transformed intertidal salt marsh, highest tides in the world	Transformed – reclaimed intertidal salt marsh, high tides	Transformed dykeland, tidal river, tidal influence
Polder system	Sluice, ditch, and dykes – gravity and natural drainage, use of indigenous vegetation and local materials	Channels, sluices, gates, stone, indigenous vegetation	Channels, ditches, and sluices
Land tenure and management	Individual ownership Community-based management	Individual – collective Government	Individual Government
Dykeland use	Agricultural	Mixed – agricultural and residential	Mixed – agricultural and residential
Settlement pattern	Dispersed, dykeland as primary work space, upland as living space and complementary work space	Concentrated, dykeland as work space and living space	Dispersed and linear, dykeland as work space and living space
Integrity and authenticity	Continuous use of polder system, land tenure, and land management. Dykeland is 100 per cent used for agricultural purposes. Settlement pattern maintained.	Continuous use of polder system. Evolving land management to government regulation and management. Encroaching development. Eroding agricultural land base.	Development pressure. Maintenance of settlement pattern and traditional architecture. Eroding agricultural land base.

Table 3–4 Comparison of Grand Pré with the Marais Poitevin and the Altes Land

The Landscape of Grand Pré is distinct from agricultural landscapes that result from intertidal land transformation in Europe because of its adaptation to extraordinary environmental conditions. Despite centuries of political, social, and technological changes, it has maintained the integrity of its dyking and drainage system, its agricultural settlement, and its agricultural use of the lands (see Figures 3–9, 3–10, and 3–11).



3–9 The dykeland at the Landscape of Grand Pré continues to be solely used for agriculture. It also continues to use a simple system of drainage, including the *aboteau* shown here, to drain the dykelands.





3-10 Drainage ditches allow water to drain from the fields and exit the dykelands.



3-11 The Grand Pré community continues to have close ties to the agricultural dykelands.

This is apparent in the tangible evidence and in its community-based management. It has retained its value as significant agricultural land and continues to play a key role in the regional agricultural economy. Finally, it is also distinctive in that it transposed key components of a successful Western European agricultural system to the environmental and political reality of Eastern North America in the 17th and 18th centuries.

Although the Landscape of Grand Pré stands as just one example of the way in which human interactions with the environment shape the identity of societies, it also represents a significant experience in human history that profoundly affected agriculture, the landscape, the economy, and population expansion in Europe and North America for centuries. Dykeland farming is a tradition that has shaped the identity of peoples in Western Europe, particularly following the marsh-transformation projects of the Middle Ages.

The Landscape of Grand Pré stands as an exceptional testament to that dyking tradition as it disappears under pressure from industrial agriculture, urbanization, and changing demographics.

That tradition is inextricably tied to the enduring agricultural use of the area as well as to the distinctive settlement pattern. As such, the Landscape of Grand Pré is an outstanding example of an agricultural system defined by the landscape, its people, and their traditions.

### 3.c.iv. Establishing a list of comparable sites for Grand Pré as a *lieu de mémoire* and a symbolically reclaimed landscape

#### *Landscapes as lieux de mémoire*

The Landscape of Grand Pré is the most important *lieu de mémoire* for the Acadian people. The term *lieu de mémoire* was coined by French historian Pierre Nora in the early 1990s. A *lieu de mémoire* is any material or non-material entity that has acquired a symbolic heritage value. It is those places, objects, people, events and other entities that materialize collective memory, values, and emotions. That materialization is manifest through objectification – such as plaques and historic designations – or through ongoing use and references by the community. Nora stresses that this phenomenon of creating *lieux de mémoire* is the result of modernity, one that emerges sometime in the 19th century.

In this comparative analysis, the emphasis is on places and their uses as *lieux de mémoire*. Places provide the historical evidence of past events to make sense of present situations. They serve as locations to anchor the collective identity, the symbols, and the collective memory of communities. American sociologist Eviatar Zerubavel elaborates on French sociologist Maurice Halbwach’s observations on collective memory and the role of place:

Constancy of place is a formidable basis for establishing a strong sense of sameness. Even as we ourselves undergo dramatic changes both individually and collectively, our physical surroundings usually remain relatively stable. As a result, they constitute a reliable locus of memories and often serve as major foci of personal as well as group nostalgia.

This observation in effect states that a *lieu de mémoire* embodies the universal human aspiration to belong to a community and to connect with one’s homeland.

Landscapes as places can become *lieux de mémoire*. They can be designed intentionally to embody meaning, for example by erecting monuments at a battlefield site. They may also be seen to express meaning implicitly, for example a battlefield that has been left untouched. These places, in the heart and mind of the community member, retain the memory of the particular event, people, or activity that has become essential to the identity of the community as a whole. The spirit and meaning of a place are experienced through the community member’s encounter with the place and through the circumstances of that encounter. This is where one learns about his or her ancestors and about their struggles and achievements. Whether that encounter occurs collectively through events or individually, it is an experience that allows the member of the community to develop an emotional, intellectual, and sensory connection with the past and with the collective identity. Individual members of the community are able to share a collective heritage, discover or reaffirm their belonging to the community, and contribute to its future in those places. This experience reinforces the perception that these landscapes are sacred because they have intrinsic qualities that “speak” to the community. It also suggests that knowledge of the events and their connection to that specific landscape is essential for the community to embrace it as a *lieu de mémoire*. British geographers Ian Robertson and Tim Hall have studied the memorialization of conflict in the Scottish Highlands, defining it as landmark making. They concluded this:

The aim is to transform an otherwise unremarkable landscape into a psychic terrain; symbolic spaces that fix, or attempt to fix, collective remembering and act as prompts for a shared identity.

This observation stresses the point that places as *lieux de mémoire* acquire the “power” to express collective memory and identity by design and through their use by the community. Uses are convincing indications that a place is a *lieu de mémoire*. In Nora’s definition, those

uses can create a *lieu de mémoire* and themselves be a *lieu de mémoire* by their association with cultural traditions, re-enactment of events, or pilgrimages. The argument has already been made that *lieux de mémoire* are places of learning about the past. There are, however, locations with a strong sense of place which, in addition, offer a distinctive opportunity for coming into direct contact with the past and the people that inhabited it. Zerubavel notes on the subject of pilgrimages that,

pilgrimage is specifically designed to bring mnemonic communities in close “contact” with their collective past. This mnemonically evocative aspect of place likewise underscores the role of ruins in solidifying such ties.

He highlights the relationship between the place, the tangible evidence, and the use of the place to explain the phenomenon that makes some places become *lieux de mémoire*.

This relationship is akin to ideas expressed by Romanian philosopher and historian of religion Mircea Eliade on the religious person’s perception of space and time. In his work *The Sacred and the Profane*, Eliade introduces the idea that, for the religious person, the world is organized into sacred spaces and non-sacred spaces. The sacred spaces are links to the gods, which are sometimes symbolically as well as physically represented through an *axis mundi*, a vertical object that connects the world of the gods with that of the humans. Similarly, for communities, there are places that retain a sense of sacredness in that they define their collective identity and are singularly different from the rest of the landscape. They connect members of those communities to their past, their present collective identity, and their future aspirations.

This perception of the spirit and meaning of place by community members, and the knowledge they need to perceive it, confirms the role of those landscapes as *lieux de mémoire* for both individuals and communities. They play their role through the objects they host: the statues, monuments, plaques, landscape designs, and other material expressions of culture. These *lieux de mémoire* also reflect and shape the identity of the community as it continues to use them for its social, cultural, and artistic development. The erection of memorials, the

pilgrimages, the social uses, the related political events and speeches, and the literary appropriations are all cultural manifestations of the role of a place in expressing and forming the community’s identity.

The Landscape of Grand Pré is an intentionally designed *lieu de mémoire*, as exemplified by the commemorative garden at the national historic site. It also has features of an implicit *lieu de mémoire* by virtue of the presence and ongoing use of the adjacent dykelands and of the archaeological heritage. It is a landscape that has retained its role for over a century as a place where Acadians learn about their heritage, reaffirm a sense of belonging to their community, and participate in its continuing evolution. It is the heart of their collective memory, one that continues to reflect the contemporary identity of the Acadians. Sites that compare with Grand Pré are *lieux de mémoire* and show tangible evidence of their community’s use and continuing transformation to reflect the community’s identity.

#### *Landscapes symbolically and peacefully reclaimed*

Australian archaeologist Laurajane Smith points out in her book *Uses of Heritage*:

Heritage is about a sense of *place*. Not simply in constructing a sense of abstract identity, but also in helping us position ourselves as a nation, community or individual and our ‘place’ in our cultural, social and physical world. Heritage, particularly in its material representations, provides not only a physical anchor or geographical sense of belonging, but also allows us to negotiate a sense of social ‘place’ or class/community identity, and a cultural place or sense of belonging.

Smith’s observation highlights the fact that some places provide an anchor in history and space for communities to share their common heritage, express their collective identity, and build a sense of community. These places are in Nora’s sense *lieux de mémoire*, while Smith’s point stresses that their presence connects a people with a place as a means to *exist* culturally, socially, and tangibly. These “anchor sites” create a sense of legitimacy of the community’s values and of its

place in history as much for the community itself as for the rest of the world. The sites in effect illustrate that to maintain that sense of belonging, these communities need to maintain their connection with a place. Smith also observes:

The meanings and memories of past human experiences are thus remembered through contemporary interactions with physical places and landscapes, and through the performances enacted within them – and with each new encounter with place, with each new experience of place, meanings and memories may subtly, or otherwise, be rewritten or remade. These experiences help to bind groups and communities not only through shared memories and identities, but also through shared experiences.

Some landscapes are considered character defining for a community, in that they play a role in building a community's identity and shaping its culture. Smith summarizes from the work of British and Australian archaeologists and cultural geographers that,

landscapes are not only shaped by cultural practices, but are symbolic of cultural and social beliefs, and in turn also shape and structure social encounters and relations.

The characteristics of these landscapes evoke the qualities of the people associated with them. Their features have formed and transformed the identity of the people, inextricably linking them to who they are. This is true for most peoples around the world, and never more evident than with a diaspora's strong desire to maintain a link with its homeland *within* that homeland. For diasporas, these essential landscapes can represent their historical challenges and triumphs. The identification and preservation of these landscapes are tied to the diasporas' struggle to maintain their collective identity and to remember their common heritage.

For a diaspora, breaking that connection creates a void in the sense of belonging and a loss of "place" in the cultural, social, and physical world. Reclaiming that "place" is necessary and a source of collective empowerment.

French historian Jacques Le Goff, in his book on history and memory, noted the same effect and described it in the form of a tension, a struggle for survival, and a source of power:

[...] collective memory is one of the huge forces at play in developed and developing societies, amongst those who wield power and those who are subject to it, all of whom are struggling for power or for life, for survival and for advancement.

Le Goff's observation makes the connection between a *lieu de mémoire*, its function, and the forces at work in creating and maintaining it. It also suggests that, if one considers these forces at work, there are numerous avenues to achieve this sense of survival and advancement. One avenue is for the diasporas to symbolically reclaim these character-defining landscapes. For these diasporas, the challenge of reclaiming the landscapes arises from the presence of another group in the landscape and from the diaspora's physical disconnect from the landscape.

Symbolic reclamation assigns a renewed use to a landscape. The act of symbolically reclaiming a landscape through use is twofold: it is *material* through the physical transformation of the landscape to display symbols of the displaced community, such as the erection of memorials and the acquisition of features considered sacred and culturally significant; and it is *immaterial* through the community's use of the landscape for social and cultural purposes. The use of a reclaimed landscape is tied to the community's desire to preserve and share the tangible elements of its common heritage, express its identity, and find inspiration for the continuing development of its community.

These landscapes exhibit the qualities of the mental image that communities hold about their "place" in the cultural, social, and physical world, as much as about the values they view as character defining. The mental image may be influenced by historical evidence, but because of the nature of *lieux de mémoire*, collective memory and the accepted elements of that memory have a great role in shaping the idea of collective identity. Similarly, for diasporas, a mental image of the homeland may not be accurate from a historical point of view, but it is accurate from the point of view of the collective memory's

definition of that landscape. In any case, the features of that landscape need to reflect these ideas in order to be incorporated as a character-defining *lieu de mémoire*.

Groups that have been forcibly removed are denied a connection to their homeland, to the landscape that defines them. This results in a collective desire to return and, in Le Goff's reasoning, a struggle for survival and advancement. Symbolic reclamation is a healing act, as it represents the symbolic return to the homeland. It is an act that bridges past and present by bringing together, through physical contact, the modern community with the evidence of the past community. That contact allows people to walk in the footsteps of their ancestors, to absorb their surroundings, and to attempt to make sense of their way of thinking. The experience leads to an emotional connection that transcends time and reflects the mental integration of, in the words of Zerubavel, otherwise disconnected historical events into a perceived single historical continuum. This means that emotions connect events separated by gaps in collective memory, a phenomenon that Bulgarian philosopher Tzvetan Todorov, in his essay *The Abuse of Memory*, observed as being the result of trauma or collective amnesia. This process leads to the perception of continuous identities between the ancestors and the modern community member.

Symbolic reclamation can also be an inspiring act, in that it contrasts with reclamation by aggressive means. Symbolically reclaimed landscapes can be particularly powerful examples of peaceful reconciliation, because their reclamation takes place in landscapes whose significance is contested among numerous groups. In effect, an act of symbolic reclamation is the layering of meaning on a landscape that is publicly expressed by a group. By extension, this suggests that other meanings are already present in that landscape. Accordingly, this reclamation can be a source of tension and mistrust. Yet it can also be a source of exchanges, learning, and sharing between the peoples affected. As American historian John R. Gillis pointed out in his book *Commemorations*,

In this era of plural identities, we need civil times and civil spaces more than ever, for these are essential to the democratic processes by which individuals and groups come

together to discuss, debate, and negotiate the past and, through this process, define the future.

In any case, symbolic reclamation is an act of public appropriation without resorting to conflict and hence provides a platform for reconciliation.

Reconciliation may not always be the original intent of a symbolic reclamation, but it is often an important outcome and opportunity. A community's act of reconciliation with history translates into a successful commemoration of the past, celebration of the present, sharing with others, and outlook on the future. The intent of a diaspora's symbolic reclamation of a landscape, as with any *lieu de mémoire*, centres primarily on the community's own needs to strengthen its identity and to anchor itself in history and place. However, a symbolic reclamation provides an opportunity to explore reconciliation. The erection of memorials marks the land and asserts a claim, but without resorting to aggressive means. For the diaspora, the purpose of the reclamation is to share a common heritage and to express its identity publicly. The reclamation is therefore a public statement of a community's presence in history and place. The community also publicly shares that connection and the significance of the landscape for all to learn, share, and experience. As a result, the community has a sense of having appropriated those *lieux de mémoire*, yet the public awareness helps to bring about an inevitable evolution towards reconciliation.

The Landscape of Grand Pré has been symbolically and peacefully reclaimed. Over time, Acadians have symbolically reclaimed this landscape of their homeland, even though its new inhabitants were descended from those who had taken over the lands left vacant following the Deportation. The reclamation began with a work of fiction that publicly connected an event of deportation with the Acadian people and with the homeland, *Acadie*, they had been forced to leave behind. It followed with physical interventions on the agricultural landscape: the erection of memorials, the building of a church, and the study of archaeological remains. Today, it is a landscape that continues to be used by the Acadian diaspora to share its heritage, maintain its collective identity, and build its future. In addition, this

symbolic reclamation was done gradually and peacefully, without either resorting to conflict or harming the agricultural community and the people who today live in Grand Pré. The Landscape of Grand Pré progressively acquired status as a symbol of identity for the Acadians while at the same time becoming a bridge for reconciliation with history.

For Acadians, Grand Pré is the most powerful landscape that expresses their collective memory and an awareness of group consciousness: it is the heart of *Acadie*. Sites that compare with Grand Pré have those characteristics of having been symbolically reclaimed by a diaspora. The Landscape of Grand Pré bears the qualities of the homeland Acadians knew before 1755, one that was characterized by thousands of hectares of dykeland, green fields, the tides, and villages sitting on the uplands next to the dykeland. Sites that compare with Grand Pré bear the real or perceived qualities of a diaspora's homeland and display evidence of the diaspora's cultural identity. In addition, the Landscape of Grand Pré was reclaimed peacefully without conflict with the new inhabitants. It is a landscape where Acadians learn from the past but also celebrate their achievements, look towards the future and pursue reconciliation with history. Sites that compare with Grand Pré illustrate a successful reclamation through reconciliation.

#### *List of comparable sites*

Many places around the world can be considered *lieux de mémoire* based on their role in expressing and defining the collective memory and identity of peoples. Some of these places are currently inscribed on the World Heritage List, while others are not.

There are numerous sites on the World Heritage List that demonstrate the role of certain exceptional places in defining collective identity. Sites such as Tsodilo (Botswana), Koutammakou, The Land of the Batammariba (Togo), and Matobo Hills (Zimbabwe) provide evidence of the symbolic, religious, and spiritual significance for the traditional communities that continue to use them. They are eloquent testimonies to the association between people and landscape in supporting tradition as well as social and economic activities, and

in shaping collective identity. These are all places of common heritage for the communities that have a strong connection with them, and they speak to the universal value of these connections.

Numerous other sites, also in Africa, on the World Heritage List demonstrate the role of certain exceptional places in defining the collective identity of the African diaspora. These sites are associated with slavery and the slave trade, including James Island and Related Sites (Gambia), the Island of Gorée (Senegal), Aapravasi Ghat (Mauritius), and Le Morne Cultural Landscape (Mauritius). The tangible evidence of these sites bears witness to the beginning and the abolition of slavery, to the plight of the slaves and indentured labourers, and to the acts of resistance by the slaves. Because of that evidence, these sites have become part of the collective memory of the African Diaspora and have relevance for communities beyond the boundaries of their location, and indeed for humanity as a whole.

The concept of a *lieu de mémoire* as a place where a community learns about, experiences, and enriches its collective identity is also evident at other sites on the World Heritage List. These highlight the coming together of a community through memory, ritual, and prayer such as at the Royal Hill of Ambohimanga (Madagascar) or through celebration of identity such as the Red Fort Complex (India), Rila Monastery (Bulgaria), Thingvellir National Park (Iceland), Masada (Israel), and National Historic Park – Citadel, Sans Souci, Ramiers (Haiti). They are evocative of humanity's aspirations for a sense of community and for collective community endeavours. Finally, the World Heritage List includes *lieux de mémoire* that serve as symbols of collective memory and conscience such as the Old Bridge Area of the Old City of Mostar (Bosnia and Herzegovina), Robben Island (South Africa), and Auschwitz Birkenau German Nazi Concentration and Extermination Camp (1940–1945) (Poland) where humanity can reflect on its past and its common values.

If one takes a broader look at sites not inscribed on the World Heritage List, the list of sites that would qualify as *lieux de mémoire*, places where a community shares its heritage and expresses its identity, is extensive.

*Lieux de mémoire* emerge as a human expression of collective identity around the world. Some serve as sites of conscience for humanity

as a whole, emphasizing a particular dark period in our collective history with the intent of never forgetting it, learning from that history, and never repeating it. These include conflict-related memorials such as monuments associated with First World War battlefields and cemeteries, and internment camps in Europe, North America, and Australia associated with both world wars and Nazi concentration camps. These sites provide tangible locations for the populations that were affected, and for humanity as a whole, to connect with those events and reflect on that shared heritage so as to continue to build a better and more peaceful world. Other sites serve as landmarks associated with seminal moments in the advancement of human rights, including civil-rights-movement sites such as the Bethel Baptist and 16th Street Baptist churches in Birmingham (United States).

Finally, there are *lieux de mémoire* that are powerful symbols of pain and that tell the stories of those who were affected by it and triumphed, focusing on the lessons to be learnt from those events. Places such as the District Six Museum (South Africa) that commemorates segregation and the forced removal of tens of thousands of people under the apartheid regime in South Africa, and Villa Grimaldi (Chile) that preserves the memory of the abuse by the military regime in Chile in the 1970s, play a role as part of the process of remembering, learning, and contributing to efforts of reconciliation of people with their past.

All these sites are *lieux de mémoire* where humanity shares its common heritage of painful yet inspiring events. They are also places where a community discovers its own heritage and explores important parts of its collective experience.

These character-defining *lieux de mémoire* reflect and define a community's identity. They are the places around which the community comes together to remember a particularly defining moment in its history. Such places can be linked to events that have affected a community's sense of political and social independence, such as Batoche National Historic Site of Canada (Canada), the place of the military defeat of the Métis people's rebellion in Canada in 1885, or the Brandenburg Gate (Germany) following the German reunification after the fall of the Berlin Wall in 1989 (reunification was in 1990, but the wall fell in 1989). They can be contested *lieux de mémoire*,

places where more than one community claims a special connection that defines its identity, such as the city walls of Derry/Londonderry (United Kingdom/Northern Ireland), the location of annual parades by Protestant groups and a place of memory associated with the 1960s–1990s “Troubles” by the mainly-Catholic nationalist community. The fact that these landscapes are contested, together with an ongoing or historical struggle for recognition of identity, is essential to how these communities define themselves.

Finally, as discussed previously, a *lieu de mémoire* anchors the community in both a mental and a physical landscape, acting as a place of transition or an *axis mundi* linking different times and experiences in a single location. As a place of transition, it can reflect transformative events for the community, particularly where a community experienced a forcible migration from its homeland. Such places as the Trail of Tears National Historic Trail (United States), the route followed by the Cherokee and other Native American tribes during their forced migration, and Birchtown (Canada), the 18th-century settlement of escaped and freed slaves in Canada, are places that define the identity of those communities. As an *axis mundi*, certain *lieux de mémoire* are landmarks that identify the heart of the community for nations and cultural groups in their homeland and for diasporas, usually indicating the place they left behind. Examples of these include the memorials to the Scottish Highland Clearances in Helmsdale, Achinloch, and Badbea (United Kingdom) and Dorsetshire Hill and Baliceaux (St. Vincent and the Grenadines) for the Garinagu after their deportation in 1796.

Of all the Acadian sites, Grand Pré emerges as the character-defining *lieu de mémoire* for the Acadian diaspora. Canada has several archaeological sites of abandoned Acadian settlements, particularly in the provinces of Nova Scotia, New Brunswick and Prince Edward Island, that are significant for the Acadian community. The cemeteries and remains of Acadian houses in places such as the Sainte-Famille cemetery, Pointe-à-Major cemetery, Belleisle, and Beaubassin National Historic Site of Canada (NHSC) (all located in Nova Scotia), and other locations associated with the Deportation, such as Boishébert NHSC (New Brunswick) and Port-La-Joye–Fort Amherst NHSC (Prince Edward Island), are the end point of pilgrimages by members of the

Acadian community from around the world. The desire to connect with the place where their ancestors lived or from where they were deported motivates Acadians to visit those places. Finally, there are places associated with particular accomplishments and community pride such as Monument-Lefebvre NHSC (New Brunswick), the site of the first national convention of Acadians. Similarly, other locations in Europe and North America can claim to be important to the Acadians, in particular the places where Acadians landed after they were deported or settled. All these places contribute to the collective identity and awareness of the Acadian community, but none comes close to playing the role of Grand Pré as the most important *lieu de mémoire*. At Grand Pré, Acadians not only share their common heritage and celebrate their identity, they also continue to build their sense of community. Grand Pré is the centre of their reclaimed homeland, a reality they continue to demonstrate through their ongoing use of the landscape in key formative cultural events, in artistic expressions, and in the use of its symbols throughout the Acadian diaspora.

Irrespective of the reasons behind a community's identification and definition of a *lieu de mémoire*, these places all reflect the universal aspiration of wanting to belong to a community and to connect with one's homeland. They are essential places in forming a collective experience, one that allows the sense of belonging and the sense of a communal future. They emerge as communities need them, becoming the necessary landmark in their landscape to connect them with their past, reaffirm their identity, and build their sense of community.

As described in the sections above, sites that best compare with the Landscape of Grand Pré have the following characteristics:

- they are *lieux de mémoire*;
- they show the tangible evidence of the community's use and continuing transformation to reflect its identity;
- they have been symbolically reclaimed by a diaspora;
- they exhibit the qualities of the diaspora's homeland;
- they display evidence of the diaspora's identity;
- they illustrate a successful reclamation through reconciliation.

Based on these considerations, Grand Pré can best be compared with:

- James Island and Related Sites World Heritage Site (Gambia);
- Island of Gorée World Heritage Site (Senegal);
- Le Morne Cultural Landscape World Heritage Site (Mauritius);
- Aapravasi Ghat World Heritage Site (Mauritius);
- Royal Hill of Ambohimanga World Heritage Site (Madagascar);
- Masada World Heritage Site (Israel);
- Birchtown (Canada);
- Trail of Tears National Historic Trail (United States);
- Dorsetshire Hill and Baliceaux (St. Vincent and the Grenadines);
- Memorials of the Scottish Highland Clearances in Helmsdale, Achinloch, and Badbea (United Kingdom).

This comparative analysis aims to compare and contrast the nominated property with other similar sites. By doing so, it will demonstrate the great value of Grand Pré and its universal message.

### 3.c.v. Criteria for comparison as a *lieu de mémoire* and as a symbolically reclaimed landscape

The following criteria will be used for comparing the Landscape of Grand Pré, as a *lieu de mémoire* and a symbolically reclaimed landscape, to other similar sites:

1. **Association with a diaspora:** *The Landscape of Grand Pré is associated with the Acadians, a people that falls within the definition of a diaspora. Diasporas are not a recent phenomenon: world history recounts innumerable forced migrations, some resulting from tragedy (such as war or widespread famine), others from hope (such as a search for greater economic opportunities). Throughout their movements, these groups have retained an emotional connection with their homeland, which is perceived not only as what they left behind but as their ultimate point of return.*

British scholar Robin Cohen, a founding figure of contemporary diaspora studies, identifies the following features as common to all diasporas:



- dispersal from an original homeland, often traumatically, to two or more foreign regions;
- alternatively, the expansion from a homeland in search of work, in pursuit of trade or to further colonial ambitions;
- a collective memory and myth about the homeland, including its location, history and achievements;
- an idealization of the putative ancestral home and a collective commitment to its maintenance, restoration, safety and prosperity, even to its creation;
- the development of a return movement that gains collective approbation;
- a strong ethnic group consciousness sustained over a long time and based on a sense of distinctiveness, a common history and the belief in a common fate;
- a troubled relationship with host societies, suggesting a lack of acceptance at the least or the possibility that another calamity might befall the group;
- a sense of empathy and solidarity with co-ethnic members in other countries of settlement;
- the possibility of a distinctive creative, enriching life in host countries with a tolerance for pluralism. (Adapted from Cohen in Basu 2001:336)

Based on these features of diasporas, this comparative analysis is concerned only with studying the tangible expressions, in their homelands, of the collective memory and group consciousness of diaspora communities. This criterion focuses on the characteristics of a symbolically reclaimed landscape by identifying the historical and social context that led to its symbolic reclamation. The experience of a people becoming a diaspora and the resulting impact on their collective identity is one that transcends time and place. It is an experience that allows one to appreciate the full extent of humanity's aspirations for sharing a common heritage and expressing identity in a spirit of reconciliation with history.

2. **Authenticity of location and setting in relation to the homeland:** *the Landscape of Grand Pré is associated with the homeland of the Acadians and the most important events in their history.* Authenticity in this case applies to both the knowledge of the actual location of the event being memorialized and the sense of place. It relates to the mental image of the homeland as well as to the tangible expression of that image in a specific place. This criterion focuses on the concept of homeland reclamation by stressing the importance of authenticity of the location and setting of the place being reclaimed. It highlights the symbolic reclamation of a homeland and addresses an essential aspect of a *lieu de mémoire*.
3. **Elements of the memorial experience:** *the Landscape of Grand Pré exhibits memorials and use that embody its significance as a lieu de mémoire.* Indeed, a *lieu de mémoire* exhibits various elements that express identity and the collective experience and memory of the past. These may include memorials, uses, events, symbols, artistic expressions, and other tangible and intangible expressions of identity. This criterion focuses on articulating the attributes that express the memorial experience and illustrate the efforts to share common heritage, reaffirm collective identity, and continue to build a sense of community.
4. **Role of the site in collective memory:** *the Landscape of Grand Pré is the heart of Acadie, the most important lieu de mémoire for the Acadians.* Communities may have multiple places of memory where they reflect on the lessons of the past and on how they define their present identity. Sites may commemorate events (such as the independence of a nation), celebrate historical outcomes (such as a military victory), or underscore a value (such as peace). Some sites are character defining for the community in that they are central to the community's collective identity. Others are important for commemorating significant events or achievements and are part of a community's memorial landscape but may not hold a central place in the formation of its identity. This criterion focuses on distinguishing sites that define a community's character from those that simply address elements of a community's collective memory, thus stressing

their role in sharing common heritage, reaffirming collective identity, and continuing to build a sense of community.

5. **Sharing of the landscape:** *the Landscape of Grand Pré is shared by many communities.* Different people can assign different meanings and values to landscapes. A single place may be the object of contested or shared use. This criterion focuses on highlighting sites of shared use and their ability to illustrate humanity's aspiration for peaceful reconciliation.
6. **Condition of the site:** *the Landscape of Grand Pré is in excellent condition, displaying the tangible and intangible evidence of a lieu de mémoire and of a symbolically reclaimed landscape.* As per the requirements of the *Operational Guidelines for the Implementation of the World Heritage Convention*, the comparative analysis includes the state of conservation of similar properties.

These criteria enable us to compare the nominated property to similar sites by focusing on the key elements articulated in the proposed outstanding universal value for the Landscape of Grand Pré. These key elements are a *landscape transformed into a lieu de mémoire* (criteria 2, 3, and 4) and a *landscape symbolically and peacefully reclaimed* (criteria 1 and 5).

### 3.c.vi. Comparative analysis of the *lieu de mémoire* and of the symbolically reclaimed landscape

#### *Sites on the World Heritage List*

The World Heritage List includes sites that are associated with the homeland of diasporas. Some are related to the slave trade, such as James Island and Related Sites World Heritage Site (Gambia), the Island of Gorée World Heritage Site (Senegal), and Le Morne Cultural Landscape World Heritage Site (Mauritius), and some are related to indentured labour, such as Aapravasi Ghat World Heritage Site (Mauritius). Others show the tangible evidence of a diaspora community's use and continuing transformation to reflect its identity, such as the Royal Hill of Ambohimanga World Heritage Site (Madagascar) and Masada World Heritage Site (Israel). Each of these

sites provides evidence of the identity of a diaspora symbolically expressed in a landscape.

#### **James Island and Related Sites (Gambia)**

James Island and Related Sites is a World Heritage serial site with seven components located along the Gambia River in Gambia. They consist of Portuguese and French colonial religious, administrative, and military buildings, as well as Mandinka villages on James Island and along the banks of the river. Together, they evoke the different aspects of the African-European encounter from the 15th to the 20th centuries, particularly the transatlantic slave trade.

Most relevant to this comparative analysis is that it was inscribed in part because it was “directly and tangibly associated with the beginning and the conclusion of the slave trade, retaining its memory related to the African Diaspora” (excerpt from the Statement of Outstanding Universal Value). It is associated with the beginning and the abolition of the transatlantic slave trade.

The Gambia River represents the first trade route between Africans and Europeans and became an early corridor for the slave trade. The Mandinka of the Kingdom of Kaabu had long traded with merchants along the Atlantic Ocean, including Phoenicians and Arabs. When the Portuguese arrived in the 15th century, later followed by the English in the 16th century and other colonial powers, these Mandinka settlements along the river functioned as the infrastructure necessary to support slave trade. They included forts and military structures, chapels and missions, European settlements, Mandinka villages, warehouses, slave houses, trading offices, and other administrative buildings. The setting that surrounds those structures includes agricultural land and the Gambia River. Today, most of the structures directly associated with the slave trade and the military settlement are in ruins. The Mandinka villages are still active and busy settlements. One warehouse has been transformed into a museum. These features are evocative of the slave trade and as such are important for the collective memory of the African Diaspora. Based on an assessment of condition performed by ICOMOS (International Council on Monuments and Sites) in 2003, the buildings and structures that are not in ruins are in good condition. The archaeological

heritage has in general been stabilized but in some areas is affected by coastal erosion.

James Island and Related Sites World Heritage Site is similar to the Landscape of Grand Pré in that both are associated with a diaspora. It also retains authenticity of location and setting with relation to the diaspora's homeland. The location of the sites along the Gambia River, surrounded by agricultural fields and traditional villages, is evocative of the homeland and enables a connection with the traditional way of life and the ancestors' culture. In addition, these sites are located where the activities involved in the slave trade occurred, reinforcing the spirit of the place.

At Grand Pré, the location of the memorials next to the dykelands and in the heart of the Acadian settlement, as confirmed by archaeological evidence, creates the sense of place and the authenticity of the *lieu de mémoire*. The dykelands are evocative of the agricultural land that was created by the ancestors of today's Acadians, typical of their way of life. The presence of the archaeological features is tangible evidence of their historical presence and of the events surrounding the Deportation.

Where the Landscape of Grand Pré differs from James Island and Related Sites is that its Acadian diaspora continues to nurture a relationship with the site and enrich its memorial experience. Unlike James Island and Related Sites, the Landscape of Grand Pré exhibits memorials that were erected by the diaspora community and that reflect their collective identity. The Memorial Church at Grand Pré, the crosses, and other tangible objects echo the Acadians' collective understanding of their heritage. The act of erecting those memorials is evidence of the Acadian community's intent to reclaim the land from which they were forcibly removed and to create a *lieu de mémoire* central to their collective identity, as well as a sense of recovery of their homeland. The Landscape of Grand Pré is the heart of the Acadians' community, the place where significant political, social, and cultural events that unite them take place. Their act of reclamation was performed in a landscape in which they no longer live. It is a testament to the value of reconciliation with the events of the past and reaching out to others in a spirit of mutual respect.

In conclusion, the nominated property illustrates the same values related to the importance of connecting with one's homeland for which James Island and Related Sites was inscribed on the World Heritage List. Both sites retain enduring meaning in evoking painful historical events for the diasporas. In contrast, however, the Landscape of Grand Pré exhibits the evidence of the community's ongoing efforts towards reconciliation with those events and striving to overcome them. The physical transformation of the landscape is the tangible manifestation of those efforts and allows the Landscape of Grand Pré to sustain its active role in reflecting the common heritage and identity of the diaspora.

#### Island of Gorée (Senegal)

The Island of Gorée World Heritage Site is a complex of buildings that functioned as the largest transatlantic slave trade centre between the 15th and 19th centuries. It is located on the island of Gorée off the coast of Senegal and occupied a strategic position between Europe and Africa, connecting the hinterland "source" of the slaves with the European ships that transported them to international markets.

When it inscribed the Island of Gorée on the World Heritage List, the World Heritage Committee concluded that "the various elements of this 'memory island' – fortresses, buildings, streets, squares, etc. – recount, each in its own way, the history of Gorée which, from the 15th to the 19th century, was the largest slave-trading centre of the African coast." This statement confirms the Island of Gorée as a *lieu de mémoire* and a suitable comparison with the Landscape of Grand Pré.

The Island of Gorée is a small island in the Atlantic Ocean close to Dakar. Between the 15th century and the abolition of slavery in the 19th century, it was successively governed by the Portuguese, Dutch, English and French, each adding to the architectural character of the buildings. It is estimated that between the mid-15th century and the mid-18th century, some 20 million slaves passed through the island on their way to plantations and other markets around the world. The island displays evidence of a complex system of selection, preparation, and shipping of slaves, an illustration of the inhumanity of slavery. It contrasts the stark and squalid living conditions of the slaves with the

elegant houses of the European traders and administrators. The main tangible structures consist of a fortification sitting on a rocky promontory, a dock, slave houses with cells, the governor's residence, and religious buildings. Based on the 2009 report to the World Heritage Committee and the minutes of the 33rd World Heritage Committee meeting in Seville, the conservation of the structures is a concern, and coastal erosion is affecting a significant section of the island.

The Island of Gorée is similar to the Landscape of Grand Pré in its association with a diaspora, the authenticity of its location and setting, the role of the site in collective memory, and the shared landscape. The Island of Gorée is a *lieu de mémoire* for the African diaspora, as recognized by the World Heritage Committee in its use of the expression "memory island" to convey its essence. Places associated with the slave trade are significant evidence of the experience of slavery and its everlasting impact on the identity of the African Diaspora. The Island of Gorée is the location of the treatment and transfer of slaves, which makes it an authentic place for descendants to connect with their heritage. This *lieu de mémoire* is a pilgrimage destination where all members of the African Diaspora, and indeed humanity as a whole, can learn about the conditions of slavery, assess the impact of the slave trade on the populations affected by it, and reflect on the horrors of human exploitation. The Statement of Outstanding Universal Value stresses that the Island of Gorée also aims to be a sanctuary for reconciliation and forgiveness. This last aspect mirrors the reality at Grand Pré.

The contrast with the Landscape of Grand Pré is apparent through the elements of the memorial experience, the role of the site in the collective memory, and the shared landscape. While the Island of Gorée is a "memory island" where the remains of the slave trade are the memorial elements of the landscape since reclaimed by the African Diaspora, Grand Pré exhibits a different expression of memorialization. Its memorial buildings, structures, and activities are designed intentionally to create a landmark and reclaim a homeland to share a common heritage and build a collective identity. These symbolize a return to the land from which they were forcibly removed. The Island of Gorée, in contrast, is a place of concentration and transition, without evidence of the cultural attributes associated

with the identity of the diaspora. Furthermore, the ongoing erecting of memorials at Grand Pré, and use of the landscape for political, social, and cultural events, demonstrates the role that this landscape plays in nurturing and crystallizing the collective identity of the Acadians. Grand Pré is the heart of the community for Acadians. In their minds, it marks the beginning of their diaspora and brings it together. This is not the case for the Island of Gorée, which is one site among many important ones worldwide that set forth evidence of the tragedy of slavery. Finally, whereas the Island of Gorée is a sanctuary for reconciliation, in Grand Pré this act of reconciliation is ongoing. Reconciliation with history is effected both by Acadians through their cultural events and the celebration of the vibrant Acadian communities, and by Acadians and the local residents through acts of sharing, openness and dialogue.

In conclusion, the nominated property illustrates the same values related to the importance of belonging to a community and maintaining a shared heritage for which the Island of Gorée was inscribed on the World Heritage List. Both sites are *lieux de mémoire* tied to defining moments in the collective memory of diasporas and are important places of pilgrimage to learn and reflect on those moments. In contrast, however, the Landscape of Grand Pré demonstrates the contemporary relevance of these *lieux de mémoire* through the ongoing use and physical transformation of the place by the Acadians to reflect their collective identity. The Landscape of Grand Pré is a living landscape that continues to evolve in tandem with the community's values, ensuring its enduring relevance as their most important *lieu de mémoire*.

#### Le Morne Cultural Landscape (Mauritius)

Le Morne Cultural Landscape World Heritage Site consists of a rugged mountain that projects into the Indian Ocean on the Island of Mauritius. It was used as a shelter for escaped slaves, making it a centre of resistance against oppression.

The site was inscribed as "an exceptional testimony to maroonage or resistance to slavery in terms of it being used as a fortress for the shelter of escaped slaves, with evidence to support that use" as well as "a symbol of slaves' fight for freedom, their suffering, and

their sacrifice, all of which have relevance beyond its geographical location, to the countries from which the slaves came – in particular the African mainland, Madagascar and India and South-east Asia.” As a significant place for the descendants of the Maroons and for its relevance to places where the slaves came from, Le Morne is a *lieu de mémoire* that is important to a diaspora, particularly those of African and Malagasy descent.

The cultural landscape consists of archaeological sites and of the mountain of Le Morne acting as a natural fortress. In addition, the oral traditions surrounding the memory of the Maroons are the attributes that confirm the landscape as a *lieu de mémoire*. Based on an assessment carried out by ICOMOS in 2008, the condition of the site is good.

Mauritius became associated with the transatlantic slave trade as soon as the Dutch created their first settlement there in 1639. The Dutch brought hundreds of slaves to the island to exploit its natural resources. When French colonists settled Mauritius in 1721 after the Dutch had left, they also brought slaves with them. By the late 18th century, close to 85 per cent of the island’s population were slaves. As a result of this situation, slaves often attempted and in many cases succeeded in escaping from their owners. During the 18th and 19th centuries, Le Morne Mountain was the focal point for the Maroons, slaves who had escaped and were evading the colonial authorities. Some slaves were able to evade recapture for a short period of time, while others created small settlements on the mountain. Still others chose to plunge to their deaths from Le Morne Mountain rather than be recaptured. These stories were recounted by 19th century anti-slavery authors and became part of the collective memory of the Maroons as well as a symbol for the anti-slavery movement.

Le Morne Cultural Landscape is similar to the Landscape of Grand Pré in its association with a diaspora, the authenticity of location, and the role of the site in collective memory. Like Grand Pré, Le Morne Cultural Landscape serves as a focal point for the collective identity of a diaspora. It is a *lieu de mémoire* where members of the community come to learn about their shared heritage, commemorate a dark period in their history, and celebrate their achievement. Furthermore, that connection is enhanced by the features of the

location itself. Reminiscent of an *axis mundi*, the mountain is the axis around which the connections between heritage, present sense of identity and collective aspirations revolve.

At Grand Pré, the place itself plays a similar role, with its concentration of memorials including the Memorial Church and the crosses. For both places, the stories linked to their diasporas were known beyond the diaspora itself, giving them an additional universal role in a broader collective memory.

The Landscape of Grand Pré contrasts with Le Morne Cultural Landscape in the elements of the memorial experience, in the role of the site in collective memory, and in its being a shared landscape. The impact of the Deportation on the Acadians is still felt and expressed in songs, pilgrimages to Grand Pré, and artistic expressions. The Acadians’ return to Grand Pré and their reclamation of it through symbols is a powerful illustration of the importance of *lieux de mémoire* in maintaining and nurturing a collective identity. The symbolic reclamation also illustrates a collective desire for reconciliation with history, with both the events of the Deportation and the resulting loss of land. Finally, Grand Pré is the most important *lieu de mémoire* for Acadians. In Acadian communities around the world, its memorials serve as landmarks and symbols of their shared heritage and collective identity. Unlike the descendants of the Maroons, the Acadians remain a diaspora that retains a sense of “paradise lost.” This is an important characteristic, as it contextualizes the act of symbolic reclamation of a homeland.

In conclusion, the nominated property illustrates the same values related to the importance of belonging to a community and maintaining a shared heritage for which Le Morne Cultural Landscape was inscribed on the World Heritage List. Both sites are focal points for the communities where they can share their common heritage and celebrate their achievements. In contrast, however, the Landscape of Grand Pré also illustrates connection to homeland. The ongoing reclamation of the landscape by the Acadian diaspora creates that focal point and stresses that connection. The Landscape of Grand Pré enhances the sense of loss and celebration that diasporas have experienced during their forced removal and their symbolic return.

### Aapravasi Ghat (Mauritius)

Aapravasi Ghat World Heritage Site is set on the Bay of Trou Fanfaron in the Mauritius capital city of Saint Louis. It is a complex of three buildings erected in the 1860s, fewer than half the structures that were once present.

The site was inscribed on the World Heritage List because of its association with the use of indentured labour, in particular because it is “strongly associated with memories of almost half a million indentured labourers moving from India to Mauritius to work on sugar canes plantations or to be transhipped to other parts of the World.” Its association with a diaspora and with the memories of that diaspora validates the comparison with the Landscape of Grand Pré.

Mauritius was under French control from the time they formally possessed the island in 1721 until the British conquest in 1810. In 1834, Britain abolished slavery in all its colonies. To maintain a supply of workers for the plantations and other industries of the empire, a system of indentured labour was introduced. Saint Louis, in particular the Bay of Trou Fanfaron, became a central location for treating immigrants from India and transferring them to plantations around the world. Aapravasi Ghat was built in 1849, expanded over the years, and finally ceased to operate in 1923. Modern transformations, such as a bus station, a motorway, and the demolition of other buildings, have altered the site’s cohesion. Part of the site was landscaped in the 1990s to create a commemorative space. Every November a Hindu religious ceremony is held there to commemorate the arrival of the labourers and in memory of the *jehaji bhai* (shipmates’) spirits. Archaeological features are investigated and protected as important elements of the site. Based on an assessment carried out by ICOMOS in 2006, the condition of the site is fragile, and its conservation is good.

Aapravasi Ghat and the Landscape of Grand Pré are similar in their association with a diaspora, some elements of the memorial experience, and the role of the site in collective memory. Hundreds of thousands of people from India and Africa came through Aapravasi Ghat to work in the plantations or to be transhipped to other places around the world, in effect contributing to the forcible relocation of entire populations and creating a diaspora. The creation of a

commemorative space and the holding of religious ceremonies echo the elements of the memorial experience at the Landscape of Grand Pré. Finally, the interest in researching and protecting the archaeological features reinforces the authenticity of the location and the importance of these attributes in creating the spirit of the place. This is similar to the Acadians’ erection of memorials on the location of the Acadian settlement.

The Landscape of Grand Pré is different from Aapravasi Ghat in the elements of the memorial experience and the role of the site in collective memory. Unlike Aapravasi Ghat, the Landscape of Grand Pré is a *lieu de mémoire* that reflects the identity of its diaspora and was symbolically reclaimed through the erection of memorials. It creates a landmark, a single focal point, for the sharing of common heritage and the expression of collective identity. Grand Pré is a starting and an end point, whereas Aapravasi Ghat is an important landmark and a focal point for some, but mostly marks a place of transition for the descendants of its diaspora. Their ancestors left their homelands and passed through Aapravasi Ghat on their way to conditions of indentured labour, a situation akin to the sites related to the slave trade.

In conclusion, the nominated property illustrates the same values related to the importance of belonging to a community and maintaining a shared heritage for which Aapravasi Ghat was inscribed on the World Heritage List. Both sites are focal points for the communities where they can share their common heritage and commemorate significant events in their history through the erection of memorials and pilgrimages. In contrast, however, the Landscape of Grand Pré displays the evidence of a character-defining *lieu de mémoire*, one that is a focal point for the community and anchors their identity in a place and time. This is demonstrated by the ongoing use by the Acadian community since the late 19th century for their most significant political, social, and cultural events.

### Royal Hill of Ambohimanga (Madagascar)

The Royal Hill of Ambohimanga World Heritage Site is located in the hills of Madagascar, on the remains of the ancient capital and of the royal burial grounds.

It was inscribed on the World Heritage List as the “most significant symbol of the cultural identity of the people of Madagascar” and “an exceptional example of a place where common human experience has been focused in memory, ritual and prayer.” As such, the Royal Hill of Ambohimanga is a *lieu de mémoire* where the community shares a common heritage and expresses a collective identity. This is comparable to the Landscape of Grand Pré.

The site consists of a royal city, a burial site, and an ensemble of sacred places. It is built on a hill that includes woodland preserved for practical and spiritual reasons, clearings on the lower ground, and terraces on the lower hilltops. The site originates from the 15th century. By the 18th century, it had acquired the status of a capital with an elaborate defence complex of gates and walls. By the end of the 18th century, the capital was moved to Antananarivo, but Ambohimanga remained an important burial place and the religious capital. In the late 19th century, the French colonial authorities moved the remains of royalty to the new capital in an attempt to remove the sacred character of the site and the symbolic national identity attached to it. The tombs were demolished and a French garrison was built there instead. The site nevertheless has maintained its religious nature to this day and is an important pilgrimage destination. It is associated with feelings of identity, having maintained its symbolic and sacred character. Based on an assessment carried out by ICOMOS in 2001, the condition of the site is good.

The Royal Hill of Ambohimanga is comparable to the Landscape of Grand Pré in its authenticity of location and its role in the collective memory of the communities. The Royal Hill of Ambohimanga, because of its location on the remains of the royal city, is a *lieu de mémoire* for the Malagasy that connects them to the achievements and most illustrious moments of their history. That connection is best described as a spirit of the place which makes this landscape sacred. It allows the ongoing performance of pilgrimages, rituals, and other collective expressions of identity, confirming the Royal Hill of Ambohimanga as the location in which to share a common heritage, express identity, and seek inspiration to build the future of the community. In addition, this *lieu de mémoire* has consistently been for the Malagasy the most significant place of collective expression of

identity, inextricably linking it to the strength of the community. For the Acadians, the Landscape of Grand Pré fulfills the same role.

However, the Landscape of Grand Pré contrasts with the Royal Hill of Ambohimanga because of its association with a diaspora, its elements of the memorial experience, and its character as a shared landscape. Although the Malagasy *lieu de mémoire* is important to any member of that community anywhere in the world, and although it is associated with colonial attempts to erase Malagasy identity, the site is not associated with a diaspora that was forcibly removed from its homeland. By contrast, the Landscape of Grand Pré illustrates clearly the consequences and challenges of maintaining a connection with the homeland for a population that was forcibly relocated. For Acadians, connecting with Grand Pré is an essential element in maintaining their collective identity. That contact allows them to anchor their heritage, identity, sense of community, and efforts of reconciliation with history in a single place. The symbolic reclamation of their homeland at Grand Pré is also an essential element in maintaining their collective identity. Unlike the Royal Hill of Ambohimanga, the Landscape of Grand Pré saw another population replace the Acadians after their removal, and this population continues to live on its lands. Consequently, both Acadians and current inhabitants have learned to share the landscape.

In conclusion, the nominated property illustrates the same values related to the importance of belonging to a community and connecting with one’s homeland for which the Royal Hill of Ambohimanga was inscribed on the World Heritage List. Both sites are focal points for the communities where they can share their common heritage and maintain a sense of community through pilgrimages and other collective expressions of identity. They illustrate the spirit of place that results from the strong and meaningful connection between a community and the *lieu de mémoire* that defines its identity. In contrast, however, the Landscape of Grand Pré also provides an illustration of the importance of that connection when a community has been forcibly removed from its homeland. The events that have led to the community’s departure and symbolic return to its homeland show that the identity, survival, and renaissance of that community were tied to its aspiration of returning home. In their

efforts to reinstate that connection, the Acadians moved towards a collective and peaceful reconciliation with their past and celebration of their future.

#### Masada (Israel)

Masada World Heritage Site is an archaeological site in the Judean desert in Israel. It consists of remains of a large fortress surrounded by the siege works of the Roman army. Masada was discovered in 1842 and extensively excavated in the 1960s. Based on an assessment carried out by ICOMOS in 2000, the condition of the site is good.

Masada was inscribed on the World Heritage List because, as articulated in its Statement of Outstanding Universal Value, it is a symbol of the Ancient Kingdom of Israel and because of its association with the creation of the Jewish Diaspora, with Jewish identity, and with universal events associated with the continued human struggle between oppression and liberty. Because it is a *lieu de mémoire* for the Jewish Diaspora, and because it displays evidence of the community's identity and of its continuing use by that community, Masada is comparable to the Landscape of Grand Pré.

The site of Masada was first fortified in the second century BCE. It was the subject of numerous military and administrative structural developments for centuries until the Jewish Revolt of the first century AD against Roman rule. In the years following the fall of Jerusalem in 70 AD, a group of settlers arrived in Masada, a town that had been under the control of the Zealots since the beginning of the revolt. The Roman governor decided to eliminate this centre of resistance and sent a large contingent of soldiers to subdue the inhabitants. They established a camp around Masada, building impressive siege works and preparing for an assault. That assault came in the spring of 73 AD. The Roman troops successfully breached the walls of Masada. The Zealots defended the place with determination, but when it became clear they could not resist much longer, their leader convinced the inhabitants and remaining defenders that death was preferable to slavery. All but two of nearly 1000 men, women and children decided to take their own lives. As a result of this event, Masada became an important symbol of Jewish identity. Today, Masada still inspires generations of members of the Jewish people. It is there that

newly minted soldiers of the Israeli Defence Force complete their training by taking their oath of loyalty. They are reminded of the sacrifice of their ancestors and encouraged to reflect on the universal message of freedom and the fight against oppression.

Masada is similar to the Landscape of Grand Pré in its association with a diaspora, its authenticity of location, elements of its memorial experience, and the role of the site in the collective memory. The fall of Masada was a turning point in Jewish history, one of a handful of events that completed the destruction of Judea by the Romans and marked the beginning of the diaspora. Because of that, it is one of the most important *lieux de mémoire* for the Jewish people. It is a place that has retained its authenticity and where the physical connection with the archaeological remains powerfully conveys the experience and its message of continued resistance against oppression. Similarly, Acadians have a strong sense of place in relation to Grand Pré. They connect with the events surrounding the deportation and reflect on the plight of their ancestors, taking inspiration from their perseverance and resilience in the face of adversity. Each group gathers around these *lieux de mémoire* as a means to share a common heritage, reaffirm its identity, and commit to continuing to build its sense of community.

The Landscape of Grand Pré is different from Masada in the elements of its memorial experience and the role of the site in the collective memory. While Masada is one of the most important sites of the Jewish Diaspora, the Landscape of Grand Pré is the single most important character-defining place for the Acadians. The complete story of the birth, deportation, renaissance, and ongoing evolution of the Acadians is expressed at Grand Pré through the memorials and the use of the place. Acadians go to Grand Pré to discover fundamental aspects of Acadian collective identity. Moreover, their connection with the *lieu de mémoire* was manifest through a physical transformation involving the creation of memorials to reclaim a land that was no longer theirs. Without that physical transformation, the presence of the Acadians in that landscape prior to their deportation, and hence their ability to express their collective identity, would have been forgotten. Finally, the Acadian experience at Grand Pré epitomizes the human aspiration of reconciliation with the events of the past that



still affect its present and future. The Landscape of Grand Pré is an ongoing act of reconciliation for the Acadian community, one that was and continues to be achieved peacefully through a sharing of a common heritage with the local inhabitants.

In conclusion, the nominated property illustrates the same values related to the importance of belonging to a community and connecting with one's homeland to reaffirm its identity for which Masada was inscribed on the World Heritage List. Both sites are character defining for the communities: places where they can maintain a sense of community through the learning of past achievements, pilgrimages, and collective expressions of identity. Members of the diaspora come to those *lieux de mémoire* to reflect on significant events of their history and seek individual and collective inspiration from the way their ancestors overcame adversity. In contrast, however, the Landscape of Grand Pré is the most important such *lieu de mémoire* for the diaspora, as it ties all the key events of the Acadians' history: their birth as a people, their forcible removal, and their renaissance. It not only stresses the difficult events of its past but also focuses on the way the community overcame them, thus allowing an ongoing effort of reconciliation with history.

The comparison of the Landscape of Grand Pré with sites already inscribed on the World Heritage List underlines the relevance for humanity as a whole of the aspirations to belong to a community, to connect with one's homeland, and to seek reconciliation. These are fundamental to the human experience as they highlights the importance of a shared heritage in the collective development of communities. The Landscape of Grand Pré also introduces the human experience of creating *lieux de mémoire* through symbolic reclamation of a landscape by a diaspora. This experience, currently not represented on the World Heritage List, is an important illustration of the connection between a diaspora and its homeland, one experienced by many communities around the world, as well as an inspiring illustration of peaceful efforts by a diaspora to reconcile with its past and build for its future.

#### *Sites not on the World Heritage List*

The following sites are not on the World Heritage List, but they offer valuable comparisons between the Landscape of Grand Pré and *lieux de mémoire* for diasporas. They also highlight the value of Grand Pré to the Acadian people and to universal human experience.

#### **Birchtown (Canada)**

Birchtown is an 18th century Black Loyalist settlement located on the shores of the Atlantic Ocean in Nova Scotia, Canada. It commemorates the Black Loyalist Experience, an event of national historic significance in Canada. The commemorative plaque reads:

After the American Revolution, over 3500 free African Americans loyal to the Crown moved to Nova Scotia and New Brunswick where they established the first Black communities in Canada. Birchtown, founded in 1783, was the largest and most influential of these settlements. The population declined in 1792 when many Black Loyalists, frustrated by their treatment in the Maritimes, emigrated to Sierra Leone in West Africa. Although diminished in numbers, Birchtown remains a proud symbol of the struggles by Blacks in the Maritimes and elsewhere for justice and dignity.

The site consists of archaeological remains, religious and domestic buildings, landscape features, and spiritual structures. The condition of most of these features is good. Some of the buildings require preservation work.

The Black Loyalists were slaves who joined the British forces during the American Revolution in exchange for the promise of freedom. The British colonial authorities had resorted to that strategy to bolster the undermanned British army in North America and to weaken the enemy's economy by removing its primary source of labour. After the war, a large number of those African Americans who had fought for the British Crown (3500, or 10 per cent of all Loyalists who relocated to Nova Scotia) were transported to Nova Scotia. That movement was recorded in the *Book of Negroes*, a late 18th-century

document that provides detailed information on the thousands of African-American slaves who had fought for the British Crown and were transported out of the United States of America. They were settled principally in Nova Scotia around Halifax, in the Annapolis Valley, and on the Atlantic Coast, and they quickly encountered living conditions that made it very difficult for them to envision a future there. First, the competition for land and resources was intense, as the white Loyalists were also vying for property and jobs. This led to tension and displays of racism, and the Black Loyalists were given poor land that was difficult if not impossible to render productive. Second, the weather proved to be a significant challenge, particularly in the absence of shelter and resources. Consequently, in 1791, half of the town's population accepted a grant of land in Sierra Leone. Known as the Nova Scotians, these settlers founded Freetown and are the ancestors of most of Sierra Leone's Creoles (Krios). Today, Birchtown is the site of ongoing efforts to memorialize the story of the Black Loyalists through the erection of memorials, the restoration of important structures, and the archaeological investigation of notable features. Descendants of those Loyalists come on a pilgrimage to Birchtown to trace the route their ancestors took to return to Africa. At a minimum, there is awareness in the Black Loyalist and in the Sierra Leone communities of those links.

Birchtown has similarities with the Landscape of Grand Pré in its association with a diaspora, its authenticity of location, and elements of its memorial experience. Because of the events and the people associated with its settlement, Birchtown reaches out beyond its borders. It is an important link between slavery and freedom; America and Africa; and European, African and North American experiences. In the case of Grand Pré, the site is an important link between peaceful settlement and forcible relocation, Europe and America, and European and North American experiences. Those links stress that, for both Birchtown and the Landscape of Grand Pré, the location itself was the setting for important character-defining events in the history of each community. However, the strength of the community and the aspiration to maintain a collective identity allowed each community to overcome the challenges of its history. This is most tangibly expressed in those landscapes through a similar

memorial experience. That experience emphasizes erecting memorials and maintaining structural evidence on the site to reflect the presence and the values of the Black Loyalist descendant community at Birchtown and of the Acadians at Grand Pré. In both places, the community has reclaimed the landscape so it can share its common heritage and express its collective identity.

The Landscape of Grand Pré differs from Birchtown in its elements of memorial experience, the role of the site in collective memory, and in its being a shared landscape. In contrast to Birchtown, Grand Pré is a *lieu de mémoire* that is character defining for the Acadian community. It allows the sharing of the common heritage and, through ongoing cultural, social, and political use, has maintained its role in expressing and nurturing a collective identity. Grand Pré has been popularized among Acadians and non-Acadians for well over a century and has become part of the collective memory of Acadians. Since the middle of the 19th century, Grand Pré has been the tangible and intangible location of the consciousness of Acadians as a people, of their history, of their symbols of identity, and of their achievements. The huge international gatherings held there attest to its role as the active and foremost connection for a diaspora dispersed around the world. At Birchtown, the *lieu de mémoire* is next to a small Black Loyalist community and has been contested locally by members of neighbouring communities. By comparison, Grand Pré is no longer the site of an Acadian settlement, which means that another group has developed its own connection with the landscape. This suggests that for both communities to maintain their own connection with it, the landscape needs to be shared through mutual respect.

In conclusion, the comparison of the nominated property with Birchtown highlights that the Landscape of Grand Pré is a vibrant example of a *lieu de mémoire* that has deep meaning for a dispersed diaspora. Its ongoing use in the expression of collective identity confirms that spirit. It stresses that collective will, use, and engagement are instrumental in creating a character-defining *lieu de mémoire*.

#### Trail of Tears National Historic Trail (United States)

The Trail of Tears National Historic Trail is a route that connects the locations in the southeastern United States from which the United

States government forcibly relocated Native American tribes, beginning in 1831. Their point of arrival was thousands of kilometres away in the Midwest.

The trail was designated of national significance because it commemorates the forced removal of the Cherokee people from their homelands in the southeastern United States to Indian Territory (present-day Oklahoma) in 1838–1839. Its significance, based on its designation, lies in that it represents the tragic impact of Indian Removal policy on the history, culture, and soul of the American nation; it represents tenacity, perseverance, and resilience as survivors relocated/rebuilt their institutions despite great adversity; and it provides the opportunity for Native Americans and all people to reconnect with places that evoke the most important event in their history.

The Trail of Tears is a *lieu de mémoire* associated with a people expelled from its homeland, and it continues to be associated with the cultural identity of that people. In those respects, the Trail of Tears and in particular its places of commemorations are comparable with the Landscape of Grand Pré.

Since the early 19th century, the American government had adopted a policy of allowing Native Americans to remain east of the Mississippi River if they became better assimilated into Euro-American culture. This policy aimed to render these tribes dependent on white American settlers for goods and to force them to give up land to acquire these goods. In 1830, the Indian Removal Act was passed, allowing the forcible relocation of tribes east of the Mississippi. This made room for settlers and speculators to take over highly desirable land. It was also a tool to address the concern of some people that the presence of Native Americans in those areas was a threat to peace and security. Consequently, between 1831 and 1839, tens of thousands of people were expelled from their homeland and made to walk to Oklahoma, thousands of kilometres away.

In 1987, the United States Congress designated the Trail of Tears nationally significant. It consists of approximately 8000 kilometres of trails connecting the locations from which the Cherokee, Chickasaw, Choctaw, Muskogee-Creek, and Seminole were removed in the states of Georgia, Tennessee, Alabama, North Carolina, Mississippi,

Louisiana, Kentucky, and Florida to their destination in Oklahoma. Several locations along the trail are individual places of memory, such as grave sites or temporary settlements. Other key locations are emerging as landmark sites of *lieux de mémoire* such as the Cherokee Trail of Tears Commemorative Park (Commemorative Park) in Hopkinsville (Kentucky) and the Cherokee Removal Memorial Park (Memorial Park) at Blythe Ferry (Tennessee). Those locations are the focus of memorial activities on the part of the Cherokee.

The Commemorative Park in Kentucky is the location of a Cherokee encampment in 1838 and 1839. It is also the burial site for two Cherokee chiefs who died during the removal. Statues of these chiefs were crafted by a local artist and recently unveiled with delegations from Cherokee bands present. A log cabin dating back to the period of the removal serves as the heritage centre of the Commemorative Park. Near the burial site, seven Red Cherokee Chief Dogwoods were planted to commemorate each of the seven Cherokee clans. Every year in September, an intertribal powwow is held at the park. It is a gathering of Native American people to celebrate their heritage, to express collective identity, and to share their pride with non-Native Americans. The condition of the site appears to be good.

The Memorial Park in Tennessee was the gathering point for 9000 Cherokee, where they camped for weeks prior to their removal. It now hosts a boardwalk, shelters, a visitor centre, and a genealogical library. It will soon host a memorial wall that will include a circular base, similar in form to the seal of the Cherokee Nation, surmounted by seven panels representing the seven Cherokee clans. The panels will list the names of the head of each of the 2537 households and the number of family members as shown in the 1835 Census that was taken in preparation for the removal. The condition of the site appears to be good.

The Trail of Tears, the Commemorative Park, and the Memorial Park bear similarities with the Landscape of Grand Pré in their authenticity of location, elements of the memorial experience, and role of the site in the collective memory of a people. The trail follows the path taken by the Native American tribes almost 200 years ago on their way to a foreign land. The experience of walking on that trail is

powerful for the descendants of those who were forcibly relocated. They connect with their ancestors in one of the character-defining moments of their history. By extension, the trail itself has defined the character of the identity of those tribes. Also, as with Grand Pré, the events of the Trail of Tears were popularized through public accounts, songs, and writings, ensuring that those events would remain part of the collective memory. Finally, the erection of memorials is an act of symbolically reclaiming the trail and leads to public awareness and recognition of the impact of those events on the Native American tribes.

The Landscape of Grand Pré is different from the memorial space at Blythe Ferry and the Trail of Tears in its elements of memorial experience, the role of the site in collective memory, and its shared landscape. While the Trail of Tears is a tangible testament to the particular events, it physically covers the entire experience of the forced migration, with no single place that emerges as a symbolic landmark of the people. Blythe Ferry is now being developed as a central point to learn about and experience the Cherokee removal. However, time is required to see whether it emerges as a focal point of the collective memory of the people. The recent commemoration of that event signals that the potential for reconciliation with history is only beginning. Finally, the symbolic reclamation is primarily related to the event rather than to a homeland.

In conclusion, the comparison of the nominated property with the Trail of Tears highlights that the Landscape of Grand Pré illustrates the importance of a *lieu de mémoire* as a single focal point to allow the sharing of a common heritage and the expression of a collective identity. In addition, the value of Grand Pré is well established. For almost a century, its ongoing use by the Acadian community has demonstrated its essential role as a *lieu de mémoire*. Finally, Grand Pré is a symbolic reclamation of a homeland, demonstrating the community's aspiration to connect place, history, and collective identity. As such, it is more than a memorialization of an event; it is a symbolic appropriation that defines the value of its landscape for present and future generations.

#### Dorsetshire Hill and Baliceaux (St. Vincent and the Grenadines)

Dorsetshire Hill is a mountain and Baliceaux is an island in the islands of St. Vincent and the Grenadines, in the Caribbean. These sites relate to the deportation of the Garinagu in 1796 from their homeland to the island of Roatán off the coast of Honduras.

The Garinagu are a people of mixed African, Arawak and Carib ancestry whose presence and identity were recorded as early as the 1630s by French travellers. When the British took over the island from France after the Treaty of Paris in 1763, the Garinagu and the French settlers fought the new authorities. Under the leadership of Joseph Chatoyer, the Garinagu stood successfully against the British, eventually forcing them to sign a peace treaty in 1772. By 1795, Britain had demonstrated it had no intention of holding to the terms of the treaty, which led to a second insurrection, again led by Chatoyer. That conflict ended with Chatoyer's death at Dorsetshire Hill and the internment of the Garinagu on the island of Baliceaux. Some 5000 people remained on the rocky outcrop for months. Half of the prisoners died, and the remainder were deported to the island of Roatán. The story of Chatoyer's fight and death was recounted in 1823 in the play *The Drama of King Shotaway*, the first known play written by an African American. Today, the diaspora is located mainly in Honduras (Roatán and mainland), Belize, and the United States. Since at least the early 1990s, both Dorsetshire Hill and Baliceaux have served as places of pilgrimage and commemoration of the events of 1796.

Dorsetshire Hill consists of a forested and residential promontory overlooking the capital, Kingstown. A monument commemorating Joseph Chatoyer has been erected in the past decade and is now the subject of an annual wreath-laying ceremony. The monument is in good condition. Baliceaux is a rocky outcrop southeast of the island of St. Vincent. The setting and location are in good condition.

Dorsetshire Hill and Baliceaux are similar to the Landscape of Grand Pré in that they are associated with a diaspora, they have authenticity of location, they have similar elements of the memorial experience, and they are a site of collective memory. The similarities in the history of each diaspora form an interesting parallel: both were forcibly removed because of real or perceived lack of loyalty to the authorities, both were people born from the meeting of two

worlds and who considered America their homeland, and both were uprooted and sent far away from their ancestral lands. The memorialization of the events on the site where they occurred reinforces the connection between today's communities and their ancestors. These places have acquired spiritual significance, justifying a pilgrimage, rituals, and expressions of collective identity. The *lieux de mémoire* of Dorsetshire Hill and Baliceaux were maintained in songs, literature, and oral tradition before tangible memorials established them as such. This is similar to the situation at Grand Pré.

The Landscape of Grand Pré contrasts with Dorsetshire Hill and Baliceaux in the elements of the memorial experience, in the memorials' role in collective memory, and in its being a shared landscape. Unlike Dorsetshire Hill, which commemorates the death of Joseph Chatoyer as much as it does the end of the Garinagu's fight against the British, the Landscape of Grand Pré focuses on the collective experience of the deportation, its impact, and the renaissance of the people without lionizing individuals. The Acadian people as a whole are admired for their perseverance and resilience in the face of adversity, and those qualities become character-defining values that are shared and reaffirmed at Grand Pré.

Also, the collective experience at Baliceaux has not brought about a physical transformation of the space to reclaim a homeland. Both Baliceaux and Dorsetshire Hill are symbols of pride and collective identity for the Garinagu, who recently have begun carrying out annual rituals and pilgrimages. Those are different from the experience at the Landscape of Grand Pré, where rituals and pilgrimages have been inextricably tied to the development of the Acadians' collective identity for the past century. It is not merely a question of carrying out those rituals. At Grand Pré, pilgrimages are part of the sharing of common heritage, reaffirmation of identity, and an ongoing development of collective identity.

The comparison of the nominated property with Dorsetshire Hill and Baliceaux highlights that the Landscape of Grand Pré illustrates a community's experience of a *lieu de mémoire* about that same community. The Acadian deportation and later renaissance are communal events that were interpreted to reflect community values of perseverance and resilience. In Grand Pré, the community's ongoing

use of the *lieu de mémoire* allows the sharing of those values and the reaffirming of a collective identity based on them.

#### Memorials of the Scottish Highland Clearances in Helmsdale, Achinloch, and Badbea (United Kingdom)

The memorials at Helmsdale, Achinloch, and Badbea are three significant *lieux de mémoire* associated with the Highland Clearances, an event of forcible removal that took place in the 18th and 19th centuries in the Highlands of Scotland, in the United Kingdom. They are in the County of Sutherland in northeastern Scotland, the location of the most brutal phase of eviction.

After the battle of Culloden in 1746, where the Scottish Highland supporters of Charles Stuart were defeated, the British government enforced a series of acts that effectively put an end to the traditional clan system, the authority of the clan chief, and the social system of the small agricultural villages. One effect was to transform the role of clan chief into landlord and to alter the sources of revenue for the Scottish aristocracy. Coupled with an increasing demand for cattle and wool as a result of the industrial revolution underway in England, some Scottish lords saw an opportunity to "improve" their lands and the revenues they generated. They decided to replace their tenants with sheep. The Clearances saw the forced removal of hundreds of thousands of people from the Highlands to areas along the coast between the late 18th century and the middle of the 19th century. Some were forced to build their own homes and become fishermen. Others were boarded onto ships for North America, where they were promised a better life. Finally, many decided to emigrate on their own towards the British colonies in North America and Australasia. This forced removal altered Scottish identity and has had a permanent impact on the landscape of the Highlands and on Scottish Highland culture to this day. The Highland Clearances are remembered in Scotland, Canada, and Australia, where most of the descendants continue to perpetuate the stories of those events through oral tradition and memorialization.

Because the memorials are located in the homeland of the Scottish diaspora, and because they are a place of pilgrimage by mem-

bers of that community, the memorials to the Highland Clearances are comparable to the Landscape of Grand Pré.

Numerous places commemorate the Highland Clearances. Virtually any remains of a house or village are considered a memorial place for the respective descendants of each clan, and many people make a pilgrimage to their ancestral clan home. Two villages in the far north of Scotland, Achinloch and Badbea, have served as longstanding memorials to those who were removed. Achinloch is an abandoned settlement in the County of Sutherland, one of the main areas of aggressive expulsion by the landowners. The remains of 11 houses stand as witnesses to the impact of the Clearances.

Badbea is a coastal township built in the 18th and 19th centuries by families who had been evicted. It was abandoned in 1911. That same year, the son of a villager who had emigrated to New Zealand many years earlier returned and built a monument to the people of Badbea from the stones of his ancestors' house. The monument is a simple cairn that stands in the middle of the village, an eloquent statement to the sense of loss and pride felt by the villagers. Badbea continues to attract visitors who wish to understand the impact of the Clearances.

In 2007, the Scottish government unveiled a monument depicting a family about to board a ship during the Highland Clearances in Helmsdale, the heart of the most tragic events surrounding the Clearances. The plaque reads:

“The Emigrants” commemorates the people of the Highlands and Islands of Scotland who, in the face of great adversity, sought freedom, hope and justice beyond these shores. They and their descendants went forth and explored continents, built great countries and cities and gave their enterprise and culture to the world. This is their legacy. Their voices will echo forever through the empty straths and glens of their homeland.

This new monument is intended to serve as a central point of commemoration of the Highland Clearances.

The memorials to the Highland Clearances are located in the homeland and are associated with a diaspora that was unable to

return to that homeland. Through various commemorative actions in the many abandoned settlements of Scotland, the descendants have maintained the memory of the Clearances.

The memorials to the Highland Clearances are similar to those of Grand Pré in their association with a diaspora, their authenticity in location, some elements of the memorial experience, their role in collective memory, and some aspects of shared landscape. Like the Landscape of Grand Pré, the memorials to the Highland Clearances highlight the experience of forcible relocation and the subsequent diaspora. They are evocative testimonials of the community's attachment to its homeland, an attachment that transcends time and space. Both the events and the places are recounted in songs, literature, and other artistic expressions, thus maintaining a collective memory about them. For some, a return to the place of their ancestors in the Highlands is a spiritual journey back to their roots. The authenticity of the location and of its inhospitable setting is essential to nurturing the connection with their forebears, their suffering, and their survival. Similarly, for Acadians, the authenticity of the location of the memorials on the site of the ancient Acadian settlement, within an agricultural landscape dominated by the dykelands, is vital. It reinforces the experience of sharing a common past and connecting with the challenges and successes of their ancestors.

The Landscape of Grand Pré contrasts with the memorials to the Highland Clearances in some elements of the memorial experience, the memorials' role in collective memory, and some aspects of shared landscape. Sites such as Badbea and Achinloch, which exhibit the deliberate abandonment of ruins, deliver a powerful reminder of the harshness of the Highlanders' living conditions, the impact of a forced removal on a people and their sense of loss, and the destruction of a way of life. The Landscape of Grand Pré, however, reinforces the successful renaissance of a people by displaying memorials exhibiting the symbolic reclamation of a lost landscape. The physical transformation of Grand Pré evocatively illustrates the resilience of the people as much as it shows the impact of their forced removal. Helmsdale, Achinloch, and Badbea are three important *lieux de mémoire*. Yet, although the Helmsdale memorial is intended to become the focal point of the commemoration, none of these three

places has yet become that focal point in the same way that Grand Pré is for the Acadians, as a place of gathering and celebration of identity. For Scots of the diaspora, the pilgrimage to the place of their ancestors is as important, if not more, as going to one of the collective *lieux de mémoire*.

The comparison of the nominated property with the memorials to the Highland Clearances highlights that the Landscape of Grand Pré represents an important aspect of *lieux de mémoire*: the importance of the authenticity of location and setting in enabling the connection between the diaspora and the experience of its ancestors. In addition, the Landscape of Grand Pré exhibits the extraordinary capacity of communities that have lost the tangible evidence of their existence in the past to affirm their existence in the present through memorials and the ongoing use of those memorials for collective identity. Table 3-5, on the next page, outlines the comparison of the Landscape of Grand Pré with all the foregoing sites that are also *lieux de mémoire* associated with diasporas.

Property	Landscape of Grand Pré	James Island and Related Sites World Heritage Site (Gambia)	Island of Gorée WHS (Senegal)	Le Morne Cultural Landscape WHS (Mauritius)	Aapravasi Ghat WHS (Mauritius)	Royal Hill of Ambohimanga WHS (Madagascar)	Masada WHS (Israel)	Birchtown (Canada)	Trail of Tears National Historic Trail (United States)	Dorsetshire Hill and Baliceaux (St. Vincent and the Grenadines)	Memorials of the Scottish Highland Clearances in Helmsdale, Achinloch, and Badbea (United Kingdom)
Comparative criterion											
Association with a diaspora	Yes	Yes	Yes	Yes	Yes	Yes, to some extent	Yes	Yes, to some extent	Yes	Yes	Yes
Authenticity of location and setting in relation to the homeland	Yes	Yes	Somewhat	Yes	Somewhat	Yes	Yes	Somewhat	Yes	Yes	Yes
Elements of the memorial experience	Memorial structures and buildings Archaeological and historical evidence Continuing use	Buildings Above-ground archaeological evidence Historical evidence	Buildings Historical evidence	Archaeological and historical evidence Continuing use	Buildings Archaeological and historical evidence Memorials (recent) Use (recent)	Structures Archaeological and historical evidence Continuing use	Archaeological and historical evidence Continuing use	Archaeological and historical evidence Memorials (recent) Continuing use	Archaeological and historical evidence Memorials Continuing use	Memorials (recent) Use (recent)	Archaeological and historical evidence Memorials (some recent) Continuing use
Role of the site in collective memory	Character defining	Significant	Character defining	Character defining	Significant	Character defining	Significant/ character defining	Significant	Character defining	Character defining	Significant
Sharing of the landscape	Yes	No	No	No	No	No	No	No	Yes, to some extent	No	Yes, to some extent
Condition of the site	Excellent commemorative landscape Excellent connection with the dykelands Excellent condition of memorials Good condition of archaeological heritage Ongoing use Regular and ongoing pilgrimage	Good condition of buildings Good condition of archaeological evidence Under threat from coastal erosion	Condition of buildings ranging from poor to good	Excellent condition of the mountain Good condition of archaeological heritage Ongoing use	Good condition Excellent condition of memorials Regular use	Good condition of structures Good condition of archaeological heritage Ongoing use	Excellent site condition Good condition of archaeological heritage Ongoing use	Good condition of archaeological heritage Average condition of structure Excellent condition of memorial plaque	Unknown condition of archaeological heritage Good condition of trail Good condition of memorials Ongoing use	Good condition of Dorsetshire Hill memorial (built early 2000) Annual wreath laying/pilgrimage at Dorsetshire Hill Pilgrimage when possible at Baliceaux	Unknown condition of archaeological heritage Good (Badbea) to excellent (Helmsdale) condition of memorials Moderate use for cultural connection (Badbea and Auchinloch individual pilgrimage, Helmsdale recent memorial)

Table 3–5 Comparison of the Landscape of Grand Pré with other *lieux de mémoire* associated with diasporas



### Conclusion – The Landscape of Grand Pré: an evocative *lieu de mémoire* illustrating universal human aspirations

This comparative analysis has explored the complex phenomenon of *lieux de mémoire*. While the “label” is modern, it establishes a definition for a human behaviour of identifying those places, uses, and objects that are significant to collective identity and are rooted in history. The comparison of the nominated property with other sites that possess similar characteristics, emphasizing place and the use of place, has helped in the dissection of the notion of *lieux de mémoire*. The comparisons clearly show that the experience of *lieux de mémoire* is shared among many people and is expressed in many forms. They also highlight the particular experience of diasporas and their ability to define a heritage that maintains a sense of collective identity and of group consciousness.

By comparing and contrasting the Landscape of Grand Pré with other similar sites, this analysis has highlighted the value of Grand Pré in embodying the concept of *lieux de mémoire*. As is the case at all the comparable sites, the Landscape of Grand Pré illustrates the strong and enduring connection between people and place and its effect on collective identity: the African diaspora at James Island and Related Sites and the Island of Gorée, the descendants of indentured labourers from southeast Asia at Aapravasi Ghat, the Maroons at Le Morne Cultural Landscape, the Malagasy at the Royal Hill of Ambohimanga, the Jewish diaspora at Masada, the Black Loyalists at Birchtown, the Cherokee at the Trail of Tears, the Garinagu at Dorsetshire Hill and Baliceaux, and the Scots and the memorials to the Highland Clearances. The outstanding value of these *lieux de mémoire* is understood through their association to a community and through the tangible manifestation of the connection that binds place and people together. That value is the spirit that emanates from those places.

This analysis has also highlighted the value of Grand Pré in illustrating the experience of diasporas symbolically reclaiming their homeland. The connection between place and people and the maintenance of a sense of community are fundamental elements of a diaspora’s collective identity. The sense of loss experienced by diasporas and their hope to reconnect with their homeland are important drivers of their efforts to build a future for their community. The political, social, and cultural expression of those efforts through symbolic

reclamation is one that supports the aspiration of peaceful reconciliation with history and strives for a return to a homeland in a spirit of respect with those other communities that have also come to build their own connections with the place.

The Landscape of Grand Pré is an exceptional example of both a *lieu de mémoire* and a symbolically reclaimed landscape. Associated with the Acadian diaspora, it was symbolically reclaimed over a century of erecting memorials and using it for cultural, social, and political events. The *lieu de mémoire* bears the qualities of the homeland the Acadians left behind when they were deported: dykelands, dispersed settlements, and agricultural activity. The symbolic reclamation occurred through the expression of their collective identity, such as the erection of a Memorial Church, and through the landscape’s ongoing use where music, literature, and other artistic expressions are on display. Finally, one extraordinary element of the Landscape of Grand Pré is its layering of meaning for different communities, illustrating a peaceful reclamation and ongoing efforts of reconciliation with history. The Acadians are an absent community among the inhabitants of Grand Pré, yet they were able to return and resurrect their former existence in the landscape and establish their present and future existence there. This was done progressively and peacefully, without resorting to conflict or disrupting the local community. In return, the local community has assisted, contributed and participated in this symbolic reclamation through tangible actions of sharing.

Throughout this comparative analysis, the Landscape of Grand Pré has been shown to be an exceptional *lieu de mémoire*. The authenticity of location and setting are intrinsic components of a *lieu de mémoire*. The location of the memorials on the remains of the ancient Acadian settlement next to the dykelands is the most evocative and complete illustration of a *lieu de mémoire* that brings together a diaspora as they return to their homeland. It enables modern Acadians to make a direct and tangible connection with their ancestors and their legacy. This connection allows the Acadians to gather together and fulfill the universal aspirations of sharing their common heritage, reaffirming their identity, and continuing to build their sense of community.

The Landscape of Grand Pré exhibits the key attributes of a *lieu de mémoire*, including memorial structures and its ongoing use through pilgrimage, events, and other forms of ritual. This physical transformation of the landscape is apparent. It reflects the cultural values and creates a focal point for those values. These attributes are tangible evidence of the Acadians sharing their heritage and expressing their collective identity.

The Landscape of Grand Pré plays an essential role in a people's collective memory, confirming its place as a character-defining *lieu de mémoire*. It illustrates the main stages through which the present-day Acadians have formed their identity as a people. It has retained a deep meaning for a dispersed diaspora through over a century of their ongoing use of the reclaimed landscape. Grand Pré is their focal point, the most significant place of their collective identity, inextricably tied to their community's heritage and aspirations. By symbolically reclaiming that landscape, the Acadians have symbolically appropriated it and defined its value for present and future generations. This landscape celebrates a community through communal experience around heritage and collective identity. It stresses the values of perseverance and resilience, inspired by the legacy of the community's ancestors. Because of this role, the Landscape of Grand Pré has maintained a contemporary relevance for the community. It is a place of ongoing and evolving meaning which is evidence of its importance to the community.

As a shared landscape, the Landscape of Grand Pré is a successful reclamation and return by a diaspora. The *lieu de mémoire* serves as a catalyst and symbolizes an ongoing effort of reconciliation between members of the diaspora, history, and the local community. As individual Acadians discover their collective identity, they reflect on their history and its legacy; and as Acadians and the local inhabitants of Grand Pré use the place for cultural, social, and political purposes, they share their values and an open dialogue. It is a *lieu de mémoire* that reflects humanity's aspirations for peaceful reconciliation with its past.

By comparing and contrasting the Landscape of Grand Pré with other similar sites, this analysis has clearly demonstrated the value of Grand Pré in illustrating the universal human aspirations to belong to a community, to connect with one's homeland, and to seek reconciliation. Places as *lieux de mémoire* are tangible expressions of those aspirations. They emphasize the mnemonic role of landscape features, archaeological vestiges, and other tangible evidence in nurturing a contact with the past for a community and their importance in collective identity. In an ever-changing world, these *lieux de mémoire* anchor individuals and communities in history and in place. They serve as points of reference for values, identity, and aspirations.

Finally, the comparison has highlighted the value of the Landscape of Grand Pré in exemplifying communities' aspirations to exist in history and to strive for reconciliation with the past. The loss of land, the fragmentation of a community, and the forced separation of a community from its ancestral land are traumatic individual and collective events that threaten the future of the affected community. A community's will to reclaim its homeland is an expression of its will to remain part of human history and to contribute to it. A community's will to reclaim that homeland through peaceful and symbolic means is an expression of its will to reconcile with history and to set a course for its future that stresses the value of sharing over conflict. These aspirations are expressed in the first paragraph of the preamble to the United Nations Declaration of Human Rights, in that the "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world." In that, the Landscape of Grand Pré, the Acadian experience, and the stewardship of the local landowners, provide a poignant and powerful living example of the universal human aspirations to belong to a community, to connect with one's homeland, and to seek reconciliation.

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### 3.d. Authenticity and Integrity

#### 3.d.i. Authenticity

The nominated property fulfills the conditions of authenticity set out in Section II E of the *Operational Guidelines*. The authenticity of the nominated property is found in its agricultural system through the dykes, *aboiteaux*, land use and patterns, and community-based management. The authenticity of the Landscape of Grand Pré is also expressed through, and associated with, the memorials to the Deportation of the Acadians.

The stewardship of the Grand Pré Marsh Body has contributed greatly to maintaining the authenticity of the agricultural aspect of the Landscape of Grand Pré. Another important factor in maintaining the site's relevance and authenticity is the Government of Canada's ownership of the part of the site that contains the memorials related to the Deportation, and the collaboration with the Acadian community to manage it. The agricultural and memorial dimensions are equally dominant in characterizing the spirit of Grand Pré.

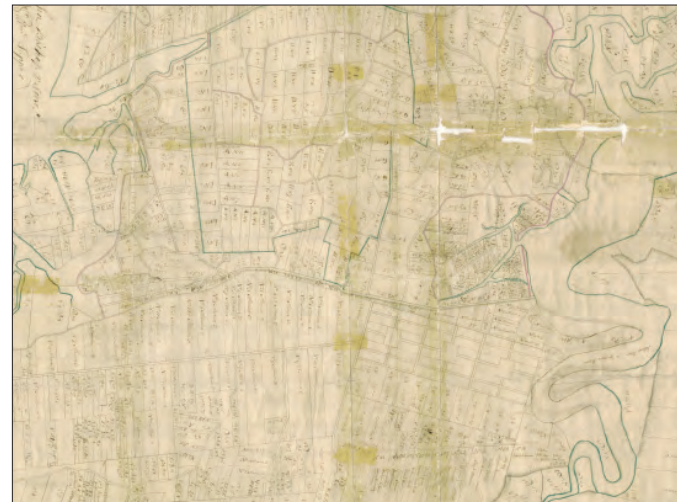
#### Authenticity in form and design

##### *The dykelands*

The dykelands are characterized by an organic field pattern based on fields of irregular sizes and shapes (see Figure 3-12). The field pattern appears in John Bishop's map (1770), the earliest detailed map of Grand Pré, and is consistent with the pattern of other Acadian dykelands of the time (see Figure 3-13). This pattern reflects the phases in which the dykelands were created, as well as how they were adapted to the geophysical features of the landscape.



3-12 In this aerial view of the dykelands, the organic shapes of the fields are visible.



3-13 The irregular field shapes of the dykelands are visible in this 1770 map.

Historical maps from the 18th, 19th and early 20th centuries, as well as aerial photography from the 1920s onwards, confirm the organic nature of the field patterns on the dykelands. Some 30 per cent of current fields have retained the same pattern as observed on maps from the 1760s. The most recent marsh reclamation occurred on the west side of Grand Pré Marsh in the mid 1950s and resulted in the same organically formed field pattern as those in the 1680s. New fields are indistinguishable from older fields.

The design of the drainage system of the dykelands has maintained its authenticity. The creeks still serve as the main drainage outlet, and the *aboiteau* is still the technology used to evacuate water into the Minas Basin. The creeks have followed the same footprint since the 1680s. The authenticity of the design is first recounted in 1699, in the *relations de voyage in Acadie* of a French traveller, the Sieur Dièreville. In the 18th and 19th centuries, numerous French, British, and American travellers describe the Grand Pré dykeland.

#### *The aboiteaux and dykes*

The *aboiteaux* are built with a simple and effective design that has been used for centuries. It consists of a hollowed tubular form (sluice) with a gate (flap) that opens and closes mechanically with the tides. Evidence of that simple design relies on archaeological discoveries of 17th, 18th and 19th century *aboiteaux* as well as design templates located in institutional, municipal, and provincial archives (see Figure 3-14).



3-14 This *aboiteau*, discovered in 2006, follows the same design as modern *aboiteaux*.



3-15 Modern *aboiteaux* use the same design and updated materials as those first constructed in Grand Pré by the Acadians.

The current *aboiteaux* use the same mechanism – a sluice with a flap – and the same approach to building and maintenance using simple and readily available materials (see Figure 3–15). Today, five *aboiteaux* drain the dykelands in the nominated property (see Figure 3–16). They were installed between 1982 and 1997 as part of regular maintenance because the previous sluices had filled with silt deposits. New *aboiteaux* are made from a combination of wood, PVC, metal, and concrete to enhance their durability and effectiveness.



3–16 Five *aboiteaux* drain the dykelands on the nominated property.

The dykes are also built according to a simple and effective design. Based on current technology, and adapting to the natural conditions of Grand Pré, the dykes follow the ideal design to protect the largest amount of intertidal land transformed into farmland. The most recent dykes were built in the 1950s and have applied a simple design that has been used for centuries (see Figure 3–17). The design consists of a pyramid-shaped accumulation of soil whose structural stability over time has been strengthened by facings of grass, wood planks held with metal rods (a “deadman”), and rocks. The dykes’ base extends as far as required to ensure the proper height and protect the farmland from the tides.



3–17 Dykes and *aboiteaux* have always followed the same simple design at Grand Pré.

#### *The memorials*

The Memorial Church, the Herbin Cross, the Statue of Evangeline, the Deportation Cross, and the memorial garden have all maintained their authenticity in form and design. The original blueprints for the memorial garden and the technical drawings for the Memorial Church attest to the authenticity of the design as conceived by the architects. The memorial garden was conceived along the lines of a Victorian garden with carefully arranged flower beds and trees and clearly delineated paths that lead the visitor from one memorial to another. These paths meet at the Memorial Church, reinforcing the importance of that structure for the Acadians.

Based on photographic evidence and records of preservation actions undertaken, the design of the memorials is authentic (see Figures 3–18 and 3–19). The protection and maintenance programs of the Parks Canada Agency ensure that any interventions will maintain their authenticity.



3-18 Aerial view of the land that would become Grand-Pré National Historic Site of Canada (1945).



3-19 Recent aerial view of Grand-Pré National Historic Site of Canada (2009).

### The settlement pattern

Historical accounts, maps, and archaeological research confirm that the agricultural landscape of Grand Pré has maintained the same form of settlement pattern since its beginning. No known detailed early maps of the Grand Pré settlement exist prior to the John Bishop (1770) map. Earlier cartographic depictions are illustrative and provide cursory information, as evidenced by a map from 1739 (see Figure 3-20).



3-20 Grand Pré is indicated in this map from 1739; however, it provides little concrete information, except that it seemed to be an important settlement.

A 1748 description of Grand Pré by Charles Morris, a British official and the future surveyor-general of Nova Scotia, describes Grand Pré as follows:

... the Village Consists of about 150 Houses scatter'd on several small Hills, about two Miles and a Half in Length, extending by the side of the marsh Called Grand Pré which name is Commonly used for the Settlement... to the District of Minas is to be added the small settlements on the Gaspero and on the Habitant ye whole are Numberd at two Hundred Familys. This Village is made more remarkable to the English from their Misfortune there. Their Church is seated about the midst of the Town....

This description is consistent with the way the settlers would have initially developed their community: along the dykeland to be close to their work space.

Throughout the 18th and 19th centuries, maps, including those by the surveyor-general of Nova Scotia, and written descriptions of the area confirm a settlement pattern that consisted of a large work space – the dykelands – surrounded by the agricultural community. The earliest evidence from maps points to the community being concentrated on the uplands to the south of the dykelands (see Figure 3–21).



3–21 This copy of a 1748 map of early settlements near Grand Pré shows the concentration of homes on the uplands.

As the settlement’s population grew, and land was reclaimed to connect the mainland with Long Island, farms were built on Long Island, Boot Island, and farther uphill. Even so, throughout Grand Pré’s evolution since the 1680s, the pattern of a dispersed linear community next to the large open space of the dykelands has been maintained. This is despite the real attempts by the French and British authorities to organize the community along traditional 17th and 18th century seigneurial and town-plot settlement patterns respectively.

The earliest illustration that suggests the presence of a French seigneurial land pattern is the John Bishop (1770) map of Grand Pré (see Figure 3–22).



3–22 The John Bishop (1770) map of Grand Pré shows elongated properties, suggesting a seigneurial system.

Historians have interpreted that pattern as evidence of the French seigneurial system because of its distinctive elongated fields running perpendicular to the closest body of water. This was also the land pattern that early Acadian settlers applied, and it is different from later land patterns. British military surveyors seem overall to have respected those divisions before distributing the empty Acadian land to the New England Planters.

The evidence of an Acadian settlement pattern is seen in both the historical and the archaeological records. Both suggest the presence of a typical Acadian settlement, which is linear and dispersed along the uplands close to the dykelands. This is comparable to other well-known Acadian sites from that period in the easternmost provinces of Canada.

The evidence of the British town plot in Hortonville is confirmed by historical accounts of the location of the settlement and through foot, aerial, and remote-sensing surveys. The roads that form the town plot of Hortonville follow what was shown on 18th century maps of the Horton town by Charles Morris (see Figure 3-23) and John Bishop, and 19th century maps by Harris and Church.



3-23 Section of the 1760 Charles Morris map showing the Horton town grid.

These maps also demonstrate the changes in field sizes and in building density in the town plot, confirming the British authorities' failed attempt to concentrate the New England Planters in Hortonville.

### Authenticity in materials and substance

#### The dykes

One feature that speaks to the ingenuity of the dyking system is the use of sod from the marsh to build the dykes that transform that same marsh into farmland. From Acadian times until the 1950s, dykes were built by manually extracting bricks of sod composed of marshland grass – such as *Juncus gerardii* – to form the core and the facing of the dykes. This was ingenious for its use of locally available materials, especially a material that was naturally resistant to the forces of the tides. Today, dykes are still built from soil and sod. They continue to be topped up with soil and vegetation extracted directly from the salt marsh next to the dykes, just as they were in Acadian times (see Figures 3-24 and 3-25).



3-24 & 3-25 Dykes in Grand Pré are still topped with vegetation from the salt marshes. Rock facing is currently used to help withstand the force of the tides, rather than the wooden plank facing that was common in the 19th century.



Over time, different construction methods have been used to reinforce the dyke structure, taking advantage of improved technology and better understanding of the force of the tides. The dykes in the 19th century were once faced with wooden planks, but rocks are now used instead. Today, in areas that are more sensitive to coastal erosion, dykes are regularly faced with large stones (see Figure 3–25).

#### *The memorials*

The Memorial Church has retained its original materials from the time the Acadian community built it in the 1920s and according to the architect’s specifications. The Herbin Cross (see Figure 3–26), the well of Evangeline, the Statue of Evangeline, and the Deportation Cross have also all retained their original materials. They are managed according to Parks Canada’s cultural resource management policy and the *Standards and Guidelines for the Conservation of Historic Places in Canada* (Appendix 4G), which stresses the importance of retaining the original material in the ongoing maintenance.



3–26 The Herbin Cross has been maintained according to the original materials used in construction (shown here in 1916).

#### **Authenticity in use and function**

##### *The aboiteaux and dykes*

The *aboiteau* is a core technology of the system that defines the agricultural landscape of Grand Pré. Since the dykelands were first created, *aboiteaux* have evacuated water and drained it via the creeks towards the Minas Basin. Historical accounts and archaeological investigations confirm that no other technology has ever been used to drain the dykelands. The dykes continue to serve as a barrier against the formidable tides of the Minas Basin.

##### *The dykelands*

The dykelands were created in the 17th century exclusively for agricultural use. They have seen different types of agricultural uses over the years including haying, vegetable and crop growing, pasturing, and sod extraction. At different periods, the dykelands were enclosed seasonally for common pasturing and then used to grow crops in the spring and summer. Sod extraction ceased in the 1980s and has not affected the authenticity of the area.

These activities and crops have been recorded extensively in Marsh Body meeting minutes, historical records, and oral tradition. There are many accounts from travellers and agricultural experts describing the agricultural use and the productivity of the farmland. The dykelands in the nominated area have been used exclusively for agricultural purposes since Acadian times.

##### *The memorials*

The Landscape of Grand Pré has inspired numerous references to its memorial importance for the Acadians over the past century.

Public calls for the Acadians to reclaim the land are particularly significant in demonstrating the authenticity of the function of this *lieu de mémoire*. French-language newspapers published articles such as Henri L. D’Entremont’s call, in the newspaper *L’Évangéline* in 1895, for Acadians to honour their ancestors. English newspapers also

carried statements by Acadians and non-Acadians alike, such as John Frederic Herbin's observation in the early 20th century before the development of the park that

...The Grand Pré memorial field is the outstanding historical landmark most closely associated with the occupation of the Acadians of this country for seventy years. The Grand Pré burying ground with the church land, have reverted to the descendants of the exiled people. Here a simple cross marks the cemetery.

Later on, in 1917, the Acadians were taking steps to acquire the land at Grand Pré that was said to contain the vestiges of the church of Saint-Charles-des-Mines. Pascal Poirier, one of the Acadian community's most influential politicians at the time, wrote in Acadian newspapers such as *Moniteur acadien* that to contribute to the fundraising campaign was a worthy effort since their return to Grand Pré was a symbolic resurrection of *Acadie* and an act to remember the painful events of the past. In reporting on the decisions of the committee responsible for acquiring the land, Poirier confirmed that the objective was to build a memorial church, a place where Acadians would remember their ancestors and be inspired by their accomplishments. Both Herbin, the creator of the memorial park, and Poirier, a leader in the fundraising campaign to build the Memorial Church, clearly had in mind that Grand Pré and its memorials were for the Acadians to use for their commemoration events and as a symbol of their identity.

The Deportation Cross, another important memorial, was erected in 1924 as a reminder and place of pilgrimage for Acadians. The plaque on the cross confirms the function of the memorial. It reads,

The dry bed of the creek which is in sight, a few paces in the marsh is the spot where the VICTIMS OF THE EXPULSION OF THE ACADIANS OF 1755 were embarked on the small boats to be rowed over to the transports lying at anchor in Minas Basin.

The year it was erected, Henri Bourassa – a prominent journalist and politician from Québec who had Acadian ancestry – organized a trip for the readers of the newspaper *Le Devoir*. He characterized the trip as an opportunity to undertake a “pilgrimage” to a “sacred land” and a “place of memory,” which confirms the function of this memorial as contributing to the symbolic landscape (see Figure 3–27).



3–27 The erection of the Deportation Cross was an important event for the Acadian diaspora.

Today, all these memorials retain the highest degree of authenticity as they continue to serve their original function as places of commemoration and celebration. They continue to be places for the community to gather for its cultural, social, and political events, as well as symbols that evoke the Deportation and the Acadians themselves. This is particularly evident for the Memorial Church, which is a character-defining element of the symbolic landscape and appears on most modern representations of Grand Pré; for the Deportation Cross, which serves as a symbol of the event itself and has been reproduced on monuments in Europe and the United States (see Figure 3–28); and for the Statue of Evangeline, who remains a symbol of the Acadians in music, literature, and art.



3-28 The Deportation Cross, here erected on a modern memorial in St. Pierre et Miquelon (France), has become a symbol of the Acadians worldwide.

### Authenticity in location and setting

#### *The settlements*

The dykelands and settlements from different periods and groups are all in their original locations, as confirmed by historical and archaeological records.

Archival evidence shows that the dykelands have grown and shrunk over time, with periods of successful expansion and others of retreat due to tidal pressures on the dykes. Maps and historical records from the 19th and early 20th centuries show the challenges of building new dykes. This is particularly true for the western side, where the Wickwire Dyke was first built in the early 19th century, then was abandoned and rebuilt numerous times until its current form. The eastern side of the dykelands has also seen some adaptation, but not as pronounced as with the Wickwire Dyke. Consequently, the *aboiteaux* have been moved as needed. They have, however, always been located at the end of one of the creeks that serve as major drainage outlets. Similarly, historical maps, geological soil testing surveys, and archaeological investigations confirm that the locations and paths of the main drainage outlets are identical to the ones created in the 17th century.

Historical and archaeological records also provide evidence that the upland area of the nominated property was the heart of the community. These records detail the first settlement and identify the features central to the community, including cemeteries, roads, churches, mills, and other significant structures.

Historical accounts by travellers, such as the 1748 description by Charles Morris, confirm that the community was located next to the reclaimed farmland. Later maps from the late 18th century locate the settlement on the uplands south of the dykelands. Archaeological evidence confirms that the church, roads, cemeteries and other important structures of the Acadian settlement were all concentrated in that location. The location of the Horton town plot is confirmed by earlier maps prepared by Morris and Bishop. These maps show that the town plot was established on top of a hill next to the Gaspereau River near Horton Landing. The town plot is evident on later maps of the

19th and early 20th centuries. LiDAR (Light Detection and Ranging) mapping and aerial photography have confirmed the authenticity of the location of the town plot and the 18th century field pattern (see Figure 3-29). They have also identified the location of potential vestiges of houses.



3-29 A LiDAR view of the nominated property has allowed professionals to authenticate the location of the town plot and field patterns.

### *The memorials*

All the memorials except the Deportation Cross are located in their original settings. The Memorial Church stands on the land that was acquired by the Acadian community and was thought to contain the vestiges of the church of Saint-Charles-des-Mines. The Statue of Evangeline stands at the entrance of the commemorative gardens where visitors would have arrived from the train station. The Herbin Cross continues to mark the location of the Acadian cemetery. When the Deportation Cross was erected in 1924, it was placed where people then believed the Acadians had boarded the ships in 1755. The Acadian community moved it to its current spot at Horton Landing in 2005 to mark the 250th anniversary of the Deportation. By then, research had confirmed that Horton Landing was the actual site of the departure. Since the Deportation Cross's location in the 1920s was intended to be where the Acadians had been boarded onto the ships, moving it has strengthened the authenticity of its location and setting. All the memorials are located next to the dykelands.

The words of John Frederic Herbin summarize the original idea of where to place the different memorials. With the exception of the Statue of Evangeline, all the memorials are located where he envisioned them:

The proposed restoration of the Memorial Park will consist of buildings to be erected by the Acadians upon the site of the St. Charles' Church. A statue of Evangeline on a stone base with bronze tablets will be erected on the space between the stone cross and the old well. Roads, walks, flower beds and structures to mark the various spots, will add to the attractiveness of the place.

Herbin's vision confirms the importance of the connection between the memorials, the location of the historic Grand Pré, and the dykelands as essential to maintaining the authenticity of the place for the Acadians.

### Authenticity in spirit and feeling

The spirit of the Landscape of Grand Pré is best described by its agricultural identity and its symbolic character as the spirit of *Acadie*, and a place of contemplation and identity. Both are omnipresent when one arrives at Grand Pré. The authenticity of the sense of place, including both layers of meaning, is strong and true (see Figures 3-30 and 3-31).



3-30 Acadian students, in Nova Scotia, participated in an art contest, in 2010, to express what Grand Pré meant to them.



3-31 Local students participated in an earlier 2010 art contest to express what Grand Pré meant to them.

The landscape has retained the agricultural character that the Acadians created along with the dykelands in the 17th century. Its character is the result of the landscape's ongoing use for agriculture and of the community's strong attachment to its farming tradition and land. Local people are proud of this agricultural identity, because

they continue to achieve great productivity while meeting the ongoing challenge of protecting the land from the highest tides in the world. The place's character has inspired travellers and artists for centuries, as can be seen in the many descriptions and iconographic representations of the Landscape of Grand Pré (see Figures 3-32 and 3-33).



3-32 Alex Colville's *French Cross* (1988) depicts the Deportation Cross at Grand Pré.



3-33 Elizabeth LeFort, a well known Canadian hooked-rug artist, completed a hooked rug of the Memorial Church and Statue of Evangeline in 1955. In 1968 it was presented to French President Charles De Gaulle.

Its agricultural spirit is also inseparable from the sense of place experienced by the Acadians, one that idealizes the paradise lost after the Deportation, and an important element of the symbolically reclaimed landscape. John Frederic Herbin, when he envisioned the creation of the memorial park in the early 1900s, clearly saw the connection between the memorials that would soon be erected and the agricultural setting as intrinsic to the sense of place:

[...] From there the great stretch of the Grand Pré lies as a monument of unremitting labour.

Herbin's vision was consistent with the creation of the symbolic landscape anchored in a place of history, one that would commemorate a tragedy and celebrate the return of the Acadians on the land they were forced to leave:

...The Grand Pré memorial field is the outstanding historical landmark most closely associated with the occupation of the Acadians of this country for seventy years. The Grand Pré burying ground, with the church land, have reverted to the descendants of the exiled people.

The location connects the people with their ancestors and their story. From that connection emerges the sense of sacredness that the Acadians experience in the Landscape of Grand Pré. No structures or buildings from the Acadian period remain, and their absence is a powerful reminder of the Deportation's impact on the people, reinforcing their connection to the land that was lost. The sense of place tied to the Acadian settlement and the importance of the people's collective memory are embodied in the expressions of enduring emotional, spiritual, and artistic connection with Grand Pré (see Figure 3-34). This sense of place is evident in the ongoing references to the Landscape of Grand Pré in songs, paintings, novels, plays, and other forms of cultural expression. It is alive as a symbol that is present outside the boundaries of the nominated property (see Figure 3-35).



3-34 Grand Pré has inspired artists both young and old.



3-35 The Deportation Cross, first erected in Grand Pré, has become a symbol of Acadians worldwide. Here it stands in St. Martinville, Louisiana.

The spirit of Grand Pré is alive in the Acadian community. When asked about the significance of Grand Pré, Acadians use such words as homeland, identity, hope, and pride. The following testimonial from Ronald Bourgeois, an Acadian singer-songwriter from Nova Scotia, powerfully illustrates the spirit of Grand Pré for the Acadians:

Il existe pour tous les peuples du monde, un lieu sacré, propre à chacun, dont l'existence dépasse son importance historique et s'insère dans la conscience collective. Pour le peuple acadien, Grand-Pré est un tel lieu.

Grand-Pré est beaucoup plus qu'un endroit qui raconte l'histoire de cet acte dévastateur que fût la déportation



de 1755. C'est dans ce paysage pastoral de grande beauté que vibrent les vestiges du grand rêve du peuple acadien. Ce rêve brûlant dans le cœur de chaque homme, femme, enfant, famille, le rêve de bâtir sur ces terres une vie où tout était possible.

À Grand-Pré, j'entends toujours le rire des enfants perdus dans le temps.

À Grand-Pré, je sens l'amour d'une mère pour ses enfants.

À Grand-Pré je marche dans les pas de mes ancêtres et je sais que c'est ici, sur cette terre, que je suis complet. C'est ici sur cette terre que je sens de façon viscérale qui je suis, d'où je viens et que j'appartiens à quelque chose de beaucoup plus grand. À Grand-Pré, je fais partie du cercle de la grande famille acadienne.

À Grand-Pré je suis chez moi, je ne suis plus seul.

À Grand-Pré, je suis Acadien.

**(Translation:** For all the peoples of the world, there exists a sacred place, unique to each, whose existence surpasses its historical importance and permeates the collective consciousness. For the Acadians, Grand Pré is such a place.

Grand Pré is far more than a place that recounts the story of the devastation that was the Deportation of 1755. It is here, in this pastoral landscape of great beauty, that the vestiges of the great dream resonate in the Acadian people. This dream, burning in the heart of every man, woman, child, family – the dream of building a life on the land where anything was possible.

At Grand Pré, I always hear the laughter of children lost in time.

At Grand Pré, I feel the love of a mother for her children.

At Grand Pré I walk in the footsteps of my ancestors and I know that it is here, on this ground, that I am complete. Here on this ground that I feel viscerally who I am, where I come from, and that

I belong to something much larger. At Grand Pré, I am part of the circle of the great Acadian family.

At Grand Pré I am home, I am no longer alone.

At Grand Pré, I am Acadian.)

Bourgeois speaks of a deep connection with the land, which allows him to have a sense of identity and of belonging to a community. His words express no bitterness, sorrow, or desire for revenge. Instead, they express great pride in having overcome the challenges that history threw at the Acadian people.

The words of another Acadian, a Cajun from Louisiana thousands of kilometres away from Grand Pré, echo these feelings. Singer-songwriter Zachary Richard says:

Au cœur de [l'histoire de Grand-Pré] est l'intolérance et la résistance à l'intolérance. [...] être Acadien est d'avoir le pardon dans son cœur. Grand-Pré s'aligne absolument dans cet esprit de réconciliation.

**(Translation:** At the heart of [Grand Pré's history] is intolerance and the resistance against intolerance. [...] To be Acadian is to carry forgiveness in your heart. Grand Pré is aligned absolutely with this spirit of reconciliation.)

Yet another Cajun expresses his connection to Grand Pré and to his community in terms of the values that both the place and his people's history embody. Warren Perrin, a lawyer and president of the Council for the Development of French in Louisiana, says this:

J'ai un attachement viscéral à cet endroit qui a connu le meilleur et le pire de la nature humaine et qui demeure intacte. [...] [Grand-Pré représente] l'indomptable esprit humain.

**(Translation:** I have a visceral attachment to this place which has known the best and the worst of human nature and remains intact. [...] [Grand Pré represents] the indomitable human spirit.)

The experience expressed here is survival, the desire to overcome adversity. Grand Pré symbolizes the tragic event of the Deportation as well as the renaissance of the Acadian people, commemorating the negative and celebrating the positive. Those two elements are inseparable here. Acadian songs, literature, and works of art about Grand Pré include the song *Grand Pré* by Angèle Arseneault, a singer-songwriter from Prince Edward Island, Canada, from which this excerpt is taken:

Grand Pré, je ne veux pas vous faire pleurer  
Grand Pré, mais je ne peux pas oublier  
Grand Pré, que mes ancêtres étaient Français  
Et tout ce qu'ils voulaient c'est vivre en paix  
Grand Pré, nous n'étions que quelques milliers  
Grand Pré, nous n'avons pas abandonné  
Grand Pré, aujourd'hui nous pouvons rêver  
Trois millions d'Acadiens et d'Acadiennes continuent à  
chanter  
Nous avons survécu  
Nous sommes les invaincus  
Nous nous sommes relevés  
Nous avons triomphé  
Nous connaissons la guerre  
La faim et la misère  
Mais nous n'avons ni frontière  
Ni haine, ni regard en-arrière  
Nous marchons droit devant  
Vers le soleil levant  
Fiers de notre héritage  
Parlant notre langage  
Marchant à notre pas  
Chantant Alléluia  
Enfants de l'Acadie  
Notre histoire nous a grandi  
Notre histoire n'est pas finie.

**(Translation:** Grand Pré, I do not wish to make you weep

Grand Pré, but I cannot forget  
Grand Pré, that my forbears were French  
And all they desired was to live in peace  
Grand Pré, we were but a few thousand  
Grand Pré, we have not forsaken  
Grand Pré, today we can dream  
Three million Acadians continue to sing  
We have survived  
We are unvanquished  
We have arisen once again  
We have triumphed  
We have known war  
Hunger and misery  
But we have neither borders  
Nor hate nor backward glance  
We walk straight ahead  
Toward the rising sun  
Proud of our heritage  
Speaking our language  
Walking at our own pace  
Singing Hallelujah  
Children of *Acadie*  
Our history has made us grow  
Our story has not ended.)

Grand Pré is a place of human experience. Its story begins with the forcible removal of a people, followed by survival, a yearning for returning to one's homeland, and a collective determination in the face of adversity. That human experience is present at Grand Pré and demonstrates its authenticity.

These are but a few of the many testimonials collected over the past year. Many more are provided in Appendix 10G, and on the Nomination Grand Pré website, from Acadian artists, authors (see Figure 3–36) and other members of the community.

Grand-Pré

## GRAND-PRÉ

Quand l'Acadie est rentrée d'exil, à la fin du 18<sup>e</sup> siècle, elle a mis le cap sur Grand-Pré. Mais Grand-Pré était désert, brûlé et désert, depuis le jour fatal de septembre 1755. Par superstition ou par crainte de Dieu, on n'avait pas osé s'y installer, personne. On avait laissé là, abandonné aux goélands et aux herbes sauvages, ce bourg jadis si animé et prospère de la rive française appelée Baie du Fond.

Comme un cimetière antique...

Comme un berceau à la dérive...

L'Acadie restait là, tel un sphinx de pierre devant les décombres, murmurant pour elle seule des mots qui s'inscrivaient à mesure dans le firmament. Cette Grand'Prée qui n'était point pour ses enfants ne serait point non plus pour les enfants des autres. Personne n'y ferait son nid, jamais... jamais.

Puis levant la tête et le poing au ciel, la vieille Arcadie, paradis perdu surgi de ses cendres, hucha aux générations à venir : Vous y reviendrez en pèlerinage pour y fleurir les tombes de vos aïeux. Je le dis à tous les LeBlanc, les Bourque, les Bourgeois, les Landry, les Cormier, les Giroué, les Belliveau, les Allain, les Maillet... à tous les enfants du pays qui durant dix ans ont remonté les côtes d'Amérique à pieds, en goélettes ou en charrettes à bœufs, ne touchez point à la Grand'Prée, mais gardez-en mémoire au fond des cœurs et des reins.

Et dans la poche de son devant, l'Acadie renaissante enfouit des mots, mots anciens aveindus à cru de la goule de ses pères... et qu'elle ne voulait pas laisser en hairage à des gots étrangers. Elle y enfouit des légendes et des contes merveilleux, horribles ou facétieux; elle y enfouit des croyances et coutumes enfilées à son cou tel un bijou de famille qu'elle passerait à son tour à ses descendants; elle y enfouit l'histoire de son peuple commencée deux siècles plus tôt, puis ballottée aux quatre vents, et laissée moribonde dans le ruisseau... jusqu'au jour où un jongleur la ramasserait, et la ravigoterait, et la rentrerait de force au pays... Et l'Histoire, qui avait cru déchirer la page où s'était inscrit le nom de Grand-Pré, n'y pourrait rien. La petite histoire, butée, orale et sournoise, aurait le dernier mot.

Antonine Maillet

Antonine Maillet

3-36 Antonine Maillet, renowned Acadian author and winner of the 1979 Prix Goncourt, writes in the voice of Acadie, reflecting on the Acadian experience, and the importance of Grand Pré to the Acadian community.

### Authenticity in traditions, techniques and management systems

#### *Community-based management*

The agricultural system in place in Grand Pré has been recorded since the late 18th century through the minutes of the Grand Pré Marsh Body, the oldest and most active marsh body in North America. While the reference to the organization through its elected chair, known then as the Commissioner of Sewers, has changed to refer to the entire body, its structure, roles, responsibilities, and authorities have not changed. This is evident in the minutes of the Marsh Body as well as through the enshrining of the role of the Marsh Body in legislation in Nova Scotia as early as 1760. The provincial government is now responsible for maintaining the dykes, while the landowners have the predominant role in maintaining appropriate internal drainage, roads, and the internal condition of the dykes. The collaborative approach and shared landowner responsibility in maintaining the dykelands continue a tradition that began with the Acadians. This management approach, an essential component of the maintenance of this polder and its agricultural system, has the highest level of authenticity expected.

Farming techniques have evolved over time, and farmers now apply modern technology and materials for farming and dyking. The Grand Pré Marsh Body is recognized as one of the most progressive marsh bodies in Nova Scotia and one that is most aware of the importance of applying the appropriate farming technique. An important evolution, starting in the 1970s, was to apply landforming drainage techniques. This involves shaping the surface of the land to allow better and faster drainage towards ditches that run alongside the fields and into the creeks. The introduction of modern machinery made this technique possible. Landforming has maintained the traditional field pattern and the natural drainage patterns that are distinctive features of this landscape. Using this technique is consistent with the farmers' centuries-old search for drainage improvements that do not alter the physical characteristics of the landscape, thus maintaining a high degree of authenticity.

### 3.d.ii. Integrity

Integrity is a measure of the wholeness and intactness of the cultural heritage and its attributes. The nominated property fulfills the conditions of integrity as set out in the Operational Guidelines.

It includes all elements necessary to express its outstanding universal value, is of adequate size to ensure the complete representation of the features and processes that convey the property's significance, and does not suffer from adverse effects of development or neglect or both.

*Includes all elements needed to express the outstanding universal value*

As an agricultural landscape characterized by an ingenious polder system in an exceptional coastal environment, the Landscape of Grand Pré exhibits integrity of the polder system, land tenure, land management, dykeland use, and settlement pattern.

The landscape has maintained the integrity of its polder system. The dykelands in the nominated property exhibit the characteristics of a polder system that reflects an adaptation to exceptional environmental conditions. The *aboiteau* is the only technology applied to drain water from the fields. The *aboiteaux* that were abandoned as they became inoperable have, for the most part, been left in place. New *aboiteaux* were built over the years on top of or next to abandoned ones. Occasionally, abandoned *aboiteaux* are uncovered during ditch maintenance work.

The natural creeks are the main outlets to evacuate water collected from small ditches in the fields towards the *aboiteaux*. Earthen dykes are the only form of dyke walls built in Grand Pré. The line of dykes has moved over time in response to the pressures from coastal erosion and tidal forces. The archaeological remains of the earlier dykes remain in place, mostly beyond the boundaries of the nominated property.

The land tenure and land management also display integrity. The entire dykelands included in the nominated property are under individual ownership and communal management. An organization of landowners, the Grand Pré Marsh Body, ensures the

community-based management of those lands and has authority to discuss as a group the matters of common interest such as roads, drainage, and dyke maintenance. The entire dykelands included in the nominated property are used for agricultural purposes with the exception of the single public road and the roads used by farmers to access their fields (see Figure 3-37).



3-37 Grand Pré Road is the only public road that runs through the dykelands of Grand Pré.

The polder system, the land tenure, the land management, and the land use together demonstrate the integrity of the principles that created that agricultural landscape in the 17th century and that have been maintained since then. The settlement pattern, as illustrated by field patterns and spatial organization, reflects those principles and has retained its integrity. The organically shaped field pattern on the dykelands reflects the adaptation to the natural physical environment of the salt marsh transformed into farmland. They follow the natural contours of the topography and depend on the location and flow of the creeks that drain the marsh naturally. The integrity of the relationship between the agricultural community's work space on the dykelands and living space on the uplands has been maintained. There are no dwellings on the dykelands. In addition, the nominated

property contains evidence of the presence of the French seigneurial settlement pattern, the British town plot, the Acadian settlement, and the contemporary settlement. This evidence is primarily demonstrated through field patterns, roads, and archaeological remains that are clearly visible in aerial photographs and the use of LiDAR technology. The presence of these in the Landscape of Grand Pré completes the characterization of the agricultural landscape.

As a symbolic landscape, the nominated property includes the location traditionally known as the heart of the pre-Deportation Acadian settlement of Grand Pré, all the memorials erected since the early 20th century by the Acadians, as well as the dykelands. These are all locations of importance to the Acadians. Their continued use, through events, pilgrimages, and other forms of social connection, demonstrates the integrity of the intangible connection.

#### *Adequate size to ensure complete representation*

The tangible features that convey the outstanding universal value of the Landscape of Grand Pré consist of elements of the polder system (dykes, creeks, *aboiteaux*), archaeological evidence, settlement patterns (field patterns, roads), and memorials. In addition, intangible features include the community-based management of the dykelands. These features complete the characterization of the agricultural landscape and the Acadian use of the memorials. The size of the nominated property ensures that all these tangible and intangible features are completely represented.

The vast majority of the dykeland under the authority of the Grand Pré Marsh Body is included in the nominated property. It encompasses the entire area initially dyked by the Acadians, including the potential remains of the first dykes and *aboiteaux*, and most of the area dyked since then. It clearly and convincingly exhibits the polder system, the agricultural use, and the community-based management approach.

The nominated property captures with integrity the heart of the traditional four settlement periods in Grand Pré. The entire intact area that is presumed to illustrate the French seigneurial pattern, with its distinctive elongated field pattern along the main water

course, is included. This coincides with the heart of the pre-Deporation Acadian settlement and the location of the archaeological remains of that settlement. The entire town plot of Hortonville, dating to the 1760s and later, is included. It is intact and visible on the ground and by using aerial and LiDAR technologies. Today, the modern settlement overlays these previous settlement patterns and has maintained a linear and dispersed pattern on the uplands. The nominated property includes a representative sample of the settlement that has evolved over time as a result of the work carried out on the dykelands. Portions of Grand Pré and Hortonville, the traditional communities, illustrate the connection between the dykeland as the work space and the settlement as the living space.

The historic roads forming the town plot are intact and are all included in the nominated property. They are visible either on the ground or through the use of LiDAR technology. The historic Old Post Road is included as the main road connecting the historic settlement of Grand Pré/Hortonville with the rest of Nova Scotia. It is intact in its length and footprint. Historic access and circulation roads on the marsh are included and are intact.

All the memorials are included within the nominated property.

#### *Absence of adverse effects from development and/or neglect*

The nominated property does not suffer adverse effects from either development or neglect. The dykelands included in the nominated property are protected under the *Agricultural Marshland Conservation Act* of the Province of Nova Scotia (Appendix 3F), and the municipal zoning protects the land for agricultural use. Any proposal that would change their use would require zoning changes and a request for exemption under the *Agricultural Marshland Conservation Act*. In addition, the dykelands are entirely and intensively used for agricultural purposes and are managed communally by the Grand Pré Marsh Body, which ensures that they do not suffer from neglect. Finally, the dykelands are not accessible to the public since they are for the most part private property and actively farmed. Signs and, in certain locations, barriers are used to alert the potential visitor.

The Grand Pré Marsh Body maintains the roads, creeks, and other drainage outlets. Since the dykelands are actively used for agriculture, it is imperative for the farmers to maintain those features adequately and regularly. The Nova Scotia Department of Agriculture, with the assistance of the Grand Pré Marsh Body, maintains the dykes and *aboiteaux*. They monitor those features regularly to ensure their integrity. The Grand Pré Marsh Body comprises all the landowners on the dykelands, and they meet regularly to ensure the active maintenance of the dykelands.

The settlement area located in the nominated property is managed through the zoning rules in the municipal plan, which regulates development and maintains the agricultural use of the fields.

All the memorials are located on lands administered by Parks Canada, which has the mandate and the expertise to protect them from development and physical degradation. In addition, the Acadians continue to use the memorials for their commemorative and celebratory events, which also helps to safeguard them.



# Chapter 4



*It's an area of hope for people... The Acadian people come here and remember and treasure it; it helps to build their community and gives us hope all for the future that we can be recognized, and be seen as equals and have our own individual stories.*

Peter Herbin, local resident and descendant of the founder of the memorial park, that would become the national historic site



## 4.0 State of Conservation and Factors Affecting the Property

### 4.a. Present state of conservation

Six different authorities are responsible for different elements of the nominated property. Information on the present state of conservation of the nominated property is therefore derived from these

sources and their monitoring programs. The authorities and their responsibilities are listed in Table 4-1, below.

Authority	Level of government	Jurisdiction
Parks Canada Agency	Federal	Only on Parks Canada administered land (Grand-Pré National Historic Site of Canada, Horton Landing, cairn commemorating the Attack at Grand Pré): archaeological sites, field patterns, commemorative buildings, structures, and gardens
Nova Scotia Department of Agriculture	Provincial	Dykes, <i>aboiteaux</i> , dykeland, farmland, drainage (cost-shared with the Grand Pré Marsh Body)
Nova Scotia Department of Tourism, Culture and Heritage – Heritage Division	Provincial	Archaeological sites (outside Parks Canada land)
Nova Scotia Department of Transportation and Infrastructure Renewal	Provincial	Public road network
Municipality of the County of Kings	Municipal	Farmland, settlement pattern
Grand Pré Marsh Body	Local	Roads, drainage (cost-shared with the Department of Agriculture)

Table 4-1 Grand Pré authorities and responsibilities

Professionals within each agency or department performed the condition assessments. For ease of reporting, the regulatory authorities developed a single rating scale (good–fair–poor) to assess the condition of the various attributes. Table 4–2, Rating for condition assessments, defines these terms.

Rating	Definition
Good	Near ideal condition. No risk of accelerated deterioration. Any issues can be rectified through routine maintenance.
Fair	Normal condition. Little or no risk of accelerated deterioration. Any issues can be rectified through routine maintenance.
Poor	Below normal condition. Evidence or risk of accelerated deterioration. Issues cannot be rectified through routine maintenance.

**Table 4–2** Rating for condition assessments

A multi-disciplinary team of professionals assesses the condition of cultural resources at Parks Canada within the context of a Commemorative Integrity Statement. This feeds into the State of the Site Report prepared every five years. The most recent report dates from 2009 (Appendix 6C). *The Cultural Resource Management Policy*, the *Standards and Guidelines for the Conservation of Historic Places in Canada* (Appendix 4G), and various specific policies guide the development of conservation measures.

The condition of dykes is assessed by the Aboiteau Superintendent for the Grand Pré dykelands. As a staff member of the provincial Department of Agriculture, the superintendent visually assesses the conditions of dykes at least twice a year. A similar exercise is carried out to assess the conditions of the *aboiteaux* and the drainage outlets. Members of the Grand Pré Marsh Body also contribute by providing informal reports to the Aboiteau Superintendent. At present, the conditions are recorded on paper and reported to the departmental engineers. A database is scheduled to be in place by 2011 for the digital recording of condition assessments. Conservation measures are applied following best practices in dyke, *aboiteaux*, and drainage maintenance.

The condition of archaeological sites under provincial jurisdiction is assessed when a new site is discovered or at the time of an impact assessment. Sites are otherwise presumed to be in good condition. The development of conservation measures is guided by the Nova Scotia *Special Places Protection Act* (Appendix 3K) as well as the *Standards and Guidelines for the Conservation of Historic Places in Canada* (Appendix 4G).

Roads under provincial jurisdiction are assessed by the Department of Transportation and Infrastructure Renewal for their ability to accommodate a normal volume of traffic.

The availability and condition of agricultural land are assessed by the planners of the Municipality of the County of Kings as well as by the Department of Agriculture.

The Grand Pré Marsh Body can provide additional information on the condition of roads and drainage, and on agricultural use.

Table 4–3, outlines the present state of conservation of the attributes of the nominated property.

Attribute	Condition	Authority carrying out the monitoring	Source	Date of the most recent assessment	Assessment
Archaeological sites (on Parks Canada administered land)	Fair	Parks Canada Agency	2009 Grand-Pré National Historic Site State of the Site Report	2008	Performed as part of the Commemorative Integrity Evaluation and included in the <i>Grand-Pré National Historic Site of Canada State of the Site Report</i> for 2009. The “fair” assessment was because of vegetation-management issues that have since been corrected. Conservation measures include impact assessment, site avoidance, site capping, vegetation maintenance, and research.
Archaeological sites (on provincial Crown land and private property)	Fair	Department of Tourism, Culture and Heritage	Department of Tourism, Culture and Heritage	2010	No specific monitoring. Condition assessed as fair based on potential coastal erosion impacts. Conservation measures focus on mitigating impacts, surveying the sites, and educating the public.
Memorial Church	Good	Parks Canada Agency	2009 Grand-Pré National Historic Site State of the Site Report	2008	Performed as part of the Commemorative Integrity Evaluation and included in the <i>Grand-Pré National Historic Site of Canada State of the Site Report</i> . Regular repointing and shingle replacements. Structurally sound. Conservation measures focus on maintenance.
Herbin Cross	Good	Parks Canada Agency	2009 Grand-Pré National Historic Site State of the Site Report	2008	Performed as part of the Commemorative Integrity Evaluation and included in the <i>Grand-Pré National Historic Site of Canada State of the Site Report</i> . Herbin Cross is in good condition. Regular repointing is the main conservation measure.
Deportation Cross	Good	Parks Canada Agency	2009 Grand-Pré National Historic Site State of the Site Report	2008	Performed as part of the Commemorative Integrity Evaluation and included in the <i>Grand-Pré National Historic Site of Canada State of the Site Report</i> . The Deportation Cross was stabilized during the 2005 relocation to Horton Landing. Conservation measures focus on regular maintenance.
Acadian cemetery	Good	Parks Canada Agency	2009 Grand-Pré National Historic Site State of the Site Report	2008	Performed as part of the Commemorative Integrity Evaluation and included in the <i>Grand-Pré National Historic Site of Canada State of the Site Report</i> . Burials are undisturbed and are not under pressure. Conservation measures focus on avoidance.
Roads (under provincial jurisdiction)	Good – Poor	Department of Transportation and Infrastructure Renewal	Department of Transportation and Infrastructure Renewal	2010	Expert assessment. Roads footprint is in good condition. Road surfaces vary in condition. Conservation measures focus on maintenance.
Roads (under Marsh Body jurisdiction and private ownership)	Poor	Grand Pré Marsh Body (informally)	Grand Pré Marsh Body (informally)	2010	Expert assessment. Road footprint is in good condition. Surfaces are in poor condition. Would require grading and ditch cleaning along the roads.

Table 4-3 State of attributes in the nominated property (continued on next page)

Attribute	Condition	Authority carrying out the monitoring	Source	Date of the most recent assessment	Assessment
Drainage	Good	Department of Agriculture Grand Pré Marsh Body	Department of Agriculture Grand Pré Marsh Body	2010	Minimum of biannual monitoring (spring and fall). Additional monitoring during regular maintenance, after storms, and during extremely high tides. Drainage outlets, <i>aboiteaux</i> , and creeks maintained. Conservation measures focus on maintenance.
Dykes	Good – Fair	Department of Agriculture	Department of Agriculture	2010	Minimum of biannual monitoring (spring and fall). Additional monitoring during regular maintenance, after storms, when ice jams are present, during wind events and during extremely high tides. Varying degrees of impacts from erosion and health of vegetation. Conservation measures include rock facing, regular topping, and vegetation management.
Dykelands	Good	Department of Agriculture	Department of Agriculture	2010	Expert assessment. Conservation measures focus on maintaining the dykelands free from permanent structures.
Farmland (dykelands and uplands)	Good	Department of Agriculture Municipality of the County of Kings	Department of Agriculture Municipality of the County of Kings	2010	Expert assessment. Conservation measures focus on maintaining zoning that encourages agricultural land use. Measures also include dyke topping.

Table 4-3 State of attributes in the nominated property (continued from previous page)

#### Summary of Present State of Conservation

The overall present condition of the nominated property is deemed to be good. Various policies are in place to guide conservation (see Chapter 5), most referring to best practices to carry out conservation and maintenance work, such as on the dykes and roads. The coordinated management of the nominated property, through a

common management and the governance structure, will enhance each agency's ability to deliver comprehensive conservation measures for all types of resources and ensure integrity of the nominated property.

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#### 4.b. Factors affecting the property

The factors that can affect the nominated property's outstanding universal value are related to development pressures, environmental pressures, and visitor and tourism pressures.

##### 4.b.i. Development pressures

###### *Sustainability of Agriculture*

The nominated property is a living agricultural landscape, expressed by the enduring agricultural relationship of local communities with the dykeland, and the maintenance of the fertile farmland created from transformed wetlands. The maintenance of an agricultural economy is key to the conservation of the property. For the agricultural landscape of Grand Pré to be preserved and to survive, there must be farmers, and there must be continuing possibilities for agriculture to develop in step with the times. At the same time, agricultural development must proceed hand in hand with conservation of the unique natural and cultural values existing within the nominated property.



4-1 Farmers use modern equipment to farm and maintain the dykelands.

Grand Pré and its surrounding communities are a vibrant agricultural community where modern agriculture is practised. However, like many agricultural communities, it is under pressure from changing demographics, loss of agricultural land to development, and economic realities (see Figure 4-1). Agricultural land in Grand Pré is valuable for its scenery and its importance to tourists and tourism-related businesses, such as farmers' markets and wineries. Agriculture also supports the local economy through food production, value-added processing and agri-tourism.

As a result of changes in the agricultural economy over the years, some farm buildings have been abandoned or are being reused. In general, though, farmers have adapted their buildings to their needs.

Local demographics indicate that most residents are between 40 and 60 years of age and that households are getting smaller. This information supports anecdotal information provided by local farmers about the future of their industry. They are concerned that younger generations are not interested in pursuing farming activities, which puts the agricultural economy's future at risk. Moreover, most new residents are individuals who retire in Grand Pré to enjoy the rural setting while being close to amenities provided by the Wolfville–Coldbrook Development Corridor or even Halifax. Few of the new arrivals actively participate in the agricultural economy.

The number of landowners on the dykeland has decreased over the years, although no land has been left unattended. For the remaining landowners, the burden of responsibilities in maintaining the dykeland increases. This may create an issue of long term capacity to provide the financial and human resources to maintain an effective Grand Pré Marsh Body and implement its role in maintaining the dykeland, thus altering the relationship between the Department of Agriculture and the Marsh Body.

Although most of the land is part of an agricultural district, some exceptions allow for the development of structures that are not related to farming. While the conditions in Grand Pré are ideal for farming, certain pressures make the future of farming in Grand Pré, as in other parts of Nova Scotia, uncertain. In addition to concerns about where the next generation of farmers will come from, farmers

are under pressure from land-use conflicts between agricultural and residential uses. Farmers are also subject to the whims of the market: fluctuating agricultural prices make it difficult for them to ensure a stable income. These problems are not unique to Grand Pré.

The County of Kings has the most agriculturally based economy in Nova Scotia. As reported in the 2001 census, the county's agricultural labour force numbers 2100, with an additional 2200 employed in agriculture-related activities. This local industry represents 30 per cent of the agriculture and 50 per cent of the agriculture-related manufacturing for Nova Scotia. The overall farming capability of the County of Kings is large relative to its modest agricultural land base. The total farm production per capita is 2 ½ times the national average.

Grand Pré's agricultural economy revolves mainly around the production of milk, meat, and fruits. Crops grown in recent years on the dykeland include corn, salt hay, soy, alfalfa, oats, and winter and spring wheat. In the past, the area was renowned for its orchards, mainly apple, but over the past two decades, that industry has decreased in importance. Current expanding industries include grape growing for wine making (in the buffer zone), and cattle raising, mainly for milk production. Profitability in these crops, in milk production, or in value-added products, is essential to maintaining the dykeland and the whole of this unique agricultural landscape. Although no specific data exists for farmers working in and around Grand Pré, they may be faring better than others in the province, since much of their production relies on supply and demand quotas, ensuring stability.

#### *Densification and Use Encroachment*

Densification (the increase in building density) and use encroachment of private property on the uplands are pressures that affect the integrity and authenticity of the nominated property's distinctive settlement pattern. This settlement pattern is characterized by particular field patterns, roads, a dispersed settlement, and an active agricultural system. Use encroachment is the intrusion of one type of land use onto land that is zoned for a different use. Since the majority

of the nominated property is part of an agricultural district, densification and use encroachment affect the dykeland, the uplands, the national historic site and the archaeological resources.

Fortunately, the *Agricultural Marshland Conservation Act* (Appendix 3F) and its *Grand Pré Marsh Body Land Use Regulations* minimize the pressure of densification and use encroachment on the dykeland. According to the Act and Regulations, no development can be accommodated on the designated marshland unless a variance permit, or an exemption, is granted by the government of Nova Scotia to allow for the construction of roads, the installation of utility poles or the installation or construction of structures used for the generation of power. In addition, the dykelands are zoned O1 Environmental Open Space, allowing agricultural activities but no permanent structures unless a provincial variance is granted.

Densification can also result from permitted smaller lot sizes. On the dykelands lot sizes vary depending on location and ability to drain. Development is not permitted unless a municipal re-designation and rezoning is approved. In Grand Pré Hamlet, zoned as Hamlet Historic Residential (R9), lot size requirements are a minimum of 50 000 square feet (4645 square metres), whereas in the Agricultural (A1) zone, which includes Hortonville, lot size requirements are a minimum of 20 000 square feet (1858 square metres). However, the *Grand Pré and Area Community Plan* (Appendix 2J) requires a minimum lot size of 50 000 square feet for all new non-farm dwellings in the A1 Zone.

The current *Municipality of the County of Kings Municipal Planning Strategy* (Appendix 4D), amended in 2009, does not allow for non-farm-related structures to be built on agricultural land unless the lot was created prior to August 1994, is designated as an agricultural infill or abandoned resource-extraction site, or has poorer quality soils subject to an agrologist's report. Agricultural infill sites are defined as lots with existing dwellings on both sides and within 400 feet (122 metres) of each other or within 400 feet of a road right-of-way. Although these lands are permitted as agricultural infill, they have limited potential for agriculture production.

Approximately 64 permanent residences lie within the nominated property: 20 in Grand Pré Hamlet and the remainder in

Hortonville. An estimated 14 lots fall within the parameters of a pre-1994 or infill lot, representing a total potential increase in densification of 22 per cent. This percentage excludes any potential to build additional structures in areas zoned agriculture.

Densification could put pressure on archaeological sites in an area that is historically known to have been heavily populated and used in the 17th, 18th, and 19th centuries. However, community members have collaborated with archaeologists for many years in reporting, locating and identifying archaeological sites. Many have been instrumental in protecting key attributes of the nominated property, such as above-ground remains of an old Acadian dyke, Acadian and Planter cellars, Aboriginal artifacts, and old *aboiteaux*. Most of these discoveries were accidental and were found on privately owned land. To ensure that all archaeological evidence is identified, clear guidelines have been developed for the reporting of all archaeological finds on private property. These guidelines, found within the *Strategy for the Management and Conservation of Archaeological Heritage in the Landscape of Grand Pré* (Appendix 2B), have been endorsed by the provincial and municipal authorities and Parks Canada Agency. Information will be provided to local residents on reporting and protecting archaeological evidence.

Use encroachment mainly takes the form of agricultural uses encroaching on road rights-of-way that are no longer in use. This is particularly apparent in Hortonville's town grid. Maintained roads are protected, however, because they are public. Agricultural zoning now prevents any future densification that might result from use encroachment.

#### *Alternative Energy Sources*

The flat dykelands of the Grand Pré landscape, coupled with winds coming off the Minas Basin, create a desirable location for wind turbines. Alternative energy sources could put increased pressure on the authenticity and integrity of the nominated property. The area is identified on Nova Scotia's wind-resource map as having moderate potential for the installation of utility-sized wind turbines. At 80 metres (262 feet) above ground level (AGL), the average wind speed

is calculated at approximately 6.5–7.0 metres per second (m/s) (21.3–23.0 feet/second); at 50 metres (164 feet) AGL, the average wind speed is approximately 6.0–6.5 m/s (19.7–21.3 feet/second); and at 30 metres (98.4 feet) AGL, the average wind speed is approximately 5.5–6.5 m/s (18.0–21.3 feet/second). Large utility-sized wind turbines are between 40 and 80 metres (131–262 feet) in diameter, with tower heights of up to 100 metres (328 feet). To create a viable operation, a wind farm would require a large number and concentration of turbines. At present, the *Grand Pré and Area Community Plan* (Appendix 2J), allows only small-scale wind turbines in the nominated property, forbidding the construction of large-scale wind turbines. Small-scale turbines are less than 52 metres (170 ft) in height and produce less than 100 kW.

While this may be an attractive location for energy companies to generate alternative energy, no such proposals are currently being considered.

The use of tidal power is another major alternative source of energy being explored in the area. Nova Scotia Power and the government of Nova Scotia have been testing the tidal power potential of the Minas Basin by placing turbines at the bottom of the basin in an area close to Parrsboro, about 20 kilometres north of the Landscape of Grand Pré. Increased siltation in the region may be an impact from the turbines; however, the extent of siltation and other impacts are unknown and require further study.

#### **4.b.ii. Environmental pressures**

##### *Coastal Change and Rising Sea Levels*

Coastal change and rising sea levels are constant environmental pressures exerted on the nominated property, affecting mainly the dykes and shoreline along the east and west sides of the nominated property, as well as the north shore in the buffer zone. A coastal change study completed in 2010, *Overview of Coastal Change Influences on the Landscape of Grand Pré* (Appendix 6E), confirmed that coastal change, including coastal erosion and coastal regeneration, is occurring around the nominated property and buffer zone.

The nearly 13 kilometres of coastline, composed of geological materials that erode easily, such as sand, shale and gravel, are subjected twice a day to the highest tides in the world. Because of the range of the tides and the height of waves during storms, coastal change is a continuing concern and presents a significant risk to the local economy and cultural resources on the nominated property. Various mitigation strategies have been used to minimize the effects of coastal change, particularly erosion; however, the effects cannot be completely eliminated. Dykes have been maintained to ensure their stability and integrity, and shorelines, in some cases, have been protected by building rock faces.

Archaeological evidence indicates that many of the original dyke walls are buried under 1.5 to 1.8 metres of sediment, a testament to the steady rise in sea levels and alteration to the coastline. An average of 15 metres (50 feet) of shoreline erosion occurred along the North Grand Pré coastline between 1961 and 2002 according to aerial comparisons, with coastal erosion ranging from 0.3 to 68.4 metres (0.97 to 224.34 feet). Furthermore, on Boot Island, an average annual decrease of shoreline over two-year intervals was recorded from 1990 to 2008 at a rate of 0.34 to 0.85 metres per year (1.11 to 2.79 feet per year). Although coastal erosion is taking place along the east and west sides of the marsh, there is evidence of salt marsh regeneration. Salt marsh regeneration is a natural occurrence, but scientists do not fully understand the process. Map 7: *Coastal Change in the Nominated Property and Buffer Zone* illustrates the coastal changes.

With sea levels anticipated to rise 70 to 140 centimetres over the next century, and with more intense storm surges expected, it is anticipated that the dykes bordering the Grand Pré region will need consistent maintenance to minimize the hazard of dam breaches and to ensure that the dykelands contribute to the economic and cultural climate of the Grand Pré region. However, topping up the dykes increases their weight, and the added weight makes them slowly sink over time.

Coastal change is not fully understood. Additional studies are underway on the effects of coastal change in the area and on the effects of the various protection mechanisms in place. Continual monitoring and maintenance of the dykes are expected to reduce the negative effects of coastal change.

#### 4.b.iii. Natural disasters and risk preparedness

The nominated property is vulnerable to strong storms throughout the year. During hurricane season, which typically extends from June to November, the Province of Nova Scotia is sometimes in the path of tropical storms. The main risk is for the nominated property to be flooded as a result of a combination of exceptionally high tides and strong winds or as a result of dyke failure. Should the nominated property flood, the land would be rendered unusable for agriculture for up to three years. If that were to happen, farmers would require support from federal and provincial agriculture programs designed to assist farmers in repairing any damage. Any damage to the dykes is the responsibility of the provincial government. The Aboiteau Superintendent visits the nominated property following severe storms to assess and repair the dykes if needed.

Fire is another natural hazard. The risk is mainly to the Memorial Church.

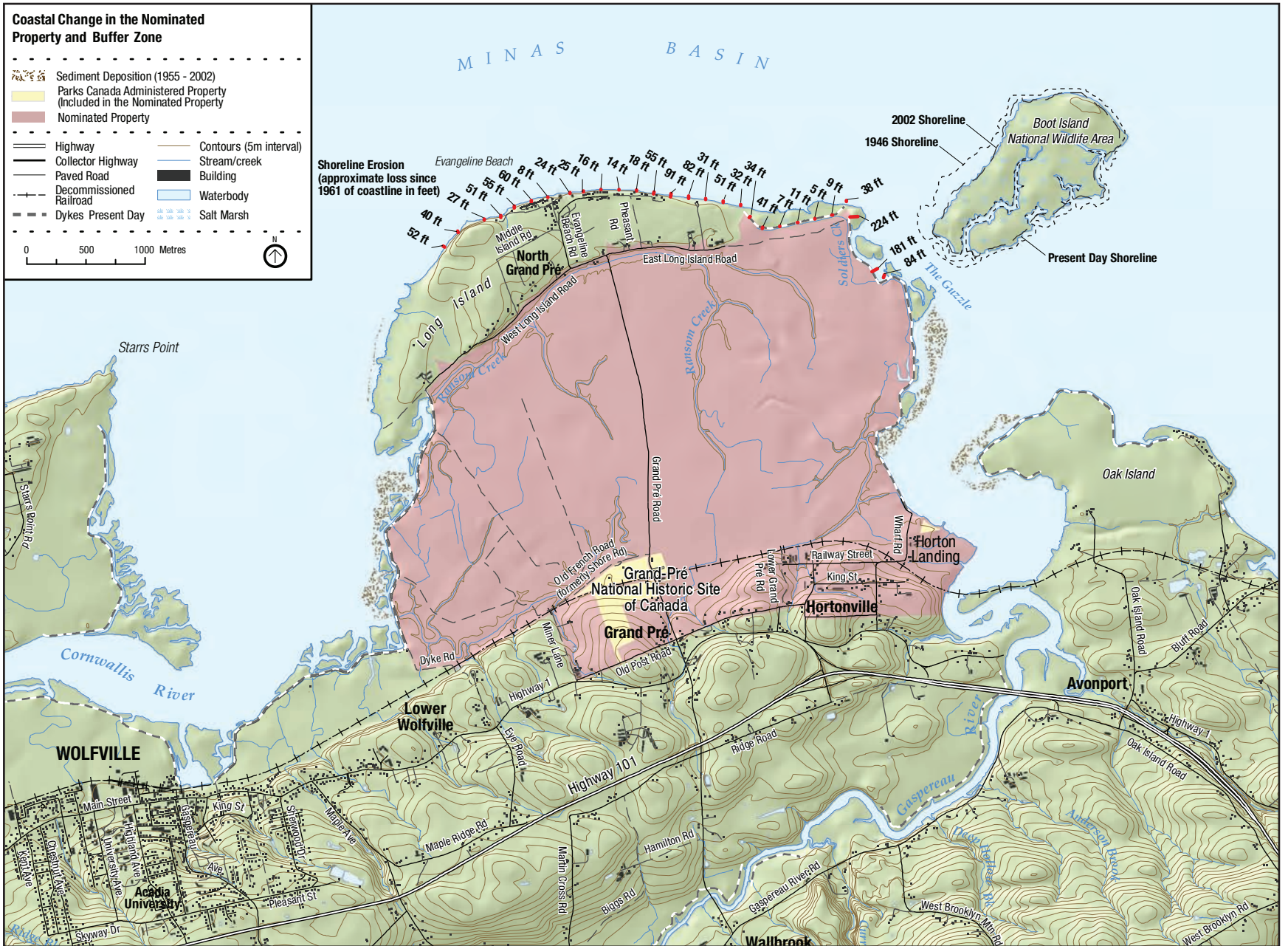
#### *Roles, Responsibilities, and Coordination in the Event of a Natural Disaster*

Risk preparedness is a shared responsibility among several jurisdictions.

The Municipality of the County of Kings has an *Emergency Response Plan* (Appendix 4F) managed by its Emergency Management Coordinator (EMC), in accordance with the Province of Nova Scotia's *Emergency Management Act* (Appendix 3I). In the case of an emergency, the municipality is the first responder. It may request assistance from the provincial Emergency Management Office if the severity of the emergency requires it. The EMC focuses on protecting lives and personal property.

In case of dyke rupture or flooding of the dykelands, the Department of Agriculture implements its own emergency preparedness plan that addresses the main priorities and resources that need to be considered during such an event. The Municipality of the County of Kings' EMC is the first responder and would coordinate with the Department of Agriculture to consolidate the dykes. The priority of the Department of Agriculture is to protect the dykes and the farmland.





Map 7

Financial assistance is available to those farmers whose fields are affected. Depending on the severity of the damage, financial assistance may come from the Province of Nova Scotia or from the federal government.

Parks Canada is responsible for protecting the memorials since they are all located on Parks Canada administered land. The agency has protocols and tools in place to react to fires. These include a direct line to the local fire department, fire alarms, and fire-suppressant mechanisms in the visitor centre and in the Memorial Church. In addition, the memorials have been recorded to provide information in case they should need to be repaired or rebuilt. The local fire department is responsible for coordinating the response.

#### *Principles for Mitigating Risk*

A framework for managing natural disasters has been prepared. It outlines roles, responsibilities and procedures to mitigate the risks and effects of such disasters. These roles, responsibilities and procedures have already been agreed to by jurisdictions responsible for natural disaster response on the nominated property.

Multiple jurisdictions have authority to manage the consequences of a natural disaster depending on its severity: Société Promotion Grand-Pré, Parks Canada, Grand Pré Marsh Body, Municipality of the County of Kings, and the Nova Scotia Department of Agriculture. A number of principles have been prepared to help guide their preparation, intervention, and recovery actions.

These principles include the following:

- Preparedness will focus on providing additional protection against the main risks to the key attributes of the nominated property that support the outstanding universal value. Preparedness will also integrate relevant heritage considerations within the overall disaster-prevention strategy.
- Training will be provided to jurisdiction managers and emergency-management officers on the nominated property's outstanding universal value, key attributes, and conservation considerations.
- During responses, every effort will be made to maintain the integrity of the key attributes.

- Recovery actions and mitigation activities will maintain the integrity and authenticity of the key attributes linked to the outstanding universal value.
- Regular review and update of response plans will ensure that adequate strategies are in place.
- The response plan is conceived in terms of the whole property and provides integrated concern for the structures, the archaeological sites, and the landscape features.

#### *Key Elements of Risk Preparedness*

Emergency management focuses on the before, during and after of particular events. Therefore, in effect, risk preparedness is one aspect of emergency management.

In the case of the nominated property, the natural-disaster management framework provides the broad strokes of preparedness, response, and recovery actions. It focuses strictly on managing these with relation to protecting the nominated property's outstanding universal value and key attributes, and addresses some elements of visitor management.

#### **4.b.iv. Visitor and tourism pressures**

Visitor and tourism numbers are not expected to increase substantially and are therefore not considered a significant pressure on the nominated property. According to the study commissioned by Nomination Grand Pré in 2009, *Grand Pré: An Economic Impact Assessment of a UNESCO World Heritage Designation* (Appendix 7B), a 6.2 per cent increase in tourism per year is expected if the nomination is successful. This figure is based on previous tourism trends at the Grand-Pré National Historic Site of Canada and other World Heritage Sites. This would put the number of visitors to just over 30 000 per year. As tourism numbers in the area were significantly higher in the late 1990s, at 62 000 visitors, the area is capable of accommodating more tourists than the projected 6.2 per cent increase (see Figure 4-2).



4-2 The national historic site has the capacity to accommodate an increased number of visitors.

#### Carrying Capacity

The nominated property’s carrying capacity is defined as its ability to sustain the pressure from visitors and tourism-related activities. This includes limits of acceptable change and the ability for the visitor to experience the nominated property’s important attributes without harming them, or without the tourism-related services affecting them. Based on the 2010 *Tourism Strategy and Interpretation Framework for the Landscape of Grand Pré* (Appendix 2E), an increase in tourism at the nominated property would have both positive and negative impacts. These impacts suggest that the area has the capacity to adapt to increased tourism activity without harming the nominated property. The 2010 Strategy suggests that there are significantly more potential

positive impacts than potential negative impacts resulting from a World Heritage inscription and concludes that the nominated property is able to sustain the consequences of inscription on the World Heritage list.

Potential positive economic and cultural impacts resulting from inscription on the World Heritage List are shown in Table 4-4.

Increase in visitation	A conservative estimate of non-resident visitation suggests that an increase of 6.2 per cent will result from a UNESCO inscription. Although modest, this increase is seen as positive.
Incremental spending onsite and offsite	As the site becomes a distinctive attraction, an analysis of trends projects a 20 per cent increase in the average length of stay, a 15 per cent increase in visitor expenditure as a result of additional opportunities, and an additional 3000 visitors annually to the region (the County of Kings and the surrounding area to the Town of Windsor) as a result of the inscription, with an incremental impact of another \$450 000 annually. The total tourism expenditure impact in the region is projected to be close to \$1 M annually, directly and indirectly.
Employment	Any new infrastructure, interpretation programs, and tourism services will lead to additional employment.
Local businesses	Although it is not likely that significant new business activity would result from the inscription based on the modest visitation increase, nevertheless the marketing cachet for the region will help local and regional tourism-oriented businesses in their marketing efforts.
Cultural preservation	The inscription and the interpretation of the area’s heritage will contribute to the preservation of cultural heritage.
Educational opportunities	Onsite interpretive programs and outreach activities will provide specific educational opportunities for the general public.
Environmental conservation	The inscription and expansion of protected areas through additional land acquisition and site-management controls will help preserve the natural environment.
Community pride	A inscription will boost community pride, which spills over into community enhancements and beautification activities.

Table 4-4 Economic and socio-cultural impacts

Potential negative impacts were identified related to visitor experience, the agricultural economy, the relationship of residents to the local setting and community, and resource protection and property values. The 2009 assessment concluded that these negative impacts are unlikely to occur, because the current infrastructure is capable of handling projected increases in tourism.

#### 4.b.v. Number of inhabitants within the property and the buffer zone

The total population of the nominated property and buffer zone varies according to the season (see summary in Table 4-5). Cottagers who reside in the buffer zone during the summer, especially around Evangeline Beach, will increase the population by about 60 per cent. Population estimates for the buffer zone are based on persons per dwelling: 2.4 persons per dwelling for year-round residents and 2.0 persons per dwelling for seasonal residents. Within the nominated property, residents are considered year-round, and the estimate of 2.4 persons per dwelling is applied. The population for the nominated property and buffer zone is only an estimate, because Canadian privacy laws prohibit the collection of actual population numbers for a community of this size. The persons-per-dwelling estimate came from trends within the 2006 Statistics Canada census data.

The nominated property has an estimated 64 year-round occupied dwellings with approximately 154 inhabitants. The buffer zone has an estimated 296 year-round occupied dwellings with an estimated 710 residents. Additionally, 67 seasonally-occupied dwellings and 130 seasonal trailers are within the buffer zone, increasing the seasonal population by an estimated 394 inhabitants. In total, the population for the nominated property and buffer zone is approximately 1258.

Area of the nominated property	1323 hectares
Area of land component of the buffer zone	1248 hectares
Estimated number of inhabitants in the nominated property	154
Estimated number of year-round inhabitants in the buffer zone	710
Estimated number of seasonal inhabitants in the buffer zone	394
Total inhabitants	1258

Table 4-5 Details of the population of the nominated property for the year 2006



# Chapter 5



*It's a sacred trust... we have a piece of land that holds the last remaining bit of French dyke, and on penalty of death they are never to plough that land under and as long as the Curry people own that piece of land, it will remain there.*

Betty Curry, wife and mother of dykeland farmers

## 5.0 Protection and Management of the Property

Canada is a federal state consisting of a national government, ten provincial governments and three territorial governments. Within each province and territory, there are numerous municipalities, each with a local government. In this context, responsibility for cultural heritage conservation in Canada is shared among these three levels of government. Specifically, the federal government is responsible for the protection and management of the cultural heritage resources that it owns, for example national historic sites managed by Parks Canada or heritage buildings owned by government departments. Provincial and territorial governments have responsibility for legislating the protection and management of cultural heritage resources within their jurisdictions and for regulation of private property, including property with particular heritage value. Municipal governments have the authority to regulate and manage planning and development at the local level, within the context of relevant provincial or territorial legislation, which provides the municipal government with the ability to shape heritage conservation locally.

In recognition of this reality, the relevant federal, provincial and municipal government entities with responsibilities for the nominated property, along with key stakeholders and partners, have developed appropriate measures for the protection and management of the nominated property. They have signed a *Memorandum of Understanding on the Governance of the Nominated Property* (Appendix 2G) that ensures cooperative management of the property and creates a Grand Pré World Heritage Site Stewardship Board that will act as the site manager if the nominated property is successfully inscribed on the World Heritage List. Further, they have jointly developed a management plan for the nominated property (see section 5.e.) that provides an overarching framework to guide their work in protecting and interpreting the nominated property. Each regulatory authority with jurisdiction in the nominated property retains the ultimate

authority to make decisions about activities and plans that apply to the nominated property. The *Memorandum of Understanding* confirms the commitment from these regulatory authorities to support the principles and goals of the management plan for the nominated property and to work together with the Grand Pré World Heritage Site Stewardship Board to protect the property's proposed outstanding universal value.

The mandate of the Stewardship Board, as described in the *Terms of Reference - Grand Pré World Heritage Site Stewardship Board* (Appendix 2G), is to ensure a coordinated management approach between all jurisdictions, provide technical advice on the protection of the property's outstanding universal value, promote the property's outstanding universal value, engage the stakeholders in the stewardship of the property, and coordinate the reporting on the property's condition. The regulatory authorities agree, through the terms of the *Memorandum of Understanding* which creates the Stewardship Board, to provide mechanisms to consult and receive recommendations from the Board on issues pertaining to the management of the World Heritage Site and on means to protect its outstanding universal value.

The Stewardship Board will be composed of residents, Acadian representatives, representatives from the three levels of government, and other representatives of stakeholders or communities of interest. The Stewardship Board will be assisted in its work by a Secretariat and a Site Management Coordinator whose mandate is to coordinate the management of the nominated property. The Stewardship Board will rely on three sources of expertise to provide advice on matters of protection, promotion, and education. The first is a Technical Advisory Committee, which will provide professional advice on matters pertaining to the protection of the dykelands and of the memorials. The second is the Education and Marketing Committee, which will provide direction and coordination between partners for matters

relating to interpretation, promotion, marketing, and education. The third will be a variety of outside sources of expertise in government agencies, non-governmental organizations, and consultancies when required.

The Stewardship Board will operate under a 10-year vision described in the *Strategic Plan – Grand Pré World Heritage Site Stewardship Board* (Appendix 5A), reviewed every five years, with yearly reports on conditions and activities.

Community members, local residents, and Acadians have all embraced the World Heritage nomination process. They have led the process through their participation in the Advisory Board for Nomination Grand Pré, by contributing to working groups, and by sharing insights into agricultural life in Grand Pré and the significance of the landscape for the identity of a people. They have shown, and continue to exemplify, commitment to the long-term protection of the nominated property.

Chapter 5 describes in detail the respective roles and responsibilities of the Parks Canada Agency, the Province of Nova Scotia, and the Municipality of the County of Kings for the protection and management of the areas of the nominated property under their jurisdiction, and the means by which they will cooperate and work with the Grand Pré World Heritage Site Stewardship Board to ensure the protection of the nominated property as a whole.

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### 5.a. Ownership

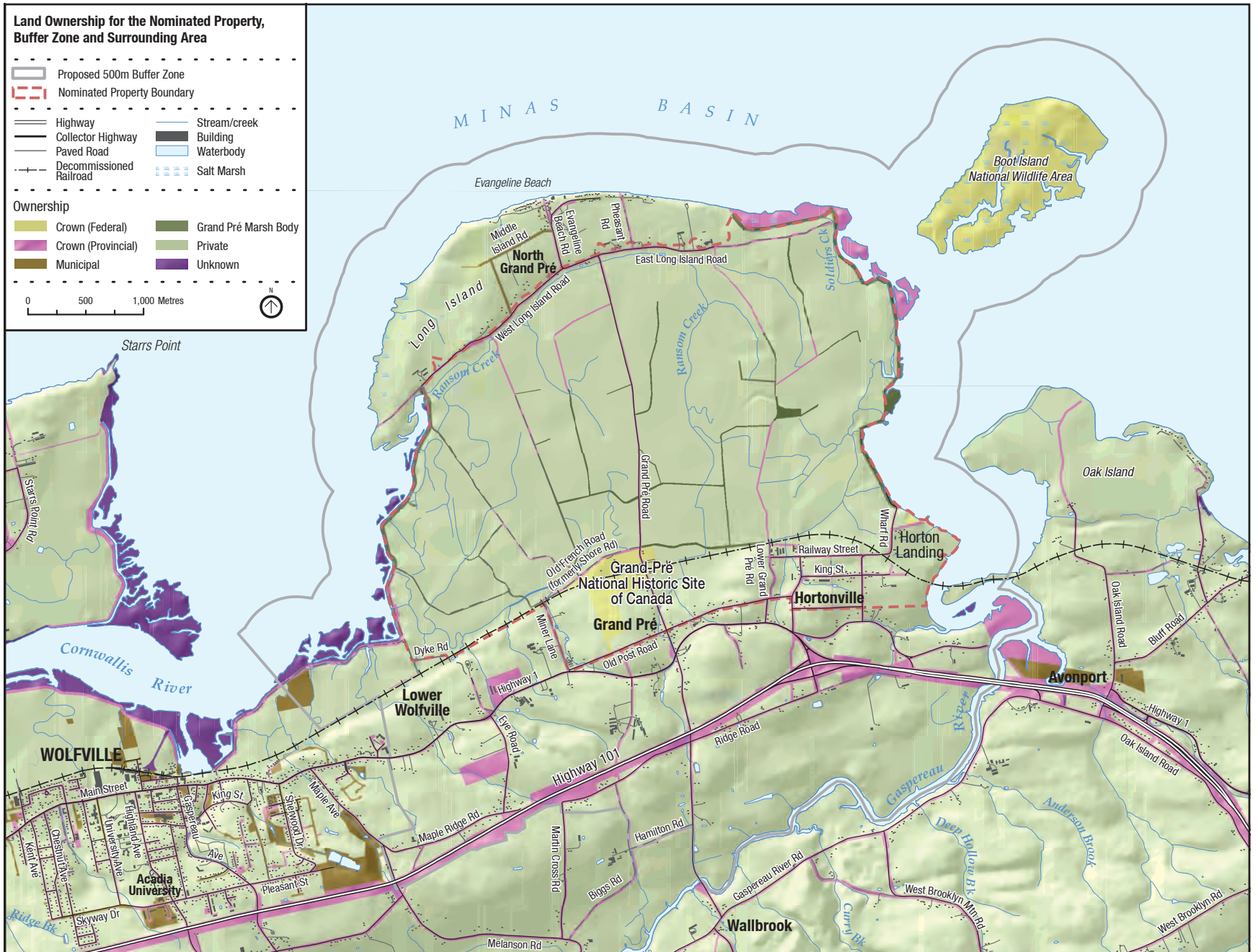
There are four main categories of land ownership for the nominated property: Federal Crown land, Provincial Crown land, Grand Pré Marsh Body owned land, and private land. Private ownership accounts for the majority of the land at 92.63 per cent. Federal Crown land accounts for 1.92 per cent of the nominated property and consists of three sites owned by the Parks Canada Agency: Grand-Pré National Historic Site of Canada, Horton Landing (the site commemorating

the Deportation of the Acadians and the arrival of the New England Planters) and the Historic Sites and Monuments Board of Canada plaque commemorating the Attack at Grand Pré in the Hamlet of Grand Pré. Provincial Crown land accounts for 3.09 per cent and consists of all roads in the Hamlet of Hortonville and Grand Pré and several roads on the dykelands. The rest of the roads on the dykelands, along with a small piece of land east of the centre of the nominated property, are owned by the Grand Pré Marsh Body. The Grand Pré Marsh Body owns 2.36 per cent of the land. Map 8: *Land Ownership for the Nominated Property, Buffer Zone and Surrounding Area* shows ownership in the nominated property.

The nominated property is managed under various legislation, both federal and provincial, to ensure the protection of the dykelands, agricultural use, archaeological resources, and the memorials. This complex ownership and legislative environment requires a coordinated approach to protect the nominated property. Lands with no clear ownership may be managed, depending on their location, under the authority of provincial legislation, the Grand Pré Marsh Body, and the County of Kings municipal plan.

A *Memorandum of Understanding* (Appendix 2G) has been signed by the federal, provincial, and municipal governments, along with local agencies to establish the governance structure for the nominated property. The property will be managed through the Grand Pré World Heritage Site Stewardship Board under agreements with the Municipality of the County of Kings, the Province of Nova Scotia, Parks Canada, the Kings Regional Development Agency, the *Société Promotion Grand-Pré Inc.*, the Grand Pré Marsh Body, and the Grand Pré and Area Community Association. The Stewardship Board's mandate is to ensure the implementation of the management plan through a coordinated management approach between all jurisdictions, promotion of the property's outstanding universal value, engagement of the stakeholders in the stewardship of the property, and reporting on the condition of the property.





Map 8

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## 5.b. Protective designation

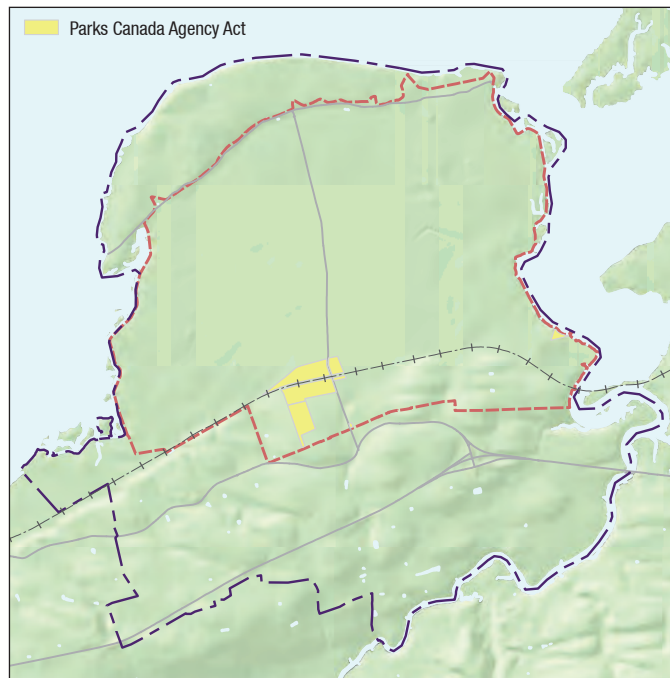
Three levels of government have jurisdiction over various parts of the nominated property. At the federal level, national historic sites owned by the Government of Canada through the Parks Canada Agency are established under the *Canada National Parks Act* (Appendix 3A) and protected under the *Parks Canada Agency Act's National Historic Sites Order* (Appendix 3D) and its regulations. At the provincial level, archaeological sites are protected under the *Special Places Protection Act* (Appendix 3K), administered by the Nova Scotia Department of Tourism, Culture and Heritage. The dykelands are protected under the *Agricultural Marshland Conservation Act* (Appendix 3F) and its regulations, as well as by municipal zoning that prevents permanent structures. The municipal zoning bylaws, as defined in the *Grand Pré and Area Community Plan* (Appendix 2), regulate activities and development on the land not covered by the *Agricultural Marshland Conservation Act*. The uplands are managed under the municipal bylaws, as defined in the *Grand Pré and Area Community Plan*. Additional provincial acts protect regions within the buffer zone, including the *Beaches Act* (Appendix 3G) and the *Cemeteries Protection Act* (Appendix 3H).

## 5.b.i. Parks Canada Agency Act (1998) (Canada)

The Government of Canada, through the Parks Canada Agency, owns a selected number of parcels of land within the nominated property, including Grand-Pré National Historic Site of Canada (NHSC), the site of the commemoration of the Attack at Grand Pré, and Horton Landing. The Parks Canada Agency administers these properties under the authority of the *Parks Canada Agency Act* (Appendix 3D). Since these properties are owned by the Government of Canada and commemorated as national historic sites, all their elements of national historic significance, including those related to the outstanding universal value of the nominated property, are protected under federal legislation and policy. As stated, the purpose of this Act that applies to the outstanding universal value of Grand Pré is:

- to protect the nationally significant examples of Canada's natural and cultural heritage in national parks, national historic sites, national marine conservation areas and related heritage areas in view of their special role in the lives of Canadians and the fabric of the nation;
- to present that heritage through interpretive and educational programs for public understanding, appreciation and enjoyment, both for international visitors and the Canadian public, thereby enhancing pride, encouraging stewardship and giving expression to our identity as Canadians;
- to carry out Canada's international obligations and agreements to protect, conserve and present that heritage and to contribute towards the protection and presentation of the global heritage and biodiversity;
- to ensure the commemorative integrity of national historic sites;
- to commemorate places, people and events of national historic significance;
- to manage visitor use and tourism to ensure both the maintenance of ecological and commemorative integrity and a quality experience in such heritage and natural areas for this and future generations.

Pursuant to the *Parks Canada Agency Act* (Appendix 3D), the agency's *Guiding Principles and Operational Policies* (Appendix 4B) provide detailed direction for the national program of natural and cultural heritage protection. The *Cultural Resource Management Policy* and the *National Historic Sites Policy* are part of the *Guiding Principles and Operational Policies*. The *Parks Canada Agency Act* requires the agency to implement them as they relate to the protection and management of protected heritage areas, including those that are included in the nominated property.



**Map 9** Land Within the Nominated Property Managed under the *Parks Canada Agency Act*

#### 5.b.ii. *Canada National Parks Act* (2000) (Canada)

The *Canada National Parks Act* (Appendix 3A) enables the establishment of National Historic Sites of Canada (NHSC) under the *National Historic Sites Order*, in order to “(a) commemorate a historic event of national importance; or (b) preserve a historic landmark, or any object of historic, prehistoric or scientific interest, that is of national importance” (42).

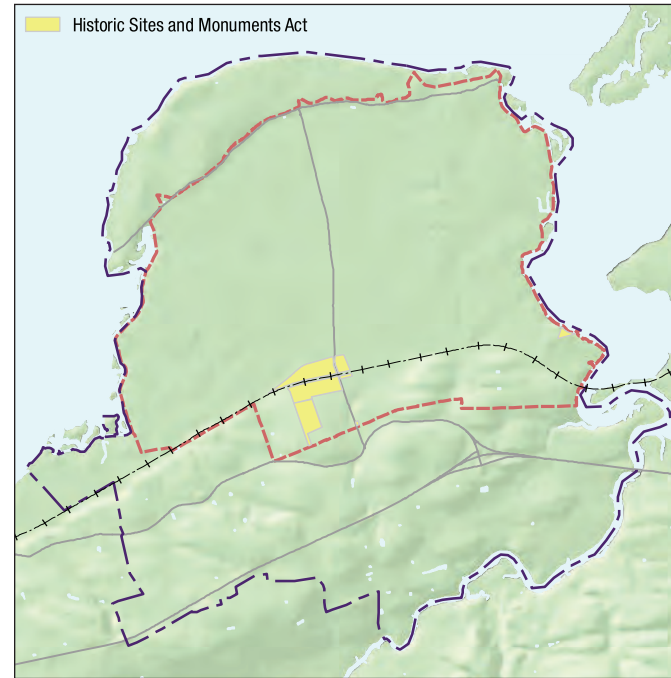
The Parks Canada Agency is responsible for administering 158 NHSC. Of these 158 sites, 51 are included under the *National Historic Sites Order*, pursuant to subsections 42(1) and (3) of the *Canada National Parks Act*. This is the highest level of protection afforded to a national historic site. Grand-Pré NHSC is included under that Order, meaning that it is regulated under the *National Historic Parks General Regulations* part of that Act, the *National Historic Parks Wildlife and Domestic Animal Regulations*, and other relevant federal and provincial legislation. The Regulations allow for the management of various activities within the national historic site including the removal of historic objects, building and maintenance of services and facilities, use of vehicles within the park, and authorizations to enter the park.

### 5.b.iii. Historic Sites and Monuments Act (1985) (Canada)

Within the boundaries of the nominated property, four historic places of national historic significance commemorated under the authority of the *Historic Sites and Monuments Act* (Appendix 3C) are administered by the Parks Canada Agency. Within the buffer zone, there are two historic places of national historic significance commemorated under the same Act. As stated in the Act, a historic place includes “a site, building or other place of national historic interest or significance, and includes buildings or structures that are of national interest by reason of age or architectural design.”

The Grand-Pré National Historic Site of Canada and the Grand-Pré Rural Historic District National Historic Site of Canada are sites of national historic significance within the nominated property. The Covenanter Church is the only site of national significance within the buffer zone.

The Historic Sites and Monuments Board of Canada’s plaque commemorating the Arrival of the Planters at Horton Landing and the plaque commemorating the Attack at Grand Pré are locations of the commemoration of events of national historic significance. These historic places are owned by the Parks Canada Agency, but, because they are not sites as defined by the Act, only the policies relating to cultural resource management apply and not policies that apply to national historic sites.



Map 10 Land Within the Nominated Property Managed under the *Historic Sites and Monuments Act*

#### 5.b.iv. Special Places Protection Act (1989) (Nova Scotia)

The *Special Places Protection Act* (Appendix 3K) aims to provide for the preservation, protection, regulation, exploration, excavation, acquisition and study of important archaeological, historical and paleontological sites and remains, including those underwater throughout Nova Scotia. The Heritage Division of the Nova Scotia Department of Tourism, Culture and Heritage administers and enforces the Act by overseeing the protection of all sites and remains in the Province, managing the Heritage Research Permit system, and designating outstanding heritage sites as “Protected Sites.”

No part of the nominated property is designated a Protected Site under the Act. Nevertheless, the Act applies to the nominated property in terms of the protection of all archaeological and historical resources found within it, except those on federal lands. The Act states that no person shall knowingly destroy, desecrate, deface or alter archaeological or historical remains whether designated or not, unless he or she holds a heritage research permit to excavate the site. Should new construction or any modern intervention put pressure on an archaeological site, the Act requires that mitigation measures be carried out. The Act indicates that the developer may be required to cover the costs of any mitigation measures. Penalties are considered for anyone who contravenes the Act.



5-1 Archaeology on the nominated property falls under the jurisdiction of the *Special Places Protection Act*. This work was undertaken with a permit from the Special Places Program.

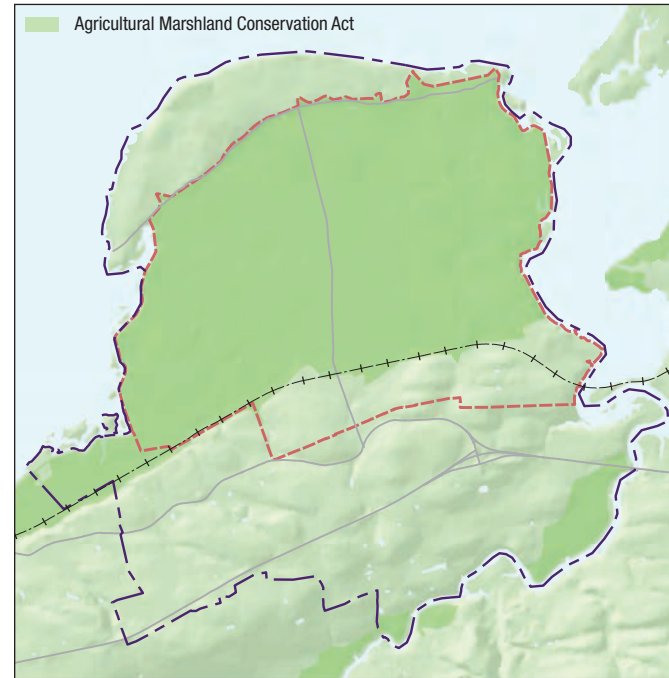


Map 11 Land Within the Nominated Property Managed under the *Special Places Protection Act*

**5.b.v. Agricultural Marshland Conservation Act (2000)**  
(Nova Scotia)

The Nova Scotia Department of Agriculture is responsible for the application of the *Agricultural Marshland Conservation Act* (Appendix 3F). The purpose of the Act is to identify and protect those lands that “are subject to periodic flooding.” The Minister responsible for the Act may construct works described in the Act as “dykes, *aboiteaux*, breakwaters, canals, ditches, drains, roads and other structures, excavations and facilities for the conservation, development, improvement or protection of marshland to a standard appropriate for agricultural purposes.” The Act protects approximately 1220 hectares of the dykelands at Grand Pré.

The *Agricultural Marshland Conservation Act* sets out the responsibilities to create, maintain, operate, rebuild, and repair the dykes and other works. The Act establishes a Commission that advises the Minister on matters related to the conservation and protection of marshland and its development and maintenance. The Act also allows for the creation of marsh bodies whose authority and responsibilities consist of (a) acquiring, using, selling and leasing real and personal property, (b) constructing, reconstructing, reconditioning, repairing, maintaining, conducting and operating works, (c) entering into agreements with the Minister or other persons for the construction, reconstruction, reconditioning, repairing, maintenance, conduct or operation of works, (d) subject to the approval of the Commission, making rules respecting works and land within or affecting the marshland section, and (e) raising money for its purposes by borrowing or by the levying of rates pursuant to the Act.



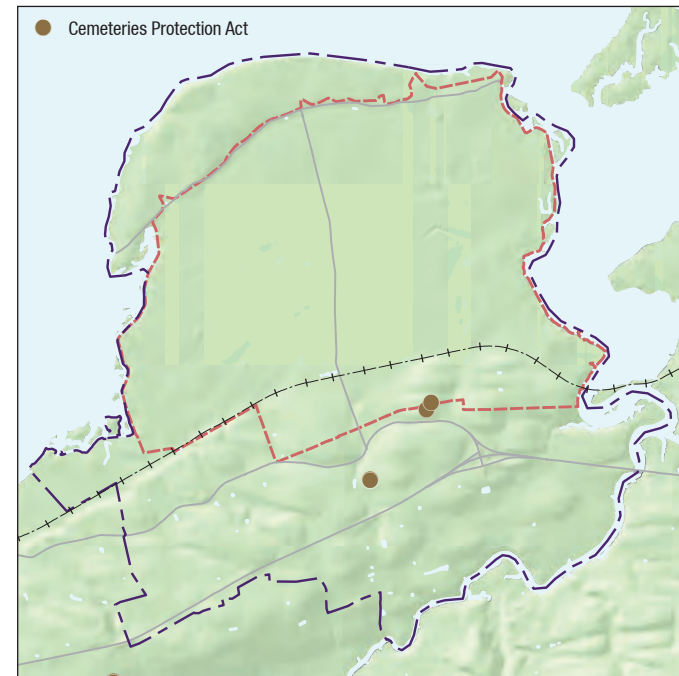
**Map 12** Land Within the Nominated Property Managed under the *Agricultural Marshland Conservation Act*

#### 5.b.vi. Cemeteries Protection Act (1998) (Nova Scotia)

The *Cemeteries Protection Act* (Appendix 3H) is administered by the Nova Scotia Department of Tourism, Culture and Heritage. It refers to any land that is set apart for the burial of human remains and includes all active and non-active cemeteries.

The purpose of the *Cemeteries Protection Act* is to prohibit the use of burial lands for any purpose other than burial or placement of human remains or memorialization. Pursuant to the Act, it is considered an offence for anyone to desecrate, damage, or destroy a cemetery. The Act applies only to known cemeteries; however, if remains are found outside of a known cemetery, this Act then applies. For example, if the mass grave of the British soldiers who died during the 1747 attack at Grand Pré, or the graves of the British officers, Colonel Noble and his brother, are found, then the *Cemeteries Protection Act* will apply to those sites.

The nominated property has one known non-active cemetery to which this Act applies. The Lower Horton Cemetery, located on the north side of Old Post Road, has approximately 25 gravestones from 1793 to 1943 inclusive. In the buffer zone, there is one active and one non-active cemetery to which this Act applies. The active cemetery is located on the south side of Old Post Road across from the Lower Horton Cemetery, and the non-active cemetery is located next to the Covenantanter Church on Grand Pré Road.



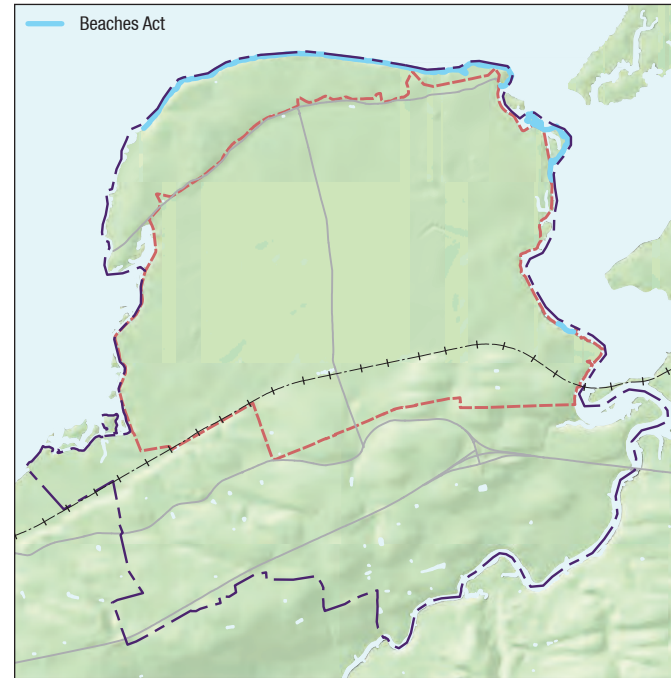
Map 13 Land Within the Nominated Property Managed under the *Cemeteries Protection Act*

### 5.b.vii. Beaches Act (1989) (Nova Scotia)

The Parks Division of the Nova Scotia Department of Natural Resources administers the *Beaches Act* (Appendix 3G). The Act aims to protect beaches and associated dunes as sensitive environmental and recreational resources, as well as to provide regulations and enforcement of land-use activities on beaches.

No beaches lie within the nominated property; however, the Evangeline Beach, in North Grand Pré, is within the buffer zone, as are other smaller beaches along North Grand Pré and Boot Island. This Act applies to all beaches along the coast.

The Act prohibits the removal or deliberate displacement of any aggregate material from the beach including sand, gravel, stone or other material; however, the Governor in Council may make regulations granting the leases, licences and permits for the removal of any aggregate material. The Act further permits the Governor in Council to make regulations regarding the protection of flora and fauna located on the beach, to restrict or regulate traffic by vehicles, vessels and pedestrians on the beach, and to restrict certain activities from occurring on a beach. Penalties for offences under this *Act* range from a minimum of \$50 to a maximum of \$2000.



Map 14 Land Within the Nominated Property Managed under the *Beaches Act*



### 5.b.viii. Municipality of the County of Kings: Municipal Planning Strategy (1992)

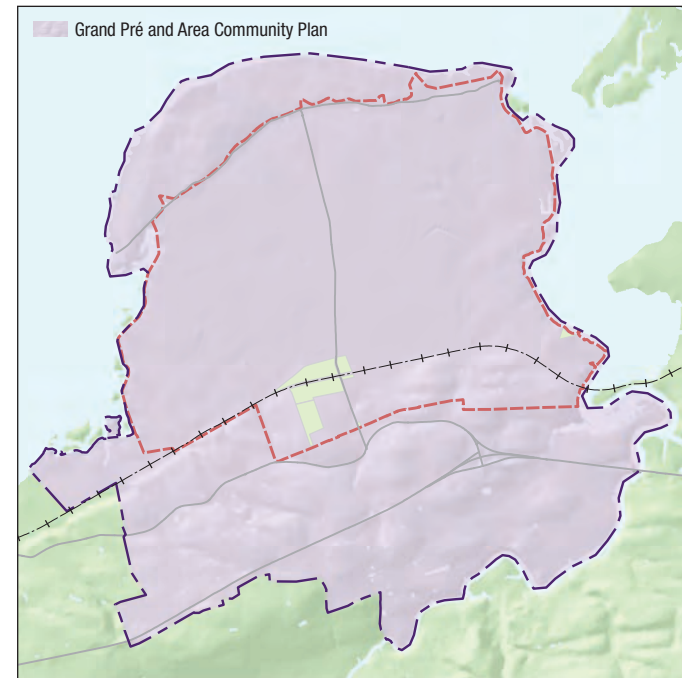
In accordance with Part VIII Section 212 of the *Municipal Government Act* (Appendix 3)) of the province of Nova Scotia, the Municipality of the County of Kings has developed a *Municipal Planning Strategy (MPS)* (Appendix 4D). The MPS consists of policy statements with respect to the use of the lands within the county, the provision of municipal services, and any other matter related to the physical, social or economic development of the county. The MPS, developed in 1979, recognizes the need to accommodate growth and preserve the agricultural resource base. It was amended in 1992, recognizing that each growth centre within the county has a unique character, and provides a selection of policies and options suitable for the unique character of individual growth centres. With respect to the nominated property, there are no areas considered “growth centres.”

The *Municipal Government Act* of Nova Scotia permits a municipality to establish committees to undertake research and public consultation and to provide recommendations to a municipal council with respect to the adoption of planning policies and bylaws. In 2008, the Municipality of the County of Kings, in concert with Nomination Grand Pré’s Advisory Board, began the process of amending the MPS further to include specific visions and policies for the communities of Lower Wolfville, Hortonville, North Grand Pré and Grand Pré. These approved amendments are identified in the *Grand Pré and Area Community Plan* (Appendix 2j).

In developing the *Grand Pré and Area Community Plan*, the Municipality of the County of Kings worked with the Grand Pré and Area Community Association and the wider community to develop a plan that reflects the needs and desires of the community, with the objective to develop the “vision that the community has for its future in a landscape of great environmental, cultural, and historical significance” (Terms of Reference, 2008). The general policy that comes out of the *Grand Pré and Area Community Plan* is that Council shall be guided by the policies and vision that are identified in the *Grand Pré and Area Community Plan* when making decisions that impact the lands within

the *Grand Pré and Area Community Plan* boundary. The vision statement for the *Grand Pré and Area Community Plan* is:

The Grand Pré and Area communities work together with a shared interest in sustaining a healthy rural setting by conserving our culture, environment, and agricultural landscape. In defined areas, the larger community provides opportunities for community growth, agriculture, the recreational use of shared open space, and local business.



Map 15 Land Within the Nominated Property Managed under the *Grand Pré and Area Community Plan*

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### 5.c. Means of implementing protective measures

Three levels of government and various other authorities manage various components that make up the nominated property. Each authority has mechanisms and resources in place to review proposals, plan for them, implement activities, and monitor changes. These mechanisms will be used to ensure the conservation of the property's outstanding universal value if it is successfully inscribed on the World Heritage List. The Grand Pré World Heritage Site Stewardship Board will play an essential role in implementing measures to manage the nominated property. Whenever it is consulted by one of the authorities, the Board will provide an overall analysis of impacts on the outstanding universal value of the property to ensure coordination among the various authorities' mechanisms and resources.

#### 5.c.i. Federal jurisdiction

##### Parks Canada Agency

National historic sites administered by Parks Canada are managed with a long-term vision through management plans. These plans are mandated by law and are required to be reviewed every five years. Management plans are approved by the Minister responsible for Parks Canada and provide the framework for decision-making on the site on issues relating to the protection of resources, education, and visitor experience. The *Grand-Pré National Historic Site of Canada Management Plan* (Appendix 2I) is expected to be tabled in Parliament in 2011.

In addition, everyday activities and special projects are designed and carried out in accordance with Parks Canada's *Cultural Resource Management Policy* (Appendix 4B) to ensure the respect and maintenance of historic values. These activities and projects are implemented with various directives, manuals, and guidelines related to archaeological resource management, impact assessments, and conservation. Interventions on cultural resources are planned and implemented by internal and contracted resources in accordance with the *Cultural Resource Management Policy* and the *Standards and Guidelines for the*

*Conservation of Historic Places in Canada* (Appendix 4G). Impact assessments are implemented in accordance with internal directives and the *Canadian Environmental Assessment Act* (Appendix 3B).

The Government of Canada's Treasury Board *Policy Framework for the Management of Assets and Acquired Services* (Appendix 4A) governs the management of federal assets, such as buildings. This Framework applies to the Memorial Church at Grand-Pré National Historic Site of Canada and lays out principles for managing such assets.

Parks Canada monitors and reports on the condition of its national historic sites in various ways. The Commemorative Integrity Evaluation assesses the condition of cultural resources, the effectiveness of communicating related messages, and the implementation of appropriate practices for managing cultural resources. The Visitor Experience Assessment provides insight into the different aspects of a visitor's experience, from trip planning to onsite services and programs. Annual stakeholder reports on management-plan implementation are also prepared. Starting in 2009, and every five years after that, a *State of the Site Report* compiles all the available information on the site's condition and is made available to the public.

Expert resources in archaeology, history, architecture, and planning are available internally or through Public Works and Government Services Canada to ensure the proper design and implementation of activities and structures.

#### 5.c.ii. Provincial jurisdiction

##### Department of Agriculture

The Department of Agriculture's Resource Stewardship Division has the expertise to implement the provisions of the *Agricultural Marshland Conservation Act* (Appendix 3F). The Division's Land Protection Section is responsible for maintenance work on the system of tidal dykes in Nova Scotia. This Section also provides advice to dyke landowners on improving drainage systems on the dykeland (see Figure 5-2). The Department of Agriculture manages the planning for all work on dykes, *aboiteaux*, and drainage. The department also implements and supervises the work.



5-2 The Department of Agriculture works with landowners to improve drainage on the dykelands.

Drainage is maintained by both the Department of Agriculture and the Grand Pré Marsh Body. The department oversees the maintenance of main outlet drainage. In certain circumstances, costs are shared with the Grand Pré Marsh Body through the Main Outlet Drainage Program, which has been renewed annually for the past four years. Costs can also be shared for the maintenance of roads.

The Aboiteau Superintendent for Grand Pré, one of four Aboiteau Superintendents employed by the Nova Scotia Department of Agriculture, is responsible for assessing the work that needs to be performed based on his annual site visits or following major storm events. Based on the superintendent's verbal report, the departmental engineer allocates resources to perform the work. The engineering staff provides the department with design capacity; however, most work is contracted to private contractors. As of 2009, the departmental budget for the maintenance of all dykes in Nova Scotia is approximately \$1.1 M, with \$500 000 directly allocated to maintenance and repairs.

Other activities or building of infrastructure on the dykeland require a variance permit. Variances for development in a dykeland may be authorized by permit by the Marshland Administrator.

However, these are rare. Permits are not issued if the development substantially interferes with drainage or other work in a way that negatively affects the existing agricultural activity or the agricultural potential of the dykeland section, or is contrary to any applicable municipal land-use bylaw or rules of a marsh body. If a variance is authorized, notice is given to the marsh body and to the municipality.

Coastal erosion is not monitored formally other than through the Aboiteau Superintendent's annual visual assessment.

### Department of Tourism, Culture and Heritage

Planning for archaeological and non-federal heritage resources falls under the authority of the Province of Nova Scotia's Department of Tourism, Culture and Heritage. It is carried out by the Special Places Program, which is responsible for maintaining the inventory of archaeological resources, issuing heritage research permits, and providing advice on the management of archaeological and historical sites and remains. The curatorial staff of the Nova Scotia Museum provides support for these functions.

Currently, the Special Places Program relies on a variety of triggers to identify potential impacts to archaeological sites. As the *Special Places Protection Act* (Appendix 3K) specifies that no person shall knowingly destroy an archaeological site, the Special Places Program is responsible for developing and implementing policies, guidelines and procedures to manage that aspect of the Act. A manager for the Special Places Program is responsible for this.

### Department of Transportation and Infrastructure Renewal

Planning for public road maintenance and upgrades is carried out by the Department of Transportation and Infrastructure Renewal. For major projects, an environmental-impact assessment is required and provides a mechanism for stakeholders to express concerns and provide input.

### 5.c.iii. Municipal jurisdiction

Development and land use in the nominated property, excluding federal and provincial land, are managed through the municipal zoning and bylaws of the Municipality of the County of Kings. The municipality's planning department maintains planning capacity to review proposals, develop policies, and assist project proponents (see Figure 5-3). The municipality maintains the staff to review projects as they relate to the municipal heritage conservation district.



5-3 Community members participate in the workbook consultation session to create the *Grand Pré and Area Community Plan*.

Development is managed to support community needs while recognizing the intrinsic value of the nominated property. Thus the municipality focuses on maintaining the integrity of the resources and protecting the agricultural identity of the community. Control over development is assured, as most of the area is zoned as an agricultural district. This sets the framework to determine acceptable

development. The *Grand Pré and Area Community Plan* (Appendix 2J) does not allow large-scale wind turbines within the Grand Pré and Area Plan Boundary. Municipal Council has consistently demonstrated its commitment to protecting agricultural land; the current *Grand Pré and Area Community Plan* reinforces this commitment. The *Municipal Planning Strategy* (Appendix 4D) exemplifies that long-term commitment.

### 5.c.iv. Grand Pré Marsh Body

The Grand Pré Marsh Body typically plans work around major drainage and ditches. It also plans work on roads that are not managed by the Department of Transportation and Infrastructure Renewal.

### 5.c.v. Grand Pré World Heritage Site Stewardship Board

The Grand Pré World Heritage Site Stewardship Board will be the site manager of the nominated property. As such, it will be accountable, along with the other authorities, for managing the nominated property. This Board will come into existence in the event of a successful inscription of the nominated property by the World Heritage Committee. It will be supported by two committees: a Technical Advice Committee, and an Education and Marketing Committee, both of which will be formed upon successful inscription. The Board will include representatives from communities of interest – Acadians and local representatives – and will ensure that these groups are engaged in the protection of the World Heritage Site.

The *Strategy for the Management and Conservation of Archaeological Heritage in the Landscape of Grand Pré* (Appendix 2B) is a document for the management of the nominated property that ensures a holistic approach to managing its archaeological heritage with a focus on its outstanding universal value. Both the federal and the provincial authorities have endorsed it.

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#### 5.d. Existing plans related to the municipality and region in which the nominated property is located

Various plans and guiding documents from the Parks Canada Agency, the *Société Promotion Grand-Pré*, the Nova Scotia Department of Agriculture, the Municipality of the County of Kings, and Nomination Grand Pré provide direction and management for various aspects concerning the nominated property. The plans are summarized below, and full copies are appended.

**Grand-Pré National Historic Site of Canada Management Plan (2011)**  
*Grand-Pré National Historic Site of Canada Management Plan* (Appendix 2I) was prepared by the Parks Canada Agency and complies with the *Parks Canada Guide to Management Planning*. It provides an integrated approach to implementing Parks Canada's mandate for protecting heritage resources, facilitating opportunities for visitor experience, and fostering public appreciation and understanding of this historic place.

The management plan provides guidance for the site for the next 10 to 15 years. The plan's key objectives are (1) to enhance visitors' experience through direct contact with relics from the past and interaction with the services and activities of the present; (2) to enhance the shared stewardship of Grand-Pré National Historic Site of Canada through partnering opportunities; and (3) to change the perception of what Grand-Pré National Historic Site of Canada is to local communities and the greater Annapolis Valley residents, reconnecting it to their everyday lives and thereby increasing its relevance.

#### **Parks Canada Northern New Brunswick Field Unit Business Plan (2010/2011–2014/2015)**

The Grand-Pré National Historic Site of Canada and the Parks Canada administered property at Horton Landing are managed by the Northern New Brunswick Field Unit of Parks Canada. The Field Unit manages Parks Canada's relations with the Acadian community in Atlantic Canada. The *Northern New Brunswick Field Unit Business Plan* (Appendix 5B), valid from 2010/2011 to 2014/2015, outlines the total

annual operating budget for the Grand-Pré National Historic Site at \$512 300 with annual revenue of \$117 000.

In conjunction with the business plan, the Field Unit identified performance expectations with targets for various site-specific program activities at Grand-Pré National Historic Site of Canada. These include meeting a target of 40 017 visitors during the 2011–2012 period and improving commemorative integrity by 2013.

#### **Société Promotion Grand-Pré Business Plan (2010)**

The *Société Promotion Grand-Pré Business Plan* (Appendix 5D) serves as a guiding document for managing the not-for-profit organization and its work at Grand-Pré National Historic Site of Canada. Its objectives include working with Parks Canada to deliver visitor services at the national historic site, supporting the Grand Pré World Heritage Site nomination, creating partnerships with other historic sites that are significant to Acadians, developing projects with corporate sponsors, establishing a governance system, improving tourist and media promotion strategies, and supporting other endeavours of the Acadian community.

#### **Nova Scotia Department of Agriculture Business Plan (2009–2010)**

The Nova Scotia Department of Agriculture's mandate is to promote, support and develop the agriculture and food industries in the province. The department's *Business Plan* (Appendix 5C) identifies four core business areas in which it will work with industry and other government partners to achieve the objectives of each core business area. These four core business areas are sustainable resource management, industry growth and development, responsible governance, and education and lifelong learning.

#### **Nova Scotia Department of Agriculture: Emergency Preparedness Plan**

The *Emergency Preparedness Plan* (Appendix 4C) is a province-wide plan that provides a detailed list of Department contacts, dyke locations, and heavy-equipment contractors throughout the province. The Department of Agriculture maintains all dykes to an elevation that will prevent overtopping during normal tide conditions. However,

during extreme storm events, the dykes have a risk of breaching or overtopping. The Plan directs that dyke inspections, performed by Aboiteau Superintendents, other Department staff or the Department Engineer, be carried out a minimum of twice a year. Assessments are performed in the spring and in the fall, with additional inspections performed during or after all extreme storm events. As part of regular condition assessment but also for the purposes of emergency preparedness planning, the condition of the dykes and *aboiteaux* are observed by staff while performing annual maintenance work (see Figure 5-4). Any significant changes are noted, and protection plans are completed and assessed. Rock-protection requirements and estimates are performed at least once a year.



5-4 Breakwaters and rock facing on dykes mitigate the impact of storm surges.

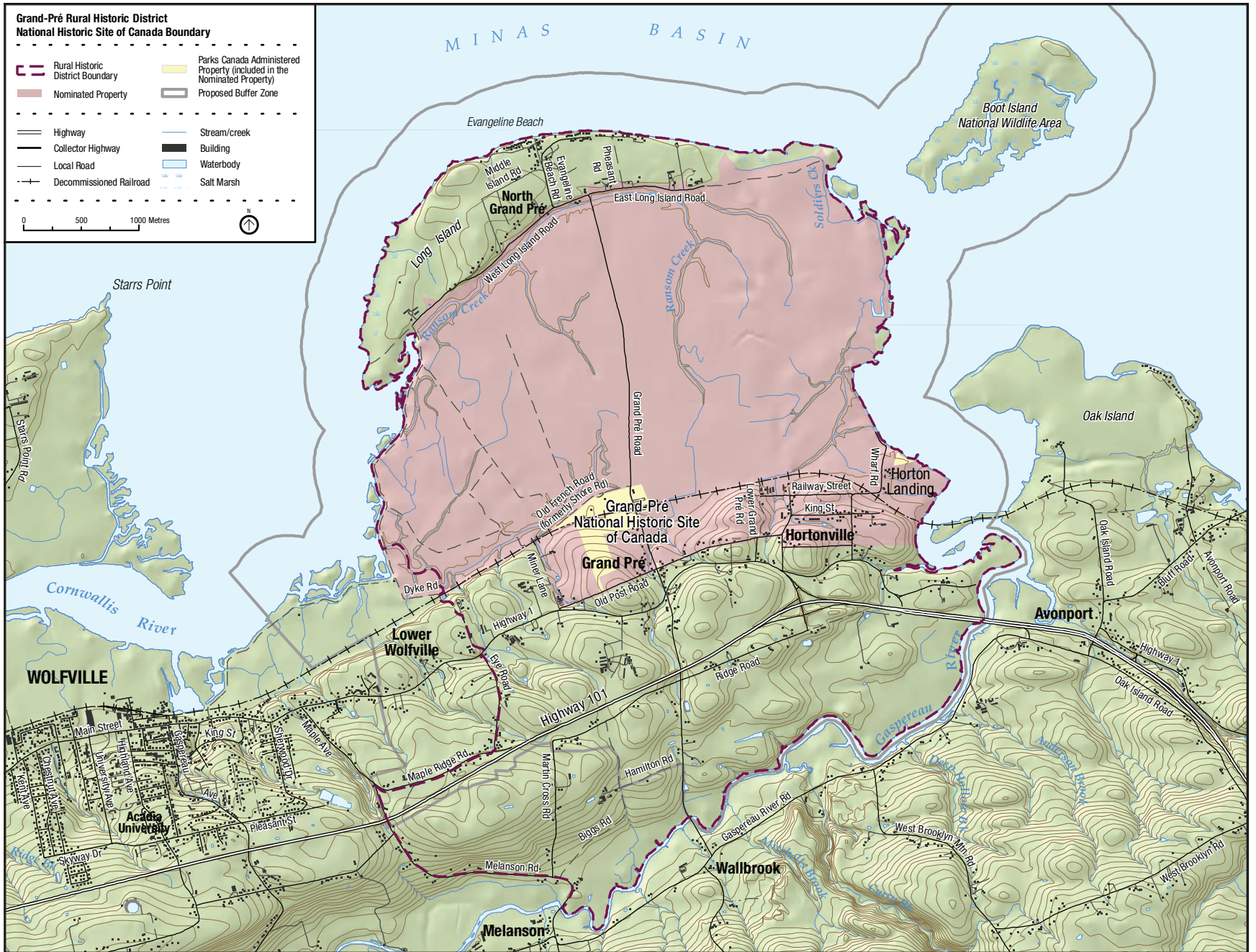
#### Grand Pré and Area Community Plan (2010)

The *Grand Pré and Area Community Plan* (Appendix 2J) is a municipal planning document prepared by the Municipality of the County of Kings. It is intended to provide a long-term plan for the four communities of the Grand Pré area: Grand Pré, Hortonville, North Grand Pré and Lower Wolfville. Developed in concert with the Grand Pré World Heritage Site nomination proposal, the plan has three objectives: to support the initiatives of the Grand Pré and area community; to protect Grand Pré and area as a unique cultural resource; and to provide opportunities for tourism development. Additional goals include sustaining the agricultural and business community, providing opportunities for recreation and residential growth where appropriate, and ensuring the conservation of healthy environmentally sensitive areas.

#### Grand Pré Heritage Conservation District: Plan, Bylaw and Guidelines (1992)

The *Grand Pré Heritage Conservation District: Plan, Bylaw and Guidelines* (Appendix 4E) was adopted by the Municipality of the County of Kings in 1992, and amended in 1995, to establish statutory protection of historic buildings. It was adopted to ensure the conservation of the pastoral setting and scenic character of the Grand Pré village and of the Historic Sites and Monuments Board of Canada (HSMBC) commemorated Grand-Pré Rural Historic District. *The Grand Pré Heritage Conservation District: Plan, Bylaw and Guidelines* contains administrative procedures as well as policy guidelines to encourage developers to make any new developments architecturally compatible with existing buildings, to enhance the attractiveness of Grand Pré as a tourist destination, and to help develop economic opportunities based on cultural tourism.

Map 16: *HSMBC Grand-Pré Rural Historic District Boundary* illustrates the boundary of the Rural Historic District.



Map 16

#### Kings Regional Emergency Readiness Plan

The Municipality of the County of Kings has an the *Kings Emergency Readiness Plan* (Appendix 4F) developed in accordance with the *Emergency Management Act* (Appendix 3I) of the Province of Nova Scotia. The plan is managed by the Emergency Management Coordinator, who is responsible for its review and implementation. First response relies on 13 volunteer fire departments that service the county. It is assisted through mutual aid agreements, if needed, by 16 neighbouring fire departments.

#### Tourism Strategy and Interpretation Framework (2010)

The *Tourism Strategy and Interpretation Framework for the Landscape of Grand Pré* (Appendix 2E) was developed by Nomination Grand Pré to provide an analysis of current tourism opportunities and a framework for tourism management and promotion in the Grand Pré area. It includes a tourism plan to manage visitors and a framework to guide the development of future tourism in the region if inscription is successful. It also assesses the overall effects and opportunities that an increase in tourism could have on the local community. The direction in this strategy complements and builds on existing tourism infrastructure in the area. This framework will serve as the foundation for an interpretation plan in the event of a successful inscription.

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#### 5.e. Property management plan or other management systems

Each regulatory authority has a management plan or policies that guide its activities and decision-making. These documents focus on the implementation of their respective mandates and apply only to the areas of the nominated property under their authority. To ensure the effective protection of the entire nominated property, the regulatory authorities jointly developed a management plan in cooperation with stakeholders.

The goal of the *Management Plan for the Landscape of Grand Pré* (Appendix 2A) is to ensure that the outstanding universal value of the nominated property and the attributes that support it are preserved for present and future generations. The *Management Plan* serves as an

overarching management framework to guide the protection, conservation and presentation of the nominated property in a cohesive way, both for the Grand Pré World Heritage Site Stewardship Board and for the responsible authorities. It places great importance on maintaining a vibrant agricultural community anchored in an agricultural tradition that has evolved over 300 years, and on maintaining the intrinsic values that make this place significant for the Acadian community.

The *Management Plan* provides shared principles, goals and objectives for the regulatory authorities and the stakeholders involved in the protection and interpretation of the property. It also builds on each authority's responsibilities, processes, and policies to ensure a collaborative approach for sharing information and decision-making for the property's long-term conservation. The management plan is implemented through the plans and policies of each regulatory authority and through the strategic plan guiding the work of the Grand Pré World Heritage Site Stewardship Board. *The Management Plan for the Landscape of Grand Pré* (Appendix 2A) is appended as a separate document. Listed below are the Management Plan's Principles, Goals and Objectives.

#### Principles, Goals and Objectives

##### Principles for managing the proposed property:

**Principle 1:** Management of the nominated property will meet or exceed World Heritage standards regardless of inscription.

**Principle 2:** The primary focus of the *Management Plan* is to address issues directly related to the management and conservation of the site's outstanding universal value and attributes by providing a framework for advice from the Stewardship Board and for decision-making for the regulatory authorities.

**Principle 3:** The *Management Plan* recognizes that the nominated property is set within an active agricultural community where people continue to live and work. People have created, lived and worked on this land for generations and have been responsible stewards of the land. The *Management Plan*



also recognizes that this is an area of great importance for the Acadians, who have a strong emotional attachment to it.

**Principle 4:** Management of the nominated property in relation to World Heritage guidelines will be a shared responsibility between the different owners, communities, and government agencies with regulatory responsibilities for the nominated property. The *Management Plan* recognizes that actions undertaken by an owner, community, or government agency with regulatory responsibilities may have a detrimental impact on the nominated property, and that communication, coordination, and collaboration are essential to its long-term protection.

**Principle 5:** Management and protection will be delivered through existing boards, bodies, and government authorities, supplemented by technical advice, interpretation, and education from the Stewardship Board and procedures developed to accommodate a designated World Heritage Site.

The *Management Plan* requires regular review by the Grand Pré World Heritage Site Stewardship Board, as experience and other factors may influence the future direction of site management of the property. Once implemented, the Management Plan review will be on a six-year cycle, starting five years after the inscription.

#### Goals and objectives for managing the property:

**Goal 1:** *To provide for the protection, continuing community and agricultural use and appreciation of the nominated property by:*

- a. ensuring that agriculture remains a vibrant economic activity of the community;
- b. dedicating resources to the monitoring and maintenance of the dykes;
- c. preserving and enhancing the memorials reflecting the enduring importance of the area for the Acadians;
- d. nurturing ongoing research and filling the gaps in knowledge about the landscape and the people that inhabited it over the years;

- e. ensuring that the Grand Pré Marsh Body, as long-term steward of the marshlands, continues to play a significant role in the maintenance, use and protection of the marshlands;
- f. informing visitors to the community, through signage and brochures, of the need to be mindful that they are entering an active agricultural community; and
- g. working with the Grand Pré Marsh Body to ensure that visitors have access to the values of the site without interfering with the ongoing agricultural use of the marshland.

**Goal 2:** *To enrich the existing tourism destination by promoting wide recognition, understanding and appreciation of the educational and cultural values represented by the nominated property by:*

- a. developing programs, activities, tools, and interpretation that raise awareness of the importance of the landscape for the different communities, including the Mi'kmaq, the Acadians, and the descendants of the New England Planters;
- b. promoting visitation through regional, national and international media;
- c. ensuring that promotion of the site is managed responsibly in all aspects of publicity in relation to the nominated property in accordance with UNESCO guidelines;
- d. developing tools and interpretation on the history and importance of agriculture;
- e. continuing to raise awareness about the Acadian people and the way they overcame their forced migrations of the 18th century; and
- f. developing partnerships with existing World Heritage Sites.

**Goal 3:** *To instil a strong sense of shared community pride and stewardship in the protection, interpretation and promotion of the nominated property by:*

- a. providing for community input and encouraging community participation;
- b. engaging Acadian, local and other stakeholder communities in activities that celebrate the importance of the Grand Pré landscape;

- c. employing a governance model to ensure that the interests and concerns of local residents and the Acadian community are heard, discussed, and reflected in the advice to the different regulatory authorities; and
- d. ensuring that local and Acadian schools are provided sufficient information and opportunities to incorporate the experience at Grand Pré into their curriculum.

The following documents are management tools developed specifically for the management of the nominated property and involving more than one regulatory authority.

**Strategy for the Management and Conservation of Archaeological Heritage in the Landscape of Grand Pré (2010)**

The Archaeological Heritage Task Force prepared this strategy (Appendix 2B) as a framework for the collaboration among the three levels of government and stakeholders in managing the archaeological heritage of the Landscape of Grand Pré. The strategy relies on provincial and federal legislation and policies, but it outlines roles and responsibilities for implementing effective management of archaeological heritage for the Landscape of Grand Pré. It also acts as a framework for engaging municipal authorities, academic and research institutions, residents and other stakeholders in protecting the area’s archaeological heritage.

**Overview of Coastal Change Influences on the the Landscape of Grand Pré (2010)**

This study (Appendix 6E) was carried out to improve understanding of how the area’s coast is changing. The objectives of the study were to review coastal-management literature, coastal-change observations, and mitigation measures. The information reviewed was compiled from several sources, each with its own means for data collection and analysis. Sources include aerial photos and academic material (Acadia University, Dalhousie University), as well as municipal (Municipality of the County of Kings), provincial (Coastal Coalition for Nova Scotia, Nova Scotia Department of Agriculture) and federal reports (Environment Canada, Canadian Wildlife Services, Natural Resources

Canada, Parks Canada Agency). Results from this study are discussed at length in section 4.b.ii *Environmental pressures*.

**Coastal Change Monitoring Plan for the Landscape of Grand Pré (2010)**

This plan (Appendix 2D) outlines the monitoring program that will be implemented to track coastal changes taking place in the nominated property and buffer zone. It outlines the responsibility of various authorities, and sets up a monitoring program for measuring future coastal change in the area.

**Risk Preparedness Framework for the Landscape of Grand Pré (2010)**

This framework (Appendix 2C) addresses preparedness, emergency, and post-disaster measures to protect the cultural heritage of the nominated property from natural disasters. It serves to articulate the mechanisms in place at the nominated property at the federal, provincial, and municipal levels to deal with these kinds of emergencies. It does not replace or supersede existing plans where those are in place.

**Implementation**

The *Management Plan for the Landscape of Grand Pré* (Appendix 2A) is implemented by the regulatory authorities through two management plans, a number of policies, and by the Grand Pré World Heritage Site Stewardship Board through a strategic plan. The *Grand-Pré National Historic Site of Canada Management Plan* (Appendix 2I) applies to the lands owned and administered by the Parks Canada Agency and commemorated as Grand-Pré National Historic Site of Canada. The *Grand Pré and Area Community Plan* (Appendix 2J) is a plan of the Municipality of the County of Kings and regulates activities under municipal responsibility in the communities of Grand Pré, North Grand Pré, Hortonville, and Lower Wolfville. The regulations and policies of the Nova Scotia Department of Agriculture, Department of Tourism, Culture and Heritage, as well as the Department of Transportation and Infrastructure Renewal apply to the activities and plans they undertake. These documents reflect the goals of the

*Management Plan for the Landscape of Grand Pré*. The *Strategic Plan – Grand Pré World Heritage Site Stewardship Board* (Appendix 5A) applies to the coordination of management of the nominated property and to non-regulatory activities such as interpretation.

#### Grand-Pré National Historic Site of Canada Management Plan

The direction of the national historic site *Management Plan* (Appendix 2I) is compatible with the goals of the *Management Plan for the Landscape of Grand Pré*. It provides for the protection of memorials (Goal 1), plans for the management of tourism (Goal 2), and focuses on the need for partnership, stewardship and community pride in the management of the site (Goal 3).

#### Grand Pré and Area Community Plan (2010)

The *Grand Pré and Area Community Plan* (Appendix 2J) supports the goals of the *Management Plan for the Landscape of Grand Pré*. It recognizes the need to protect the continuing agricultural land and uses (Goal 1), celebrate and conserve local history (Goal 2), allow for the provision of tourism amenities (Goal 2), and to reflect the needs and desires of the community (Goal 3).

#### Nova Scotia Department of Agriculture

The Department of Agriculture has jurisdiction over the dykes, *aboiteaux*, dykelands and drainage at Grand Pré. Its policies ensure that the dykelands will continue to be used as farmland in accordance with the *Agricultural Marshland Conservation Act* (Appendix 3F). Along with the Grand Pré Marsh Body, they protect and maintain the agricultural land for future use (Goal 1).

#### Nova Scotia Department of Tourism, Culture and Heritage (Heritage Division)

The Heritage Division is responsible for archaeological sites outside of Parks Canada land. It administers the *Special Places Protection Act* (Appendix 3K), which requires that a person obtain a heritage research permit before excavating a site, and protects unknown or known archaeological resources. Protecting archaeological resources raises awareness of Acadian and local history (Goal 2), enriches the

area as a tourist destination (Goal 2), and encourages ongoing research into the history of the area (Goal 1). The Special Places Program also encourages educating members of the public about the potential for archaeological finds on their property (Goal 3).

#### Strategic Plan – Grand Pré World Heritage Site Stewardship Board (2010) (Appendix 5A)

The Grand Pré World Heritage Stewardship Board will be responsible for coordinating the management of the nominated property and implementing non-regulatory activities. Its mission is to “work cooperatively with each government authority and engage the communities to protect, promote, interpret, and foster the sustainable development of this outstanding area for present and future generations [on behalf of people of the world and of the communities that care for the Grand Pré and area landscape].” It relies on five key strategies to achieve its mission. The first three are to achieve the goals of the *Management Plan*, which are: 1) providing for the protection, continuing community and agricultural use and appreciation of the nominated property; 2) enriching the existing tourism destination by promoting wide recognition, understanding and appreciation of the educational and cultural values represented by the nominated property; and 3) instilling a strong sense of shared community pride and stewardship in the protection, interpretation and promotion of the nominated property. The two remaining strategies aim to foster economic, tourism, and agricultural opportunities for the stakeholder communities and to ensure the long-term sustainability of the Board itself.

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#### 5.f. Sources and levels of finance

Various sources of funding support the management of the nominated property, reflecting the range of expertise and responsibilities involved. These budgets cover principally the maintenance of the dykes, the *aboiteaux*, the drainage ditches, and the roads; the operations of the national historic site and other Parks Canada administered lands, including the conservation of the cultural resources,

visitor services, and interpretation; and the promotion of the key assets of the area.

Parks Canada is funded through allocations of the Parliament of Canada. Funds for the management of Grand-Pré National Historic Site of Canada, Horton Landing, and the commemoration of the Attack at Grand Pré are managed at the New Brunswick North Field Unit, which has an operating budget of \$512 300. Funds are directed towards staffing the maintenance group, protecting cultural resources, and maintaining assets. Non-operational activities and projects are funded through internal project-based funding and partnerships including with the Société Promotion Grand-Pré.

The Société Promotion Grand-Pré is responsible for visitor services, marketing and promotion. It receives funding from various government sources. Its basic operating budget from Parks Canada stands at \$220 000 to cover interpretation staff as well as marketing and promotional activities. In addition, the Société applies for funding from other government sources for various projects. In 2009–2010, the Société secured \$440 000 in supplementary funding.

The Department of Agriculture of the Province of Nova Scotia is funded through allocations from the Nova Scotia Legislature as reflected in the Province of Nova Scotia's budget. The Department allocates approximately \$1 M to the dykeland infrastructure program annually. These funds are dedicated to the maintenance and repair of dykes across the province based on urgency and priorities. In addition, a cost-sharing program is in place with marsh bodies for maintaining dyke roads and drainage. Costs are shared up to a total project value of \$20 000. There are various programs and funds that help support the agricultural industry through training, industry and business development, and marketing.

The Department of Transportation and Infrastructure Renewal is funded through allocations from the Nova Scotia Legislature as reflected in the Province of Nova Scotia's budget. Funds are invested in public road infrastructure according to priorities.

The Grand Pré Marsh Body collects a fee from individual landowners to contribute to the maintenance of the dykelands. The fee was increased in 2010 from \$5 to \$7 an acre (about half a hectare), generating about \$20 000 in revenue which is then, for the most part, reinvested into the maintenance of the ditches and the roads.

Finally, the Grand Pré World Heritage Site Stewardship Board will be supported by the three levels of government. This financial support, along with the expert resources provided by the three levels of government and partners, and the revenues from product sales, will adequately cover the needs of the Stewardship Board and ensure stable governance of the nominated property. Funding for special initiatives will be supported through applicable federal and provincial government programs as well as through private donations. Letters of funding support can be found in Appendix 10A.

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#### **5.g. Sources of expertise and training in conservation and management techniques**

The Stewardship Board, in order to fulfill the responsibilities of site manager, will rely on the expertise of the Parks Canada Agency, the Heritage Division of the Nova Scotia Department of Tourism, Culture and Heritage, the Department of Agriculture, and the Grand Pré Marsh Body.

The Parks Canada Agency has a wide array of expertise available. Front-line professionals at the New Brunswick North Field Unit are supported by the technical expertise at the Atlantic Service Centre in Halifax, Nova Scotia. These specialists include planners, archaeologists, landscape architects, architects, interpreters, historians, ecologists, curators, and engineers. Field Unit staff also can call on conservation expertise from the federal Department of Public Works and Government Services. Staff from Parks Canada's National Office in Gatineau (Québec), and from the Atlantic Service Centre, provide training to the Field Unit staff to ensure that they can carry out their responsibilities according to internationally accepted standards.

The Heritage Division of the Department of Tourism, Culture and Heritage includes expertise in conservation, archaeology, and heritage management. That expertise is drawn from the Nova Scotia Museum and the Special Places Program. Regular training is available to ensure knowledge and practice of the latest techniques and principles.

The conservation expertise from both these agencies is available to the nominated property in support of its ongoing management

and of its governance structure. Both agencies are guided by a number of standards, guides, and guidelines that apply the highest standards recognized internationally.

Finally, both these agencies complement their expertise by drawing upon the in-depth knowledge of local farming landowners in maintaining the nominated property. An essential part of the management process is to ensure the development and implementation of proper management techniques for Grand Pré. The Department of Agriculture has expertise in dyke building, *aboiteaux*, drainage maintenance, and agricultural land use. The Marsh Body has expertise in dyke building, *aboiteaux* and traditional knowledge of how to work the land.

In the event of a successful inscription, the Grand Pré World Heritage Site Stewardship Board will be supported by a Technical Advisory Committee. This committee will be composed of experts from various disciplines and will be knowledgeable in the principles of the international charters on cultural heritage conservation. The objective of the committee will be to provide analysis and recommendations on matters pertaining to the protection of cultural heritage in the nominated property.

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## 5.h. Visitor facilities and statistics

### 5.h.i. Visitor statistics

In 2009, visitors to the Grand-Pré National Historic Site of Canada numbered approximately 30 535. Visitor numbers are down from approximately 62 000 in the late 1990s. This represents a 51 per cent decrease over the last decade. In general, this downward trend is noticed throughout Nova Scotia, due in part to the recession and the rise of the Canadian dollar relative to the American dollar. A recent study, entitled *Grand Pré: An Economic Impact Assessment of a UNESCO World Heritage Designation* (Appendix 6B), carried out by Acadia University for Nomination Grand Pré in 2009, indicates that a projected 6.2 per cent increase in visitation to the Grand-Pré National Historic Site of Canada will likely occur by 2012 if the Landscape of Grand Pré is

inscribed on the World Heritage list. This projected increase does not include visitors from Nova Scotia.



























A recent Visitor Information Program (VIP) survey performed by the Parks Canada Agency in the summer of 2007 indicated that 31 per cent of visitors to the Grand-Pré National Historic Site of Canada are from Nova Scotia and 68 per cent of visitors are from outside the province. Of the visitors from outside Nova Scotia, 53 per cent are from non-Atlantic Canadian provinces, and 41 per cent are from the United States. Seniors and adults make up the majority of visitors to the site, at 89 per cent. Of these, 62 per cent are over the age of 50. Additionally, the survey indicated that 20 per cent of visitors identify themselves as Acadians or Cajuns.

Grand-Pré National Historic Site of Canada was also included in Parks Canada's National Historic Sites Marketing Initiative (2008) (Phase II) and was awarded \$75 000 to develop a long-term marketing plan for the site, work on new product development, and implement sustainable actions in efforts to increase visitation to the site.


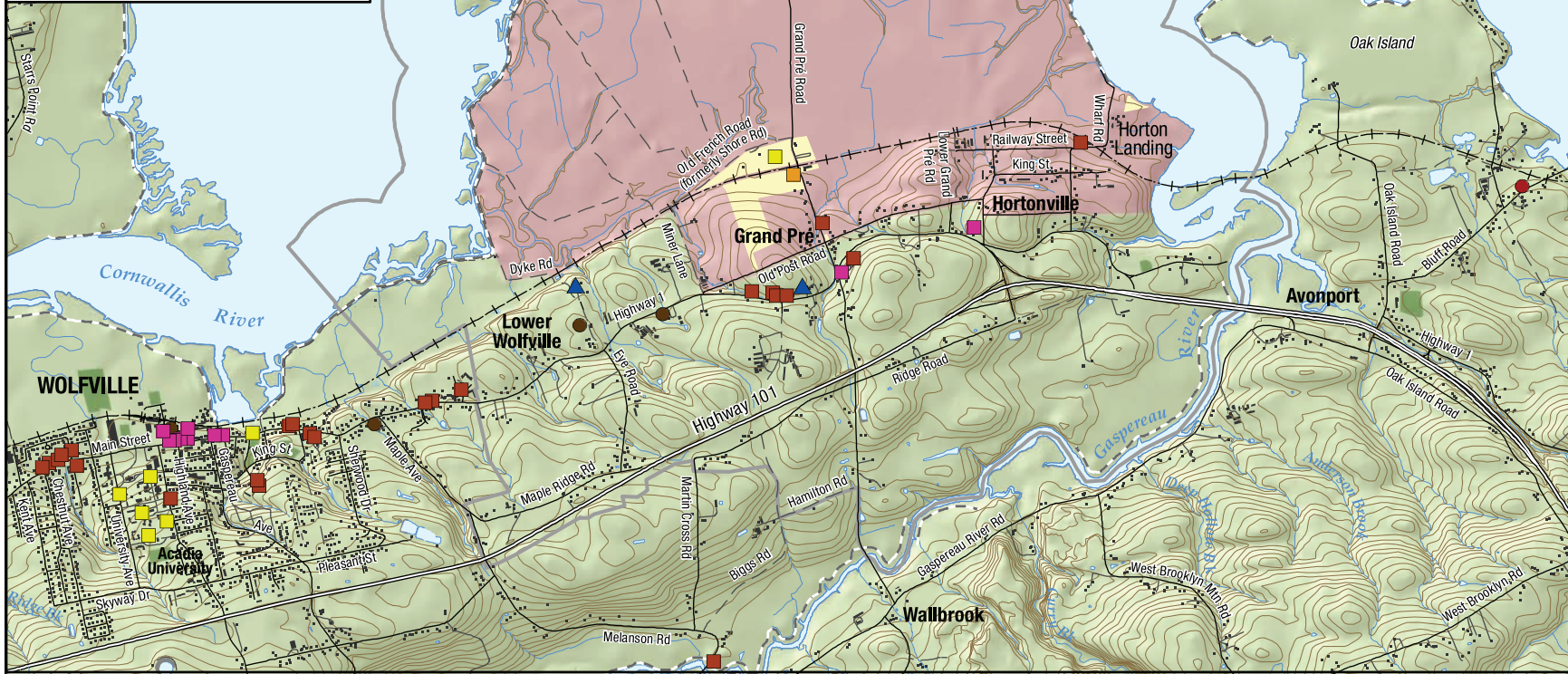
### 5.h.ii. Visitor facilities

The nominated property, buffer zone, and surrounding areas have a variety of services for visitors. These are summarized in Map 17: *Facilities and Services in the Nominated Property, Buffer Zone and Surrounding Area*. Overnight accommodations include a campground in North Grand Pré, a motel, and several Bed and Breakfasts and cottages. There are restaurants, a gas station, a corner store, wineries, a few museums, and some antique shops and other specialty shops. Visitors also enjoy the area for bird watching, going to the beach at Evangeline Beach, and enjoying the scenery. Most of these services are located in the buffer zone.

### Facilities and Services in the Nominated Property Buffer Zone and Surrounding Area

	Proposed 500m Buffer Zone		Stream/creek
	Parks Canada Administered Property (included in the Nominated Property)		Building
	Nominated Property		Waterbody
	Highway		Salt Marsh
	Collector Highway		Park Area
	Paved Road		UPick Fruits and Vegetables
	Decommissioned Railroad		Winery
	Dykes, Present Day		Heritage Organization
	Contours (5m interval)		Visitor Information
	Accommodations		Restaurant/Food Service
	Campground		UPick Fruits and Vegetables
	Farmers' Market		Winery
	Heritage Organization		Visitor Information

0 500 1000 Metres

Map 17



5-5 The visitor reception and interpretation centre at Grand-Pré National Historic Site of Canada, constructed in 2003, is a key feature of the tourism management strategy for the nominated property.



5-7 A film explains Acadian history at Grand-Pré National Historic Site of Canada.



5-6 Interpretive exhibits at Grand-Pré National Historic Site of Canada provide visitors with information about Grand Pré's past and present.

The Grand-Pré National Historic Site of Canada visitor centre will serve as the starting point for a visit to the nominated property (see Figure 5-5). It includes interpretive exhibits explaining the natural and cultural history of the area (see Figure 5-6), an interpretive film about Acadian history in the area (see Figure 5-7), washrooms, a gift shop, and a parking lot for personal vehicles, recreational vehicles (motor homes) and coach buses. The site grounds offer a blacksmith shop, the Memorial Church, sculptures and interpretive panels, well-manicured lawns and gardens, and several walking trails originating from the site.

The nominated property falls within the Municipality of the County of Kings. In the County of Kings, and within a short drive of the nominated property, are several towns that offer a full range of services to the visitor: Wolfville, Kentville, Berwick, New Minas, and Hantsport. Wolfville, the closest town to the nominated property, has a visitor information centre, operated by the Province of Nova Scotia, as do Kentville, Berwick and Kingston. Services outside the towns include wineries, farms and farmers' markets, U-pick (pick your own) fruits and vegetables, golf courses, accommodations, museums and service stations. Numerous events and festivals take place in the

Municipality, including music festivals, the Apple Blossom Festival, the Harvest Festival, and Berwick Gala Days.

Halifax Regional Municipality is approximately 85 km away. The city has numerous facilities for visitors, including accommodations, restaurants, attractions, churches, libraries, parks, shopping locations and full-scale health-care facilities and emergency departments. The Halifax Stanfield International Airport is 90 km from the nominated property and serves as the gateway to Atlantic Canada. It has daily or regular flights across Canada, to major destinations in the United States including daily service to New York, and daily service to London, UK.

The Hamlet of Grand Pré and its surrounding area have a long history of accommodating tourism, with visitor numbers that have sometimes exceeded 90 000. The area's tourism history indicates that it can accommodate large numbers of visitors without any detrimental effect on the nominated property.

#### 5.h.iii. Access within the nominated property

Circulation patterns in the nominated property are characterized by two main entry points located on Highway 1. Traffic flowing west originates from exit 10 at Highway 101, and traffic flowing east comes from Wolfville. Within the nominated property, public roads, including Grand Pré Road, Old Post Road, and roads within Hortonville, facilitate vehicle movement to and from the national historic site, Horton Landing and North Grand Pré. Access is restricted on the dykelands by signs posted at the beginnings of roads indicating private property.

#### 5.h.iv. Public safety and risk management

The main staging area for visitors is provided by the infrastructure at the Grand-Pré National Historic Site of Canada visitor centre. The visitor centre has policies in place to ensure the safety of visitors on the national historic site grounds. Off the national historic site property is private property. Accessing the dykelands and *aboiteaux* presents several risks to the visitor, including high tides, uneven terrain for walking, encounters with cattle or other farm animals, and encounters with farm equipment. The Grand Pré Marsh Body posts signs to discourage visitor access (see Figure 5-8). Besides wanting to minimize safety risks to visitors, farmers in the area prefer that visitors stay off the dykelands because vehicles and people can interrupt their day-to-day working activities. It is recognized, however, that visitors will want to view the dykelands and *aboiteaux*, so a viewing deck in a suitable location is being built. This viewing deck will allow visitors to appreciate the expanse and vista of the site. This area will provide parking spaces, interpretive panels and washroom facilities.



5-8 Signs encourage caution by visitors wanting to enter the dykelands.



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### 5.i. Policies and programs related to the presentation and promotion of the property

#### 5.i.i. Presentation of the property

No single infrastructure is currently in place to allow visitors to experience the nominated property as a whole; however, the Grand-Pré National Historic Site of Canada offers a significant interpretive element of the experience. Visitors to the area now experience heritage in the community by visiting the national historic site, observing heritage properties along Old Post Road and Grand Pré Road, and visiting the Deportation Cross at Horton Landing and the Historic Sites and Monuments Board of Canada plaques commemorating the arrival of the New England Planters, the Attack at Grand Pré, and Sir Robert Borden. The Municipality of the County of Kings recognizes in its *Grand Pré and Area Community Plan* (Appendix 2J) that protecting public views is important for ensuring that residents and visitors can fully experience the area.

Presentation of local history is done through an exhibit on the New England Planters in Kentville, a few kilometres from Grand Pré; at the national historic site in Grand Pré; and at the Wolfville Historical Society–Randall House Museum in Wolfville. Several events are organized by the Historical Society each year to share knowledge about local history in the area.

The Nomination Grand Pré website ([www.nominationgrandpre.ca](http://www.nominationgrandpre.ca)), in French and English, provides readers with information about the nominated property and highlights its extraordinary significance and potential outstanding universal value. It also presents information regarding news and events, has numerous documents related to the nominated property for further reading, compiles testimonials from people who live in Grand Pré and those who have a connection to it, and provides several external links intended to provide a more thorough, in-depth explanation about organizations related to Grand Pré. The Nomination Grand Pré website will remain active and up-to-date should the nominated property be inscribed on the World Heritage List.

### Grand-Pré National Historic Site of Canada Presentation

Grand-Pré National Historic Site of Canada is a significant cultural tourism attraction in Kings County and the main tourism-related infrastructure in the nominated property. To fulfill the Parks Canada Agency mandate, the site is required to present the reasons for its designation as a site of national significance. The Parks Canada Agency has invested in the site's redevelopment by acquiring new properties and building a visitor centre that opened in 2003. Exhibits in the visitor centre include the history of the region through interpretive panels, photographs, and a film. All information presented in the visitor centre is bilingual (French and English). On the grounds of the national historic site and inside the Memorial Church and the blacksmith's shop, interpretive panels and directional signage are featured in French and English. The visitor centre is expected to serve as an entry point to the World Heritage Site by welcoming visitors and providing interpretation and learning opportunities on the outstanding universal value of the property.

#### 5.i.ii. Promotion of the property

The Nomination Grand Pré logo is used on all official documentation for the nomination proposal and is becoming a familiar image to many people. The logo may continue to be used on all promotional material. The colours and shapes used in the logo illustrate the many important aspects of the Grand Pré landscape and culture.

### Grand-Pré National Historic Site of Canada Promotion

The *Grand-Pré National Historic Site of Canada Management Plan* (Appendix 2I) identifies partnership opportunities for increasing tourism at the site. Partnerships and programs range from archaeological and historical research to agricultural tours, local businesses, special events promotion such as festivals and exhibits on the site, multicultural activities, hands-on and interactive programming, volunteer opportunities, and greater interpretation of cultural resources.

## Regional Promotion

Promoting the nominated property will be achieved through partnerships with government agencies and not-for-profit organizations that provide a voice for the tourism industry in the area, and various tourism operators in the province. Several opportunities exist in the region to market Grand Pré as part of a wider experience. The *Tourism Strategy and Interpretation Framework for the Landscape of Grand Pré* (Appendix 2E) prepared for Nomination Grand Pré provides a foundation for partners to cooperate to manage tourism in the area. The Framework suggests building tourism experiences in the area around four themes: *Adventures in Taste*; *Touch the Land*; *Festival*; and *the Bay of Fundy*.

The first theme, *Adventures in Taste*, features the Annapolis Valley as a food and wine destination. Various activities under this theme include winery tours, traditional cooking classes, berry picking and jam making, and food festivals, most notably the Apple Blossom Festival in late May.

The *Touch the Land* theme is about getting back to nature. Several opportunities in the area exist for hiking, walking, biking, and bird watching. Hiking trails originating at Grand-Pré National Historic Site of Canada are a highlight for this theme.

The *Festivals* theme is an opportunity for organizations across the Annapolis Valley to team up and promote the various festivals that make the region unique, thus introducing tourists to the Grand Pré area and increasing visitation.

The fourth theme, *Bay of Fundy*, can draw attention to different communities along the Bay of Fundy, including the nominated property.

The *Strategic Plan – Grand Pré World Heritage Site Stewardship Board* (Appendix 5A) states that the development of a communication plan and interpretation plan will be a priority if the nominated property is inscribed. These plans will engage the partners in building on the foundation set by the *Tourism Strategy and Interpretation Framework for the Landscape of Grand Pré* (Appendix 2E).

Specific strategies will be developed to promote the Landscape of Grand Pré as a World Heritage Site. These will include promotional

and directional signage along Highway 101; brochures and other print material in tourism information centres; involvement of tourism operators and partner organizations in the maritime provinces; local radio and TV public service announcements; and email and print newsletters to members and supporters. The Grand Pré World Heritage Site Stewardship Board will set up an Education and Marketing Committee to coordinate educational and marketing efforts between partners.

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## 5.j. Staffing levels

Staffing is provided by the different authorities responsible for the protection and promotion of the nominated property. Principally, these are Parks Canada; the Province of Nova Scotia's Department of Tourism, Culture and Heritage; The province's Department of Agriculture; the Municipality of the County of Kings; the Société Promotion Grand-Pré; the Grand Pré Marsh Body; and the Grand Pré World Heritage Site Stewardship Board.

Parks Canada employs one full-time permanent staff member at Grand-Pré National Historic Site who is exclusively dedicated to maintenance. Term maintenance employees are added during the busiest times of the year. In addition, the New Brunswick North Field Unit provides professional expertise in managing assets, cultural resources, visitor experiences and services, interpretation programs, and ecological protection programs. Finally, the Atlantic Service Centre provides a complete array of technical services in planning, archaeology, curation and conservation, historical research, environmental impact assessments, landscape architecture, social sciences, design, geographic information systems (GIS), cartography, and asset management. Professional and technical staff receive training through university and college programs and are hired because of their skills and capacities. A significant amount of training takes place on the job, where skilled staff share their unique knowledge and techniques with one another.

The Heritage Division of the Department of Tourism, Culture and Heritage employs archaeologists, conservators, curators and

heritage managers who can provide the required professional and technical expertise.

The Department of Agriculture employs an Aboiteau Superintendent, engineers, and asset managers to help protect the dykes. Other divisions include staff who can provide support for marketing, business sustainability, and product promotion.

The Municipality of the County of Kings employs planners, GIS specialists, engineers, and emergency management officers. These employees have various responsibilities in managing and providing information for reporting purposes.

The Société Promotion Grand-Pré has a staff of three people responsible for ongoing operations of the Société, whose primary mandate is to promote Grand Pré and operate the visitor services. It is complemented during the summer by seasonal staff: two interpreters, seven actors, two sales clerks for the gift shop, and one project coordinator.

While the Grand Pré Marsh Body does not employ professional staff, the approximately 30 landowners who are its members are the best experts available for understanding and managing the dykelands. Many farmers are from families who have lived and worked on the dykes for close to 10 generations. They are reliable sources of knowledge for taking care of the agricultural dimension of the landscape.

The Grand Pré World Heritage Site Stewardship Board will employ a Site Management Coordinator to implement the Board's strategic plan and the management plan for the nominated property. The Board will also be supported by staff from the Kings Regional Development Agency to manage the administrative and financial operations.

# Chapter 6



*Grand Pré is a meeting place where we can all come as cultures, separately and individually but also together, so we can share what we all have in common, the feelings for this place. We all have a heritage here.*

Johanna Trenholm, County of Kings resident

## 6.0 Monitoring

### 6.a. Key indicators for measuring the state of conservation

The *Operational Guidelines for the Implementation of the World Heritage Convention* require State Parties to report on the state of conservation of World Heritage properties under their administration on a six-year cycle. If the nominated property is inscribed on the World Heritage List, the Grand Pré World Heritage Site Stewardship Board will prepare a report with its key partners on the state of conservation of the property and contribute to Canada's report to the World Heritage Committee.

Various agencies, with authority over different components of the nominated property, monitor the resources for which they are responsible. Parks Canada monitors the condition of cultural resources, visitor experience, and public understanding and appreciation at Grand-Pré National Historic Site of Canada. At the provincial level, the Department of Agriculture monitors the condition of the dykes, *aboi-teaux*, and drainage on the dykes. The Department of Transportation and Infrastructure Renewal monitors the condition of the public road network and associated infrastructure. Finally, the Municipality of the County of Kings monitors the activities that are permitted in and around the nominated property.

All the jurisdictions will take a coordinated approach to monitoring. To ensure that this happens, they will report in a similar way. When reporting on the condition of the nominated property, each jurisdiction will focus on the performance measures of the goals in the *Management Plan for the Landscape of Grand Pré* (Appendix 2A). These goals are:

1. to provide for the protection, continuing community and agricultural use and appreciation of the nominated property;
2. to enrich the existing tourism destination by promoting wide recognition, understanding and appreciation of the educational and cultural values represented by the nominated property;
3. to instil a strong sense of shared community pride and stewardship in the protection, interpretation and promotion of the nominated property.

The specific indicators to be measured for each goal are set out in Table 6-1.

Some indicators will be measured through a coordinated monitoring program. These include:

- **monitoring coastal change:** as outlined in the *Coastal Change Monitoring Plan for the Landscape of Grand Pré* (Appendix 2D), this involves the Department of Agriculture, the Municipality of the County of Kings, and the Canadian Wildlife Service. This will contribute to providing information on the *Integrity of the dyke-lands, the dykes, the main drainage patterns, and the salt marsh/coastline* indicator.
- **monitoring the condition of archaeological sites:** as outlined in the *Strategy for the Management and Conservation of Archaeological Heritage in the Landscape of Grand Pré* (Appendix 2B), this involves Parks Canada and the Department of Tourism, Culture and Heritage (Heritage Division). This will contribute to providing information on the *Integrity of archaeological heritage and Impact of development on archaeological heritage and other heritage attributes* indicators.
- **monitoring visitors and visitor satisfaction:** this involves Department of Tourism, Culture and Heritage, Société Promotion Grand-Pré, and Parks Canada. This will contribute to providing information on a number of indicators.

Table 6–1 outlines the indicators that will be reported on by the Grand Pré World Heritage Site Stewardship Board to describe the condition

of the nominated property. The table also shows the periodicity of monitoring and the location of records:

Goal	Indicator	Periodicity	Location of Records
To provide for the protection, continuing community and agricultural use and appreciation of the nominated property	Integrity of archaeological heritage	3 years	<ul style="list-style-type: none"> <li>• Parks Canada administered land: New Brunswick North Field Unit</li> <li>• Other lands: Department of Tourism, Culture and Heritage – Heritage Division</li> </ul>
	Integrity of memorials and use	3 years	<ul style="list-style-type: none"> <li>• Parks Canada administered land: New Brunswick North Field Unit</li> </ul>
	Percentage of land used for agricultural purposes in property and in buffer zone	5 years	<ul style="list-style-type: none"> <li>• Municipality of the County of Kings</li> </ul>
	Integrity of the dykelands, the dykes, the main drainage patterns, and the salt marsh/coastline; the <b>aboiteaux</b> gates	5 years	<ul style="list-style-type: none"> <li>• Department of Agriculture</li> <li>• Grand Pré Marsh Body</li> <li>• Canadian Wildlife Service</li> <li>• Municipality of the County of Kings</li> </ul>
	Integrity of the historic road patterns and settlement pattern on the uplands	5 years	<ul style="list-style-type: none"> <li>• Municipality of the County of Kings</li> </ul>
To enrich the existing tourism destination by promoting wide recognition, understanding and appreciation of the educational and cultural values represented by the nominated property	Increase in visibility	3 years	<ul style="list-style-type: none"> <li>• Department of Tourism, Culture and Heritage</li> <li>• <i>Société Promotion Grand-Pré</i></li> <li>• Parks Canada, New Brunswick North Field Unit</li> </ul>
To instil a strong sense of shared community pride and stewardship in the protection, interpretation and promotion of the nominated property	Incidence of stakeholder and authority collaboration to conserve archaeological sites and other forms of heritage	Annually	<ul style="list-style-type: none"> <li>• Parks Canada administered land: New Brunswick North Field Unit</li> <li>• Other lands: Department of Tourism, Culture and Heritage – Heritage Division</li> </ul>
	Number of Acadian visitors to the area	5 years	<ul style="list-style-type: none"> <li>• <i>Société Promotion Grand-Pré</i></li> <li>• Parks Canada, New Brunswick North Field Unit</li> </ul>
	Number of research projects	3 years	<ul style="list-style-type: none"> <li>• Parks Canada administered land: New Brunswick North Field Unit</li> <li>• Other lands: Department of Tourism, Culture and Heritage – Heritage Division</li> </ul>

Table 6–1 Indicators and reporting

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### 6.b. Administrative arrangements for monitoring property

The responsibility for coordinating the monitoring of the nominated property will be undertaken by the Grand Pré World Heritage Site Stewardship Board. Monitoring data is available from the site management coordinator at:

**Grand Pré World Heritage Site Stewardship Board**

35 Webster Street  
Kentville, Nova Scotia  
Canada B4N 1H4  
TEL: (902) 678-2298  
FAX: (902) 678-2324

The frequency of monitoring the various indicators and the responsibility for doing so are indicated in Section 6.a. An annual status report will be prepared and made publicly available on the website.

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### 6.c. Results of previous reporting exercises

No single report currently exists for the entire nominated property. However, a number of reports cover individual components of the nominated property. These include the areas under the jurisdiction of the Parks Canada Agency. The Department of Agriculture has also prepared internal reports on the condition of the dykes.

In addition, reports are available on archaeological research conducted under Heritage Research Permits issued by the Nova Scotia Museum. Reports are also available for research under Archaeological Permits issued by Parks Canada for lands it administers. Finally, there are reports on other research initiatives. A complete list of these various research reports is available in the *Strategy for the Management and Conservation of Archaeological Heritage in the Landscape of Grand Pré* (Appendix 2B).

### 6.c.i. Parks Canada administered properties

Previous reports describe the condition of Grand-Pré National Historic Site of Canada. These include Parks Canada Agency's *State of the Parks 1997 Report* (Appendix 6G), *Parks Canada Agency State of the Protected Heritage Areas Report 1999* (Appendix 6H), and *Grand-Pré National Historic Site of Canada State of the Site Report 2009* (Appendix 6C).

#### State of the Parks 1997 Report (Parks Canada Agency)

The *State of the Parks 1997 Report* (Appendix 6G) was an early approach to reporting and provides cursory information on the condition of specific assets at Grand Pré. It highlighted that many new activities had improved the condition of cultural resources and their interpretation. The overall assessment of the condition of the cultural resources was deemed to be good, but the report projected a downward trend. This was because a proposed off-site development constituted a potential threat to the integrity of the national historic site. In response, Parks Canada, with the assistance of partners, acquired the lands on which the development was being considered and eliminated the potential threat.

The 1997 report also mentions trends in attendance between 1993–94 and 1996–97. During that period annual visitation numbered 95 000 on average.

#### Parks Canada Agency State of the Protected Heritage Areas Report 1999 (Parks Canada Agency)

In this national report prepared by Parks Canada, the evaluation of the state of Grand-Pré National Historic Site indicated that the condition of the cultural resources was good and on an upward trend as a result of actions taken since the previous evaluation in 1997. Monitoring and remedial actions were deemed to be fair to good and improving. The report expressed concerns about the condition of archaeological records. The most significant challenges were tied to interpretation and communication. These were deemed to be fair and improving.

As a result of that evaluation, Parks Canada and its partners developed a plan to overhaul the interpretation and visitor services at Grand-Pré National Historic Site. This was the cornerstone of the 2001 management plan and led to the building of a multi-million-dollar visitor centre. The new centre opened in 2003. In addition, a partnership with Saint Mary's University, Halifax, led to the establishment of an archaeological field school. This field school celebrated its 10th anniversary in 2010.

### Grand-Pré National Historic Site of Canada State of the Site Report 1999 (Parks Canada Agency)

The *State of the Site Report for Grand Pré Report 2009* (Appendix 6C) is the first report of this type that captures all aspects of the condition of the national historic site. This report will be updated every five years, prior to reviewing the management plan for Grand-Pré National Historic Site.

Overall, the commemorative integrity of the national historic site is rated at 7 out of 10, indicating a slight decline from the previous evaluation. The overall condition of cultural resources is fair (for archaeological resources) to good (for all other resources). The main threats to the site come from vegetation encroachment and potential off-site development. The former threat was corrected in the spring of 2010, when a vegetation-management plan was implemented in sensitive archaeological areas. The inventory of the site's cultural resources is not up to date; however, decision-making on activities at the site have been respectful of the presence, or potential presence, of cultural resources.

The construction of the visitor centre in 2003 has improved the site's capacity to convey site messages. The centre has also significantly improved visitors' satisfaction with interpretive programming, site services and facilities. The 2007 visitor information profile revealed that an overwhelming majority of visitors are satisfied to very satisfied with the site's interpretive programs, visitor services and facilities (see Figure 6-1). Even so, attendance has decreased significantly in the past decade. However, a higher percentage of Canadians from outside Atlantic Canada arrived in 2007 as compared to 2000.



6-1 The new visitor centre at Grand-Pré National Historic Site was constructed in 2003. The centre has significantly improved visitors' satisfaction with interpretive programming and other services.

Outside the visitor centre, visitors have the opportunity to learn about the site's key messages. In particular, the site conveys all the reasons for its designation as a national historic site – including an understanding of the Acadian settlement and the related archaeological resources on the site. In the spring of 2010, new interpretation panels were added (see Figure 6-2). They detail the presence of archaeological resources and their relationship to the site's history and landscape.



6-2 Interpretive panels at Grand-Pré National Historic Site of Canada were installed in 2010 to interpret archaeological evidence present at the site.





# Chapter 7

*Ça nous montre qu'on s'en souvient encore de  
la tragédie qui marque l'Acadie et qui nous  
rassemble comme un peuple.*

Hayley Lombard, Acadian high school student



## 7.0 Documentation

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### 7.a. Photographs, slides, image inventory and authorization table and other audiovisual materials

#### 7.a.i. Volume 1: Electronic Material

- Appendix 1A World Heritage nomination proposal for the Landscape of Grand Pré:
- English (original – official submission)
  - French (translation – unofficial)
- Appendix 1B Image Library of the nominated property
- Maps
  - Photographs
  - Authorization Table

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### 7.b. Texts relating to protective designation, copies of property management plans or documented management systems and extracts of other plans relevant to the property

#### 7.b.i. Volume 2: Management Plans and other Management Documents

- Appendix 2A Management Plan for the Landscape of Grand Pré
- Appendix 2B Strategy for the Management and Conservation of Archaeological Heritage in the Landscape of Grand Pré
- Appendix 2C Risk Preparedness Framework for the Landscape of Grand Pré
- Appendix 2D Coastal Change Monitoring Plan for the Landscape of Grand Pré

- Appendix 2E Tourism Strategy and Interpretation Framework for the Landscape of Grand Pré
- Appendix 2F Terms of Reference Grand Pré World Heritage Site Stewardship Board
- Appendix 2G Memorandum of Understanding on the Governance of the Nominated Property
- Appendix 2H Grand-Pré National Historic Site of Canada Commemorative Integrity Statement
- Appendix 2I Grand-Pré National Historic Site of Canada Management Plan
- Appendix 2J Grand Pré and Area Community Plan

#### 7.b.ii. 7.b.ii. Volume 3: Federal and Provincial Legislation

- Appendix 3A Canada National Parks Act (federal)
- Appendix 3B Canadian Environmental Assessment Act (federal)
- Appendix 3C Historic Sites and Monuments Act (federal)
- Appendix 3D Parks Canada Agency Act (federal)
- Appendix 3E Species at Risk Act (federal)
- Appendix 3F Agricultural Marshland Conservation Act (provincial)
- Appendix 3G Beaches Act (provincial)
- Appendix 3H Cemeteries Protection Act (provincial)
- Appendix 3I Emergency Management Act (provincial)
- Appendix 3J Municipal Government Act (provincial)
- Appendix 3K Special Places Protection Act (provincial)

**7.b.iii. Volume 4: Federal, Provincial and Municipal Policies, Regulations, and Bylaws**

- Appendix 4A Policy Framework for the Management of Assets and Acquired Services (federal)
- Appendix 4B Parks Canada Guiding Principles and Operating Policies (federal)
- Appendix 4C Nova Scotia Department of Agriculture: Emergency Preparedness Plan (provincial)
- Appendix 4D Municipality of the County of Kings Municipal Planning Strategy (municipal)
- Appendix 4E Grand Pré Heritage Conservation District: Plan, Bylaw and Guidelines (municipal)
- Appendix 4F Kings Regional Emergency Readiness Plan (municipal)
- Appendix 4G Standards and Guidelines for the Conservation of Historic Places in Canada (federal, provincial, municipal)

**7.b.iv. Volume 5: Financial Plans**

- Appendix 5A Strategic Plan - Grand Pré World Heritage Site Stewardship Board
- Appendix 5B Northern New Brunswick Field Unit Business Plan (federal)
- Appendix 5C Nova Scotia Department of Agriculture Business Plan (provincial)
- Appendix 5D Société Promotion Grand-Pré Business Plan (association)

**7.b.v. Volume 6: Studies and Reports for Assessment and Monitoring**

- Appendix 6A The Landscape of Grand Pré – Landscape Assessment
- Appendix 6B Grand Pré: An Economic Impact Assessment of a UNESCO World Heritage Designation

- Appendix 6C Grand-Pré National Historic Site of Canada State of the Site Report 2009
- Appendix 6D Grand Pré UNESCO Heritage Designation Impact Study
- Appendix 6E Overview of Coastal Change Influences on the Landscape of Grand Pré
- Appendix 6G State of the Parks 1997 Report (Parks Canada Agency)
- Appendix 6H Parks Canada Agency State of the Protected Heritage Areas Report 1999
- Appendix 6I Report on the Proposed Outstanding Universal Value for Grand Pré
- Appendix 6J State of Conservation of Cultural Resources Grand Pré

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- Map 1 Regional Setting for the Landscape of Grand Pré Nominated Property
- Map 2 Boundary of the Nominated Property and Buffer Zone
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- Map 10 Land Within the Nominated Property Managed under the Historic Sites and Monuments Act

Map 11	Land Within the Nominated Property Managed under the Special Places Protection Act
Map 12	Land Within the Nominated Property Managed under the Agricultural Marshland Conservation Act
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#### 7.b.vii. Volume 8: Historic Maps

Map 1	Carte de la coste du nord et du sud de l'Acadie..., 1737
Map 2	Carte de l'Acadie , de l'isle Royale et de l'isle St-Jean, 1739
Map 3	Charles Morris, A Plan of Settlements propos'd to be made at Annapolis, Menis end Schiegnecto, 1749
Map 4	Charles Morris, A Chart of the Peninsula of Nova Scotia..., 1755
Map 5	Charles Morris, Plan of Horton Township, [1760]
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Map 7	John Bishop, Plan Noz of Grand-Pré, c. 1770
Map 8	McKay, Great Map of Nova Scotia, c. 1825
Map 9	Plan showing Location of Longfellow Memorial Park, 1915
Map 10	Grand Pré - C - Old Dykes, 1955 by Harcourt Cameron
Map 11	Drainage Pattern of Tidal Marsh Creeks, Grand Pré, Nova Scotia - Hypothetical Sequential Scenario for 12 Acadian Tidal Marsh Enclosures, 2004

#### 7.b.viii. Volume 9: Key Published Works Providing an Overview of the History of the Nominated Property

Appendix 9A	Grand-Pré, Heart of Acadie (Wayne Kerr and Dr. John Johnston)
Appendix 9B	The History of Grand Pré (J.F. Herbin)
Appendix 9C	Postcards from Acadie (Dr. Barbara LeBlanc)
Appendix 9D	Sod, Soil and Spades (Dr. Sherman Bleakney)

**7.b.ix. Volume 10: Letters and Stakeholder Support**

- Appendix 10A Letters of long term support for the protection of the Landscape of Grand Pré
- Appendix 10B Acadian organizations
- Appendix 10C Secrétaire Général de l'Organisation de la Francophonie
- Appendix 10D Association des Parlementaires francophones
- Appendix 10E Collection of children's artwork (spring 2010)
- Appendix 10F Collection of children's (fall 2010)
- Appendix 10G Testimonials and other letters of support

**7.b.x. Volume 11: French Translation of the Nomination Proposal (unofficial)**

- Appendix 11A Proposition d'inscription au patrimoine mondial du Paysage de Grand-Pré

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**7.c. Form and date of most recent records or inventory of the property**

For the Landscape Assessment inventory please refer to the report, *The Landscape of Grand Pré – Landscape Assessment* (Appendix 6A).

For the Commemorative Integrity Statement for Grand-Pré National Historic Site of Canada please refer to the report, *Grand-Pré National Historic Site of Canada Commemorative Integrity Statement* (Appendix 2H).

For the location of archaeological resources in the Landscape of Grand Pré please refer to Map 21: *Archaeological Inventory of the Nominated Property*.

For the list of archaeological reports on the Landscape of Grand Pré please refer to the *Strategy for the Management and Conservation of Archaeological Heritage in the Landscape of Grand Pré* (Appendix 2B).

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**7.d. Addresses where inventory, records and archives are held**

**7.d.i. Nova Scotia Department of Tourism, Culture and Heritage**

Heritage Division  
1747 Summer Street  
Halifax, Nova Scotia  
Canada B3H 3A6

**7.d.ii. Parks Canada**

Atlantic Service Centre  
1869 Upper Water Street  
Halifax, Nova Scotia  
Canada B3J 1S9

**7.d.iii. Parks Canada**

Northern New Brunswick Field Unit  
Kouchibouguac National Park of Canada  
186 Route 117  
Kouchibouguac, New Brunswick  
Canada E4X 2P1

#### 7.d.iv. Parks Canada

Archaeology Lab  
50 Neptune Crescent  
Dartmouth, Nova Scotia  
Canada B2Y 0B6

#### 7.d.v. Nova Scotia Department of Agriculture

Agricultural Centre  
32 Main Street  
Kentville, Nova Scotia  
Canada B4N 1J5

#### 7.d.vi. Municipality of the County of Kings

PO Box 100  
87 Cornwallis Street  
Kentville, Nova Scotia  
Canada B4N 3W3

#### 7.d.vii. Acadia University

Wolfville, Nova Scotia  
Canada B4P 2R6

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#### 7.e. Bibliography

A complete bibliography on the history of the Acadians and the New England Planters would be too long for inclusion in this document, thus those sections of the bibliography include only those books, articles or studies that were most helpful in preparing this submission. The bibliography also includes references on Grand Pré as a *lieu de mémoire*, Grand Pré as a Rural Historic District, Grand Pré as a source of literary inspiration, information used to provide historical context and inform the comparative analysis, dyking information, information on *lieux de mémoire*, and site management and conservation. Sources used to create the maps in the nomination proposal can be found at the end of the bibliography.

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Applied Geomatics Research Group (AGRG)  
Centre of Geographic Sciences (COGS),  
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Kings County Digital Thematic Data Layer source:  
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Bria Stokesbury, *Kings County Museum, Kentville*  
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Conseil jeunesse provincial de la Nouvelle-Écosse

Conseil scolaire acadien provincial

Department of Agriculture (Nova Scotia)

Blomidon Naturalists Society

Fédération acadienne de la Nouvelle-Écosse

Grand Pré Historical Society

Kings Hants Heritage Connection

Kings Regional Development Agency

Municipality of the County of Kings

Nova Scotia Museum

Office of Acadian Affairs

Parks Canada

### *Local Schools:*

Cambridge Elementary School

Central Kings Rural High School

Evangeline Middle School

L.E. Shaw Elementary School

Port Williams Elementary School

Wolfville Junior High School

### *Acadian Schools:*

École Acadienne de Pomquet

École Acadienne de Truro

École Beau-port

École Pubnico-Ouest

École Rose-des-Verts

École Secondaire de Clare

École Secondaire de Par-en-Bas



# Chapter 8





## 8.0 Contact Information of Responsible Authorities

---

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Parks Canada Agency

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E-MAIL: christophe.rivet@pc.gc.ca

---

### 8.b. Official Local Institution

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Canada B4N 1H4

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FAX: (902) 678-2324

---

### 8.c. Other Local Institutions

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**Tourism Division**

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**Société Nationale de L'Acadie**

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Canada E1A 2A8  
TEL: 506-853-0404  
FAX: 506-853-0400  
E-MAIL: eric.mathieu.doucet@snacadie.org

---

**8.d. Official Web Address**

The official web address for the nomination of Grand Pré is:

<http://www.nominationgrandpre.ca>

This site is maintained by the Kings Regional Development Agency and it will be updated in the future.

CONTACT: Marianne Gates, *Development Officer*

E-MAIL: mgates@kingsrda.ca

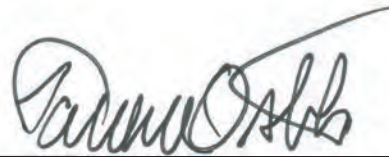


# Chapter 9



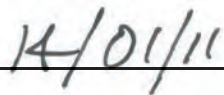
## 9.0 Signature on Behalf of the State Party

Signed (on behalf of the State Party)

A handwritten signature in black ink, appearing to read "Larry Ostola", written over a horizontal line.

**Dr. Larry Ostola**

*Head of the Canadian Delegation to the World Heritage Convention*

A handwritten date "14/04/11" in black ink, written over a horizontal line.

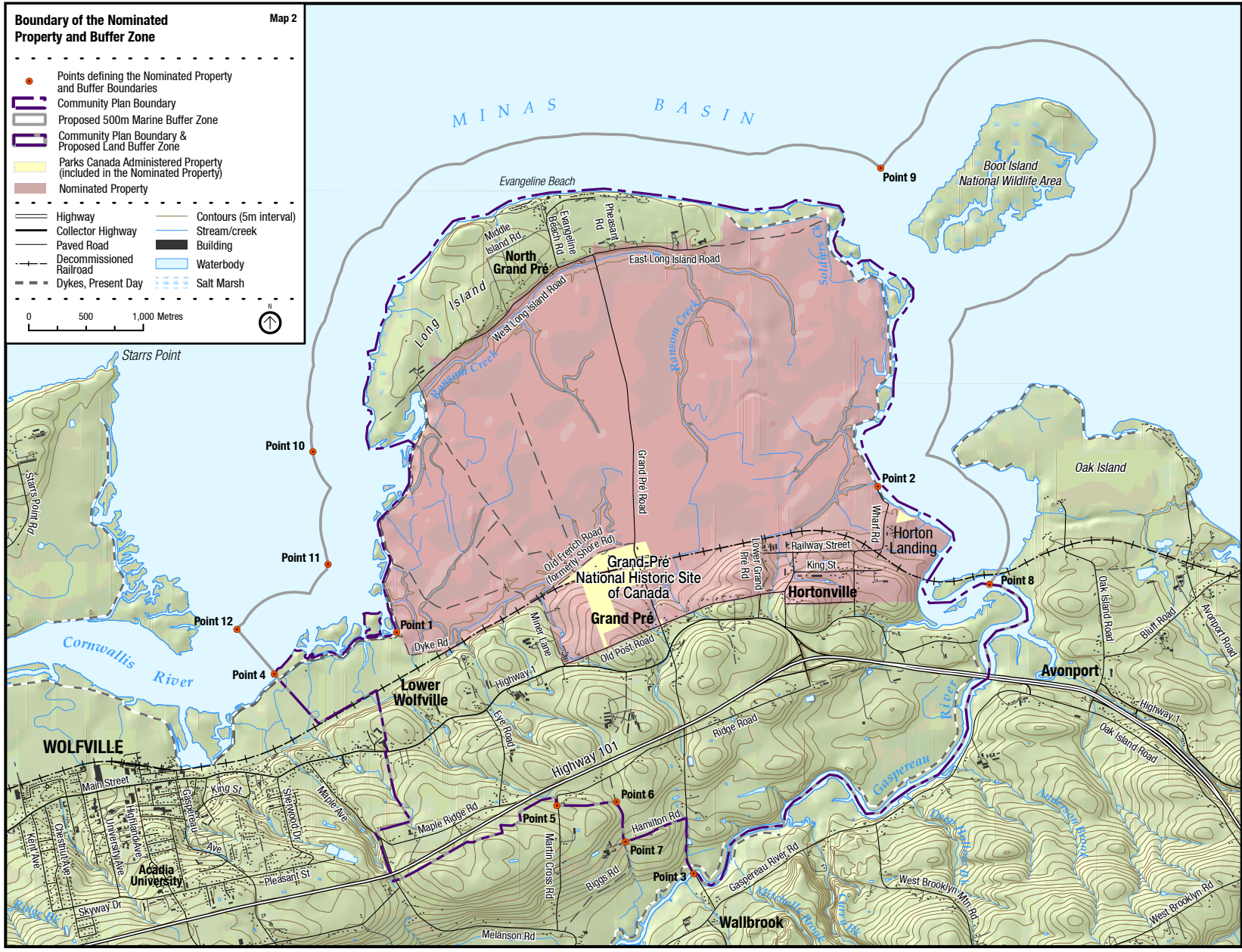
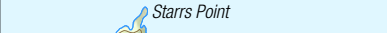
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**Boundary of the Nominated Property and Buffer Zone**

Map 2

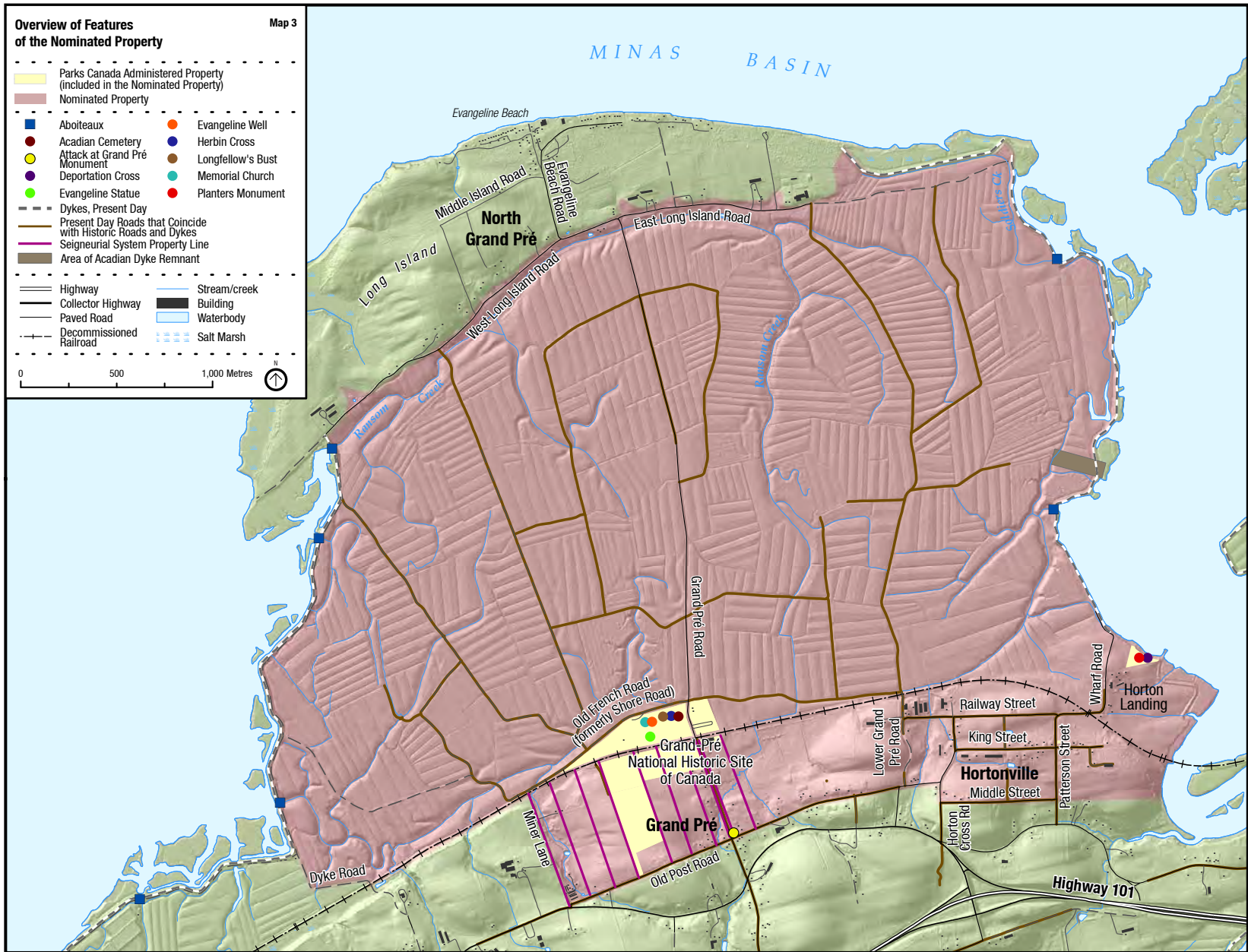
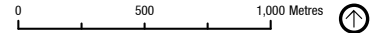
- Points defining the Nominated Property and Buffer Boundaries
  - Community Plan Boundary
  - Proposed 500m Marine Buffer Zone
  - Community Plan Boundary & Proposed Land Buffer Zone
  - Parks Canada Administered Property (included in the Nominated Property)
  - Nominated Property
- 
- Highway
  - Collector Highway
  - Paved Road
  - Decommissioned Railroad
  - Dykes, Present Day
  - Contours (5m interval)
  - Stream/creek
  - Building
  - Waterbody
  - Salt Marsh



**Overview of Features of the Nominated Property**






Map 3

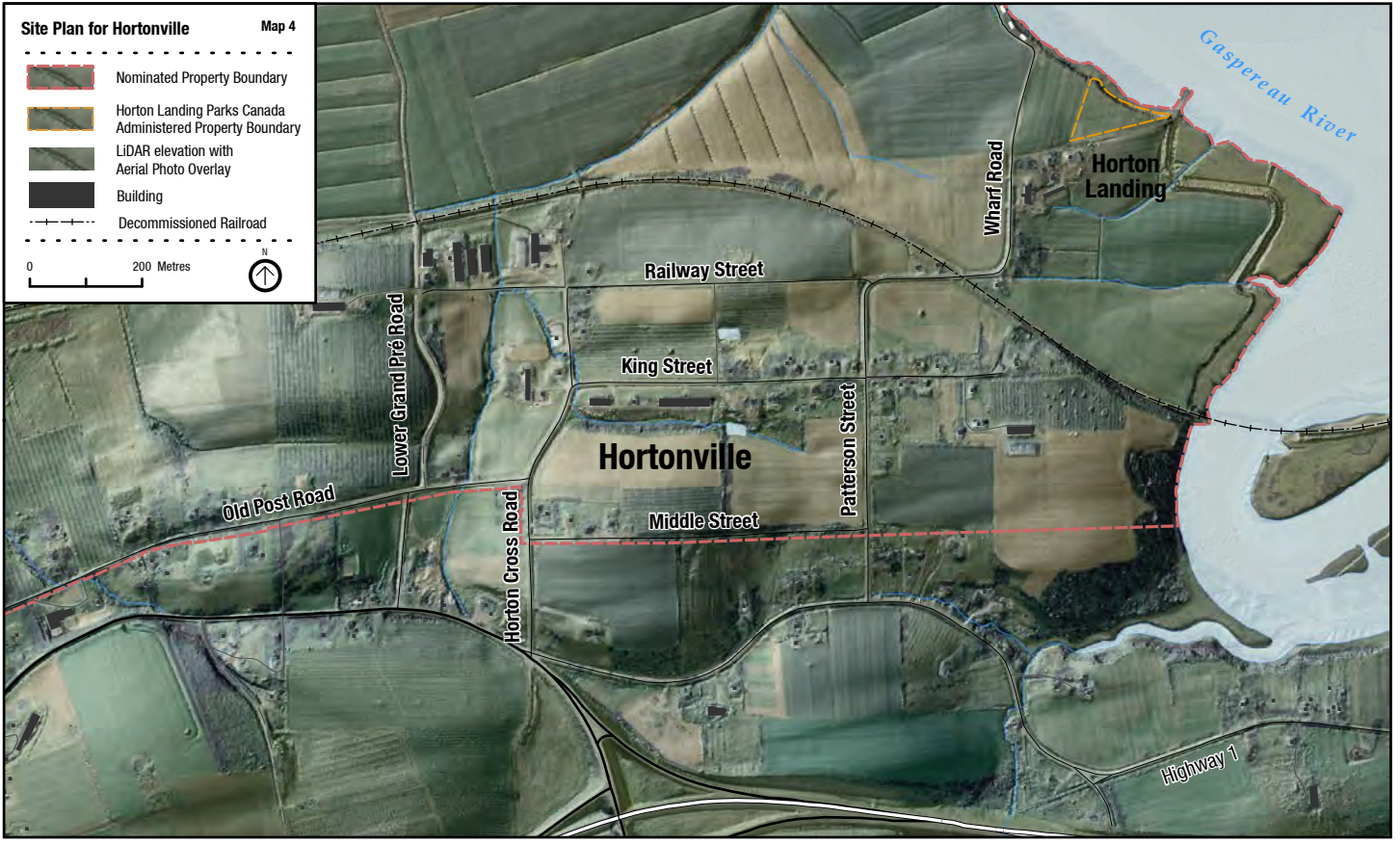
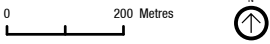
- Parks Canada Administered Property (included in the Nominated Property)
- Nominated Property
- Aboiteaux
- Evangeline Well
- Acadian Cemetery
- Herbin Cross
- Attack at Grand Pré Monument
- Longfellow's Bust
- Deportation Cross
- Memorial Church
- Evangeline Statue
- Planters Monument
- Dykes, Present Day
- Present Day Roads that Coincide with Historic Roads and Dykes
- Seigneurial System Property Line
- Area of Acadian Dyke Remnant
- Highway
- Collector Highway
- Paved Road
- Decommissioned Railroad
- Stream/creek
- Building
- Waterbody
- Salt Marsh





**Site Plan for Hortonville** Map 4

-  Nominated Property Boundary
-  Horton Landing Parks Canada Administered Property Boundary
-  LiDAR elevation with Aerial Photo Overlay
-  Building
-  Decommissioned Railroad

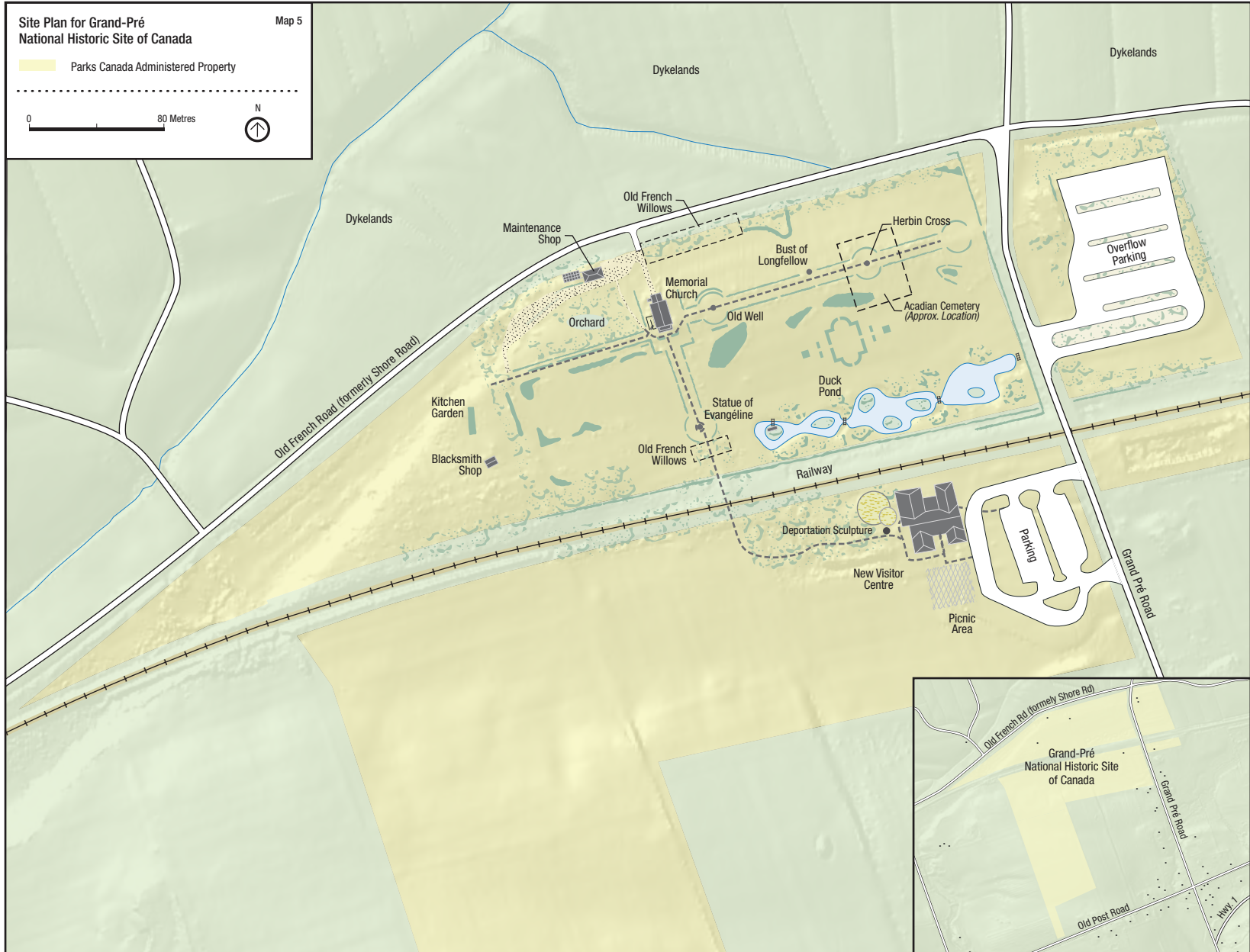


Site Plan for Grand-Pré  
National Historic Site of Canada

Map 5








 Parks Canada Administered Property

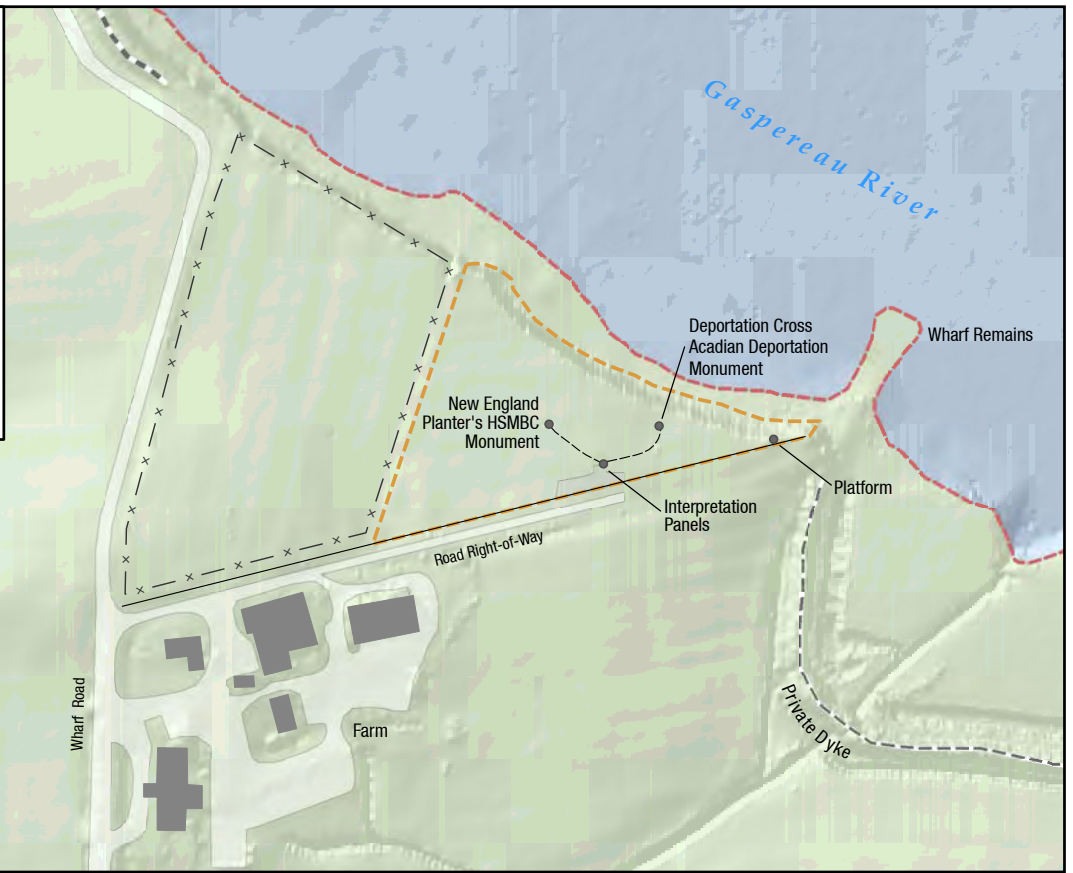
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**Site Plan for Parks Canada  
Administered Property - Horton Landing**

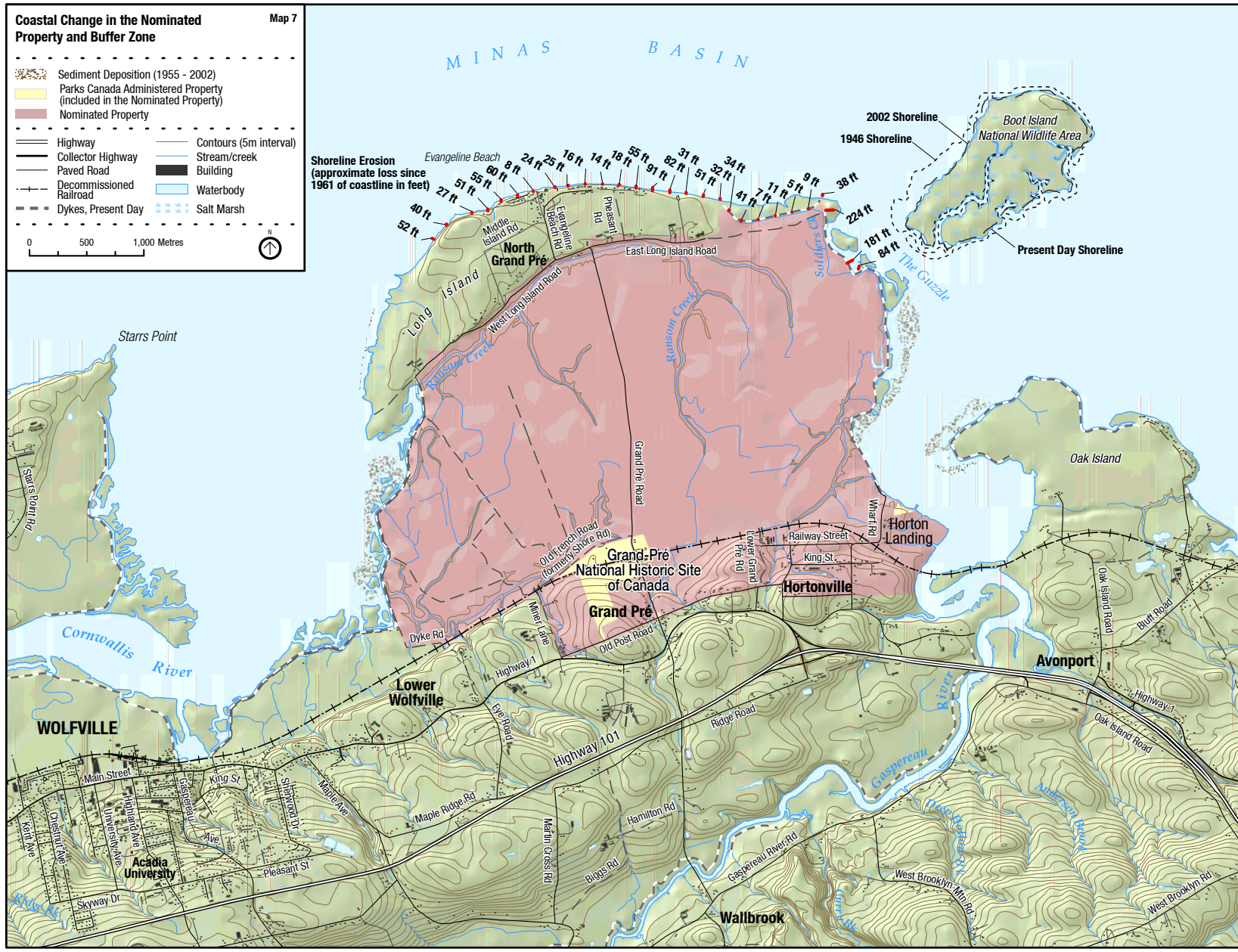
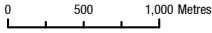
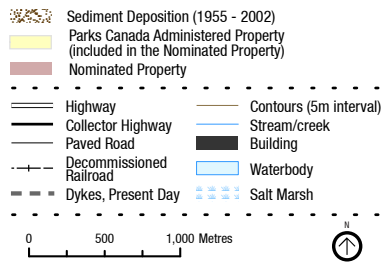
Map 6

-  Nominated Property Boundary
-  Horton Landing Parks Canada Administered Property Boundary
-  Farm Building
-  Parking Lot
-  Fenced Pasture
-  Dyke
-  Road Right-of-Way Boundary, Northern Edge













**Coastal Change in the Nominated Property and Buffer Zone**







Map 7



**Land Ownership for the Nominated Property, Buffer Zone and Surrounding Area** Map 8

	Proposed 500m Buffer Zone
	Nominated Property Boundary
	Highway
	Collector Highway
	Paved Road
	Decommissioned Railroad
	Stream/creek
	Building
	Waterbody
	Salt Marsh

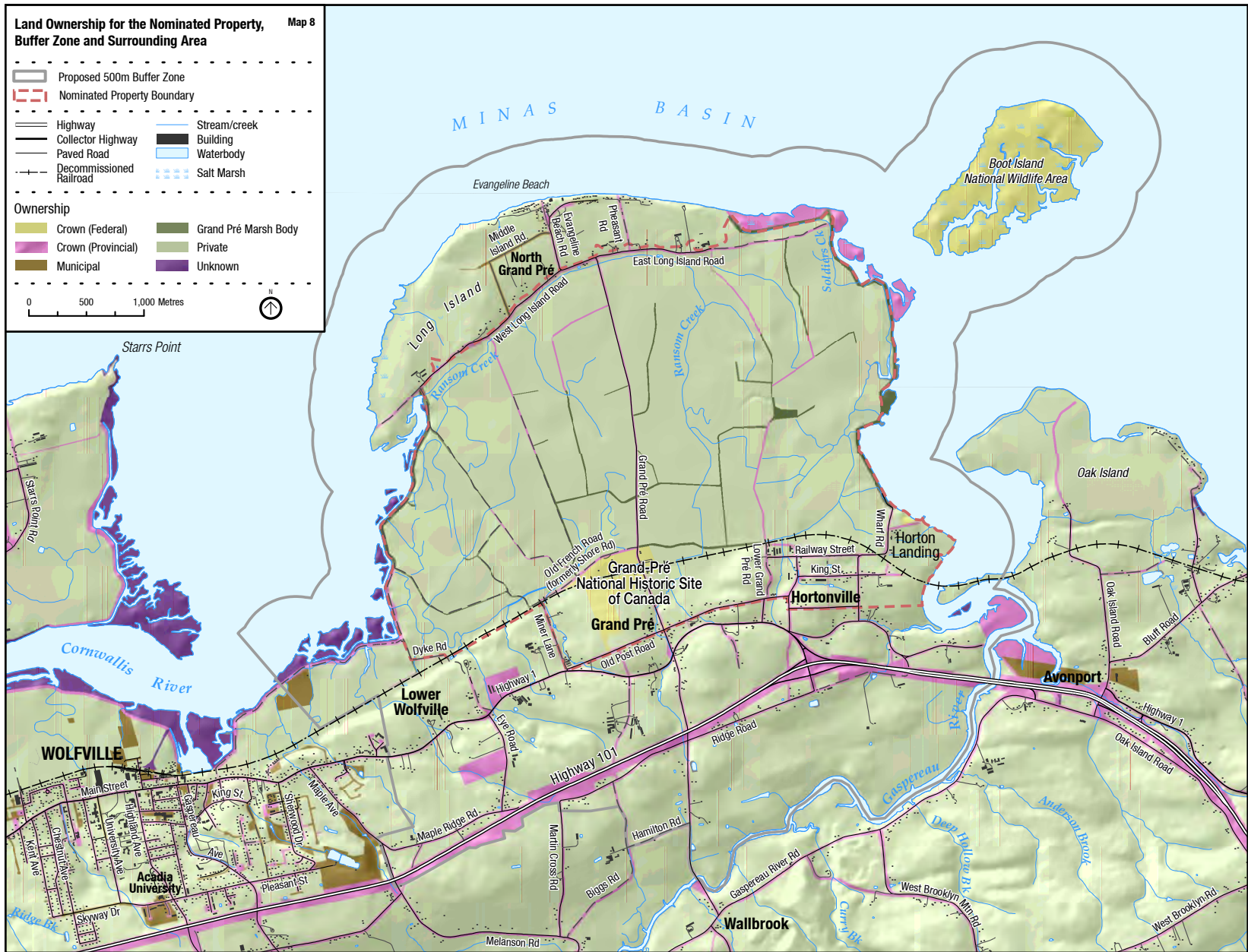
  

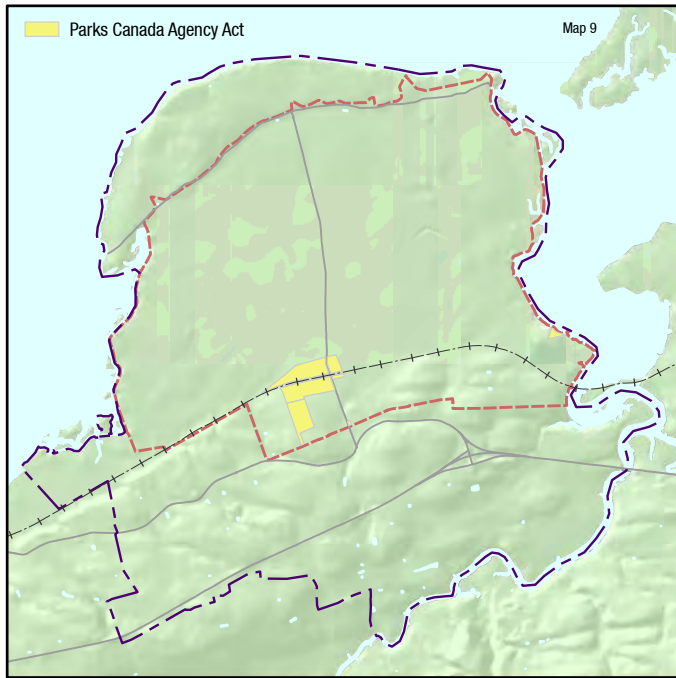
	Crown (Federal)		Grand Pr� Marsh Body
	Crown (Provincial)		Private
	Municipal		Unknown

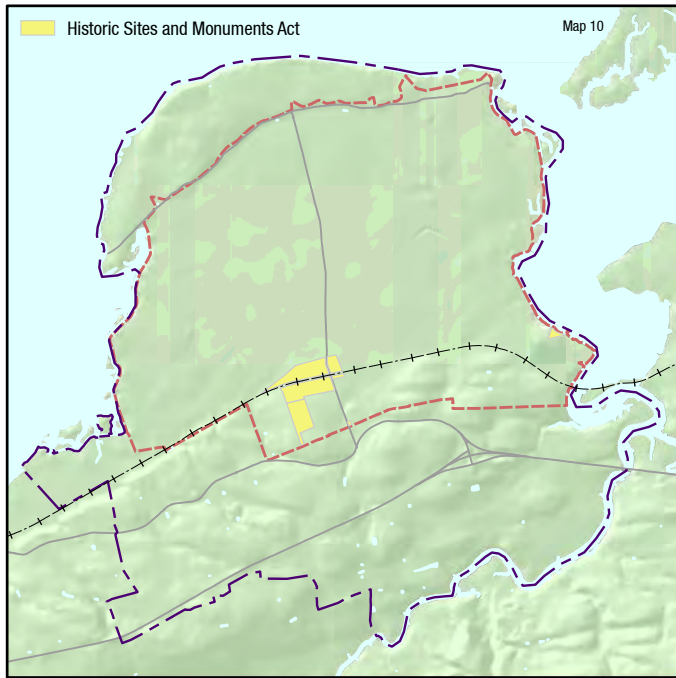
  

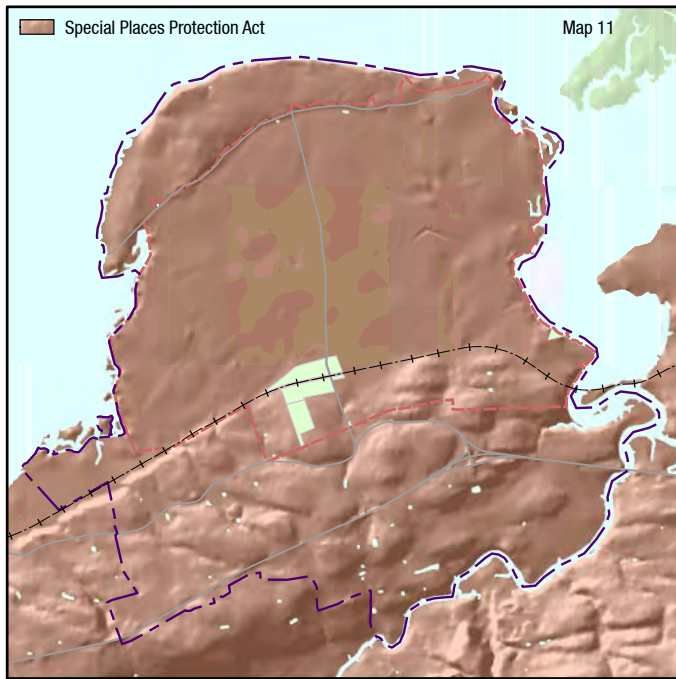
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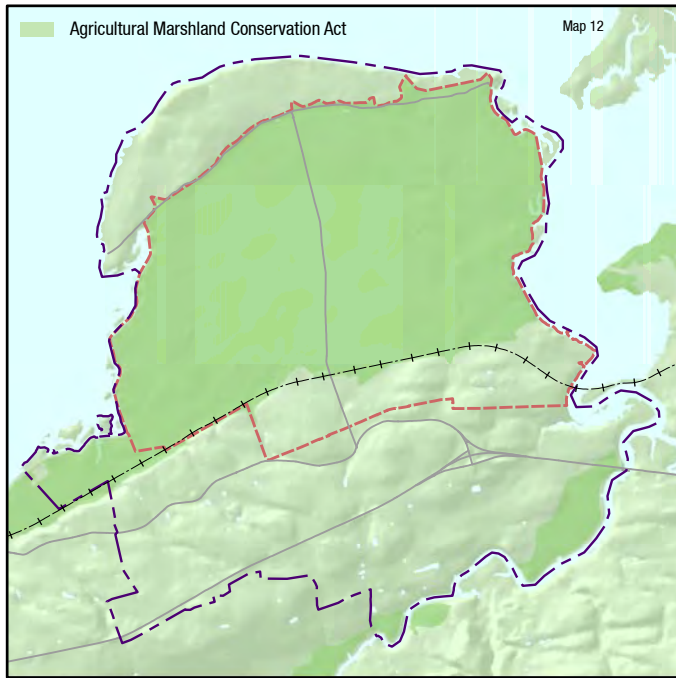


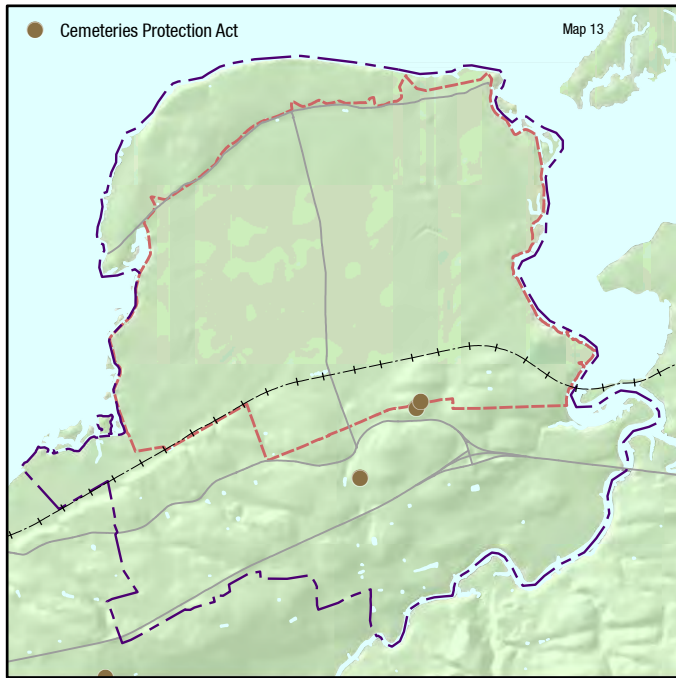


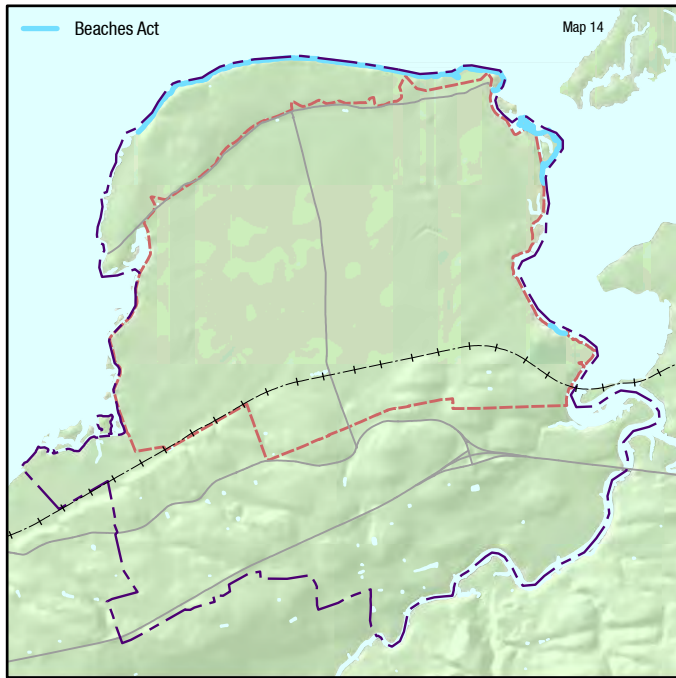


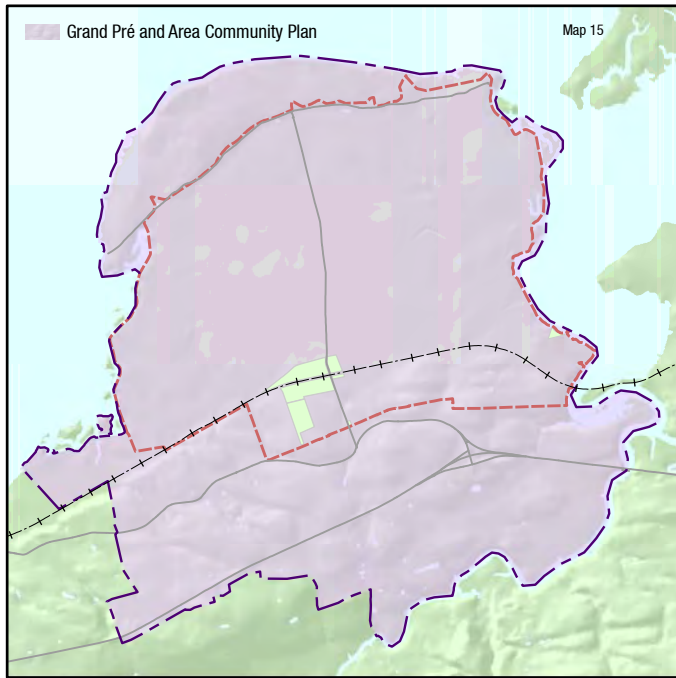




















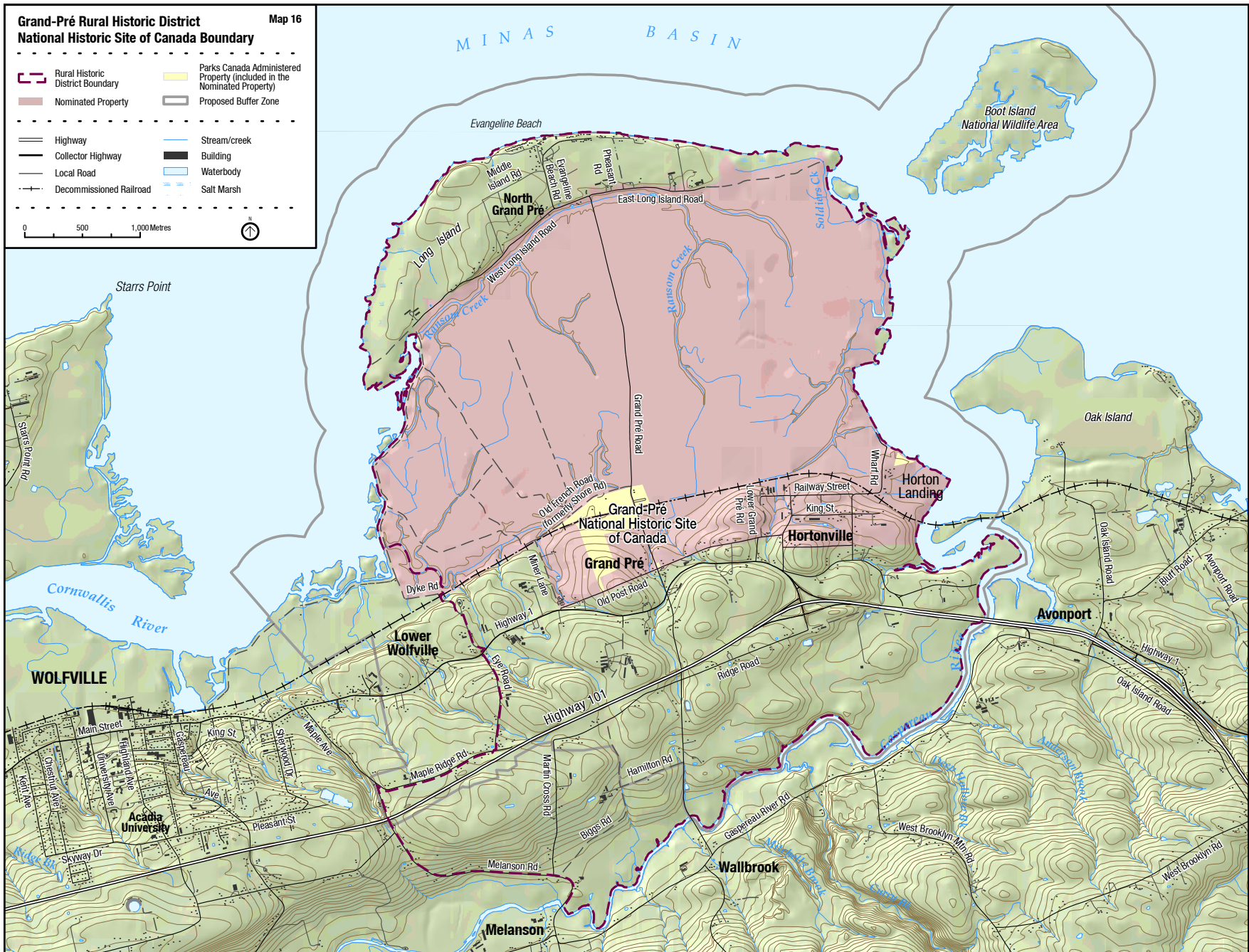
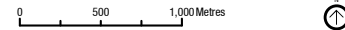




**Grand-Pré Rural Historic District  
National Historic Site of Canada Boundary**























Map 16

- |  |   |
|--|---|
|  Rural Historic District Boundary |  Parks Canada Administered Property (included in the Nominated Property) |
|  Nominated Property               |  Proposed Buffer Zone  |
|  Highway                          |  Stream/creek  |
|  Collector Highway                |  Building  |
|  Local Road                       |  Waterbody   |
|  Decommissioned Railroad          |  Salt Marsh  |

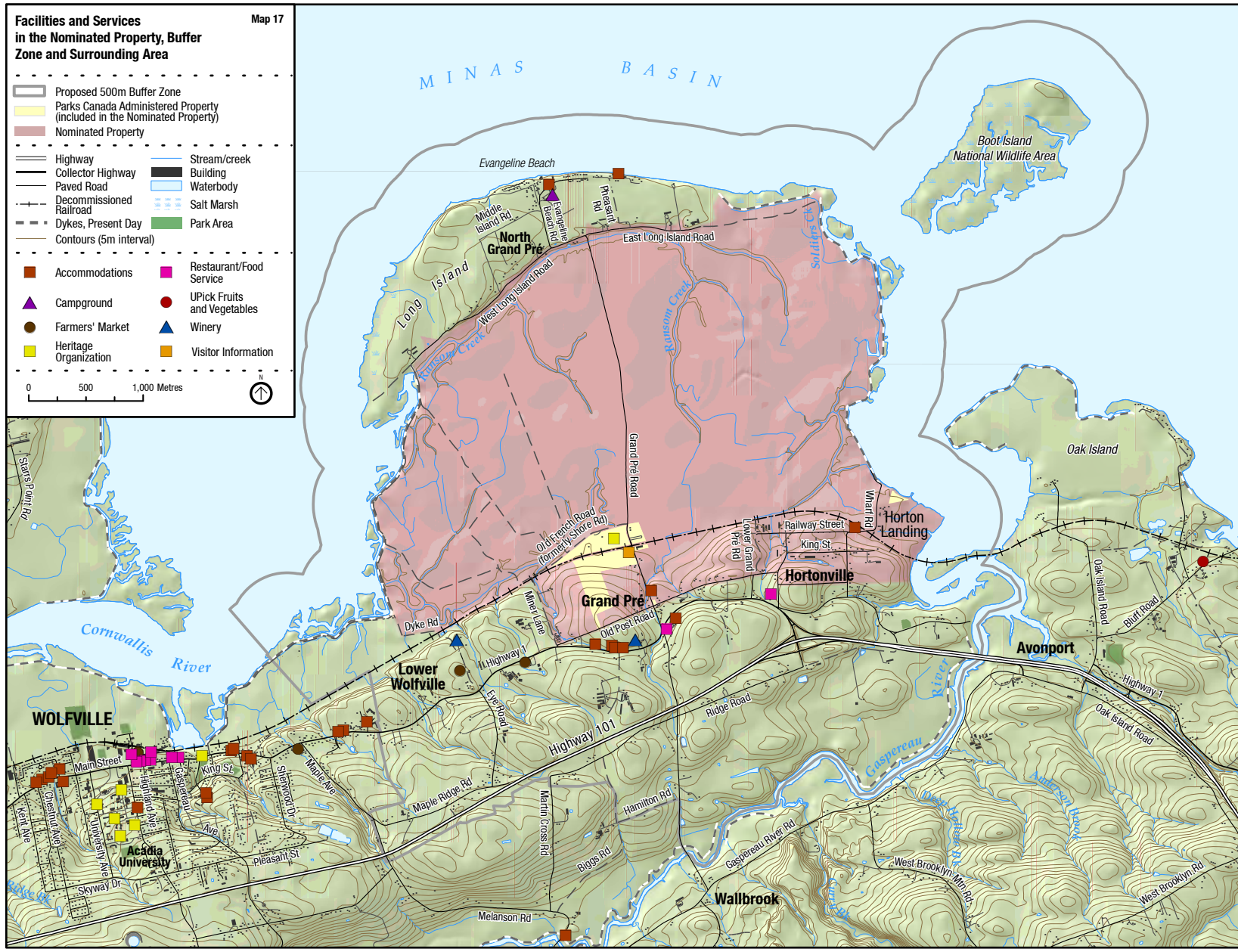


**Facilities and Services  
in the Nominated Property, Buffer  
Zone and Surrounding Area**

Map 17





- |   |   |
|---|---|
|  Proposed 500m Buffer Zone |  Parks Canada Administered Property (included in the Nominated Property) |
|  Nominated Property        |   |
|  Highway                   |  Stream/creek  |
|  Collector Highway         |  Building  |
|  Paved Road                |  Waterbody   |
|  Decommissioned Railroad   |  Salt Marsh  |
|  Dykes, Present Day        |  Park Area   |
|  Contours (5m interval)    |   |
|  Accommodations            |  Restaurant/Food Service   |
|  Campground                |  UPick Fruits and Vegetables   |
|  Farmers' Market           |  Winery  |
|  Heritage Organization     |  Visitor Information   |

0 500 1,000 Metres



**Designated Marshland in the Nominated Property, Buffer Zone and Surrounding Area** Map 18

**Marsh Body Jurisdictions**

- |   |   |
|---|---|
|  Grand Pré       |  Horton        |
|  Bishop Beckwith |  Starr's Point |
|  Avonport        |   |

**Exempted Jurisdiction**

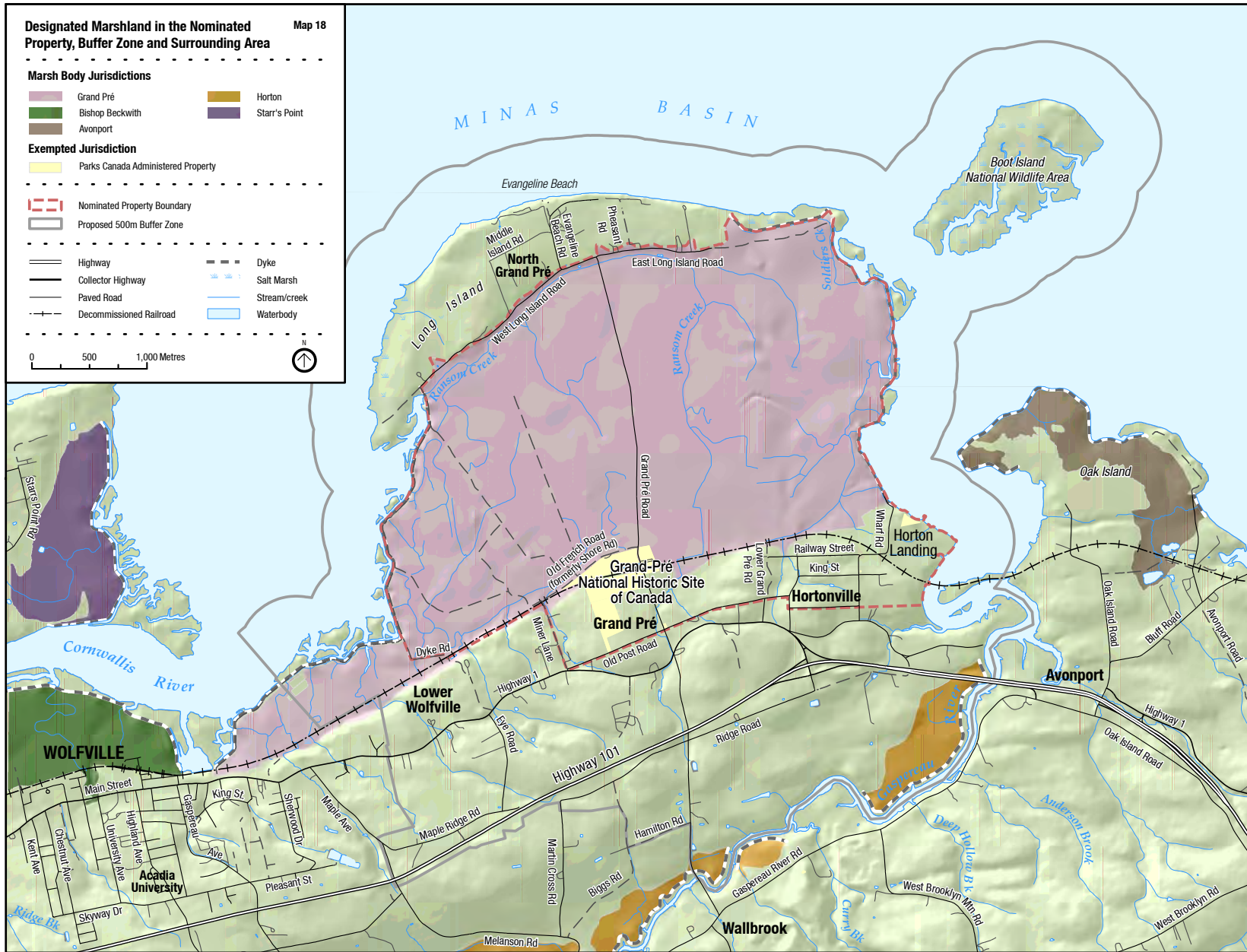
-  Parks Canada Administered Property

-  Nominated Property Boundary

-  Proposed 500m Buffer Zone

- |   |  |
|---|--|
|  Highway                 |  Dyke         |
|  Collector Highway       |  Salt Marsh   |
|  Paved Road              |  Stream/creek |
|  Decommissioned Railroad |  Waterbody    |

0 500 1,000 Metres



Site Plan for the Hamlet of Grand Pré Map 19

- Grand Pré Hamlet
- Parks Canada Administered Property
- Nominated Property Boundary
- Building
- Air Photo Superimposed Over LiDAR Surface
- Decommissioned Railroad





0 200 Metres

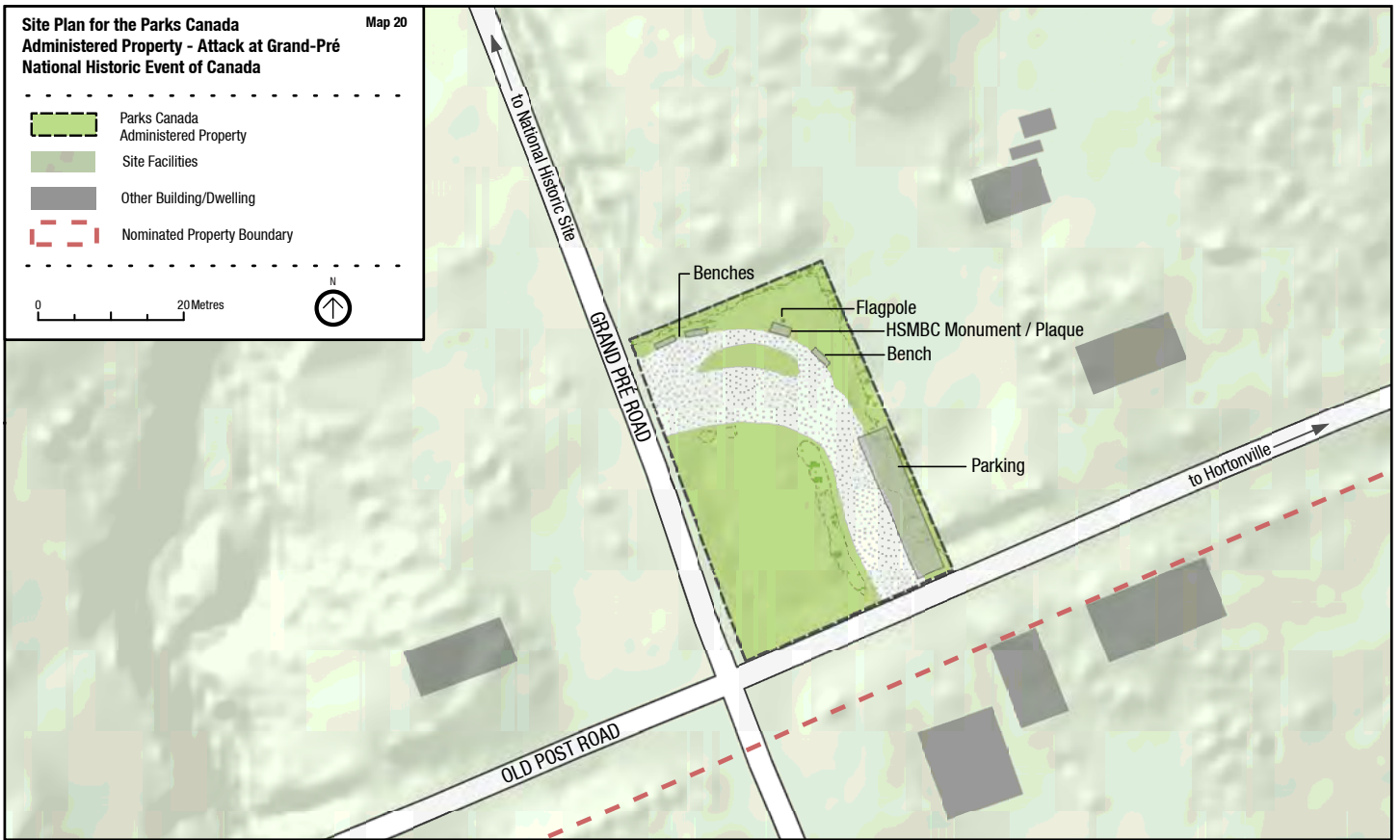
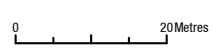




**Site Plan for the Parks Canada  
Administered Property - Attack at Grand-Pré  
National Historic Event of Canada**

Map 20

-  Parks Canada Administered Property
-  Site Facilities
-  Other Building/Dwelling
-  Nominated Property Boundary

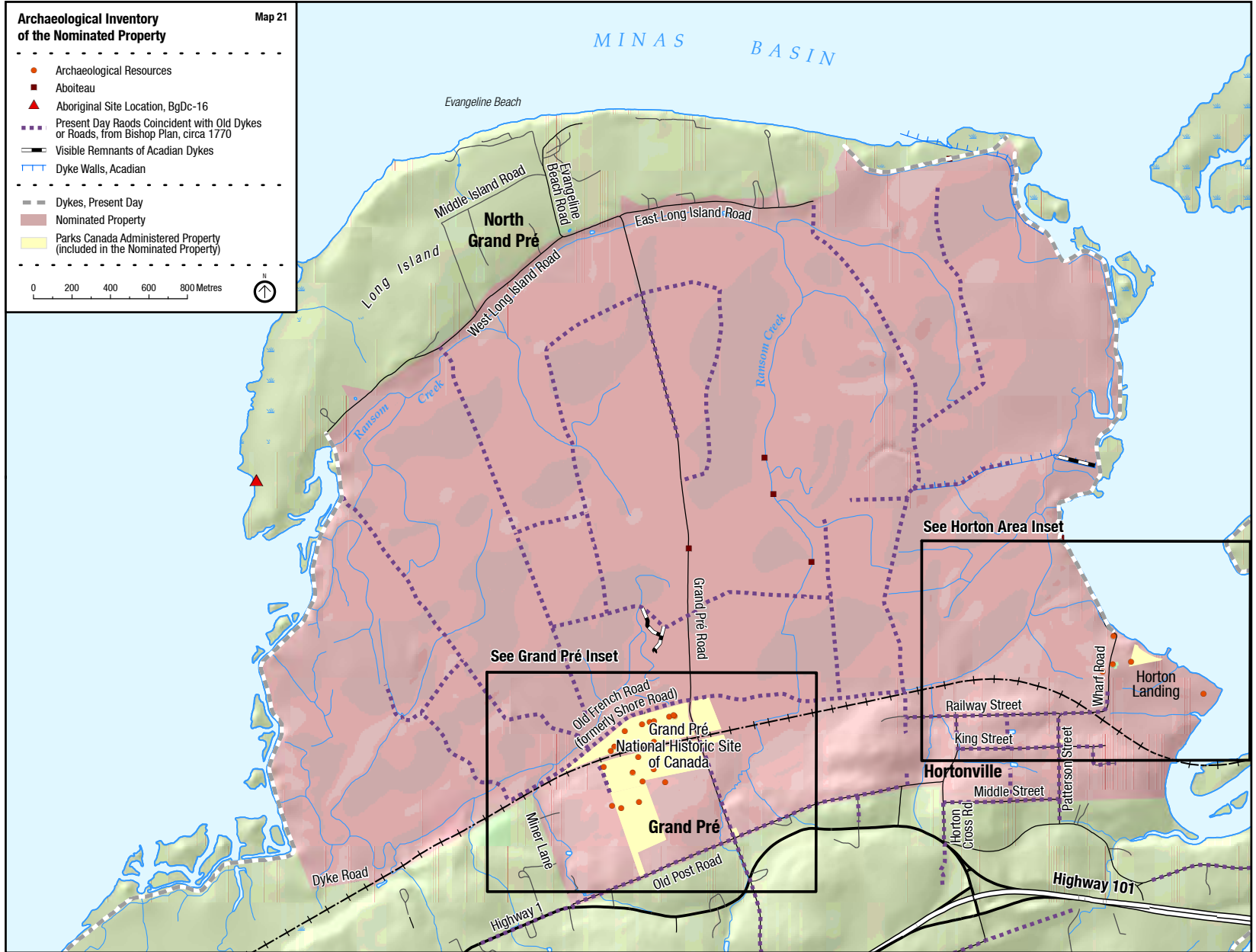


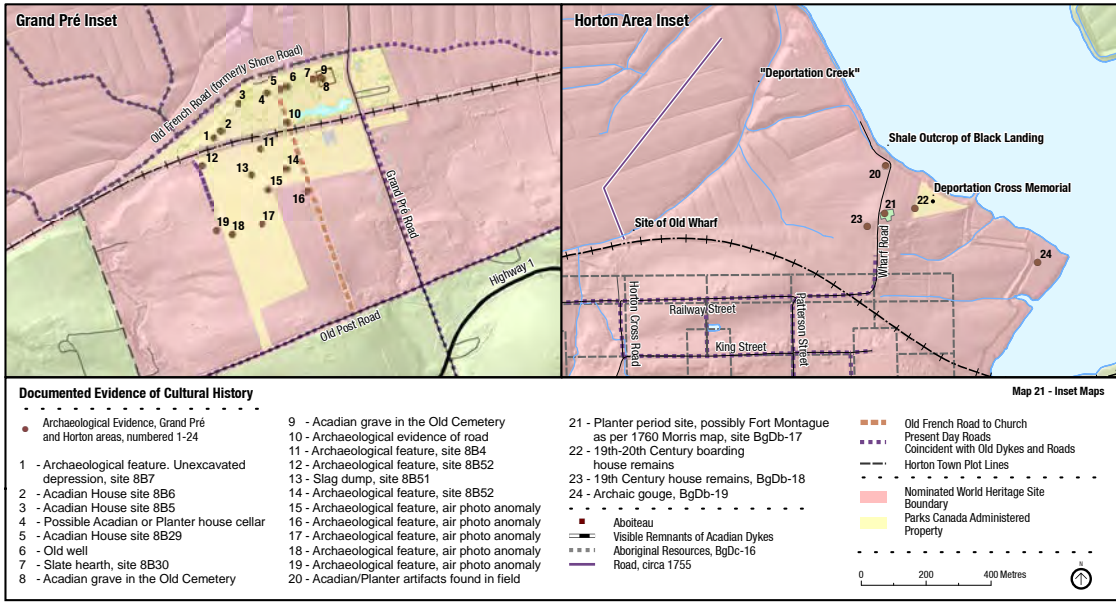
**Archaeological Inventory  
of the Nominated Property**

Map 21

- Archaeological Resources
  - Aboiteau
  - ▲ Aboriginal Site Location, BgDc-16
  - ⋯ Present Day Raods Coincident with Old Dykes or Roads, from Bishop Plan, circa 1770
  - Visible Remnants of Acadian Dykes
  - ⋯ Dyke Walls, Acadian
- 
- Dykes, Present Day
  - Nominated Property
  - Parks Canada Administered Property (included in the Nominated Property)

0 200 400 600 800 Metres





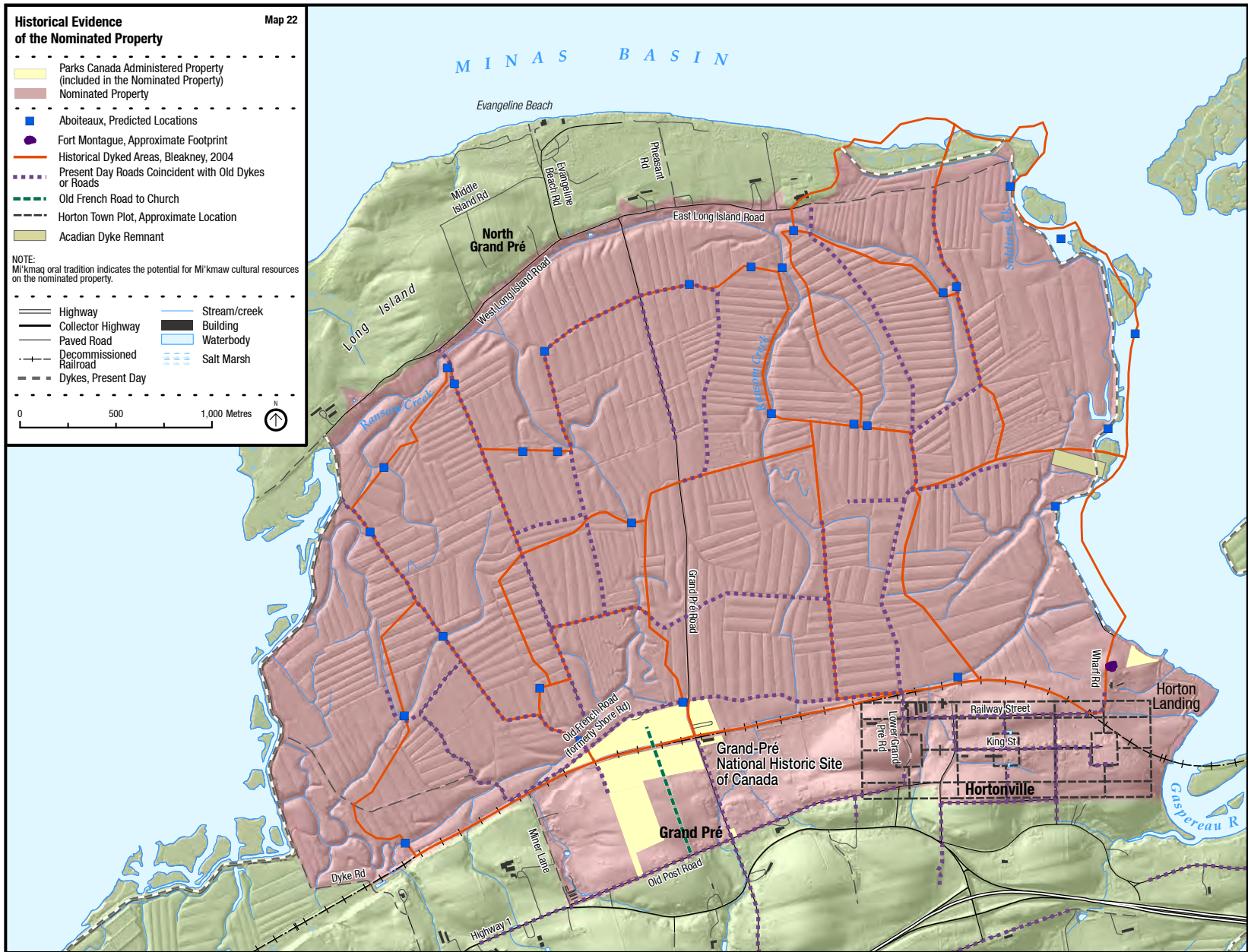
**Historical Evidence of the Nominated Property** Map 22

- Parks Canada Administered Property (included in the Nominated Property)
- Nominated Property
- Aboiteaux, Predicted Locations
- Fort Montague, Approximate Footprint
- Historical Dyked Areas, Bleakney, 2004
- Present Day Roads Coincident with Old Dykes or Roads
- Old French Road to Church
- Horton Town Plot, Approximate Location
- Acadian Dyke Remnant

NOTE:  
Mi'kmaq oral tradition indicates the potential for Mi'kmaq cultural resources on the nominated property.



<span style="display: inline-block; width: 15px; border-bottom: 2px solid black; margin-right: 5px;"></span> Highway	<span style="display: inline-block; width: 15px; border-bottom: 2px solid blue; margin-right: 5px;"></span> Stream/creek
<span style="display: inline-block; width: 15px; border-bottom: 2px solid black; margin-right: 5px;"></span> Collector Highway	<span style="display: inline-block; width: 15px; height: 10px; background-color: black; margin-right: 5px;"></span> Building
<span style="display: inline-block; width: 15px; border-bottom: 2px solid black; margin-right: 5px;"></span> Paved Road	<span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; border: 1px solid blue; margin-right: 5px;"></span> Waterbody
<span style="display: inline-block; width: 15px; border-bottom: 2px dashed black; margin-right: 5px;"></span> Decommissioned Railroad	<span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; border: 1px dashed blue; margin-right: 5px;"></span> Salt Marsh
<span style="display: inline-block; width: 15px; border-bottom: 2px dashed black; margin-right: 5px;"></span> Dykes, Present Day	


0      500      1,000 Metres















**Municipal Zoning of the Nominated Property, Buffer and Surrounding Area**

Map 23

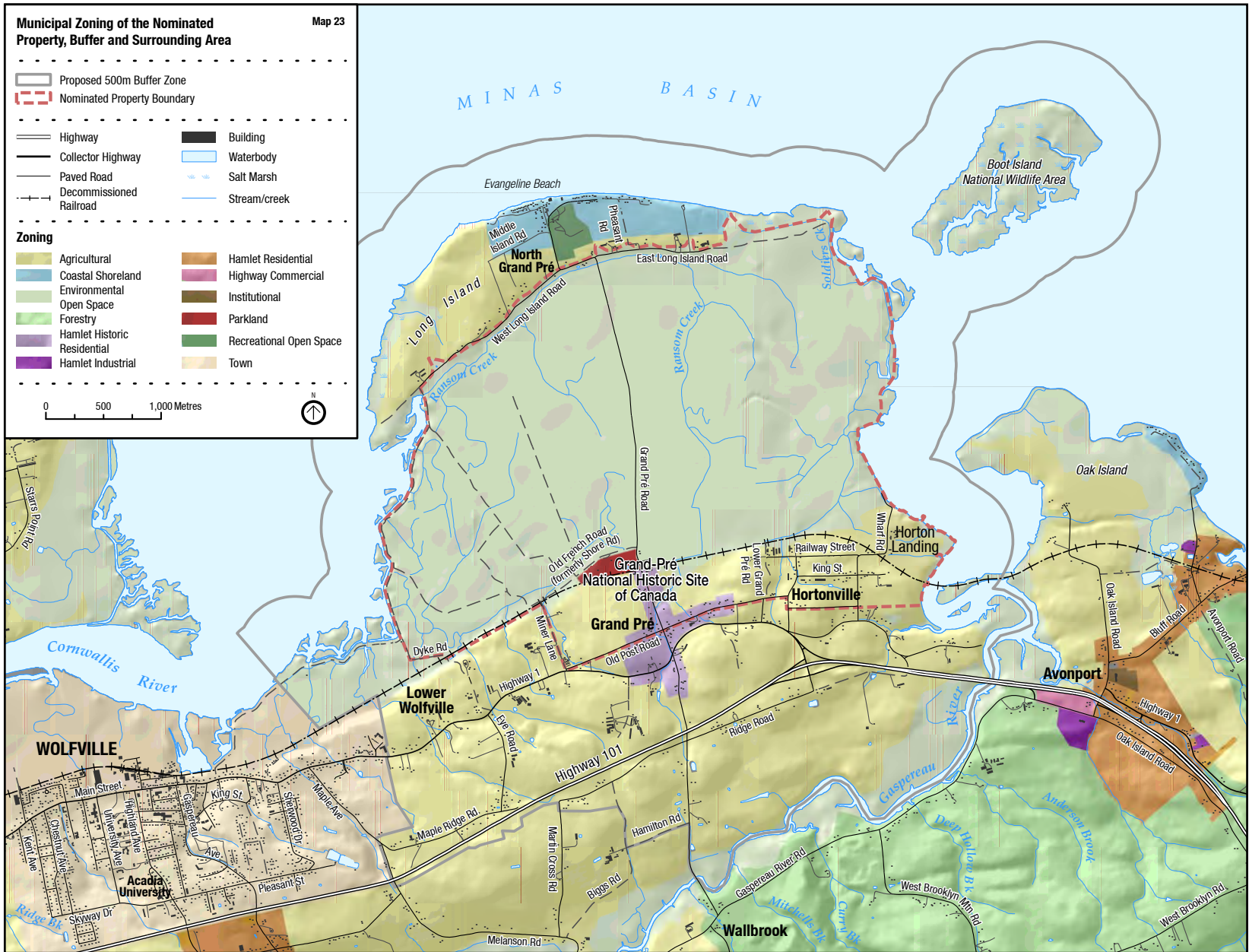
-  Proposed 500m Buffer Zone
-  Nominated Property Boundary

-  Highway
-  Building
-  Collector Highway
-  Waterbody
-  Paved Road
-  Salt Marsh
-  Decommissioned Railroad
-  Stream/creek

**Zoning**

-  Agricultural
-  Hamlet Residential
-  Coastal Shoreland
-  Highway Commercial
-  Environmental Open Space
-  Institutional
-  Forestry
-  Parkland
-  Hamlet Historic Residential
-  Recreational Open Space
-  Hamlet Industrial
-  Town

0 500 1,000 Metres



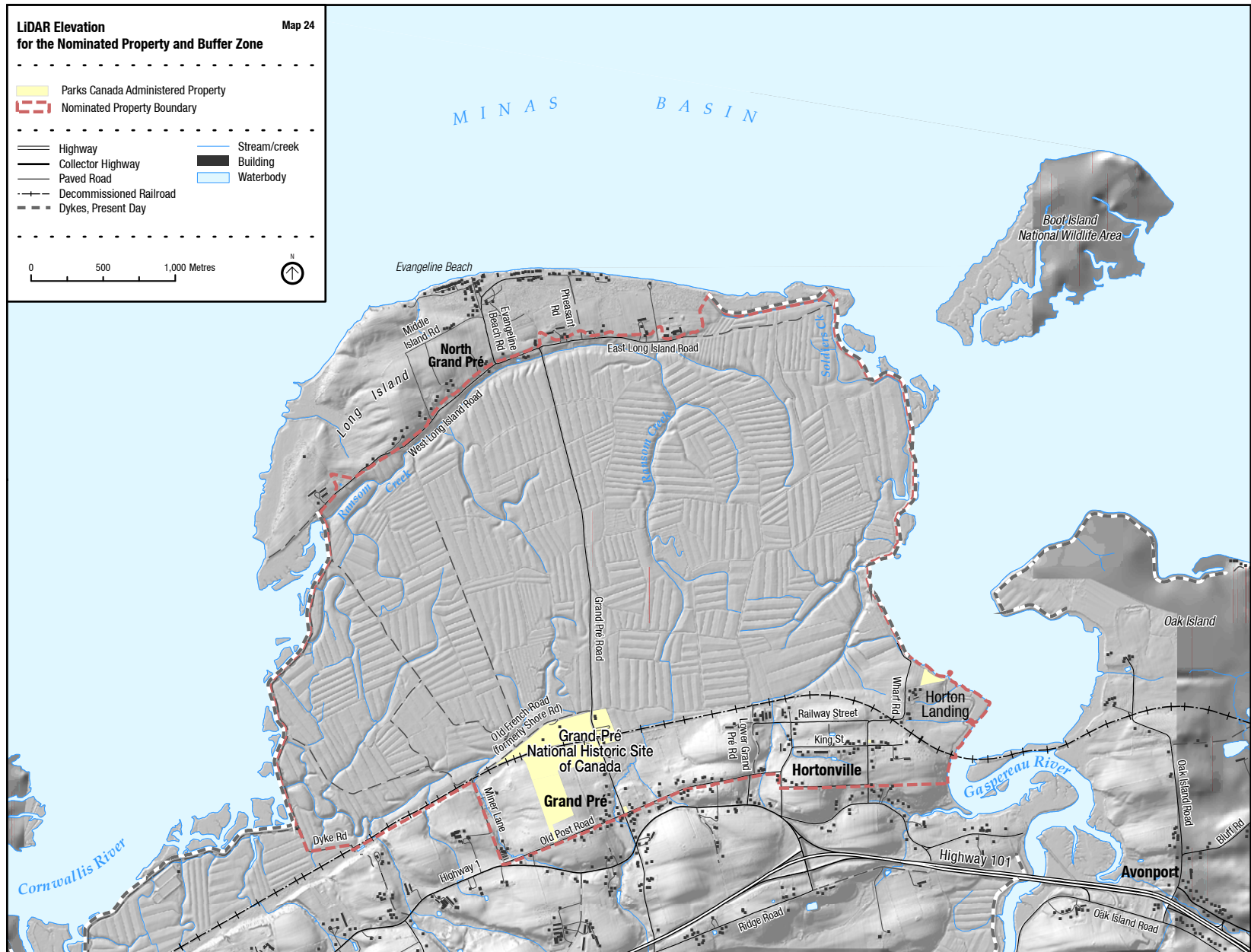
**LiDAR Elevation  
for the Nominated Property and Buffer Zone**

Map 24

- Parks Canada Administered Property
- Nominated Property Boundary

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li><span style="display: inline-block; border-bottom: 2px solid black; width: 20px; margin-right: 5px;"></span> Highway</li> <li><span style="display: inline-block; border-bottom: 2px solid grey; width: 20px; margin-right: 5px;"></span> Collector Highway</li> <li><span style="display: inline-block; border-bottom: 1px solid black; width: 20px; margin-right: 5px;"></span> Paved Road</li> <li><span style="display: inline-block; border-bottom: 1px dashed black; width: 20px; margin-right: 5px;"></span> Decommissioned Railroad</li> <li><span style="display: inline-block; border-bottom: 1px dashed grey; width: 20px; margin-right: 5px;"></span> Dykes, Present Day</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; border-bottom: 1px solid blue; width: 20px; margin-right: 5px;"></span> Stream/creek</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: black; margin-right: 5px;"></span> Building</li> <li><span style="display: inline-block; border: 1px solid lightblue; width: 20px; height: 10px; margin-right: 5px;"></span> Waterbody</li> </ul> |
|--|---|

0 500 1,000 Metres

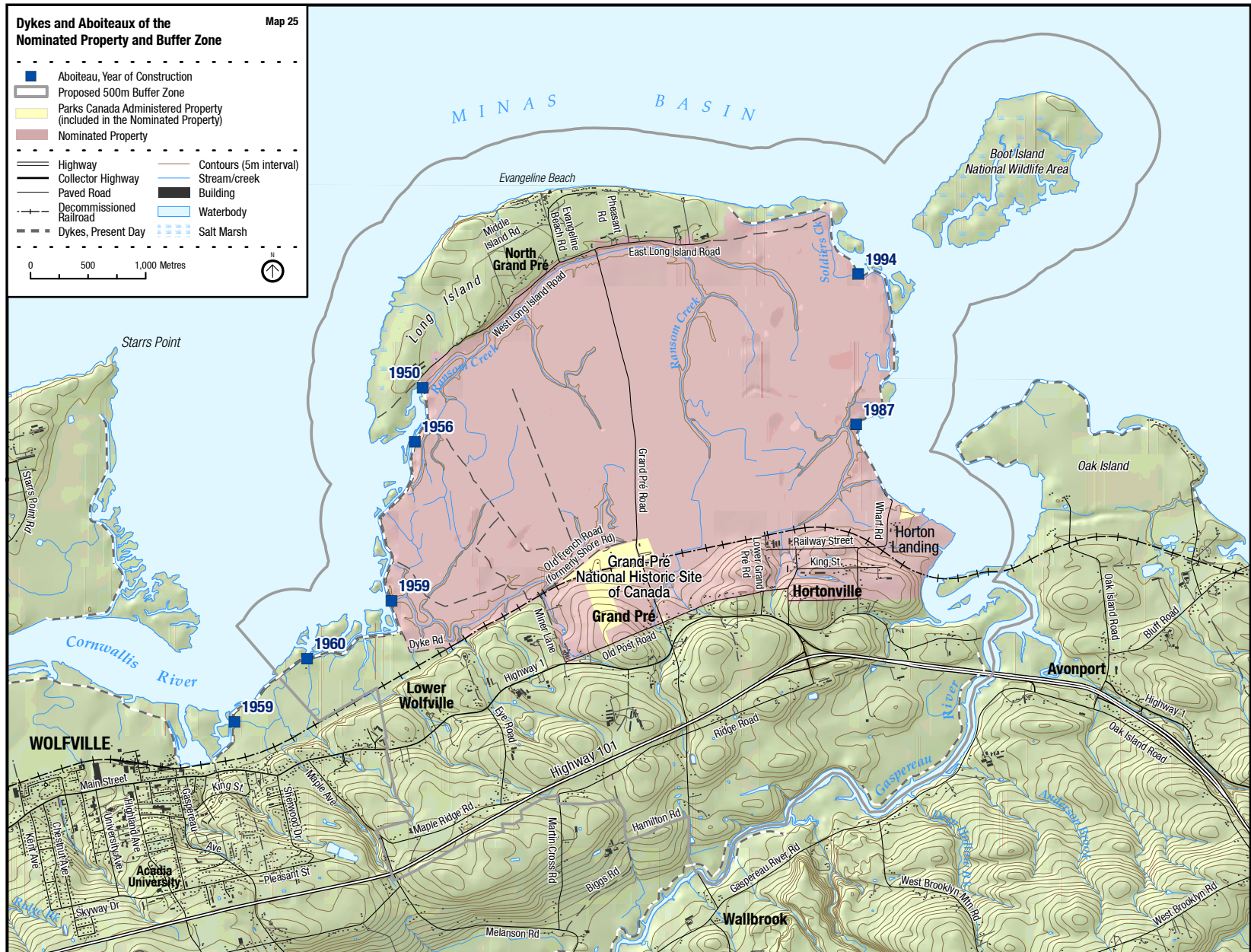


**Dykes and Aboiteaux of the Nominated Property and Buffer Zone**

Map 25

- Aboiteau, Year of Construction
  - Proposed 500m Buffer Zone
  - Parks Canada Administered Property (included in the Nominated Property)
  - Nominated Property
- 
- Highway
  - Collector Highway
  - Paved Road
  - Decommissioned Railroad
  - Dykes, Present Day
  - Contours (5m interval)
  - Stream/creek
  - Building
  - Waterbody
  - Salt Marsh

0 500 1,000 Metres



**Elevation Map of the Nominated Property and Buffer Zone** Map 26

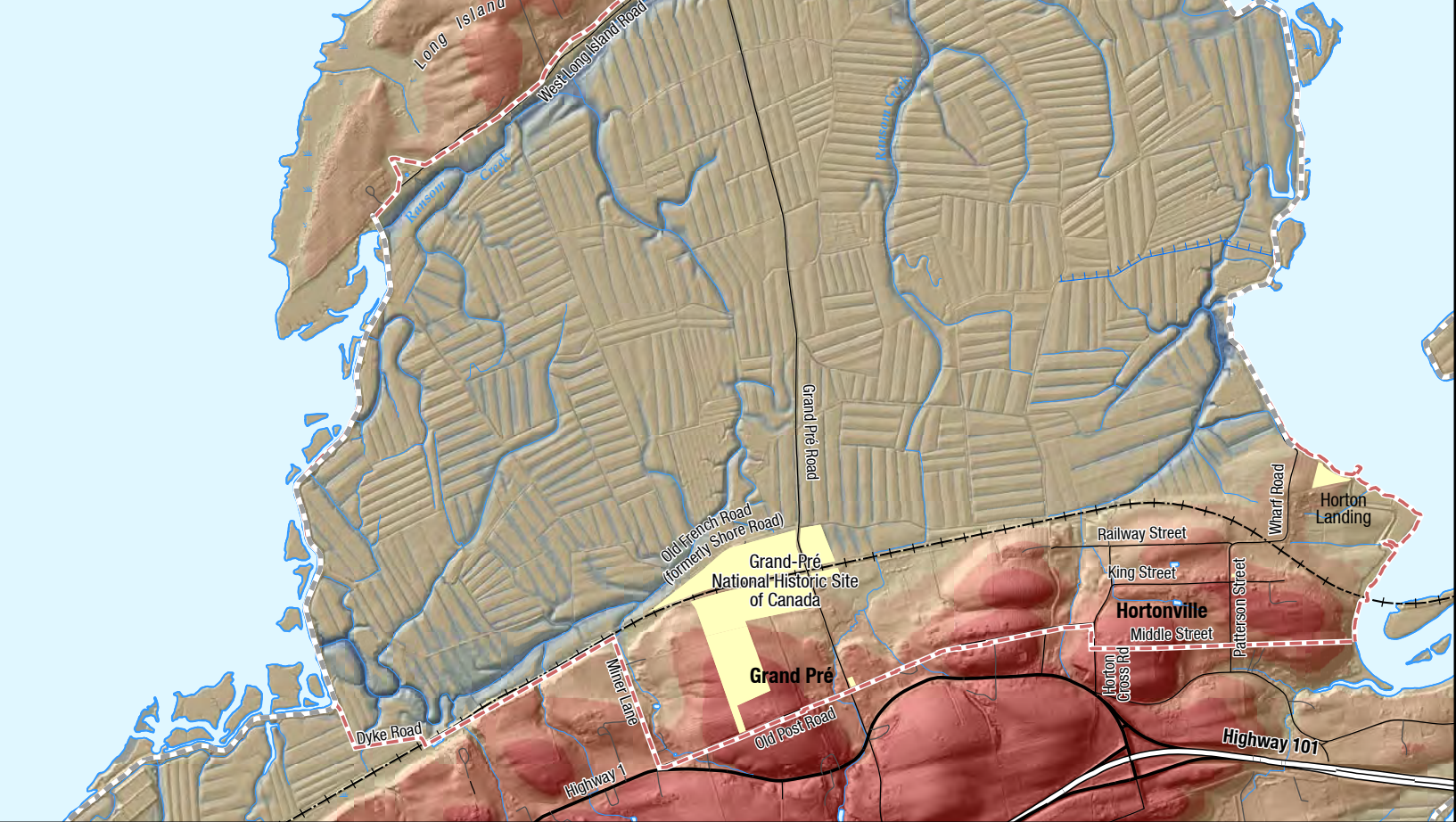
	0 - 2 m		10 - 20 m
	2 - 4 m		20 - 30 m
	4 - 6 m		> 30 m
	6 - 10 m		

- Dyke, Present Day
- Parks Canada Administered Property
- Nominated Property Boundary






0 200 400 600 Metres N



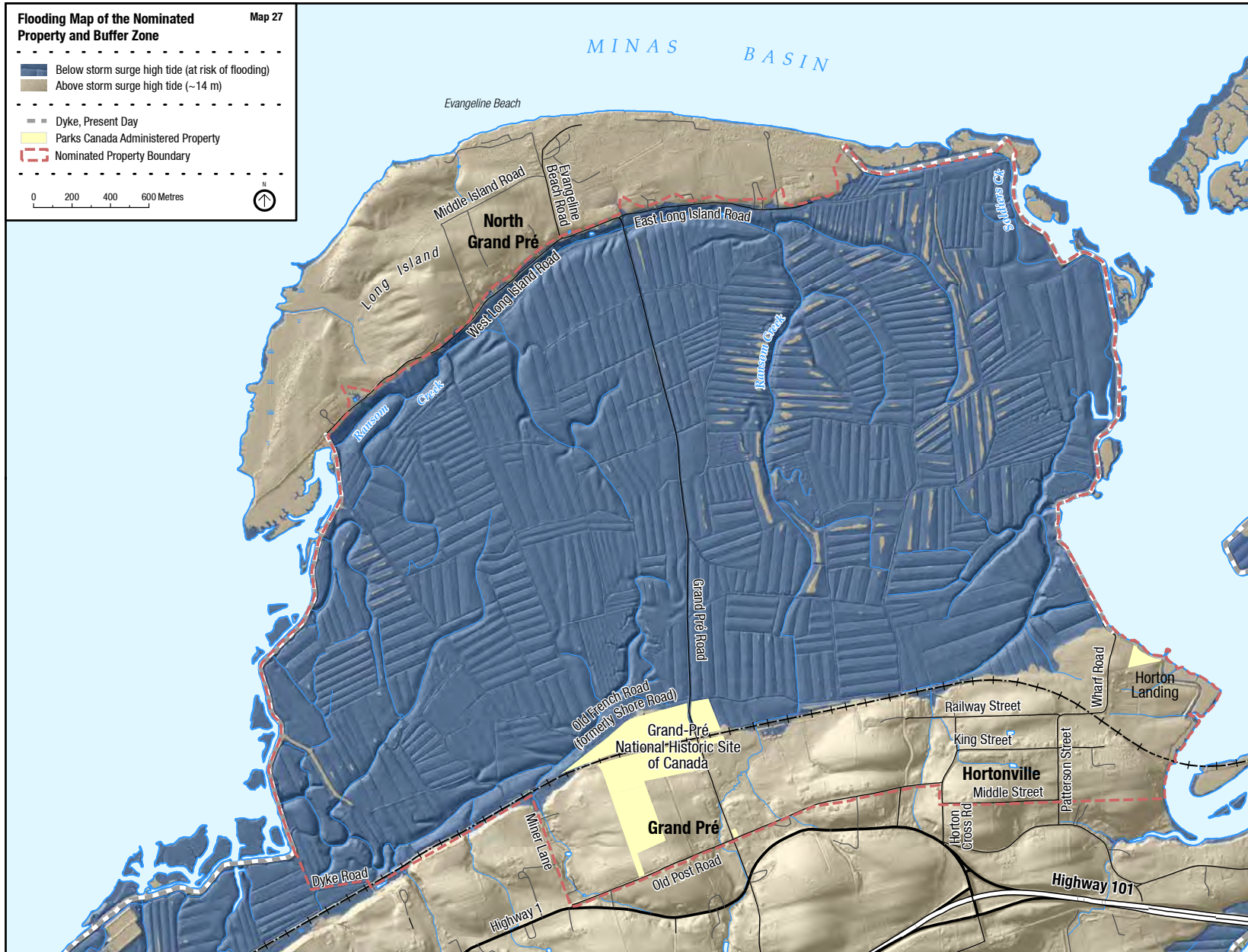


**Flooding Map of the Nominated Property and Buffer Zone**

Map 27

-  Below storm surge high tide (at risk of flooding)
-  Above storm surge high tide (~14 m)
-  Dyke, Present Day
-  Parks Canada Administered Property
-  Nominated Property Boundary

0 200 400 600 Metres





MINES

1. p...  
anc... ab... type

R. de Bon Royal aux  
mines

Le grand Pray

R. de Pigouit

Pion de ...

Pigouit

R. de Cour

Cap des mines  
Cap du port pie

lieu  
ou on dit  
y avoit  
une  
que les  
seule  
des Anglois

Le port  
des mines

La grand Pré  
L'Anquet

A. Fend

Le fort  
de Stebena  
par est.  
Le fort de  
L'Anquet





R. Pono

R. Comaz

R. Hialbant

R. Gashan

Grand Tree

Miras

Grass Land  
for French at  
Miras

for  
Protestant

Grass & Wood Land  
for the Protestant Settlers

Grass & Wood Land for French Protestant  
Pine ground

Woodland for the  
French and Protestant Settlers

R.



R. Sheparde

French Village burnt 1750

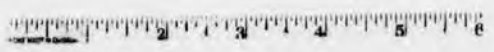
Cape Cheignecko  
Cheignecko Channel  
Apple River  
Cape Cheignecko  
River Cheignecko  
River Chegonois  
Cobequin  
Harbour Advocate  
Cape  
Holt  
R. Pera  
R. de Vieux Habitan  
R.  
Canard  
Habitans  
Minas  
Great Marsh  
River Washnowagan  
Portage  
Halifax  
Dartmouth  
St. Margarets Bay  
Green Island  
Mahone Bay  
Trencok Island  
Cros Island  
Cape Rose  
Parents Point  
Trenton Island  
Sambro Bank  
Villages of Cheignecko burnt by the French Neutrals in 1750  
River Minas  
River Shubenacadie  
River Stewial  
Vil Noel  
Village of Petit Riviere  
Indian Math House  
Road from Halifax to Traget  
Road from Annapolis to Minas  
Road from Cheignecko to Cobequin  
Road from Tatmagouche to Cobequin

Peninsula from Cape Sable to Mahon Bay  
large Firs & black Birch, and has  
many fine Rivers and Harbours

Boundary between Herten and Schenck

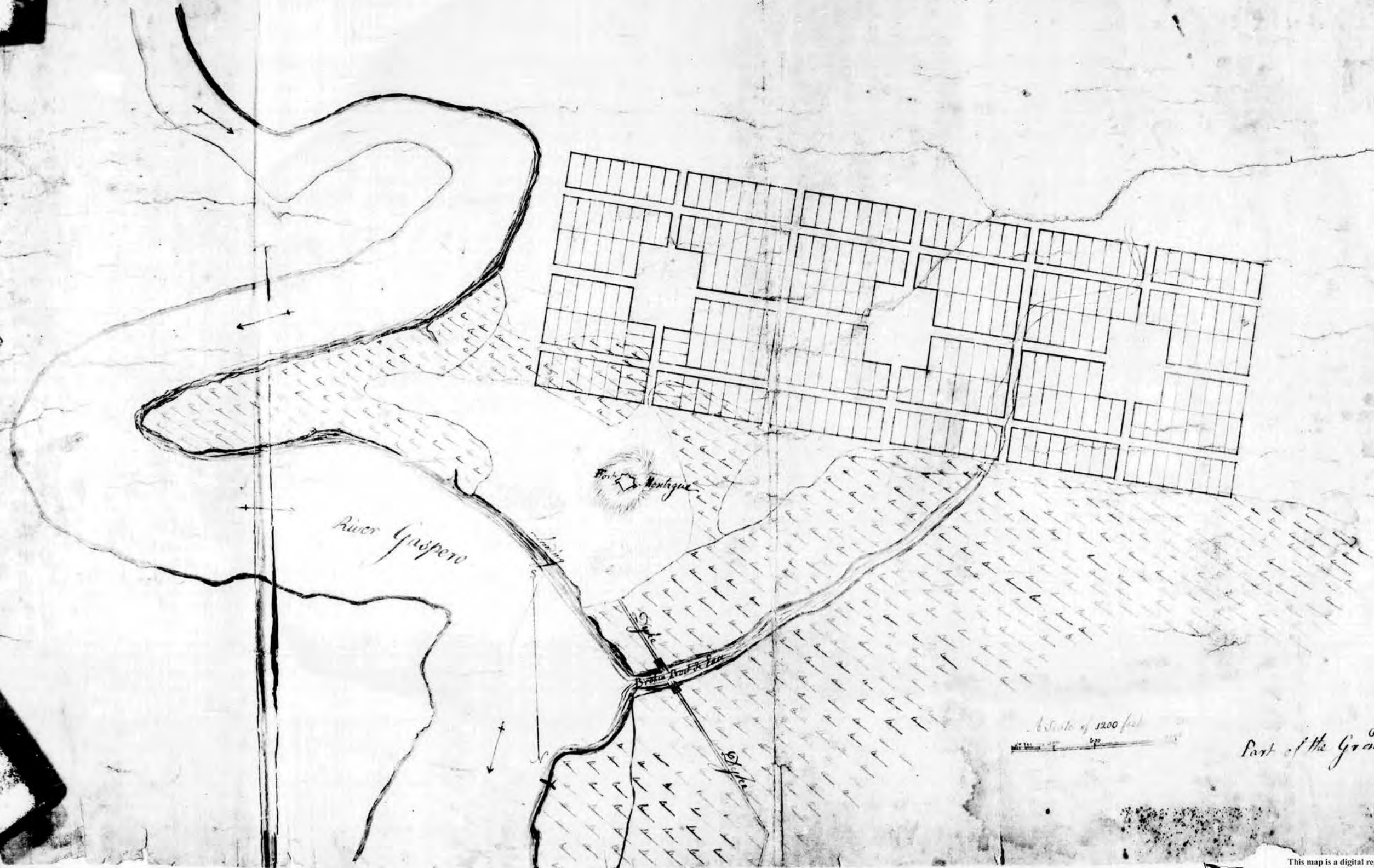
Distance of the River to the Water

Parish River



Plan of the Town of Horton in  
Nova Scotia, Survey'd and laid  
out in June Anno Domini 1760.  
By Chas. Morris Chf. Surv.

(near Upland)





Howe's Town  
(S. 13-A)  
King's Co  
Port Folio #152m

This map is a digital reproduction scanned March 3, 2008  
at the  
Land Information Management Center. This image has  
been reduced by 80%.

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**NOVA SCOTIA**  
Natural Resources

John Mackay's plan  
of the  
Town of  
Howe's Town  
in the County of  
King's  
in the Province of  
Nova Scotia  
in the year 1785

Scale of 1 inch = 100 feet





GRAND PRE MEADOWS

North Boundary, Old Shore Road "1755"

Willows

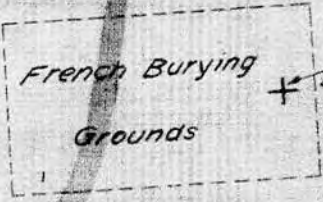


Pries's House



Old St Charles Church  
French 1755

Old Well



French Burying  
Grounds

Memorial Cross

Gale House  
1/2 square

Old French Road to Church

Right of Way Fence

South Boundary, D.A. Ry Right of Way

D.A. Ry. & Track

Chainage on Track 2464+44.8

Chainage on Track 2475+32.5

GRAND PRE STATION

84° 30'

Wire Fence 595.5'

Road to Long Island



Magnetic








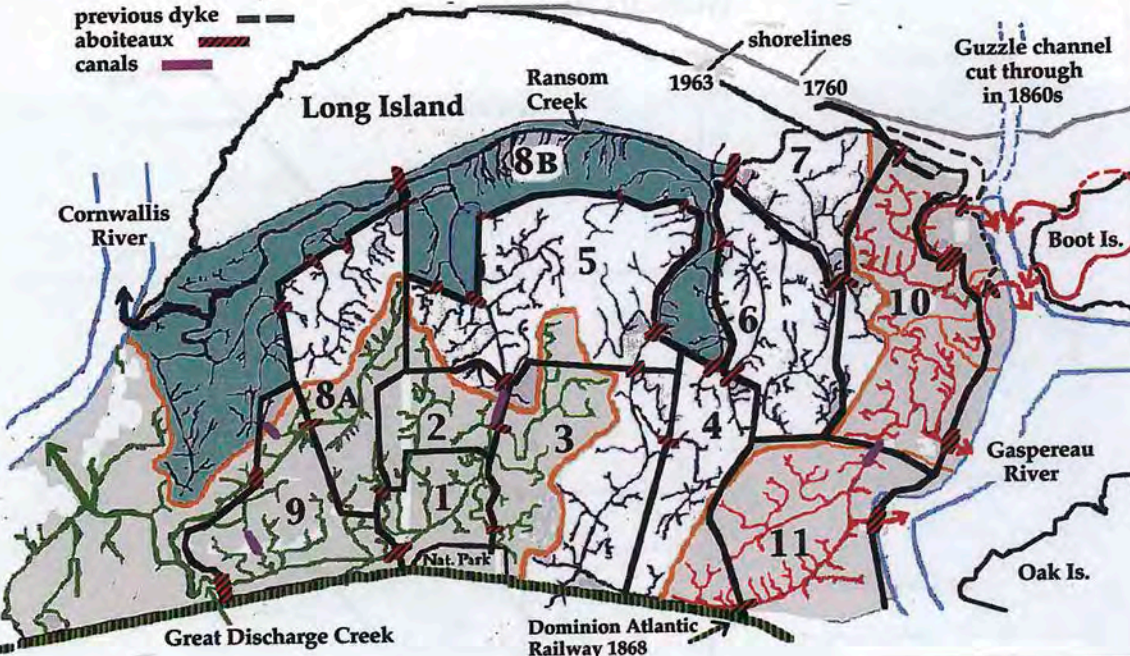
## GRAND PRÉ AREA, NOVA SCOTIA

PRESENT DYKES - OPERATING	—————	ORCHARDS	▨▨▨▨
PRESENT DYKES - BREACHED + ABANDONED	- - - - -	STREAMS	~~~~~
OLD DYKES - FRENCH + NEW ENGLAND	=====	TIDAL FLATS	
MAIN ROADS	—————	DIKED LANDS	▭▭▭▭
SECONDARY ROADS	—————	LAND ABOVE TIDE	▭▭▭▭
TERTIARY ROADS - TRAILS	-----	RIVER CHANNELS	▭▭▭▭
DETAIL OF CULTIVATION		ORCHARD	▨▨▨▨

0 660 1320'

COMPILED AND DRAWN BY PHOTOGR. DIVISION OF NOVA SCOTIA RESEARCH FOUNDATION  
FROM AERIAL PHOTOGRAPHS TAKEN FOR FOREST INVENTORY - 1955  
AIRPHOTO INTERPRETATION BY H.L. CAMERON

previous dyke   
aboiteaux   
canals 



Long Island

Ransom Creek

1963

1760

shorelines

Guzzle channel  
cut through  
in 1860s

Cornwallis  
River

Boot Is.

Gaspereau  
River

Oak Is.

Great Discharge Creek

Dominion Atlantic  
Railway 1868

8B

7

5

10

8A

6

2

3

4

9

1

11

Nat. Park



## **Management Plan for the Landscape of Grand Pré**

January 2011



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## **Forward**

The Landscape of Grand Pré is nominated by Canada for inscription on UNESCO's World Heritage List, the highest possible international recognition for cultural and natural heritage. It is a distinction that, if successful, would bring attention to an extraordinary place, one that is already celebrated by various provincial and national designations.

Grand Pré is a place that is cherished by local residents, Acadians, farmers, and visitors alike for its history, beauty, emotional attachment, fertility, and many more personal connections. The following management plan aims to guide the management of activities and plans towards the goal of protecting what is of outstanding universal value. While there are many parallel visions to guide the future of the Grand Pré area reflecting the various plans and groups involved, this management plan focuses on the common elements, those that together form a shared vision.

This plan is the result of the work of the management plan working group, feedback from stakeholders, feedback from experts, and reviews by the jurisdictions. It also reflects input from consultation on the management plan for the Grand-Pré national historic site of Canada as well as for the Grand Pré and Area Community Plan. We are grateful to all those who have participated in its development for their generosity in giving time, sharing ideas, and providing leadership. We are confident that this will ensure the strength and relevance to the direction articulated in this document.

With this management plan, we aim collectively to be good and responsible stewards of the Landscape of Grand Pré, to celebrate the many stories it embodies, and to pass on to future generations the shared legacy we inherited.

Gérald C. Boudreau, PhD.

Co-Chair, Nomination Grand Pré

Peter Herbin,

Co-Chair, Nomination Grand Pré

## List of Management Plan Working Group members

The draft management plan is the result of the work of the Management Plan working group. This working group met in May 2009, June 2009, and April 2010 to discuss the pressures faced by the property and to provide direction on approaches to manage and protect it.

The working group members include:

<b>Bob Book</b>	<i>Director of Development and Planning, Tourism Division, Tourism, Culture and Heritage</i>
<b>Roy Bishop</b>	<i>President, North Grand Pré Community Association</i>
<b>Andrew Cameron</b>	<i>Director, Resource Stewardship, Department of Agriculture</i>
<b>David Christianson</b>	<i>Curator of archaeology, Nova Scotia Museum</i>
<b>Charles Curry</b>	<i>Chair, Grand Pré Community Association</i>
<b>John Curry</b>	<i>Member, Grand Pré Marsh Body</i>
<b>Claude DeGrâce</b>	<i>Manager, External Relations, New Brunswick North Field Unit, Parks Canada</i>
<b>Mike Ennis</b>	<i>Councillor, District 12, Municipality of the County of Kings</i>
<b>Chrystal Fuller</b>	<i>Committee Chair, Municipality of the County of Kings</i>
<b>Marianne Gates</b>	<i>Kings RDA</i>
<b>Wanda George</b>	<i>Mount St. Vincent University</i>
<b>Jennifer Graham</b>	<i>Coastal Coordinator, Ecology Action Centre</i>
<b>John Johnston</b>	<i>Historian, Parks Canada</i>
<b>Owen Jordan</b>	<i>Community member</i>
<b>Elisabeth Kosters</b>	<i>Community member</i>
<b>Edie Lloyd</b>	<i>Community member</i>
<b>Brian MacCulloch</b>	<i>Agricultural Regional Coordinator, Department of Agriculture</i>
<b>Vaughn Marriott</b>	<i>Community member</i>
<b>Seamus McGreal</b>	<i>Planner, Municipality of the County of Kings</i>
<b>Peter Newbould</b>	<i>Community member</i>
<b>Suzanne Pelham</b>	<i>Community member</i>
<b>Simeon Roberts</b>	<i>Resource Consultant</i>
<b>Christophe Rivet</b>	<i>Project Manager, Nomination Grand Pré</i>
<b>Dawn Sutherland</b>	<i>Planner, Municipality of the County of Kings</i>

## 1.0 Introduction and Role of this Management Plan

Grand Pré has a long and rich history. Both natural and cultural features have been commemorated by various authorities over the years. Amongst these are a national wildlife sanctuary on Boot Island, a wetland that is recognized under the UNESCO international Ramsar Convention, the first rural district of national significance, a national historic site, a municipal and provincial heritage conservation district, provincially designated heritage properties and many others. Many of these heritage places have plans or frameworks to guide their management and long-term conservation.

The goal of this management plan is to ensure that the outstanding universal value of the Landscape of Grand Pré (hereafter referred to as the *Landscape of Grand Pré*) and the attributes that support it are preserved for present and future generations. In doing so it fulfills the requirements of paragraph 108 of the *Operational Guidelines for the Implementation of the World Heritage Convention* (2005), and supports the nomination and subsequent management of the proposed Landscape of Grand Pré as a World Heritage Site.

This management plan serves as an overarching management framework to cohesively guide the protection, conservation and presentation of the nominated property, both for the proposed site's governance structure and the responsible authorities.

This plan identifies the proposed outstanding universal value, the main characteristics of this site, the legislative and policy framework for the management of the property, and the management system in place to protect, present and monitor the site. This plan builds on the Municipality of the County of Kings' commitment to support the development of the communities of Grand Pré, North Grand Pré, Hortonville, and Lower Wolfville through a community plan, the province of Nova Scotia's commitment to protect marshlands through the *Agricultural Marshland Conservation Act* and associated regulations and archaeological heritage through the *Special Places Protection Act*, and the government of Canada's commitment to protect places of national historic significance that it administers.

The management approach places great importance on the maintenance of a vibrant agricultural community anchored in an agricultural tradition that has evolved over 300 years and on the maintenance of the intrinsic values that make this place significant for the Acadian community.

## 2.0 Description of Property

### 2.1 Description

The nominated property consists of 1323 hectares of dykelands, known elsewhere as polders, and uplands on the southern edge of the Minas Basin, an eastern arm of the Bay of Fundy in western mainland Nova Scotia. It is bordered by the Gaspereau River to the east, the Cornwallis River to the west, Long Island to the north, and parts of the communities of Grand Pré, Hortonville, and Lower Wolfville to the south. Dominating the distant background, beyond the nominated property, Cape Blomidon extends into the basin as an instantly recognizable landmark.

The nominated property includes the dykeland area that the Acadians created in the 17th century, which successive generations of farmers have expanded. It also includes distinctive representative sections of the Acadian settlement and of the current agricultural community, as well as the entire planned settlement for the New England Planters, a British town grid.

Since the time of the first Acadian settlement in the 17<sup>th</sup> century, people have continuously worked these dykelands. The nominated property also includes parts of the hamlet of Grand Pré, which hosts provincially and municipally designated heritage properties and some local services, plus farms on the hills and an expanse of fields and pastures. At the heart of both the nominated property and the Acadian settlement lies Grand-Pré National Historic Site of Canada. The national historic site consists of the commemorative gardens, the Memorial Church, cemeteries, and many other memorials to the Acadian Deportation.

The entirety of the nominated property can be seen in the following aerial photo.



**Figure 1: Aerial view of the Grand Pré marshland and its characteristic patchwork of fields.** In the top right corner is the Boot Island National Wildlife Sanctuary. Top: Long Island, which is outside the boundaries of the proposed property and is part of the buffer. The boundary of the nominated property is indicated in yellow

## 2.2 Location and Boundary

The geographical coordinates (to the nearest second) for the approximate centre of the property are:

LATITUDE 45° 7' 6" North

LONGITUDE 64° 18' 26" West

The nominated property is situated in eastern Canada in Nova Scotia. The property comprises 1323.24 hectares of land. It is protected from the waters of the Minas Basin in the Bay of Fundy by 5.53 kilometres of dykes. It extends 4.4 kilometres East – West along Highway 1 in the north-eastern corner of the County of Kings, east of the Town of Wolfville.

The boundary was assigned to include the area that has been dyked from the 1680s up to the present day, that is under the stewardship of the Grand Pré Marsh Body, and that continues to support exclusive agricultural use. It



also includes the heart of the traditional settlement on the uplands and the lands that host the memorials associated with the Acadian Deportation.

The boundary of the proposed property (shown in Figure 1 and 2) follows on the north side the boundary of the marshland as defined in the designation under the *Agricultural Marshland Conservation Act*.

The boundary of the nominated property follows, on the north side, the boundary of the marshland as defined in the designation under the Nova Scotia *Agricultural Marshland Conservation Act*. Counterclockwise, it continues southward following the line of dykes in their middle and again follows the boundary of the designated marshland up to the point where the dykes make a westward right angle (Point 1) (the corresponding geo-coordinates for each point are illustrated in the following map). The boundary then continues straight towards the uplands, turns east and follows the Dyke Road, including the entire right-of-way. As it reaches Miner Lane, the boundary follows Miner Lane southward in the middle of the road and turns east on Old Post Road, including the right-of-way. The boundary follows Old Post Road until it reaches Horton Cross Road. It then turns south, including the right-of-way, and turns immediately east on Middle Street including the right-of-way. It continues in a straight line towards the Gaspereau River. When the boundary meets the river, it turns north and follows the coastline up to the place called Horton Landing, where the dyke resumes (Point 2). The boundary then follows the line of dykes in their middle and the boundary of the designated marshland until it meets with the north boundary.

The boundary is defined by legal descriptions within the *Agricultural Marshland Conservation Act*, as well as by topographic features that ensure it is clearly identifiable on the ground. The boundary guides appropriate management.

### 2.3 Buffer Area

The buffer zone is an area surrounding the nominated property. It has complementary legal requirements placed on its use and development to give an added layer of protection to the property. The nominated property of Grand Pré requires a buffer zone to ensure that the integrity of the dykelands and the continuity of its agricultural use are maintained. The buffer zone includes a land component and a marine component.

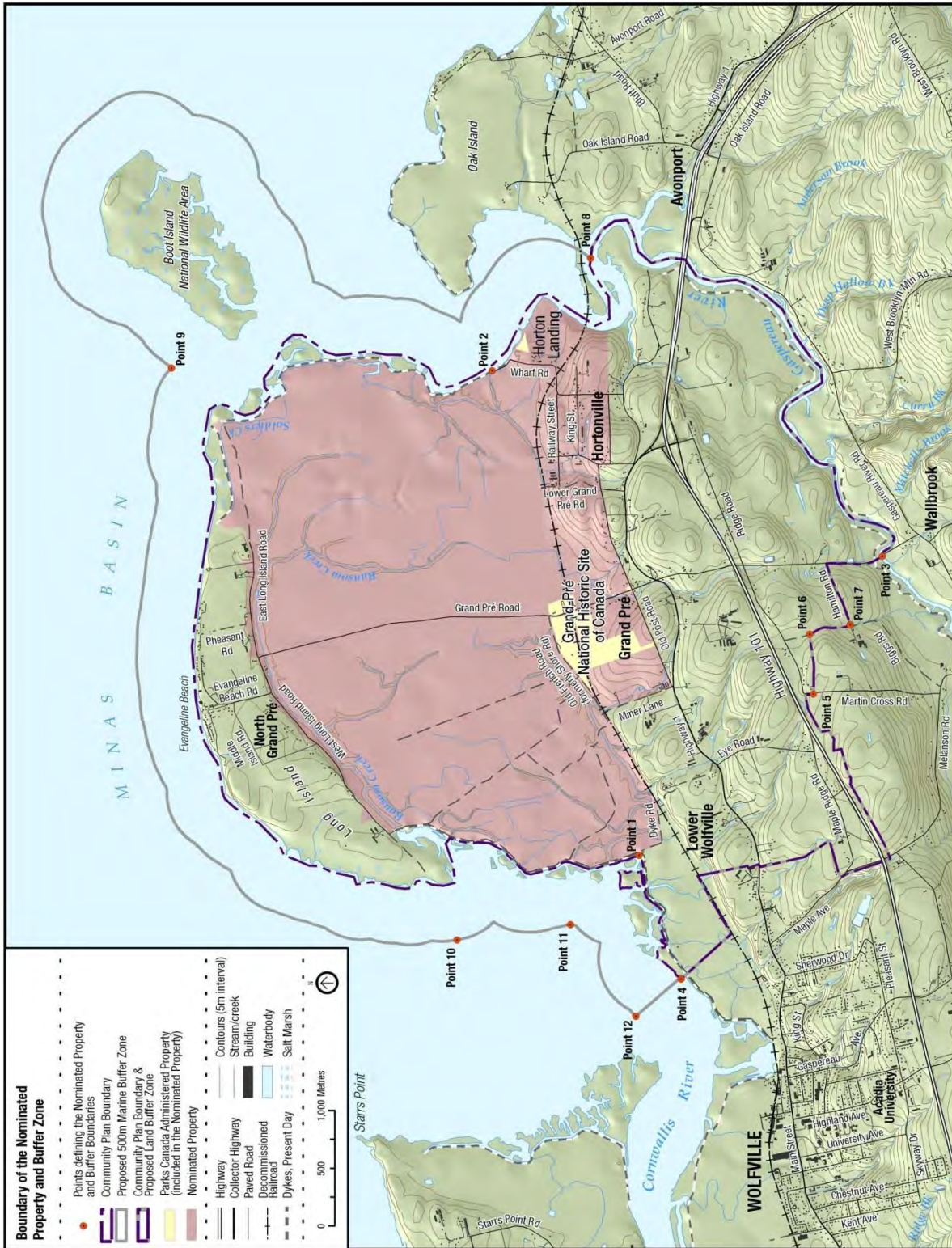
The land component includes Long Island, Boot Island and the lands surrounding the nominated property to the south, up to the boundary of the *Grand Pré and Area Community Plan*. The buffer zone is managed through legislation and policies that add to the protection of the nominated property. The legislation and policies are described in Chapter 5. The boundary of the *Grand Pré and Area Community Plan* encompasses four communities: the hamlet of Grand Pré at the centre, and the communities of North Grand Pré to the north, Hortonville to the east, and Lower Wolfville to the west. Starting at the southern tip of Grand Pré Road as it meets the Gaspereau River (Point 3, see Figure 2 for the location of points, and Table 1 for their coordinates), the boundary follows the river counter-clockwise in the middle up to its mouth where it meets the Minas Basin at the former railway bridge. Then the boundary continues northward and follows the coastline, turns westward along Long Island and continues to follow the coastline. As it reaches the western tip of Long Island, it continues southward, still following the coastline. It then makes a sharp turn westward (Point 1) as it meets the corner of the dyke and continues westward until it meets the legal boundary of the town of Wolfville (Point 4). It turns southward following that boundary to the southern limit of the right-of-way of Highway 101. It follows this right-of-way until it intersects the western right-of-way of Martin Cross Road. It continues south on Martin Cross Road 0.07 kilometres until it meets a point opposite the southwest corner of a property, PID #55222947 (Point 5). It then continues westward along the southern limit of several properties to the southeast corner of property PID #55222897 (Point 6). The boundary turns southward on Biggs Road by the middle to Hamilton Road (Point 7), continues eastward on Hamilton Road, in the middle, to Grand Pré Road, finally continuing southward on Grand Pré Road, in the middle, ending at the Gaspereau River.

The marine component of the buffer zone extends 500 metres from the water-facing boundary of the property and, where relevant, from the land buffer zone. On the eastern side of the property, the marine component of the buffer zone begins at Point 8 and extends north along the property extending from the edge of the nominated property. It then continues eastward around Boot Island following the coastline. At Point 9, the boundary for the buffer zone follows the edge of the coastline of Long Island westward until Point 10, where it then follows the coastline of the nominated property. At Point 11 it turns westward following the edge of the area covered by the *Grand Pré and Area Community Plan*. At Point 12, the marine component of the buffer zone ends with a straight line southward, meeting with the land buffer zone. The marine component of the buffer zone includes salt marsh, beaches and mudflats.

Point	Longitude	Latitude
Point 1	64° 20' 8.49" W	45° 6' 12.94" N
Point 2	64° 16' 57.17" W	45° 6' 56.51" N
Point 3	64° 18' 8.29" W	45° 5' 5.97" N
Point 4	64° 20' 57.13" W	45° 6' 0.56" N
Point 5	64° 19' 3.24" W	45° 5' 24.66" N
Point 6	64° 18' 39.63" W	45° 5' 25.99" N
Point 7	64° 18' 35.70" W	45° 5' 14.62" N
Point 8	64° 16' 11.87" W	45° 6' 29.24" N
Point 9	64° 16' 58.11" W	45° 8' 26.74" N
Point 10	64° 20' 43.15" W	45° 7' 3.79" N
Point 11	64° 20' 36.33" W	45° 6' 31.89" N
Point 12	64° 21' 12.30" W	45° 6' 13.08" N

Points defining the nominated property and buffer zone, illustrated in Figure 2.

Figure 2: Boundary of the Nominated Property and Buffer Zone



## 2.4 Status

Three levels of government have jurisdiction over various parts of the nominated property. At the federal level, national historic sites owned by the Government of Canada through the Parks Canada Agency are established under the Canada National Parks Act and protected under the Parks Canada Agency Act's National Historic Sites Order and its regulations. At the provincial level, archaeological sites are protected under the Special Places Protection Act, administered by the Nova Scotia Department of Tourism, Culture and Heritage. The dykelands are protected under the Agricultural Marshland Conservation Act and its regulations, as well as by municipal zoning that prevents permanent structures. The municipal zoning bylaws, as defined in the Grand Pré and Area Community Plan, regulate activities and development on the land not covered by the Agricultural Marshland Conservation Act. The uplands are managed under the municipal bylaws, as defined in the Grand Pré and Area Community Plan. Additional provincial acts protect regions within the buffer zone, including the Beaches Act and the Cemeteries Protection Act.



**Figure 3: Iconic view of the property taken from the Old Post Road.** In the foreground, the memorial church and the visitor centre at the national historic site; in the middle ground the dykeland up to the line of trees that indicate Long Island and the edge of the property and; in the background, Cape Blomidon and the waters of the Minas Basin.

## 2.5 Shared Stewardship and Governance Structure

Three levels of government and various other authorities manage various components that make up the nominated property. Each authority has mechanisms and resources in place to review proposals, plan for them, implement activities, and monitor changes. These mechanisms will be used to ensure the conservation of the property's outstanding universal value if it is successfully inscribed on the World Heritage List. The Grand Pré

World Heritage Site Stewardship Board will play an essential role in implementing measures to manage the nominated property. Whenever it is consulted by one of the authorities, the Board will provide an overall analysis of impacts on the outstanding universal value of the property to ensure coordination among the various authorities' mechanisms and resources.

### 2.5.1 Jurisdictional Responsibilities

There are five main authorities that have legal responsibility for the protection and management of the proposed property and its buffer.

The municipal government is responsible for the management of land use and activities in the proposed area, with the exception of the federal and provincial lands. It plays an essential role in preserving the agricultural use of the area.

The provincial government through the Department of Tourism, Culture and Heritage has authority over the protection and management of archaeological resources. The province's Department of Agriculture has authority over the protection of the marshland.

The Grand Pré Marsh Body, in accordance with the *Agricultural Marshland Conservation Act*, has limited authority over the activities and projects taking place on the marshland. The Marsh Body is an important element of the site's stewardship. It has existed since at least the 1770s as a group of landowners who have continuously played an essential role in maintaining agricultural activities.

The federal government, through the Parks Canada Agency, owns properties that include Grand-Pré National Historic Site of Canada, the location of the Historic Sites and Monuments Board of Canada plaque for the commemoration of the Attack at Grand-Pré at Grand Pré, and the location for the plaque commemorating the arrival of the Planters at Horton Landing. The agency's mandate is to protect, present, and foster public understanding, appreciation and enjoyment of these cultural sites of national significance.

While each jurisdiction will continue to manage their properties and responsibilities, by approving the management plan for the Landscape of Grand Pré, the jurisdictions commit to being responsible stewards of the property and to working together through the *Grand Pré World Heritage Site Stewardship Board* and otherwise to ensure that their own actions are respectful of the property's outstanding universal value.

### 2.5.2 The Grand Pré World Heritage Site Stewardship Board

The property will be managed through the Grand Pré World Heritage Site Stewardship Board under agreements with the Municipality of the County of Kings, the Province of Nova Scotia, Parks Canada, the Kings Regional Development Agency, the *Société Promotion Grand-Pré Inc.*, the Grand Pré Marsh Body, and the Grand Pré and Area Community Association. The Stewardship Board's mandate is to ensure the implementation of the management plan through a coordinated management approach between all jurisdictions, promotion of the property's outstanding universal value, engagement of the stakeholders in the stewardship of the property, and reporting on the condition of the property.

The mandate of the Stewardship Board, as described in the *Terms of Reference - Grand Pré World Heritage Site Stewardship Board*, is to ensure a coordinated management approach between all jurisdictions, provide technical advice on the protection of the property's outstanding universal value, promote the property's outstanding universal value, engage the stakeholders in the stewardship of the property, and coordinate the reporting on the property's condition. The regulatory authorities agree, through the terms of the *Memorandum of Understanding* which creates the Stewardship Board, to provide mechanisms to consult and receive recommendations from the

Board on issues pertaining to the management of the World Heritage Site and on means to protect its outstanding universal value. The Stewardship Board will be composed of residents, Acadian representatives, representatives from the three levels of government, and other representatives of stakeholders or communities of interest.

The Stewardship Board will be assisted in its work by a Secretariat and a Site Management Coordinator whose mandate is to coordinate the management of the nominated property. The Stewardship Board will rely on three sources of expertise to provide advice on matters of protection, promotion, and education. The first is a Technical Advisory Committee, which will provide professional advice on matters pertaining to the protection of the dykelands and of the memorials. The second is the Education and Marketing Committee, which will provide direction and coordination between partners for matters relating to interpretation, promotion, marketing, and education. The third will be a variety of outside sources of expertise in government agencies, non-governmental organizations, and consultancies when required

Between the time of submission of the nomination proposal and the decision by the World Heritage Committee, the Nomination Grand Pré Advisory Board will work to implement this management plan as relevant to ensure the protection of the nominated property.

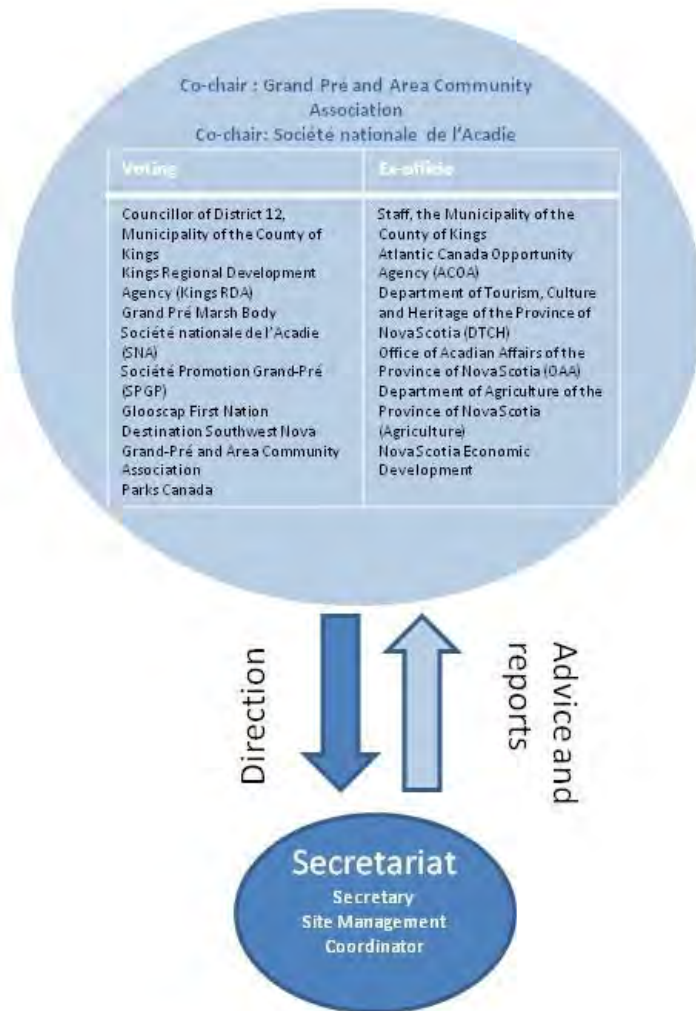
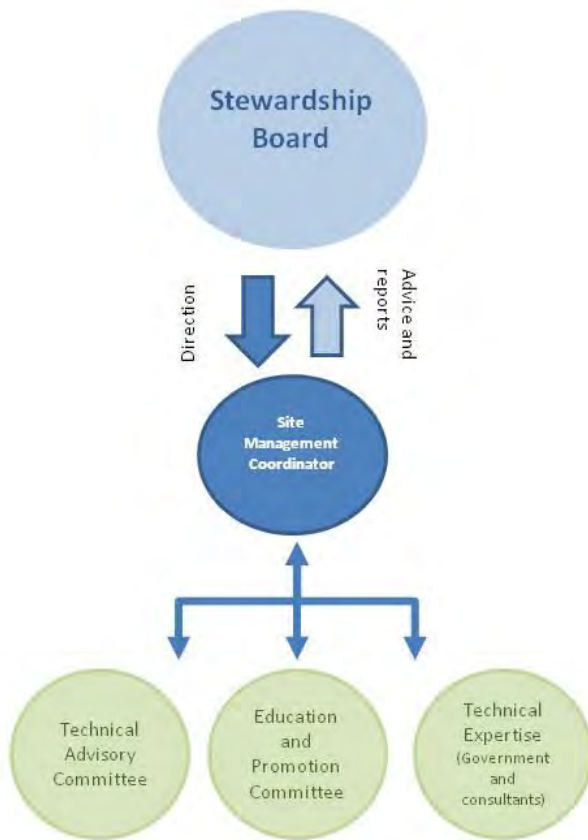


Figure 4 Composition of the Stewardship Board



**Figure 5 Structure of the Stewardship Board**

### 2.5.3 Process for Effective Management of the Property

The objective for effectively managing the nominated property is to ensure the coordination of the multiple jurisdictions involved in the area. Managing the property relies on federal, provincial, and municipal authorities implementing actions that are essential for the protection of the nominated property within the powers afforded to them by legislation.

The Stewardship Board provides an overarching strategic view of the actions necessary for the protection of the nominated property and ensures the coordination of the legislated authorities. In order to accomplish this, the authorities agree to consult the Stewardship Board on matters of planning or activity implementation and to receive its recommendation for consideration in good faith. Those recommendations will result from thoroughly investigated issues and options based on its mandate of protecting the OUV of the nominated property.



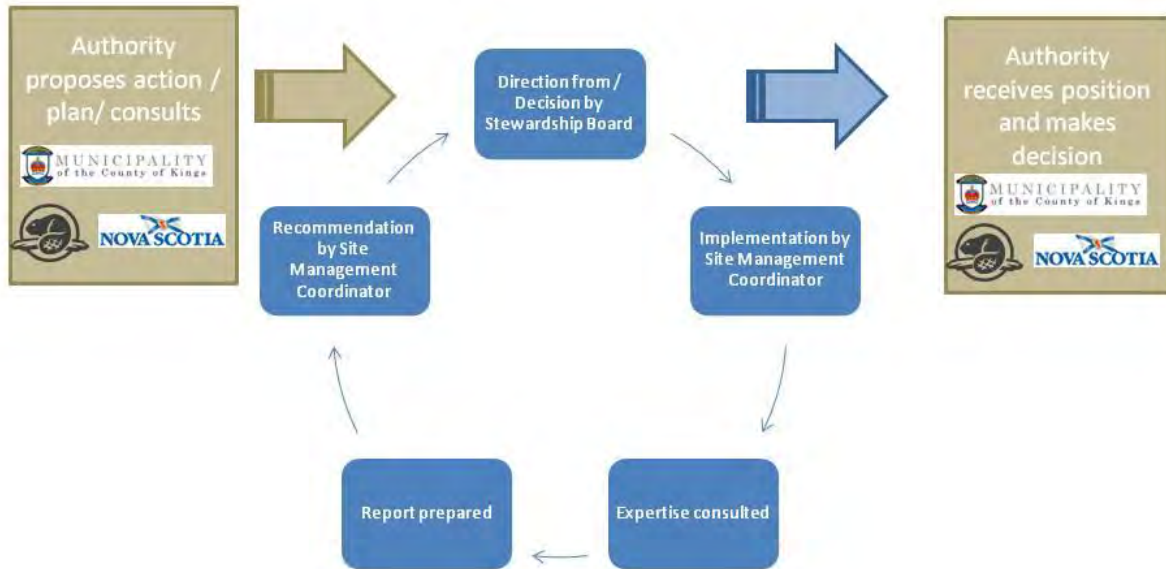


Figure 6 Process for consultation and management

### 3.0 Outstanding Universal Value of the Landscape of Grand Pré (proposed)

The following section identifies why the nominated property is considered to have outstanding universal value and the tangible evidence that support that value. It aims to guide decision-making to maintain the property's integrity and authenticity.

The detailed statement of outstanding universal value that identifies the criteria under which the property is nominated, the attributes, their integrity and authenticity is included as an appendix and reflects UNESCO's World Heritage Committee's decision.

The Landscape of Grand Pré has evolved in many ways over the years. These changes included different methods of farming, various crops and agricultural uses, changes in landownership, evolution of materials for dyking, evolving field shapes and new drainage patterns. However, at its essence, the Landscape of Grand Pré has maintained its integrity because the different layers of history and settlement are still visible in the landscape and because the way the marsh is worked as agricultural farmland has been consistent over the years with people living in the vicinity and maintaining a community-based approach to their work. The intangible value of the landscape has also evolved from a place that is deeply meaningful to the collective memory of the Acadian people, to a place that Acadians are proud to share with the world as a symbol of perseverance and hope.

#### Values

The Landscape of Grand Pré is a dynamic agricultural landscape claimed from the sea. It is also a powerful symbolic landscape for the Acadians. The Landscape of Grand Pré is the most intact agricultural polder in the world that uses an ingenious vernacular system for transforming salt marsh into fertile agricultural farmland. This system of earthen dykes, ditches, *aboiteaux*, and community-based management was first implemented at Grand Pré in the late 17th century by French (Acadian) settlers. The location they chose was subject to the most extreme tides in the world, which presented great challenges but also great opportunities in the extraordinary fertility of the land they transformed. Today, the agricultural landscape is still protected and drained by the same system, still exhibits distinctive field patterns, and is still managed through the same community approach, a testimony to the original Acadian settlers, the New England Planters who succeeded them, and the farmers who work the land today. Symbolically, the Landscape of Grand Pré is the single most important *lieu de mémoire* for the Acadian people, one of the first people of European descent to call North America their homeland.

The Landscape of Grand Pré is directly associated with the emergence of their new identity in this new land, but also with their tragic forced removal from it, their subsequent migration, and their renaissance. Today, this *lieu de mémoire* embodies the cultural consciousness of a widely scattered people. It is a landscape that has been peacefully and symbolically reclaimed by the Acadians, and it is their emotional and spiritual centre. It illustrates the importance of the connection between people and places in defining collective identity.

**Criterion (v):** Grand Pré is a vibrant agricultural landscape, carved out of its harsh coastal environment three centuries ago by Acadian settlers. Working collectively, they applied an ingenious system of dyking and drainage to hold back the highest tides in the world, created extraordinarily fertile farmland, and began a tradition of collective management. This land reclamation system and this management tradition continue to ensure the livelihood of the local community today. The Landscape of Grand Pré is an outstanding example of a thriving farming community that interacts with its environment by using a successful land reclamation system and management tradition that predate the introduction of engineered drainage systems.

**Criterion (vi):** Owing to the imposing presence of the dykelands, the Memorial Church and other memorials, and its enduring use by the Acadian people, the Landscape of Grand Pré is the most important *lieu de mémoire* for the Acadians, an evocative example of a homeland symbolically and peacefully reclaimed by a diaspora that has

triumphed over hardships. The legacy of the Acadian people overcoming the tragedy of a forced removal, the *Grand Dérangement*, their renaissance, and the ongoing efforts of reconciliation are embodied in the Landscape of Grand Pré. Here, Acadians share their common heritage, reaffirm their identity, and continue to build their sense of community in a spirit of peaceful reconciliation with history. The Landscape of Grand Pré provides a poignant and powerful living example of the universal human aspirations to belong to a community, to connect with one's homeland, and to seek reconciliation.

### **Integrity and Authenticity**

The nominated property has integrity because its clearly defined boundaries encompass all the elements relevant both to the agricultural landscape, created from the transformation of salt marsh into farmland over several centuries, and to the symbolically reclaimed landscape. These elements include earthen dykes, ditches, *aboiteaux*, and field patterns, as well as the memorials, archaeological evidence of the village, and commemorations related to the forced removal and subsequent renaissance of the Acadians. The nominated property comprehensively represents the past and present agricultural settlements as defined by dykeland farmland, upland farmland, and the heart of the community. It includes the dykeland managed collectively by the Grand Pré Marsh Body and the entire area of symbolic importance to the Acadians. The integrity is enhanced by the farmland included in the buffer zone. The nominated property's attributes are in good condition. Policies and mechanisms are in place to reduce or eliminate pressures on the agricultural use and the archaeological sites.

The nominated property has authenticity because the archaeological and historical evidence confirms the locations of the original Acadian and Planter settlements, the enduring agricultural use, and the location of the memorials. That evidence also confirms that the dykelands are maintained in the 21st century using the same principles and techniques originally implemented by the Acadians in the 17th century and that they have been managed collectively for over 300 years. The Acadians' continuing use of Grand Pré for individual and collective events attests to the profound value of this landscape to their community.

### **Requirements for Protection Management**

The legal protection of the nominated property is enforced provincially on lands under provincial jurisdiction by the *Nova Scotia Agricultural Marshland Conservation Act* and the *Nova Scotia Special Places Protection Act*, and federally on lands administered by the Parks Canada Agency under the *Parks Canada Agency Act*, and the *Canada National Parks Act*. The protective measures are appropriate to safeguard the dykeland, its agricultural use, and the archaeological sites from undue development and environmental pressures. A buffer zone around the nominated property, encompassing both land and water, was defined through community engagement leading to the adoption of the *Grand Pré and Area Community Plan* to ensure that zoning remains compatible with the aims of protecting the nominated property. All of these mechanisms are sufficient to control development, ensure agricultural land capacity, and monitor the effects of coastal erosion that could otherwise threaten the value of the nominated property.

The overall management system for the nominated property is exemplary. It involves community management through the Grand Pré Marsh Body, municipal zoning, and federal and provincial government legislation for protection of the site. *The Management Plan for the Landscape of Grand Pré* is a strong framework document that ensures the coordination of multiple jurisdictions and stakeholders inside the boundary of the nominated property and its buffer zone. Parks Canada, as a federal government agency, is responsible for managing Grand-Pré National Historic Site of Canada and Horton Landing. The Province of Nova Scotia, mainly through its departments of Agriculture and of Tourism, Culture and Heritage, is responsible for protecting the dykelands and archaeological sites not located on federal lands. Finally, the Municipality of the County of Kings is responsible for implementing the *Grand Pré and Area Community Plan* and the zoning regulations contained in it. The Management Plan depends on the Community Plan, the *Grand-Pré National Historic Site of Canada Management Plan*, provincial

departmental policies, and the Grand Pré Marsh Body for its effective implementation. The management system is coordinated by the Grand Pré World Heritage Site Stewardship Board and involves the local community, the Acadian community, and government administrative bodies in its decision-making process. Local residents are proud and effective stewards of the land.

## 4.0 Management Context

### 4.1 Socio-Economic Information

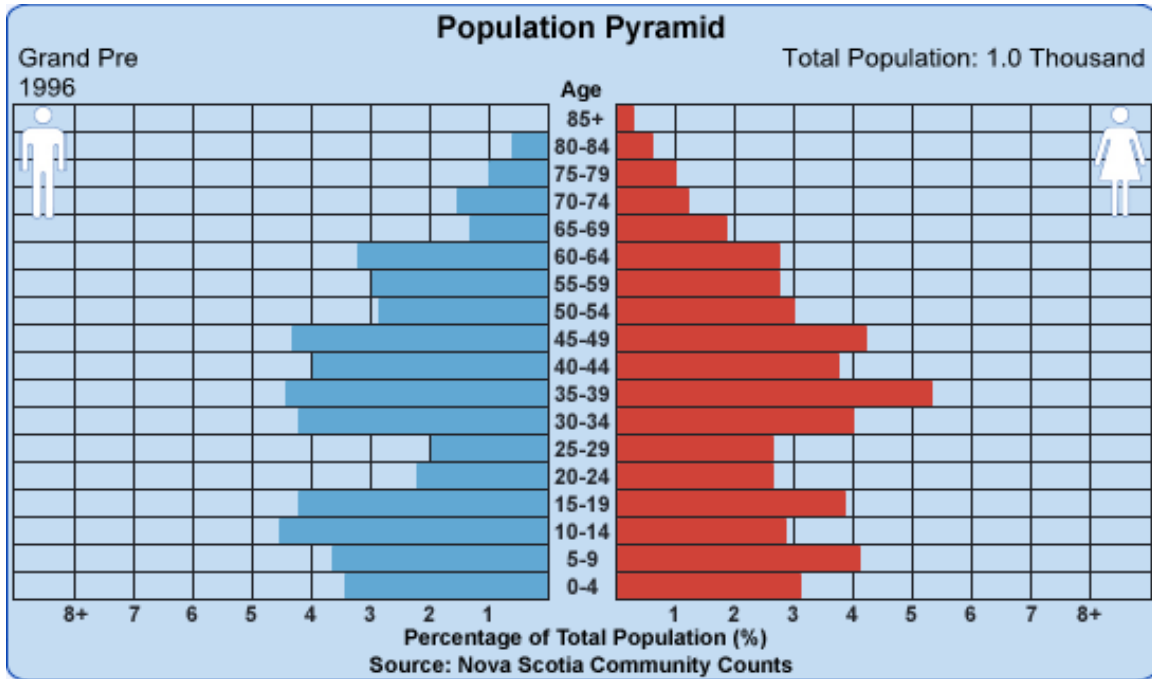
The total population of the nominated property and buffer zone varies according to the season (see summary in Table 4–5). Cottagers who reside in the buffer zone during the summer, especially around Evangeline Beach, will increase the population by about 60 per cent. Population estimates for the buffer zone are based on persons per dwelling: 2.4 persons per dwelling for year-round residents and 2.0 persons per dwelling for seasonal residents. Within the nominated property, residents are considered year-round, and the estimate of 2.4 persons per dwelling is applied. The population for the nominated property and buffer zone is only an estimate, because Canadian privacy laws prohibit the collection of actual population numbers for a community of this size. The persons-per-dwelling estimate came from trends within the 2006 Statistics Canada census data.

The nominated property has an estimated 64 year-round occupied dwellings with approximately 154 inhabitants. The buffer zone has an estimated 296 year-round occupied dwellings with an estimated 710 residents. Additionally, 67 seasonally-occupied dwellings and 130 seasonal trailers are within the buffer zone, increasing the seasonal population by an estimated 394 inhabitants. In total, the population for the nominated property and buffer zone is approximately 1258.

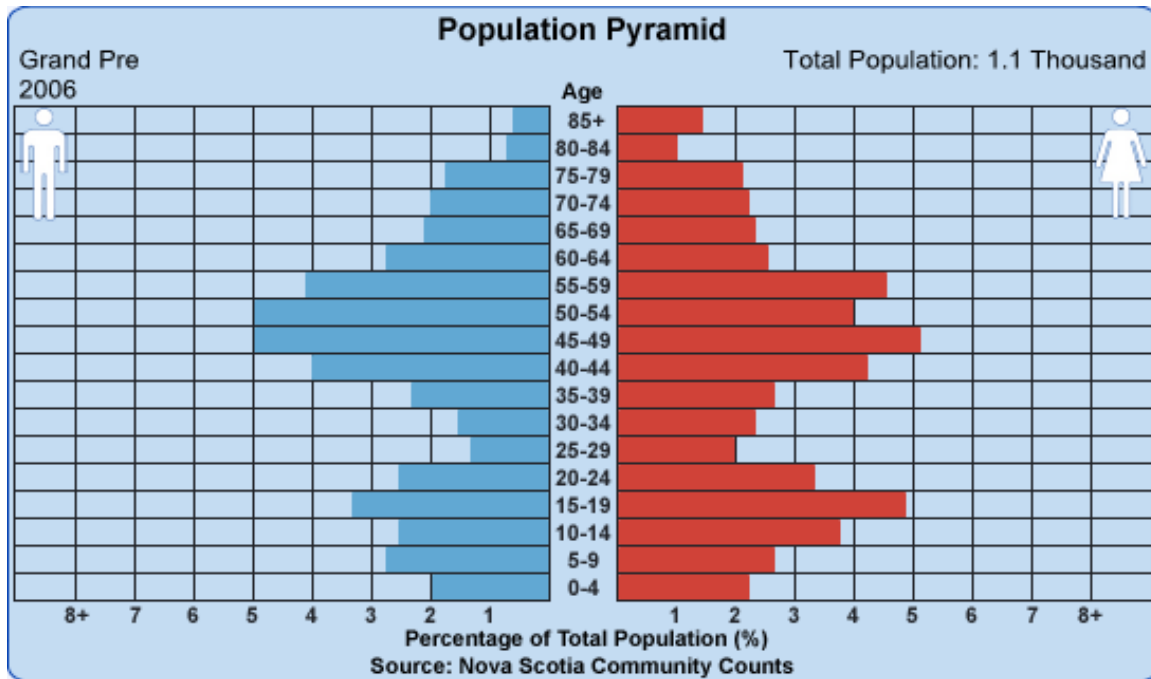
Table 2: Population details for the nominated property, for the year 2006

Area of the nominated property	1323 hectares
Area of land component of the buffer zone	1248 hectares
Estimated number of inhabitants in the nominated property	154
Estimated number of year-round inhabitants in the buffer zone	710
Estimated number of seasonal inhabitants in the buffer zone	394
Total	1258

The community has increased by about 20% over the past 30 years, from 485 in 1981 to 585 in 2008. As illustrated in Figures 7 and 8, Grand Pré has an aging population. This is evident when comparing the largest percentage cohorts from 1996 and 2006. In 1996, the largest cohort was for 30 to 49 years of age, or approximately 17% of the population; however, in 2006, the largest cohort was for 40 to 59, or 18% of the population. Additionally, household size has decreased over the years to approximately 2.4 people per household. This trend also suggests a change in the population profile that may represent a challenge to maintaining a vibrant agricultural community.



**Figure 7: Population pyramid in Grand Pré and area 1996.** Source: Nova Scotia Community Counts - data modeled from Statistics Canada, Census of Population 1996 and 2006; Grand Pré and Area Community Profile, p.4.



**Figure 8: Population pyramid Grand Pré and area 2006.** Source: Nova Scotia Community Counts - data modeled from Statistics Canada, Census of Population 1996 and 2006; Grand Pré and Area Community Profile, p.4.

## 4.2 Activities and Uses In and Around the Nominated Property

The predominant activity and land use both inside and outside the property is agricultural. There are currently areas in the hamlet and at the exit of Highway 101 that allow businesses and services. Municipal policies aim to continue locating businesses and services in those areas.

Inside the boundary, Grand-Pré National Historic Site of Canada is a significant tourist attraction in the heart of the hamlet. It offers opportunities for visitors to learn about the Acadian way of life. The marshland is exclusively dedicated to farming and growing crops. Other properties along the uplands and within the boundary are also dedicated to farming, mostly corn and pasture. The rest is essentially residential.

Outside the boundary, the prevalent activity is also agricultural. Most businesses and tourism related services and activities are concentrated at the crossroads of Highway 1 and Grand Pré Road, around the campground in North Grand Pré, and at exit 10 of Highway 101. These businesses include bed and breakfasts, a motel, campgrounds, a gas station, a convenience store, crafts and local products shops, wineries, and a coffee roasting company.

Zoning and municipal policies promote the agricultural use of the area and discourage rural residential subdivision development. Currently, the majority of the area is zoned as agricultural land by the Municipality of the County of Kings and is included as part of an agricultural district where 60 percent of the land is class 2, 3, or active class 4. Arable land varies in quality within the site. On the marshland, almost 100 % of land is considered class 3, meaning that these soils have moderately severe limitations that restrict the range of crops or require special conservation practices. On the uplands, farmland is generally classified as class 2 and 3; however, improvement practices are feasible throughout this class range. Grand Pré and Area has a much higher proportion of Class 2 and 3 soils than other parts of the County.

Certain commercial recreation uses, and development agreements are allowed in the agricultural district. Urban growth is also controlled to avoid expansion toward agricultural areas. There are very limited opportunities for residential development due to current zoning.

## 4.3 Factors Affecting the Property

The nominated property may experience different factors that can affect the property's outstanding value. These factors are related to development pressures, environmental pressures, and visitor and tourism pressures. Natural disasters are addressed in Section 8: Natural Disasters and Risk Preparedness.

### 4.3.1 Development pressures

#### 4.3.1.1 Sustainability of agriculture

The nominated property is a living agricultural landscape, expressed by the enduring agricultural relationship of local communities with the dykeland, and the maintenance of the fertile farmland created from transformed wetlands. The maintenance of an agricultural economy is key to the conservation of the property. For the agricultural landscape of Grand Pré to be preserved and to survive, there must be farmers, and there must be continuing possibilities for agriculture to develop in step with the times. At the same time, agricultural development must proceed hand in hand with conservation of the unique natural and cultural values existing within the nominated property. Grand Pré and its surrounding communities are a vibrant agricultural community where modern agriculture is practised. However, like many agricultural communities, it is under pressure from changing demographics, loss of agricultural land to development, and economic realities. Agricultural land in Grand Pré is valuable for its scenery and its importance to

tourists and tourism-related businesses, such as farmers' markets and wineries. Agriculture also supports the local economy through food production, value-added processing and agri-tourism.

As a result of changes in the agricultural economy over the years, some farm buildings have been abandoned or are being reused. In general, though, farmers have adapted their buildings to their needs. Local demographics indicate that most residents are between 40 and 60 years of age and that households are getting smaller. This information supports anecdotal information provided by local farmers about the future of their industry. They are concerned that younger generations are not interested in pursuing farming activities, which puts the agricultural economy's future at risk. Moreover, most new residents are individuals who retire in Grand Pré to enjoy the rural setting while being close to amenities provided by the Wolfville–Coldbrook Development Corridor or even Halifax. Few of the new arrivals actively participate in the agricultural economy.

The number of landowners on the dykeland has decreased over the years, although no land has been left unattended. For the remaining landowners, the burden of responsibilities in maintaining the dykeland increases. This may create an issue of long term capacity to provide the financial and human resources to maintain an effective Grand Pré Marsh Body and implement its role in maintaining the dykeland, thus altering the relationship between the Department of Agriculture and the Marsh Body.

Although most of the land is part of an agricultural district, some exceptions allow for the development of structures that are not related to farming. While the conditions in Grand Pré are ideal for farming, certain pressures make the future of farming in Grand Pré, as in other parts of Nova Scotia, uncertain. In addition to concerns about where the next generation of farmers will come from, farmers are under pressure from land-use conflicts between agricultural and residential uses. Farmers are also subject to the whims of the market: fluctuating agricultural prices make it difficult for them to ensure a stable income. These problems are not unique to Grand Pré.

The County of Kings has the most agriculturally based economy in Nova Scotia. As reported in the 2001 census, the county's agricultural labour force numbers 2100, with an additional 2200 employed in agriculture-related activities. This local industry represents 30 per cent of the agriculture and 50 per cent of the agriculture-related manufacturing for Nova Scotia. The overall farming capability of the County of Kings is large relative to its modest agricultural land base. The total farm production per capita is 2 ½ times the national average.

Grand Pré's agricultural economy revolves mainly around the production of milk, meat, and fruits. Crops grown in recent years on the dykeland include corn, salt hay, soy, alfalfa, oats, and winter and spring wheat. In the past, the area was renowned for its orchards, mainly apple, but over the past two decades, that industry has decreased in importance. Current expanding industries include grape growing for wine making (in the buffer zone), and cattle raising, mainly for milk production. Profitability in these crops, in milk production, or in value-added products, is essential to maintaining the dykeland and the whole of this unique agricultural landscape.

Although no specific data exists for farmers working in and around Grand Pré, they may be faring better than others in the province, since much of their production relies on supply and demand quotas, ensuring stability.





**Figure 9: View of the marshland from field on the upland.** Grand Pré and area is characterized by its agricultural setting and a low building density.

#### 4.3.1.2 Densification of the area and use encroachment

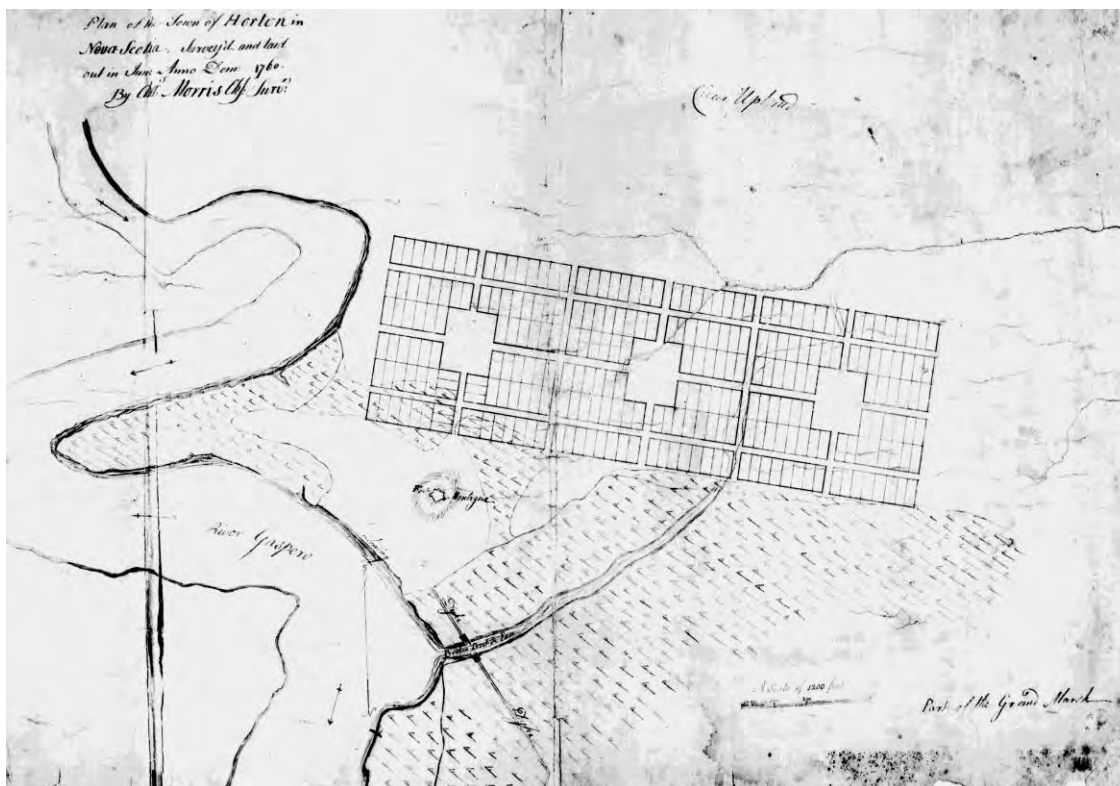
Densification (the increase in building density) and use encroachment of private property on the uplands are pressures that affect the integrity and authenticity of the nominated property's distinctive settlement pattern. This settlement pattern is characterized by particular field patterns, roads, a dispersed settlement, and an active agricultural system. Use encroachment is the intrusion of one type of land use onto land that is zoned for a different use. Since the majority of the nominated property is part of an agricultural district, densification and use encroachment affect the dykeland, the uplands, the national historic site and the archaeological resources. Fortunately, the *Agricultural Marshland Conservation Act* and its *Grand Pré Marsh Body Land Use Regulations* minimize the pressure of densification and use encroachment on the dykeland. According to the Act and Regulations, no development can be accommodated on the designated marshland unless a variance permit, or an exemption, is granted by the government of Nova Scotia to allow for the construction of roads, the installation of utility poles or the installation or construction of structures used for the generation of power. In addition, the dykelands are zoned O1 Environmental Open Space, allowing agricultural activities but no permanent structures unless a provincial variance is granted. Densification can also result from permitted smaller lot sizes.

On the dykelands lot sizes vary depending on location and ability to drain. Development is not permitted unless a municipal re-designation and rezoning is approved. In Grand Pré Hamlet, zoned as Hamlet Historic Residential (R9), lot size requirements are a minimum of 50 000 square feet (4645 square metres), whereas in the Agricultural (A1) zone, which includes Hortonville, lot size requirements are a minimum of 20 000 square feet (1858 square metres). However, the *Grand Pré and Area Community Plan* requires a minimum lot size of 50 000 square feet for all new non-farm dwellings in the A1 Zone. The current *Municipality of the County of Kings Municipal Planning Strategy*,

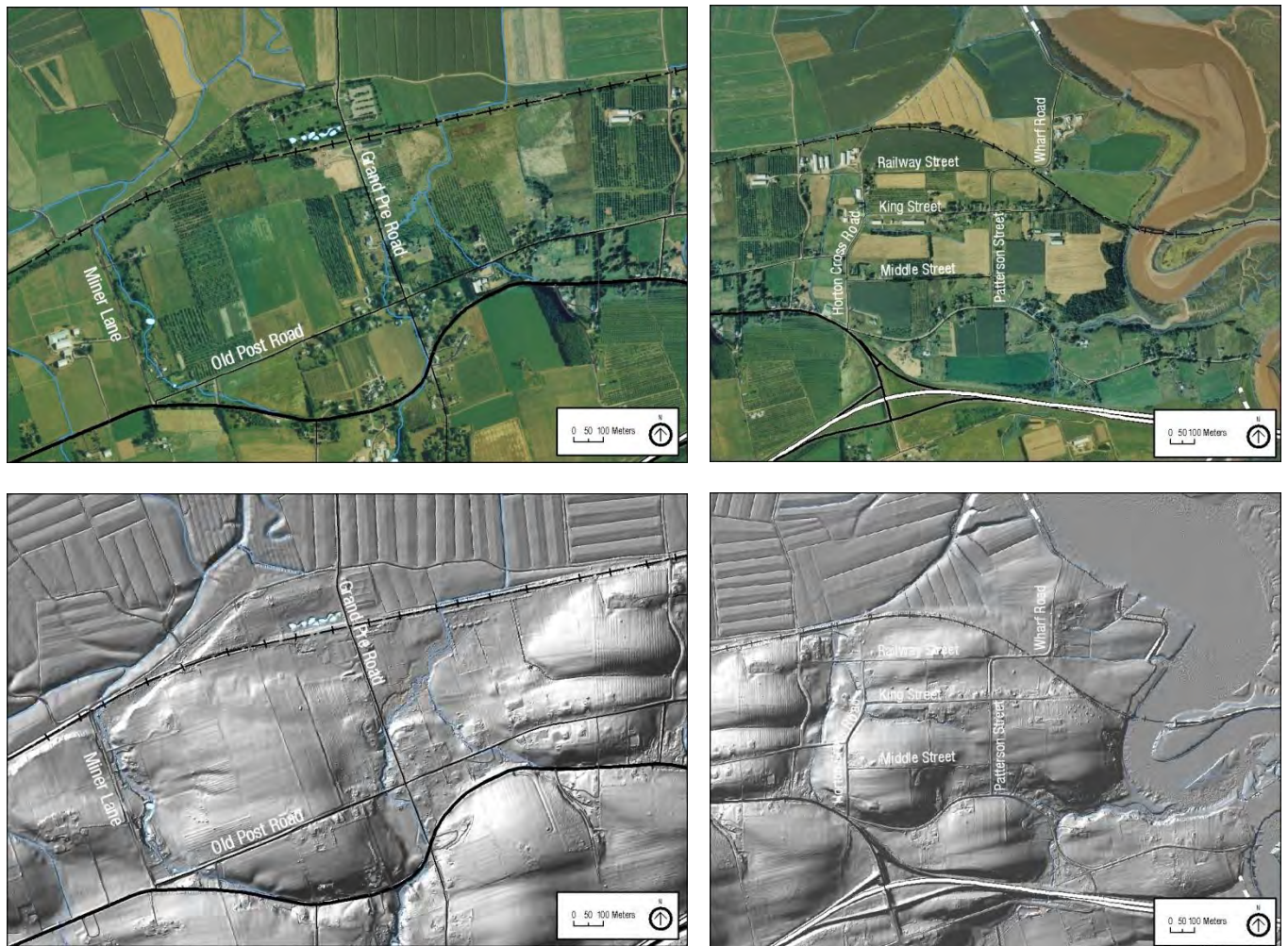
amended in 2009, does not allow for nonfarm-related structures to be built on agricultural land unless the lot was created prior to August 1994, is designated as an agricultural infill or abandoned resource-extraction site, or has poorer quality soils subject to an agrologist's report. Agricultural infill sites are defined as lots with existing dwellings on both sides and within 400 feet (122 metres) of each other or within 400 feet of a road right-of-way. Although these lands are permitted as agricultural infill, they have limited potential for agriculture production. Approximately 64 permanent residences lie within the nominated property: 20 in Grand Pré Hamlet and the remainder in Hortonville. An estimated 14 lots fall within the parameters of a pre-1994 or infill lot, representing a total potential increase in densification of 22 per cent. This percentage excludes any potential to build additional structures in areas zoned agriculture.

Densification could put pressure on archaeological sites in an area that is historically known to have been heavily populated and used in the 17th, 18th, and 19th centuries. However, community members have collaborated with archaeologists for many years in reporting, locating and identifying archaeological sites. Many have been instrumental in protecting key attributes of the nominated property, such as above-ground remains of an old Acadian dyke, Acadian and Planter cellars, Aboriginal artifacts, and old *aboiteaux*. Most of these discoveries were accidental and were found on privately owned land. To ensure that all archaeological evidence is identified, clear guidelines have been developed for the reporting of all archaeological finds on private property. These guidelines, found within the *Strategy for the Management and Conservation of Archaeological Heritage in the Landscape of Grand Pré*, have been endorsed by the provincial and municipal authorities and Parks Canada Agency. Information will be provided to local residents on reporting and protecting archaeological evidence.

Use encroachment mainly takes the form of agricultural uses encroaching on road rights-of-way that are no longer in use. This is particularly apparent in Hortonville's town grid. Maintained roads are protected, however, because they are public. Agricultural zoning now prevents any future densification that might result from use encroachment.



**Figure 10: 'Horton' town grid as planned by the British military surveyors.** This is from a 1760's map.



**Figure 11: Close up of Hortonville town grid as defined in grey by Railway Street, King Street, Middle Street, and Horton Cross Road, Patterson Street.** Notice the streets that end abruptly without meeting up with a crossroad indicating sections that have now fallen into disuse. An example is Middle Street. The LIDAR view clearly locates those streets that have now disappeared.



**Figure 12: Picture of where Middle Street ceases to be a street and becomes a path.**

#### 4.3.1.3 Alternative energy sources

The flat dykelands of the Landscape of Grand Pré, coupled with winds coming off the Minas Basin, create a desirable location for wind turbines. Alternative energy sources could put increased pressure on the authenticity and integrity of the nominated property. The area is identified on Nova Scotia's wind-resource map as having moderate potential for the installation of utility-sized wind turbines. At 80 metres (262 feet) above ground level (AGL), the average wind speed is calculated at approximately 6.5–7.0 metres per second (m/s) (21.3–23.0 feet/second); at 50 metres (164 feet) AGL, the average wind speed is approximately 6.0–6.5 m/s (19.7–21.3 feet/second); and at 30 metres (98.4 feet) AGL, the average wind speed is approximately 5.5–6.5 m/s (18.0–21.3 feet/second). Large utility-sized wind turbines are between 40 and 80 metres (131–262 feet) in diameter, with tower heights of up to 100 metres (328 feet). To create a viable operation, a wind farm would require a large number and concentration of turbines. At present, the *Grand Pré and Area Community Plan* (Appendix 2J), allows only small-scale wind turbines in the nominated property, forbidding the construction of large-scale wind turbines. Small-scale turbines are less than 52 metres (170 ft) in height and produce less than 100 kW.

While this may be an attractive location for energy companies to generate alternative energy, no such proposals are currently being considered.

The use of tidal power is another major alternative source of energy being explored in the area. Nova Scotia Power and the government of Nova Scotia have been testing the tidal power potential of the Minas Basin by placing turbines at the bottom of the basin in an area close to Parrsboro, about 20 kilometres north of the Landscape of Grand Pré. Increased siltation in the region may be an impact from the turbines; however, the extent of siltation and other impacts are unknown and require further study.

## 4.3.2 Environmental pressure

### 4.3.2.1 Coastal change and rising sea level

Coastal change and rising sea levels are constant environmental pressures exerted on the nominated property, affecting mainly the dykes and shoreline along the east and west sides of the nominated property, as well as the north shore in the buffer zone. A coastal change study completed in 2010, *Overview of Coastal Change Influences on the Landscape of Grand Pré*, confirmed that coastal change, including coastal erosion and coastal regeneration, is occurring around the nominated property and buffer zone.

The nearly 13 kilometres of coastline, composed of geological materials that erode easily, such as sand, shale and gravel, are subjected twice a day to the highest tides in the world. Because of the range of the tides and the height of waves during storms, coastal change is a continuing concern and presents a significant risk to the local economy and cultural resources on the nominated property. Various mitigation strategies have been used to minimize the effects of coastal change, particularly erosion; however, the effects cannot be completely eliminated. Dykes have been maintained to ensure their stability and integrity, and shorelines, in some cases, have been protected by building rock faces.

Archaeological evidence indicates that many of the original dyke walls are buried under 1.5 to 1.8 metres of sediment, a testament to the steady rise in sea levels and alteration to the coastline. An average of 15 metres (50 feet) of shoreline erosion occurred along the North Grand Pré coastline between 1961 and 2002 according to aerial comparisons, with coastal erosion ranging from 0.3 to 68.4 metres (0.97 to 224.34 feet). Furthermore, on Boot Island, an average annual decrease of shoreline over two-year intervals was recorded from 1990 to 2008 at a rate of 0.34 to 0.85 metres per year (1.11 to 2.79 feet per year). Although coastal erosion is taking place along the east and west sides of the marsh, there is evidence of salt marsh regeneration. Salt marsh regeneration is a natural occurrence, but scientists do not fully understand the process.

With sea levels anticipated to rise 70 to 140 centimetres over the next century, and with more intense storm surges expected, it is anticipated that the dykes bordering the Grand Pré region will need consistent maintenance to minimize the hazard of dam breaches and to ensure that the dykelands contribute to the economic and cultural climate of the Grand Pré region. However, topping up the dykes increases their weight, and the added weight makes them slowly sink over time.

Coastal change is not fully understood. Additional studies are underway on the effects of coastal change in the area and on the effects of the various protection mechanisms in place. Continual monitoring and maintenance of the dykes are expected to reduce the negative effects of coastal change.



**Figure 13: Coastal erosion is a constant pressure on the dykes.** Above is a picture of the east facing dykes at extreme low tide. Top right corner: remnants of the salt marsh. In the middle: rock facing on the dykes and breakwater. Both have been weakened by the constant tidal pressure.

#### 4.3.3 Tourism and visitor pressure

##### 4.3.3.1 Tourism trends

In 2009, visitors to the Grand-Pré National Historic Site of Canada numbered approximately 30 535. Visitor numbers are down from approximately 62 000 in the late 1990s. This represents a 51 per cent decrease over the last decade. In general, this downward trend is noticed throughout Nova Scotia, due in part to the recession and the rise of the Canadian dollar relative to the American dollar. A recent study, entitled *Grand Pré: An Economic Impact Assessment of a UNESCO World Heritage Designation*, carried out by Acadia University for Nomination Grand Pré in 2009, indicates that a projected 6.2 per cent increase in visitation to the Grand-Pré National Historic Site of Canada will likely occur by 2012 if the Landscape of Grand Pré is inscribed on the World Heritage list. This projected increase does not include visitors from Nova Scotia. A recent Visitor Information Program (VIP) survey performed by the Parks Canada Agency in the summer of 2007 indicated that 31 per cent of visitors to the Grand-Pré National Historic Site of Canada are from Nova Scotia and 68 per cent of visitors are from outside the province. Of the visitors from outside Nova Scotia, 53 per cent are from non-Atlantic Canadian provinces, and 41 per cent are from the United States. Seniors and adults make up the majority of visitors to the site, at 89 per cent. Of these, 62 per cent are over the age of 50. Additionally, the survey indicated that 20 per cent of visitors identify themselves as Acadians or Cajuns.

Grand-Pré National Historic Site of Canada was also included in Parks Canada's National Historic Sites Marketing Initiative (2008) (Phase II) and was awarded \$75 000 to develop a long-term marketing plan for the site, work on new product development, and implement sustainable actions in efforts to increase visitation to the site.

#### 4.3.3.2 Tourism infrastructure and attractions

The nominated property and buffer area have several services for visitors, including overnight accommodations, restaurants, speciality retail, activities, a coffee shop, and a service station. These services are summarized in Map 17 *Facilities and Services in the Nominated Property, Buffer Zone, and Surrounding Area* (see Appendices). Overnight accommodations include a campground in North Grand Pré, a motel, and several Bed and Breakfasts and cottages. There are restaurants, a gas station, a corner store, wineries, a few museums, and some antique shops and other specialty shops. Visitors also enjoy the area for bird watching, going to the beach at Evangeline Beach, and enjoying the scenery. Most of these services are located in the buffer zone.

The Grand-Pré National Historic Site of Canada visitor centre will serve as the starting point for a visit to the nominated property. It includes interpretive exhibits explaining the natural and cultural history of the area, an interpretive film about Acadian history in the area, washrooms, a gift shop, and a parking lot for personal vehicles, recreational vehicles (motor homes) and coach buses. The site grounds offer a blacksmith shop, the Memorial Church, sculptures and interpretive panels, well manicured lawns and gardens, and several walking trails originating from the site.

The nominated property falls within the Municipality of the County of Kings. In the County of Kings, and within a short drive of the nominated property, are several towns that offer a full range of services to the visitor: Wolfville, Kentville, Berwick, New Minas, and Hantsport. Wolfville, the closest town to the nominated property, has a visitor information centre, operated by the Province of Nova Scotia, as do Kentville, Berwick and Kingston. Services outside the towns include wineries, farms and farmers' markets, U-pick (pick your own) fruits and vegetables, golf courses, accommodations, museums and service stations. Numerous events and festivals take place in the Municipality, including music festivals, the Apple Blossom Festival, the Harvest Festival, and Berwick Gala Days.

Halifax Regional Municipality is approximately 85 km away. The city has numerous facilities for visitors, including accommodations, restaurants, attractions, churches, libraries, parks, shopping locations and full-scale health-care facilities and emergency departments. The Halifax Stanfield International Airport is 90 km from the nominated property and serves as the gateway to Atlantic Canada. It has daily or regular flights across Canada, to major destinations in the United States including daily service to New York, and daily service to London, UK.

The Hamlet of Grand Pré and its surrounding area have a long history of accommodating tourism, with visitor numbers that have sometimes exceeded 90 000. The area's tourism history indicates that it can accommodate large numbers of visitors without any detrimental effect on the nominated property.

#### 4.3.3.3 Property's carrying capacity

The nominated property's carrying capacity is defined as its ability to sustain the pressure from visitors and tourism-related activities. This includes limits of acceptable change and the ability for the visitor to experience the nominated property's important attributes without harming them, or without the tourism-related services affecting them. Based on the 2010 *Tourism Strategy and Interpretation Framework for the Landscape of Grand Pré*, an increase in tourism at the nominated property would have both positive and negative impacts. These impacts suggest that the area has the capacity to adapt to increased tourism activity without harming the nominated property. The 2010 Strategy suggests that there are significantly more potential positive impacts than potential negative impacts resulting from a World Heritage inscription and concludes that the nominated property is able to sustain the consequences of inscription on the World Heritage list.

Potential positive economic and social-cultural impacts resulting from inscription on the World Heritage List were assessed as follows:

Increase in visitation	a conservative estimate of non-resident visitation suggests an increase of 6.2% resulting from a UNESCO designation. Although modest, the additional destination area awareness resulting from a designation is seen as a positive
Incremental spending onsite and offsite	as the site becomes a distinctive attraction, an analysis of trends projects a 20% increase in the average length of stay, a 15% increase in visitor expenditure as a result of additional opportunities, and an additional 3000 regional visitors annually as a result of the designation with an incremental impact of another \$ 450 000 annually. The total tourism expenditure impacts in the region as projected to be close to \$ 1 million annually, directly and indirectly
Employment	any new infrastructure, interpretation programs, or tourism services would lead to additional employment
Local businesses	although it is not likely that significant new business activity would result from the designation based on the modest visitation increase, nevertheless the marketing cache for the region will help local and regional tourism-oriented businesses in their marketing efforts
Cultural preservation	the designation and the interpretation of the area's heritage will contribute to the preservation of cultural heritage
Educational opportunities	onsite interpretive programs and outreach activities will provide specific educational opportunities for the general public
Environmental conservation	the designation and expansion of protected areas through additional land acquisition and site management controls will help preserve the natural environment
Community pride	a designation will boost community pride which spills over into community enhancements and beautification activities

Potential negative impacts were identified related to visitor experience, the agricultural economy, the relationship of residents to the local setting and community, and resource protection and property values. The 2009 assessment concluded that these negative impacts are unlikely to occur, because the current infrastructure is capable of handling projected increases in tourism.





**Figure 14: Aerial view of Grand-Pré National Historic Site of Canada.** The visitor centre (large red building) was completed in 2003 and offers visitor services and interpretation programs to tens of thousands of visitors annually. It is the primary cultural attraction in the community.

## 5.0 Management Strategy

The goal of the Management Plan is to ensure that the Outstanding Universal Value of the nominated property of Grand Pré and the attributes that support it are preserved for present and future generations. The Management Plan serves as an overarching management framework to cohesively guide the protection, conservation and presentation of the nominated property, both for the proposed site's governance structure and the responsible authorities.

The *Management Plan* provides shared principles, goals and objectives for the regulatory authorities and the stakeholders involved in the protection and interpretation of the property. It also builds on each authority's responsibilities, processes, and policies to ensure a collaborative approach for sharing information and decision making for the property's long-term conservation. The management plan is implemented through the plans and policies of each regulatory authority and through the strategic plan guiding the work of the Grand Pré World Heritage Site Stewardship Board. Listed below are the Principles, Goals and Objectives of the Management Plan.

### 5.1 Principles, Goals and Objectives

#### **The principles of this management plan are:**

*Principle 1:* Management of the nominated property will meet or exceed World Heritage standards regardless of inscription.

*Principle 2:* The primary focus of the *Management Plan* is to address issues directly related to the management and conservation of the site's outstanding universal value and attributes by providing a framework for advice from the Stewardship Board and for decision-making for the regulatory authorities.

*Principle 3:* The *Management Plan* recognizes that the nominated property is set within an active agricultural community where people continue to live and work. People have created, lived and worked on this land for generations and have been responsible stewards of the land. The *Management Plan* also recognizes that this is an area of great importance for the Acadians, who have a strong emotional attachment to it.

*Principle 4:* Management of the nominated property in relation to World Heritage guidelines will be a shared responsibility between the different owners, communities, and government agencies with regulatory responsibilities for the nominated property. The *Management Plan* recognizes that actions undertaken by an owner, community, or government agency with regulatory responsibilities may have a detrimental impact on the nominated property, and that communication, coordination, and collaboration are essential to its long-term protection.

*Principle 5:* Management and protection will be delivered through existing boards, bodies, and government authorities, supplemented by technical advice, interpretation, and education from the Stewardship Board and procedures developed to accommodate a designated World Heritage Site.

This Management Plan requires regular review by the *Grand Pré World Heritage Site Stewardship Board*, as experience and other factors may influence the future direction of site management. Once implemented, the Management Plan review will be on a six-year cycle, starting five years after the designation.

#### **The goals and objectives of the management plan are:**

**Goal 1:** *To provide for the protection, continuing community and agricultural use and appreciation of the nominated property by:*

- a. ensuring that agriculture remains a vibrant economic activity of the community;
- b. dedicating resources to the monitoring and maintenance of the dykes;
- c. preserving and enhancing the memorials reflecting the enduring importance of the area for the Acadians;
- d. nurturing ongoing research and filling the gaps in knowledge about the landscape and the people that inhabited it over the years;
- e. ensuring that the Grand Pré Marsh Body, as long-term steward of the marshlands, continues to play a significant role in the maintenance, use and protection of the marshlands;
- f. informing visitors to the community, through signage and brochures, of the need to be mindful that they are entering an active agricultural community; and
- g. working with the Grand Pré Marsh Body to ensure that visitors have access to the values of the site without interfering with the ongoing agricultural use of the marshland.

**Goal 2:** *To enrich the existing tourism destination by promoting wide recognition, understanding and appreciation of the educational and cultural values represented by the nominated property by:*

- a. developing programs, activities, tools, and interpretation that raise awareness of the importance of the landscape for the different communities, including the Mi'kmaq, the Acadians, and the descendants of the New England Planters;
- b. promoting visitation through regional, national and international media;
- c. ensuring that promotion of the site is managed responsibly in all aspects of publicity in relation to the nominated property in accordance with UNESCO guidelines;
- d. developing tools and interpretation on the history and importance of agriculture;
- e. continuing to raise awareness about the Acadian people and the way they overcame their forced migrations of the 18<sup>th</sup> century; and
- f. developing partnerships with existing World Heritage Sites.

**Goal 3:** *To instil a strong sense of shared community pride and stewardship in the protection, interpretation and promotion of the nominated property by:*

- a. providing for community input and encouraging community participation;
- b. engaging Acadian, local and other stakeholder communities in activities that celebrate the importance of the Grand Pré
- c. employing a governance model to ensure that the interests and concerns of local residents and the Acadian community are heard, discussed, and reflected in the advice to the different regulatory authorities; and

d. ensuring that local and Acadian schools are provided sufficient information and opportunities to incorporate the experience at Grand Pré into their curriculum.

## 5.2 Policies and Strategies

The priority of this management plan is to ensure the conservation and protection of the nominated property's features of outstanding universal value. These include the marshland, the archaeological sites, the agricultural land, and the memorials to the Acadian Deportation.

The *Landscape of Grand Pré* is currently protected by provincial and federal acts and municipal bylaws, depending on jurisdiction.

### 5.2.1 Legislation, policies and regulatory measures for the protection of the property

This section outlines the municipal, provincial and federal legislation and policies that directly apply to the protection of the nominated property.

#### a) *Municipal Planning Strategy, Grand Pré and Area Community Plan (municipal)*

In accordance with Part VIII Section 212 of the *Municipal Government Act* of the province of Nova Scotia, the Municipality of the County of Kings has developed a *Municipal Planning Strategy (MPS)*. The MPS consists of policy statements with respect to the use of the lands within the county, the provision of municipal services, and any other matter related to the physical, social or economic development of the county. The MPS, developed in 1979, recognizes the need to accommodate growth and preserve the agricultural resource base. It was amended in 1992, recognizing that each growth centre within the county has a unique character, and provides a selection of policies and options suitable for the unique character of individual growth centres. With respect to the nominated property, there are no areas considered "growth centres."

The *Municipal Government Act* of Nova Scotia permits a municipality to establish committees to undertake research and public consultation and to provide recommendations to a municipal council with respect to the adoption of planning policies and bylaws. In 2008, the Municipality of the County of Kings, in concert with Nomination Grand Pré's Advisory Board, began the process of amending the MPS further to include specific visions and policies for the communities of Lower Wolfville, Hortonville, North Grand Pré and Grand Pré. These approved amendments are identified in the *Grand Pré and Area Community Plan*.

In developing the *Grand Pré and Area Community Plan*, the Municipality of the County of Kings worked with the Grand Pré and Area Community Association and the wider community to develop a plan that reflects the needs and desires of the community, with the objective to develop the "vision that the community has for its future in a landscape of great environmental, cultural, and historical significance" (Terms of Reference, 2008). The general policy that comes out of the *Grand Pré and Area Community Plan* is that Council shall be guided by the policies and vision that are identified in the *Grand Pré and Area Community Plan* when making decisions that impact the lands within the *Grand Pré and Area Community Plan* boundary.

The following is the vision statement for the Community Plan and the goals for key aspects of the community:

<b>Vision statement</b>
The Grand Pré and Area communities work together with a shared interest in sustaining a healthy rural setting by conserving our culture, environment, and agricultural landscape. In defined areas, the larger community provides opportunities for community growth, agriculture, the recreational use of shared open space, and local business.
<b>Goals</b>
<b>Agriculture Goal :</b> <i>To sustain the agricultural community within its rural setting</i>
<b>Residence and Recreation Goal:</b> <i>To provide opportunities for recreation and residential growth where appropriate to the needs of each of the four communities</i>
<b>Heritage Goal:</b> <i>To celebrate and conserve our local history and built heritage</i>
<b>Business Goal:</b> <i>To create a business community that complements the rural setting and meets the needs of visitors and the local community</i>
<b>Infrastructure Goal:</b> <i>To ensure that sustainable infrastructure supports the rural context and enhances community health and safety</i>
<b>Environment and Open Space Goal:</b> <i>To ensure a healthy and accessible environment while recognizing and conserving environmentally sensitive areas</i>

This vision and these goals emphasize the community's desire to preserve its heritage and its values while managing change.

*b) Special Places Protection Act (provincial)*

*The Special Places Protection Act* (Appendix 3K) aims to provide for the preservation, protection, regulation, exploration, excavation, acquisition and study of important archaeological, historical and paleontological sites and remains, including those underwater throughout Nova Scotia. The Heritage Division of the Nova Scotia Department of Tourism, Culture and Heritage administers and enforces the Act by overseeing the protection of all sites and remains in the Province, managing the Heritage Research Permit system, and designating outstanding heritage sites as "Protected Sites."

No part of the nominated property is designated a Protected Site under the Act. Nevertheless, the Act applies to the nominated property in terms of the protection of all archaeological and historical resources found within it, except those on federal lands. The Act states that no person shall knowingly destroy, desecrate, deface or alter archaeological or historical remains whether designated or not, unless he or she holds a heritage research permit to excavate the site. Should new construction or any modern intervention put pressure on an archaeological site, the Act requires that mitigation measures be carried out. The Act indicates that the developer may be required to cover the costs of any mitigation measures. Penalties are considered for anyone who contravenes the Act.

*c) Agricultural Marshland Conservation Act*

The Nova Scotia Department of Agriculture is responsible for the application of the *Agricultural Marshland Conservation Act*. The purpose of the Act is to identify and protect those lands that "are subject to periodic

flooding.” The Minister responsible for the Act may construct works described in the Act as “dykes, *aboiteaux*, breakwaters, canals, ditches, drains, roads and other structures, excavations and facilities for the conservation, development, improvement or protection of marshland to a standard appropriate for agricultural purposes.” The Act protects approximately 1220 hectares of the dykelands at Grand Pré.

The *Agricultural Marshland Conservation Act* sets out the responsibilities to create, maintain, operate, rebuild, and repair the dykes and other works. The Act establishes a Commission that advises the Minister on matters related to the conservation and protection of marshland and its development and maintenance. The Act also allows for the creation of marsh bodies whose authority and responsibilities consist of (a) acquiring, using, selling and leasing real and personal property, (b) constructing, reconstructing, reconditioning, repairing, maintaining, conducting and operating works, (c) entering into agreements with the Minister or other persons for the construction, reconstruction, reconditioning, repairing, maintenance, conduct or operation of works, (d) subject to the approval of the Commission, making rules respecting works and land within or affecting the marshland section, and (e) raising money for its purposes by borrowing or by the levying of rates pursuant to the Act.

#### d) *Beaches Act (provincial)*

The Parks Division of the Nova Scotia Department of Natural Resources administers the *Beaches Act*. The Act aims to protect beaches and associated dunes as sensitive environmental and recreational resources, as well as to provide regulations and enforcement of land-use activities on beaches.

No beaches lie within the nominated property; however, the Evangeline Beach, in North Grand Pré, is within the buffer zone, as are other smaller beaches along North Grand Pré and Boot Island. This Act applies to all beaches along the coast.

The Act prohibits the removal or deliberate displacement of any aggregate material from the beach including sand, gravel, stone or other material; however, the Governor in Council may make regulations granting the leases, licences and permits for the removal of any aggregate material. The Act further permits the Governor in Council to make regulations regarding the protection of flora and fauna located on the beach, to restrict or regulate traffic by vehicles, vessels and pedestrians on the beach, and to restrict certain activities from occurring on a beach. Penalties for offences under this Act range from a minimum of \$50 to a maximum of \$2000.

#### e) *Cemeteries Protection Act (provincial)*

The *Cemeteries Protection Act* is administered by the Nova Scotia Department of Tourism, Culture and Heritage. It refers to any land that is set apart for the burial of human remains and includes all active and non-active cemeteries.

The purpose of the *Cemeteries Protection Act* is to prohibit the use of burial lands for any purpose other than burial or placement of human remains or memorialization. Pursuant to the Act, it is considered an offence for anyone to desecrate, damage, or destroy a cemetery. The Act applies only to known cemeteries; however, if remains are found outside of a known cemetery, this Act then applies. For example, if the mass grave of the British soldiers who died during the 1747 attack at Grand Pré, or the graves of the British officers, Colonel Noble and his brother, are found, then the *Cemeteries Protection Act* will apply to those sites.

The nominated property has one known non-active cemetery to which this Act applies. The Lower Horton Cemetery, located on the north side of Old Post Road, has approximately 25 gravestones from 1793 to 1943 inclusive. In the buffer zone, there is one active and one non-active cemetery to which this Act applies. The active cemetery is located on the south side of Old Post Road across from the Lower Horton Cemetery, and the non-active cemetery is located next to the Covenanter Church on Grand Pré Road.

f) *Parks Canada Agency Act (federal)*

The Government of Canada, through the Parks Canada Agency, owns a selected number of parcels of land within the nominated property, including Grand-Pré National Historic Site of Canada (NHSC), the site of the commemoration of the Attack at Grand Pré, and Horton Landing. The Parks Canada Agency administers these properties under the authority of the *Parks Canada Agency Act* (Appendix 3D). Since these properties are owned by the Government of Canada and commemorated as national historic sites, all their elements of national historic significance, including those related to the outstanding universal value of the nominated property, are protected under federal legislation and policy. As stated, the purpose of this Act that applies to the outstanding universal value of Grand Pré is:

- To protect the nationally significant examples of Canada's natural and cultural heritage in national parks, national historic sites, national marine conservation areas and related heritage areas in view of their special role in the lives of Canadians and the fabric of the nation.
- To present that heritage through interpretive and educational programs for public understanding, appreciation and enjoyment, both for international visitors and the Canadian public, thereby enhancing pride, encouraging stewardship and giving expression to our identity as Canadians,
- To carry out Canada's international obligations and agreements to protect, conserve and present that heritage and to contribute towards the protection and presentation of the global heritage and biodiversity.
- To ensure the commemorative integrity of national historic sites.
- To commemorate places, people and events of national historic significance
- To manage visitor use and tourism to ensure both the maintenance of ecological and commemorative integrity and a quality experience in such heritage and natural areas for this and future generations.

Pursuant to the *Parks Canada Agency Act* (Appendix 3D), the agency's *Guiding Principles and Operational Policies* (Appendix 4B) provide detailed direction for the national program of natural and cultural heritage protection. The *Cultural Resource Management Policy* and the *National Historic Sites Policy* are part of the *Guiding Principles and Operational Policies*. The *Parks Canada Agency Act* requires the agency to implement them as they relate to the protection and management of protected heritage areas, including those that are included in the nominated property.

g) *Canada National Parks Act (federal)*

The *Canada National Parks Act* enables the establishment of National Historic Sites of Canada (NHSC) under the *National Historic Sites Order*, in order to "(a) commemorate a historic event of national importance; or (b) preserve a historic landmark, or any object of historic, prehistoric or scientific interest, that is of national importance" (42).

The Parks Canada Agency is responsible for administering 158 NHSC. Of these 158 sites, 51 are included under the *National Historic Sites Order*, pursuant to subsections 42(1) and (3) of the *Canada National Parks Act*. This is the highest level of protection afforded to a national historic site. Grand-Pré NHSC is included under that Order, meaning that it is regulated under the *National Historic Parks General Regulations* part of that Act, the *National Historic Parks Wildlife and Domestic Animal Regulations*, and other relevant federal and provincial legislation. The Regulations allow for the management of various activities within the national historic site including the removal of historic objects, building and maintenance of services and facilities, use of vehicles within the park, and authorizations to enter the park.

h) *Historic Sites and Monuments Act (federal)*

Within the boundaries of the nominated property, four historic places of national historic significance commemorated under the authority of the *Historic Sites and Monuments Act* are administered by the Parks

Canada Agency. Within the buffer zone, there are two historic places of national historic significance commemorated under the same Act. As stated in the Act, a historic place includes “a site, building or other place of national historic interest or significance, and includes buildings or structures that are of national interest by reason of age or architectural design.” The Grand-Pré National Historic Site of Canada and the Grand- Pré Rural Historic District National Historic Site of Canada are sites of national historic significance within the nominated property. The Covenanter Church is the only site of national significance within the buffer zone.

The Historic Sites and Monuments Board of Canada’s plaque commemorating the Arrival of the Planters at Horton Landing and the plaque commemorating the Attack at Grand Pré are locations of the commemoration of events of national historic significance. These historic places are owned by the Parks Canada Agency, but, because they are not sites as defined by the Act, only the policies relating to cultural resource management apply and not policies that apply to national historic sites.

i) *Standards and Guidelines for the Conservation of Historic Places in Canada (federal, provincial, municipal)*

The *Standards and Guidelines for the Conservation of Historic Places in Canada* is a pan-Canadian document that provides guidance for the conservation of buildings, archaeological sites, landscapes, and engineering works in Canada. Federally, it was adopted by the Federal Heritage Building Review Office and the Parks Canada Agency as policies guiding conservation actions in their areas of jurisdiction. Provincially, Nova Scotia endorsed the document, with some departments, such as the department of Transportation and Infrastructure Renewal, adopting it as policy. The Municipality of the County of Kings used the *Standards and Guidelines for the Conservation of Historic Places in Canada* as a guideline to develop the *Grand Pré and Area Community Plan*.

This document is a tool that allows for the proper management of heritage and facilitates a coordinated effort between jurisdictions to conserve heritage.

## 5.2.2 Management for the protection, conservation, and interpretation of the property’s Outstanding Universal Value

As a historic place and in compliance with the guidance provided in sections 111, 112, and 117 of the *Operational Guidelines*, the management objectives for the property’s conservation aim to ensure that its outstanding universal value is preserved through a cycle of understanding, planning, implementation, monitoring, and evaluation. In light of the number of owners and the different jurisdictions, management of this property is ensured through the collaboration and participation of all stakeholders.

This section explains how each jurisdiction collects information and manages activities, and explains how managing the property will be coordinated between different jurisdictions.

### 5.2.2.1 Understanding the Property: Inventories, Evaluations, Condition Assessments

An ongoing understanding of the property’s attributes and of their condition is essential to inform decision-making. Mechanisms exist within each jurisdiction to maintain inventories and condition assessments for key attributes of the property and for collecting information about the pressures the property may face.

a) *Municipal jurisdiction*

The Municipality of the County of Kings maintains up-to-date information about planning policy, zoning, and land uses. It also keeps track of development proposals, approved permits, and makes decisions about infrastructure construction. Finally, it compiles socio-economic information about the community to help in developing planning



policies that reflect changes in demographics and supports the local economy. The information that the Municipality of the County of Kings collects will be shared.

*b) Provincial jurisdiction*

Heritage resources under the authority of the Province of Nova Scotia are managed under the provisions of the *Heritage Property Act* for designated heritage structures and of the *Special Places Protection Act* for archaeological and historical sites. As there are no designated heritage structures linked to the outstanding universal value, only the *Special Places Protection Act* applies to the property.

The inventory of archaeological sites is maintained by the Department of Tourism, Culture and Heritage. That inventory is comprised largely of archaeological sites that have been assigned a Borden number as a result of an archaeologist's field recording of a site. The inventory also contains many sites which were given a Borden number to support the Nova Scotia Museum's artefact cataloguing system, even though these sites were poorly described or located. The program also relies on individuals notifying it of the discovery of potential sites. The *Archaeological Strategy for the Proposed World Heritage Site* prepared in 2010, outlines the program to inventory, evaluate, or assess the condition of sites in the area. The *Special Places Protection Act* provides the basis for the Heritage Division to act as repository for all archaeological reports and artefacts gathered through its Heritage Research Permit system. This repository is used extensively to support the various resource management, research, and outreach activities of the Special Places Program and the Nova Scotia museum.

The Department of Agriculture is responsible for keeping up to date information about the location, evaluation and condition assessment of *aboiteaux*, drainage systems, and dykes. The department's surveyor maintains up to date information about dyke location, height, and land elevation of the dykes. Surveys are performed every 3 years. *Aboiteau* superintendents are the field staffs who monitor the condition of *aboiteaux*, dykes, and drainage systems. There is at least one site visit a year usually in the spring to monitor conditions following winter storms. Assessments are visual and rely on the superintendent's experience. Reports are made verbally to the department's engineer. There is no systematic collection of data regarding coastal change.

The Department of Transportation and Infrastructure Renewal is responsible for maintenance and upgrade of the public road networks and associated infrastructure under their jurisdiction. Inventories, inspections, assessments, and ongoing initiatives are valuable mechanisms for the planning of repairs and upgrades.

*c) Federal jurisdiction*

Cultural resources on federal lands administered by Parks Canada are managed according to its *Cultural Resource Management Policy* which sets a cycle of inventorying cultural resources, evaluating them, considering their historic value in planning, and monitoring. In compliance with that policy, Parks Canada maintains an inventory of all cultural resources found on its property. It provides resources and maintains capacity to carry out archaeological surveys and evaluation of cultural resources which allows for ongoing updates to that inventory. Condition assessments are carried out at national historic sites every five years through Commemorative Integrity evaluations and are reported publicly in States of the Site reports. In addition, the *Archaeological Heritage Strategy for the Proposed World Heritage Site* (2010) outlines Parks Canada's role in inventorying resources and evaluating them in relation to the values of the nominated property.

*d) Grand Pré Marsh Body*

The Grand Pré Marsh Body's jurisdiction is defined by the *Agricultural Marshland Conservation Act*. It plays a role in maintaining the dykes, drainage, and private roads. Landowners work on the land on a daily basis and are able to make important visual assessments of the condition of dykes, creeks, ditches, and *aboiteaux*. There is no

process or record of this kind of information. Informal reports are made at the Marsh Body's meetings and through discussions with the dyke superintendent.

*e) Coordinated Stewardship*

The Stewardship Board ensures that information is shared between jurisdictions by implementing the data sharing agreements and facilitating the provision and transfer of information.

5.2.2.2 Managing Activities: Planning, Implementation and Monitoring

Three levels of government and various other authorities manage various components that make up the nominated property. Each authority has mechanisms and resources in place to review proposals, plan for them, implement activities, and monitor changes. These mechanisms will be used to ensure the conservation of the property's outstanding universal value if it is successfully inscribed on the World Heritage List. The Grand Pré World Heritage Site Stewardship Board will play an essential role in implementing measures to manage the nominated property. Whenever it is consulted by one of the authorities, the Board will provide an overall analysis of impacts on the outstanding universal value of the property to ensure coordination among the various authorities' mechanisms and resources.

*a) Municipal jurisdiction*

Development and land use in the nominated property, excluding federal and provincial land, are managed through the municipal zoning and bylaws of the Municipality of the County of Kings. The municipality's planning department maintains planning capacity to review proposals, develop policies, and assist project proponents. The municipality maintains the staff to review projects as they relate to the municipal heritage conservation district.

Development is managed to support community needs while recognizing the intrinsic value of the nominated property. Thus the municipality focuses on maintaining the integrity of the resources and protecting the agricultural identity of the community. Control over development is assured, as most of the area is zoned as an agricultural district. This sets the framework to determine acceptable development. The *Grand Pré and Area Community Plan* does not allow large-scale wind turbines within the Grand Pré and Area Plan Boundary. Municipal Council has consistently demonstrated its commitment to protecting agricultural land; the current *Grand Pré and Area Community Plan* reinforces this commitment. The *Municipal Planning Strategy* exemplifies that long-term commitment.

*b) Provincial jurisdiction*

*Department of Tourism, Culture and Heritage*

Planning for archaeological and non-federal heritage resources falls under the authority of the Province of Nova Scotia's Department of Tourism, Culture and Heritage. It is carried out by the Special Places Program, which is responsible for maintaining the inventory of archaeological resources, issuing heritage research permits, and providing advice on the management of archaeological and historical sites and remains. The curatorial staff of the Nova Scotia Museum provides support for these functions. Currently, the Special Places Program relies on a variety of triggers to identify potential impacts to archaeological sites. As the *Special Places Protection Act* (Appendix 3K) specifies that no person shall knowingly destroy an archaeological site, the Special Places Program is responsible for developing and implementing policies, guidelines and procedures to manage that aspect of the Act. A manager for the Special Places Program is responsible for this.

### *Department of Transportation and Infrastructure Renewal*

Planning for public road maintenance and upgrades is carried out by the Department of Transportation and Infrastructure Renewal. For major projects, an environmental-impact assessment is required and provides a mechanism for stakeholders to express concerns and provide input.

### *Department of Agriculture*

The Department of Agriculture's Resource Stewardship Division has the expertise to implement the provisions of the *Agricultural Marshland Conservation Act* (Appendix 3F). The Division's Land Protection Section is responsible for maintenance work on the system of tidal dykes in Nova Scotia. This Section also provides advice to dyke landowners on improving drainage systems on the dykeland (see Figure 5–2). The Department of Agriculture manages the planning for all work on dykes, *aboiteaux*, and drainage. The department also implements and supervises the work.

Drainage is maintained by both the Department of Agriculture and the Grand Pré Marsh Body. The department oversees the maintenance of main outlet drainage. In certain circumstances, costs are shared with the Grand Pré Marsh Body through the Main Outlet Drainage Program, which has been renewed annually for the past four years. Costs can also be shared for the maintenance of roads.

The Aboiteau Superintendent for Grand Pré, one of four Aboiteau Superintendents employed by the Nova Scotia Department of Agriculture, is responsible for assessing the work that needs to be performed based on his annual site visits or following major storm events. Based on the superintendent's verbal report, the departmental engineer allocates resources to perform the work. The engineering staff provides the department with design capacity; however, most work is contracted to private contractors. As of 2009, the departmental budget for the maintenance of all dykes in Nova Scotia is approximately \$1.1 M, with \$500 000 directly allocated to maintenance and repairs.

Other activities or building of infrastructure on the dykeland require a variance permit. Variances for development in a dykeland may be authorized by permit by the Marshland Administrator. However, these are rare. Permits are not issued if the development substantially interferes with drainage or other work in a way that negatively affects the existing agricultural activity or the agricultural potential of the dykeland section, or is contrary to any applicable municipal land-use bylaw or rules of a marsh body. If a variance is authorized, notice is given to the marsh body and to the municipality. Coastal erosion is not monitored formally other than through the Aboiteau Superintendent's annual visual assessment.

#### *c) Federal jurisdiction*

National historic sites administered by Parks Canada are managed with a long-term vision through management plans. These plans are mandated by law and are required to be reviewed every five years. Management plans are approved by the Minister responsible for Parks Canada and provide the framework for decision-making on the site on issues relating to the protection of resources, education, and visitor experience. The *Grand-Pré National Historic Site of Canada Management Plan* (Appendix 21) is expected to be tabled in Parliament in 2011.

In addition, everyday activities and special projects are designed and carried out in accordance with Parks Canada's *Cultural Resource Management Policy* (Appendix 4B) to ensure the respect and maintenance of historic values. These activities and projects are implemented with various directives, manuals, and guidelines related to archaeological resource management, impact assessments, and conservation. Interventions on cultural resources are planned and implemented by internal and contracted resources in accordance with the *Cultural Resource Management Policy* and the *Standards and Guidelines for the Conservation of Historic Places in Canada* (Appendix

4G). Impact assessments are implemented in accordance with internal directives and the *Canadian Environmental Assessment Act* (Appendix 3B).

The Government of Canada's Treasury Board *Policy Framework for the Management of Assets and Acquired Services* (Appendix 4A) governs the management of federal assets, such as buildings. This Framework applies to the Memorial Church at Grand-Pré National Historic Site of Canada and lays out principles for managing such assets. Parks Canada monitors and reports on the condition of its national historic sites in various ways. The Commemorative Integrity Evaluation assesses the condition of cultural resources, the effectiveness of communicating related messages, and the implementation of appropriate practices for managing cultural resources. The Visitor Experience Assessment provides insight into the different aspects of a visitor's experience, from trip planning to onsite services and programs. Annual stakeholder reports on management-plan implementation are also prepared. Starting in 2009, and every five years after that, a *State of the Site Report* compiles all the available information on the site's condition and is made available to the public. Expert resources in archaeology, history, architecture, and planning are available internally or through Public Works and Government Services Canada to ensure the proper design and implementation of activities and structures.

d) *Grand Pré Marsh Body*

The Grand Pré Marsh Body typically plans work around major drainage and ditches. It also plans work on roads that are not managed by the Department of Transportation and Infrastructure Renewal. See Figure 15 for an example of drainage work.



Figure 15: Drainage work on a field in Hortonville.

### e) Coordinated Stewardship

The Stewardship Board coordinates the resources and activities of the different jurisdictions by providing the overall strategic direction necessary for the protection of the World Heritage Site. The structure of the Board and its reliance on expert committees ensure a focus on the protection of the outstanding universal value, quality advice to the jurisdictions, and consideration of the many diverse issues and responsibilities at play in this complex regulatory environment. In addition, it is responsible for the implementation of this management plan and of all other management documents for the nominated property.

#### 5.2.2.3 Sustainable Tourism: Presentation, Interpretation, Services

Promotion and presentation of tourism in the Grand Pré area is a shared responsibility. Destination Southwest Nova Scotia is a not-for-profit organization that provides a voice for the tourism industry in the area. It focuses on facilitating an integrated approach to marketing, promotion, product development, and visitor services for businesses. The municipality of the County of Kings is supportive of the tourism industry in the area and permits land uses for businesses that are related to tourism. Parks Canada, at the national historic site, provides a key tourism experience in the region.

Tourism has been a staple activity of the area. Past visitors numbers were significantly higher with approximately 62 000 visitors per year in the late 1990s. Since then, those numbers have declined to approximately 30 500 visitors per year. Those numbers from the 1990s suggest that the property can accommodate a higher number of visitors without causing negative impacts on the physical environment or decreasing the quality of the visitor's experience. With an expected growth in visitor numbers of 6 % from existing numbers as a result of a potential designation, tourism services and infrastructure are expected to accommodate that growth.

The national historic site is the main tourism attraction in Grand Pré. Parks Canada has invested in the site's redevelopment by acquiring new properties and building a visitor centre which opened its doors in 2003. The focus of the exhibit in the visitor centre is on the messages of national significance.

Visitors to the area currently can experience heritage in the community by visiting the national historic site, observing heritage properties along Old Post Road and Grand Pré Road, visiting the Deportation Cross and seeing the Historic Sites and Monuments Board of Canada plaques commemorating the arrival of the New England Planters, the Battle of Grand Pré, and Sir Robert Borden.

Within the boundary, there are a few bed and breakfasts and some shops. Most other attractions, such as the winery, the Covenanter Church, the campground, and most tourism services are located outside the boundary. As most attractions are located along Highway 1 and Grand Pré Road, these are the ones that concentrate traffic. Services are currently located in the hamlet of Grand Pré and at the exit of highway 101.

Local history is presented through an exhibit on the New England Planters in Kentville, a few kilometres from Grand Pré; at the National Historic Site in Grand Pré; and at the Grand Pré Heritage Society, Randall House Museum in Wolfville. The heritage society organizes local events to share knowledge on history in the area.

Access to the dykes is discouraged through signage due to the operation of farming equipment and to protect private property. Visitors are encouraged to appreciate the marshland from a distance, in particular at the national historic site where there are opportunities to view the entire dyke system at dedicated locations.

A tourism strategy and interpretation framework was prepared by Hockin Cronin associates in 2010 for Nomination Grand Pré. It identifies key opportunities to interpret the values of the site, facilitate visitor experiences, and manage visitor traffic while protecting the integrity of the site and the local residents' quality of life. It clearly articulates that the *Landscape of Grand Pré* already benefits from key tourism infrastructure and

services, as well as appropriate regulation that limit the potential for conflict between tourism and agriculture. Finally, it highlights that the projected increase in visitation will not negatively affect the site or provide significant new business opportunities. As such, the current tourism related infrastructure and services are sustainable and are able to take advantage of the designation to increase revenues and enhance tourists' experience.

This document serves as a starting point to discuss interpretation and marketing once the site is designated.

#### 5.2.2.4 Sustainable Agriculture

Ensuring agricultural sustainability is a responsibility shared by multiple partners, including the Department of Agriculture, the Municipality of the County of Kings, and the Grand Pré Marsh Body. Despite a vibrant agricultural economy at Grand Pré, the aging population and socio-economic data suggests concerns around the long-term sustainability of agriculture. These concerns are mainly around profitability, encouraging the next generation of farmers, and maintaining agricultural land.

Profitability is an indication of market value and is defined by supply and demand. Adaptation to those realities is key to ensuring profitability and allowing farmers to actively work on the land, thus protecting the dykelands. The Department of Agriculture is committed to the development of a competitive, sustainable and profitable agricultural industry. It provides land protection, industry development programs, business risk management and crop and livestock insurance, including emergency and disaster relief. Furthermore, the Department of Agriculture integrates marketing, product and quality development, and business development into their services in order to ensure agricultural sustainability.

The Municipality of the County of Kings has a history of commitment to the protection of agriculture in the county, starting with the 1979 Municipal Planning Strategy. That strategy, still in effect, includes a number of tools, some yet to be implemented, including land banking which aims to support intergenerational transfer of land by making more affordable for young farmers to acquire land. The objective of land banking is to protect, preserve and restore agricultural land for use in agriculture.

The municipality also has a series of initiatives aimed at promoting local products and reinforcing the ties with the agricultural community, including an active 'buy local' campaign and partnerships with the Federation of Agriculture.

The municipality has been a strong advocate of maintaining a federal research facility because of its role in sustaining local agriculture. The government of Canada has committed to maintaining that facility and providing resources for it to operate. A baseline study on agricultural activities and value-added agricultural activities in the county is currently underway, supported by the municipality, the provincial and federal governments, and the Kings Regional Development Agency.

The Municipality of the County of Kings is focusing its community plan on maintaining an agricultural district, which in effect provides land to the industry to sustain itself and thrive. The Community Plan for Grand Pré and Area maintains the agricultural district and encourages the agricultural industry.



**Figure 16: Farmer at work.** The community of Grand Pré and area has a vibrant agricultural economy that is essential to the maintenance of the dykes and the marshland.

## 6.0 Buffer Zone

### 6.1 Purpose of the Buffer Zone

The purpose of the buffer zone is threefold:

- *To provide long-term capacity to maintain the agricultural economy:* most of the area within and outside the boundary is currently part of the agricultural district. As farmers and dyke landowners don't all live within the boundary, but most live in close proximity, the buffer would identify an area to focus attention to support the agricultural industry.
- *To identify areas to manage tourism access and services:* although the current main heritage attraction in the community is the national historic site which is located inside the property boundary, most of the services are located in North Grand Pré, in the hamlet outside the boundary and at exit 10 of highway 101. The existing infrastructure and services allows managing visitor traffic and tourism pressure inside the property. The concentration at the highway exit and in the hamlet focuses traffic along highway 1 and Grand Pré road and directs visitors towards the main tourism node at the national historic site.
- *To identify areas where activities may have an impact on the integrity of the dykes:* dykes are most vulnerable to coastal erosion. Activities to mitigate that impact have been left to the initiative of different departments and individuals. A holistic approach to monitoring and mitigating the effects of coastal erosion is required. A

buffer would identify sensitive areas outside of the boundary that need to be included in the coordinated approach.

## 6.2 Policies and Strategies

The buffer includes a number of controls that support and complement the policies and legislation in place inside the boundary of the proposed property.

These include:

- Municipal policies through the *Community Plan for Grand Pré and Area*;
- Provincial policies through the Department of Agriculture's policies regarding agricultural activities, the Department of Tourism, Culture, and Heritage through the *Special Places Protection Act* for archaeological sites, the Department of Natural Resources through the *Beaches Act*, and the Department of the Environment for the management of salt marshes;
- Federal policies and legislation concerning natural water management through the Department of Fisheries and Oceans; and,
- A number of other provincial and federal policies regarding protected natural heritage areas and heritage properties.

### 6.2.1 Municipal policies

Current policies in the buffer zone emphasize the protection of agricultural land and identify commercial areas. The policies to protect agricultural land in the buffer area are identical to those regarding the protection of agricultural land inside the property. This is due to the agricultural district covering an area that includes the communities of North Grand Pré, Grand Pré, Hortonville, and Lower Wolfville. The policies are aimed at promoting the agricultural use of the land.

Commercial areas are identified along highway 1 and Grand Pré Road, in nodes close to the exit from highway 101 and to the crossroads at highway 1 and Grand Pré Road. These areas focus on providing basic conveniences to surrounding rural residents, commercial uses, service resource industry and tourist oriented uses. North Grand Pré provides services for recreational purposes, such as a campground. The community plan will continue to permit small scale commercial activity in these existing commercial nodes, so long as it keeps with the rural setting and way of life, and does not negatively impact agricultural activities in the area.

The municipality has building restrictions in North Grand Pré along the coast. Those restrictions are in place to ensure the protection of property. Monitoring of shore erosion and mitigation measures are implemented on an individual basis.

The municipal policies ensure that there is long term capacity in the area to maintain the agricultural use of the marshland by protecting land and favouring the agricultural industry. It also addresses the protection of the nominated property's setting by encouraging a controlled densification of the area and maintaining the primarily agricultural character of the community.



### 6.2.2 Provincial policies

The Department of Agriculture has policies in place to support agricultural activities.

It maintains dykes by monitoring their condition and implementing mitigation measures, such as stabilizing dykes by facing them with stone to reduce the impact of waves and tides on more vulnerable areas.

Archaeological resources are managed under the *Special Places Protection Act*.

The provisions of the *Beaches Act* apply where beaches exist, as defined in the *Act*. This limits the extraction of material from beaches, helping to protect the dykes.

The Nova Scotia Department of the Environment is responsible for the protection of salt marshes. Approval from the Department is required to alter a salt marsh, with the exception of the maintenance of lands and structures incorporated by marsh bodies under the Marshland Conservation Act.

Policies applying to the salt marshes outside the Grand Pré dykes support the protection of the Grand Pré marsh.

### 6.2.3 Federal policies

Policies and legislation that relate to the management of aquatic ecosystems and water management apply in the area outside the dykes. These policies are enforced by the federal department of Fisheries and Oceans. Activities allowed under these policies support the protection of the nominated property. The Department of Fisheries and Oceans is currently working with the Nova Scotia Department of Agriculture on a policy to ensure that departmental mandates are addressed harmoniously and that salt marsh extraction and drainage cleaning do not interfere with the protection of fish habitats.

### 6.2.4 Other Significant Heritage Areas

The buffer includes other significant heritage areas such as:

- The National Wildlife Area on Boot Island: managed by the Canadian Wildlife Service, the federal agency responsible for national wildlife sanctuaries and areas, it is protected under the Wildlife Area Regulations of the *Canada Wildlife Act*. The Service monitors the condition of wildlife, ecosystems, and coastal erosion on the Island. The management of Boot Island supports the protection of the nominated property.
- The municipal heritage conservation district: the district is located in the hamlet of Grand Pré. It is managed under municipal bylaws and focuses on architectural preservation.
- Provincially designated properties: a number of properties are designated on the province of Nova Scotia's *Heritage Properties Act*. These properties are privately owned.
- The Southern Bight – Minas Basin Wetland of International Importance (or Ramsar Site): the responsible authority is the Canadian Wildlife Service. It monitors the condition of the wetland.
- The Grand-Pré Rural Historic District National Historic Site of Canada: designated by the Government of Canada under the *Historic Sites and Monuments Act*, the area includes private and government property. The site is a commemoration and does not require a management plan. Properties located within the designated area and that are of significant importance for the designation as a national historic site may benefit from federal government financial assistance for conservation and interpretation.
- The Covenanter Church National Historic Site of Canada: the site is privately owned and is an important landmark in the history of the region.

Each heritage area, and each jurisdiction and land owner's actions contribute to protecting the Landscape of Grand Pré's integrity and its setting. Together these policies and controls ensure that:

- Tourism activities and development are controlled in order to minimize land use conflicts and manage potential negative impacts on the property;
- Agriculture remains an essential part of the community's economy and identity by protecting land and implementing policies that favour agricultural use of the area.



**Figure 17: Vineyard in the buffer zone.** This type of agricultural activity is expanding significantly in the area and is fast becoming a prime tourism attraction.

## 7.0 Protecting Outstanding Universal Value

The nominated property is protected from development, environmental, and tourism pressures inside the boundaries and in the buffer as follows:

- The dykelands are managed through the application of the *Agricultural Marshland Conservation Act* and the zoning limitations as indicated in the *Grand Pré and Area Community Plan* by maintaining agricultural use and restricting construction of permanent structures. The act recognizes and provides authority to the *Grand Pré Marsh Body* to manage the dykelands collaboratively and ensure ongoing agricultural use.
- The dykes, *aboiteaux*, field patterns, drainage outlets are managed through the *Agricultural Marshland Conservation Act*, the policies of the Nova Scotia Department of Agriculture, and the stewardship of the *Grand Pré Marsh Body* by maintaining the dykes, *aboiteaux*, and drainage outlets based on the compatible materials, identical technology, and similar principles. These being maintained, the organically evolved design of field patterns on the dykelands is preserved. Finally, the coastal change monitoring programme will monitor the rate and severity of coastal erosion outside the nominated property and guide the definition of appropriate action.
- Agriculture on the uplands is managed through the *Grand Pré and Area Community Plan*, which maintains zoning that favours agriculture.
- The field patterns on the uplands are managed through the *Grand Pré and Area Community Plan* which maintains zoning favourable to agriculture, limits densification, and establishes minimum lot sizes. Field patterns on Parks Canada property is administered through the *Cultural Resource Management Policy* which respects the historic value of the fields.
- Archaeological heritage is managed on lands under provincial jurisdiction through the application of the *Special Places Protection Act* and the *Strategy for the Management and Conservation of Archaeological Heritage*. Both ensure that proper archaeological principles and practices are applied in investigating, mitigating impacts, and conserving archaeological heritage. On land administered by Parks Canada, archaeological heritage is protected under the *Cultural Resource Management Policy*; various guidelines, policies, and directives as applicable; and the *Strategy for the Management and Conservation of Archaeological Heritage*.
- Historic roads are protected from densification by agricultural zoning. The *Grand Pré and Area Community Plan* encourages the protection of these roads. On lands administered by Parks Canada, historic roads are managed under the *Cultural Resource Management Policy* which protects them.
- Cemeteries and burials under provincial jurisdiction are managed according to the *Cemeteries Protection Act*. On lands administered by Parks Canada, cemeteries and burials are managed according to the appropriate directives.
- Tourism pressure is managed cooperatively between Parks Canada, the *Société Promotion Grand-Pré*, the *Grand Pré Marsh Body*, the Municipality of the County of Kings, and the local community to ensure that visitors have access to interpretation and services at the national historic site, visitor have access to information about local destinations, and signage is installed to reduce potential conflicts.
- The memorials are managed under the *Parks Canada Agency Act*, the *Cultural Resource Management Policy*, and the *Standards and Guidelines for the Conservation of Historic Places* that ensure their protection and conservation.
- The overall protection of the nominated property is ensured under the terms of the memorandum of understanding between the different partners to establish a governance body for the nominated property and define the requirement to consult that body prior to developing and implementing actions.

## 8.0 Natural Disaster and Risk Preparedness

### 8.1 Risks

The Nominated Property is vulnerable to strong storms throughout the year. During hurricane season, which typically extends from June to November, it sometimes is in the path of tropical storms.

The main risk is for the area to flood due to a combination of exceptionally high tides and strong winds or as a result of dyke failure.

Fire is another risk due to natural events. This would mainly affect the memorial church.

### 8.2 Roles, responsibilities, and coordination in the event of a natural disaster

Risk preparedness is a shared responsibility between jurisdictions.

The Municipality of the County of Kings has an Emergency Preparedness Plan managed by its Emergency Management Coordinator (EMC), in accordance with the Province of Nova Scotia's *Emergency Management Act*. The municipality may request assistance from the provincial Emergency Management Office if the severity of the emergency requires it. The EMC focuses on protecting lives and personal property.

In case of dyke rupture or flooding of the dykelands, the Department of Agriculture implements its own emergency preparedness plan that addresses the main priorities and resources for consideration during an event. The Municipality of the County of Kings' EMC is the first responder and would coordinate with the Department of Agriculture to consolidate the dykes. The priority of the Department of Agriculture is to protect the dykes and the farmland.

Financial assistance is available to those farmers whose fields were affected. Depending on the severity of the damage, financial assistance may come from the Province of Nova Scotia or from the federal government.

Parks Canada is responsible for the protection of the memorials. The agency has protocols and tools in place to react to fires. These include a direct line to the fire department, fire alarms, and fire suppressant mechanisms in the visitor centre and in the memorial church. In addition, the memorials have been recorded to provide information in case there should be a need to repair or rebuild. The fire department is responsible for coordinating the response.

### 8.3 Principles for mitigating risk

In order to mitigate impacts a natural disaster management framework was prepared that outline roles and responsibilities and procedures to address natural disasters.

As there are multiple jurisdictions that have authority to manage the consequences of a natural disaster depending on its severity, principles were prepared to help guide their preparation, intervention and recovery actions.

These principles include:

- Preparedness will focus on providing additional protection against the main risks to the key attributes that support the outstanding universal value and integrates relevant heritage considerations within the overall disaster prevention strategy;
- Training on the nominated property's outstanding universal value, key attributes, and conservation considerations will be provided to jurisdictional managers and emergency management officers;

- During responses, every effort will be made to maintain the integrity of the key attributes;
- Recovery actions and mitigation activities will maintain the integrity and authenticity of the key attributes linked to the outstanding universal value;
- Regular review and update of response plans will ensure that adequate strategies are in place;
- The response plan is conceived in terms of the whole property, and provides integrated concern for the structures, the archaeological sites, and the landscape features;

#### 8.4 Key elements of risk preparedness

Emergency management focuses on the before, during and after of particular events. Therefore, risk preparedness is one aspect of emergency management.

In the case of the nominated property, the natural disaster management framework provides the broad strokes of preparedness, response, and recovery actions. It focuses strictly on managing these with relation to protecting the nominated property's outstanding universal value and key attributes, and addresses some elements of visitor management.

### 9.0 Monitoring and Reporting

#### 9.1 Monitoring of condition of archaeological heritage

A monitoring programme was developed to coordinate the work of the Heritage Division of the Nova Scotia Department of Tourism, Culture and Heritage, and of Parks Canada as both have authority within their jurisdiction to protect archaeological heritage.

The programme focuses on setting indicators and timelines for monitoring condition. In addition, it outlines the role of partners. Details of that programme are included in the *Strategy for the Management and Conservation of Archaeological Heritage*. Information is provided to the site manager for reporting on the condition of the nominated property.

#### 9.2 Monitoring of coastal change

Monitoring of coastal change requires a concerted effort to ensure that there is a comprehensive understanding of coastline movements as a result of erosion and salt marsh regeneration. An overview of coastal changes is included in the *Overview of Coastal Change Influences on the Landscape of Grand Pré* report, it provides details observed through a comparison of aerial photographs between the 1960s and the early 2000s, use of LiDAR imagery, and data from Boot Island compiled over the past two decades.

The jurisdictions that have authority in areas along the coastline included in the buffer zone are:

- The Nova Scotia Department of Agriculture: as the department responsible for the maintenance of the dykes, it monitors the condition of the dykes themselves, the *aboiteaux*, and the salt marsh outside the dykes. The latter is the main source of building material for the dykes. Grasses and sod are extracted directly next to a dyke when they need to be topped or repaired.
- The Nova Scotia Department of Environment: the department has authority over the salt marsh.
- The Nova Scotia Department of Natural Resources: the department is responsible for the implementation of the *Beaches Act* and is responsible for permitting coastline mitigation measures.
- The Canadian Wildlife Service: the federal service is responsible for the Boot Island National Wildlife Area and has had a coastal erosion program in place for years.

- The Parks Canada Agency: the federal agency owns property at Horton Landing which extends to the mean high tide watermark.
- The Municipality of the County of Kings: the municipality has zoned an area along the north side of Long Island as coastal and allows for a rolling setback to be implemented. The municipality is also responsible for reviewing coastal erosion mitigation measures.

A coastal change monitoring programme is being established to collect data on coastline movements around the property. That data will be primarily collected by the Nova Scotia Department of Agriculture, the Canadian Wildlife Service, the Parks Canada Agency, and the Municipality of the County of Kings.

For the purposes of reporting on the condition of the nominated property, data will be collected at set points along the coastline within the buffer zone every two years using global positioning systems. This information will be shared with the property's site manager. Data may be collected more regularly by individual departments.

In addition, best practices are being explored by the Department of Agriculture and its partners to improve saltmarsh extraction for dyke maintenance, to allow for fast recovery of the ecosystem.

### 9.3 Indicators

Each agency has its own reporting mechanism and condition indicators that are in compliance with its individual legislated mandate regulating its activities. These provide an overview of the condition of the entire area proposed for designation.

The following indicators are for the Landscape of Grand Pré and provide a measure of performance for the three goals set in this management plan as they relate to its protection, interpretation and promotion, and the sense of connection to the place.

Objective	Indicator	Periodicity	Location of Records
Provide for the protection, continuing agricultural use and appreciation	Integrity of archaeological heritage	3 years	Parks Canada administrated land – New Brunswick North Field Unit Other lands – Special Places Program, Heritage Division
	Impact of development on archaeological heritage and other heritage attributes	3 years	Parks Canada administrated land – New Brunswick North Field Unit Other lands – Special Places Program, Heritage Division
	Percentage of land used for agricultural purposes in property and in buffer zone	5 years	Municipality of the County of Kings
	Integrity of the marsh, the dykes, the main drainage patterns, and of the coastline in the buffer	5 years	Department of Agriculture Grand Pré Marsh Body Canadian Wildlife Service Municipality of the County of Kings
	Integrity of the historic road patterns	5 years	Municipality of the County of Kings

Enrich the existing tourism destination by promoting wide recognition, understanding and appreciation of the educational and cultural values represented by the <i>Landscape of Grand Pré</i>	Increase in visibility	3 years	Destination Southwest Nova
Instil a strong sense of shared community pride and stewardship in the protection, interpretation and promotion of the <i>Landscape of Grand Pré</i>	Incidence of stakeholder and authority collaboration to conserve archaeological sites and other forms of heritage	Annually	Parks Canada administrated land – New Brunswick North Field Unit Other lands – Department of Tourism Culture and Heritage Heritage Division
	Number of Acadian visitors to the area	5 years	Parks Canada
	Number of research projects	3 years	Parks Canada administrated land – New Brunswick North Field Unit Other lands – Department of Tourism Culture and Heritage Heritage Division

#### 9.4 Reporting

This section provides information on the agencies responsible for monitoring the condition of the property.

Parks Canada is the agency responsible for monitoring and reporting on the condition of cultural resources on lands it administers. It also reports on visitation numbers, origin, and trends, as well as visitor satisfaction. Finally, it may report on the number of research projects it has permitted on the land it administers.

The Department of Tourism, Culture and Heritage is the provincial agency responsible for monitoring and reporting on the condition of archaeological sites on non federal lands. It may report on the number of research projects it has permitted.

The Department of Agriculture is the provincial agency responsible for monitoring and reporting on the condition of the dykes, drainage patterns, and *aboiteaux*. The Grand Pré Marsh Body may also provide some of this information.

The Municipality of the County of Kings is responsible for monitoring and reporting on the condition of land use and the historic roads.

The Grand Pré World Heritage Site Stewardship Board, as the site manager, is responsible for reporting to the World Heritage Committee and to stakeholders on the condition of the property. It will prepare the periodic report based on the information provided by the different responsible authorities.

## 10.0 Implementation and Review

### 10.1 Resources

In order to manage the property, numerous organizations provide expert and financial resources.

The Parks Canada Agency, as the federal agency with expertise in protected heritage areas and as a significant landowner within the boundaries of the property, invests in the protection and the interpretation and tourism infrastructure of the national historic site, and provides expertise as needed in such areas as archaeology, history, protected heritage area planning, and conservation.

The province of Nova Scotia provides resources for the maintenance of the dykes through the Department of Agriculture. It maintains staff, including an *aboiteau* superintendent, an engineer, a manager of land protection, whose role is to assess condition, monitor, and protect the marshlands. Annual expenditures in dyke maintenance are about \$ 1.1 M per year. Budget is allocated based on operational priorities. In addition, a cost sharing program for drainage and road maintenance provides resources for the farmers to carry out their work. The costs are shared between the province (75%) and the Marsh Body (25%) for work on drainage and ditches, and divided equally between both the province and the Marsh Body for work on the roads.

The provincial department of Tourism, Culture and Heritage provides resources for the management of archaeological heritage in the province, except on federal lands. It currently has one permanent staff member responsible for the implementation of the *Special Places Act*, under which archaeological permitting is regulated. The Heritage Division of the department has staff with expertise in archaeology, curation, conservation, and heritage building conservation. The *Strategy for the Management and Conservation of Archaeological Heritage in Grand Pré and Area* prepared in 2010 outlines the use of those resources. Furthermore, the province unveiled its heritage strategy in 2008 which outlines key priorities for the province, including the protection of World Heritage sites.

The Municipality of the County of Kings has resources on staff in planning, geographical information system analysis, and cartography. These are essential to the ongoing management of land use and activities, and for ongoing reporting.

### 10.2 Roles and Responsibilities

Each regulatory authority retains the authority to manage and determine policies for the lands under its jurisdiction. As such, the federal government, through the Parks Canada Agency, is responsible for the management and the protection of resources on lands it administers. The Municipality of the County of Kings is responsible for land use and activities on lands on and off the marshland, with the exception of provincial and federal land. The Marsh Body and the Department of Agriculture have management authority under the *Agricultural Marshland Conservation Act*. The Department of Tourism, Culture and Heritage has authority to protect archaeological sites under the *Special Places Protection Act*. These roles remain in force in the event of the nomination of a World Heritage Site.

These authorities and key stakeholders agree to form a board to act as site manager named the *Grand Pré World Heritage Site Stewardship Board*. The mandate of this board is to manage programming activities relating to the property and to provide advice to regulators.

The authorities will work with the board to provide the necessary information to complete periodic reports on the condition of the property to the World Heritage Committee. The chair and the site management coordinator of the *Grand Pré World Heritage Site Stewardship Board* will sit on the Canadian network of World Heritage Sites and



liaise with the Canadian Delegation to the World Heritage Committee. The Committee may take action to facilitate the implementation of recommendations relating to interpretation, tourism and economic development.

### 10.3 Duration of this plan

This plan is valid for twelve years and is to be reviewed five years following the designation. The *Grand Pré World Heritage Site Stewardship Board* is responsible for reviewing this plan in collaboration with the regulatory authorities and key stakeholders. The review shall focus on the protection of the outstanding universal value as stated at the time of designation and shall be in accordance with the *Operational Guidelines for the Implementation of the World Heritage Convention* as well as the legislation and policies in force at the federal, provincial, and municipal levels.

## 11.0 Priority Actions

The following actions are those that are deemed to be a priority for the life of this management plan and will be led by the *Grand Pré World Heritage Site Stewardship Board* or the *Nomination Grand Pré Advisory Board* in the interim:

- Establish a technical advisory committee to provide advice on the protection of the nominated property;
- Establish an education and marketing committee to coordinate the promotion and development of educational material;
- Work with partners to implement the tourism management framework, with particular focus on mitigating the negative impacts related to an increase in visitation. This includes identifying and installing proper signage to direct visitors to key services and infrastructure and limiting access to private property. It also includes implementing educational tools to raise awareness about the importance of respecting the site.
- Work with partners to identify key interpretation messages, approaches, and tools to communicate the importance of the nominated property.
- Work with regulatory authorities to develop training for decision makers and stakeholders on the value, attributes and management of the nominated property.
- Work with partners to promote the nominated property, including preparing promotional material and creating strategic partnerships.
- Implement the coastal monitoring programme for the nominated property in partnership with the municipal and relevant provincial and federal authorities.
- Work with academic institutions, Parks Canada, and the Department of Tourism, Culture and Heritage to identify research priorities and foster research at the site.
- Establish an annual forum to discuss the protection of the nominated property.
- Work with Parks Canada and the Department of Tourism, Culture and Heritage to implement the *Strategy for the Management and Conservation of Archaeological Heritage in Grand Pré and Area*.

The Grand Pré World Heritage Stewardship Board Strategic Plan outlines the key strategies and objectives in greater details. A long term plan as well as annual workplans will be prepared if the site is successfully inscribed.

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#### **APPENDICES**

Strategy for the Management and Conservation of the Archaeological Heritage of the Landscape of Grand Pré

Grand-Pré National Historic Site of Canada Management Plan

Coastal Change Monitoring Programme for the Landscape of Grand Pré

Overview of Coastal Change Influences on the Landscape of Grand Pré



**STRATEGY FOR THE MANAGEMENT  
AND CONSERVATION  
OF ARCHAEOLOGICAL HERITAGE IN THE LANDSCAPE OF GRAND PRÉ**

January 2011



## FOREWORD

The archaeological heritage of Grand Pré and area is a key element of its significance and of its reasons for being recognized locally and nationally. Since the late 19<sup>th</sup> century and actively in the early 20<sup>th</sup> century, both amateur archaeologists and professionals located and recorded information about their finds, including arrowheads, remains of houses, or various domestic objects. Today, that heritage is protected and managed by the provincial and the federal governments on lands under their jurisdiction.

The purpose of this strategy is to create a framework for the collaboration between the three levels of government, the Mi'kmaq of Nova Scotia and communities of interest, in particular the Heritage Division of the Nova Scotia Department of Tourism, Culture and Heritage and Parks Canada, to manage the archaeological heritage of Grand Pré and area. This collaboration aims to ensure the effective protection, conservation, and monitoring of archaeological heritage of the nominated property.

This strategy relies on existing provincial and federal legislation and policies. It outlines roles and responsibilities within that legislative context to implement effective management approaches. It also aims to provide a framework for the engagement of the municipal authorities, academic and research institutions, residents, and other communities of interest in protecting the area's archaeological heritage. It relies on the principle that meaningful protection is accomplished through engaged stewardship of a variety of groups.

The members of the task force include:

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## ABBREVIATIONS

KMKNO - *Kwilmu'kw Maw-klusuaqn Negotiation Office* is focussed on addressing imbalances in the relationship between Mi'kmaq and non-Mi'kmaq people in Nova Scotia

## 1. Background

### 1.1 Description of the nominated property

The Landscape of Grand Pré consists of 1323 hectares of dykelands, known elsewhere as polders, and uplands on the southern edge of the Minas Basin, an eastern arm of the Bay of Fundy in western mainland Nova Scotia. It is bordered by the Gaspereau River to the east, the Cornwallis River to the west, Long Island to the north, and parts of the communities of Grand Pré, Hortonville, and Lower Wolfville to the south. (See Map 1: *Boundary of the Nominated Property and Buffer Zone*) Dominating the distant background, beyond the nominated property, Cape Blomidon extends into the basin as an instantly recognizable landmark.

The nominated property includes the dykeland area that the Acadians created in the 17th century, which successive generations of farmers have expanded. It also includes distinctive representative sections of the Acadian settlement and of the current agricultural community, as well as the entire planned settlement for the New England Planters, a British town grid.

Records attest to the presence of the Acadian settlement on the uplands portion of the nominated property. The heart of the Acadian settlement is defined by a concentration of archaeological remains of houses, field patterns, the cemetery, the traditional location of the remains of the parish church of Saint-Charles-des-Mines, and the intersection of main roads. The southeast corner of the nominated property includes the surviving evidence of the planned British town grid in Hortonville. The grid is defined by Railway Street, King Street, and Middle Street running east–west and by Horton Cross Road, Wharf Road, and Patterson Street running north–south.

The property also includes parts of the hamlet of Grand Pré, which hosts provincially and municipally designated heritage properties and some local services, plus farms on the hills and an expanse of fields and pastures. At the heart of both the nominated property and the Acadian settlement lies Grand-Pré National Historic Site of Canada. The national historic site consists of the commemorative gardens, the Memorial Church, cemeteries, and many other memorials to the Acadian Deportation

The nominated property falls within a cultural landscape of the Mi'kmaq. Archaeological sites along the Gaspereau River and at its headwaters attest to the long-term importance of the waterway and the landscape through which it flows to upwards of 10 000 years of Mi'kmaq cultural history. There continues to be Mi'kmaq traditional use of the resources of the broader landscape, adjacent to and within the proposed boundary. Mi'kmaq burial sites exist within 2-3 km of the nominated property in all directions and an archaeological site has been recorded within the proposed World Heritage Site boundary.

The buffer zone includes a land component and a marine component. The land component includes Long Island, Boot Island and the lands surrounding the nominated property to the south, up to the boundary of the *Grand Pré and Area Community Plan*. The marine component of the buffer zone extends 500 metres from the water-facing boundary of the property and, where relevant, from the land buffer zone.

## 1.2 Jurisdictions

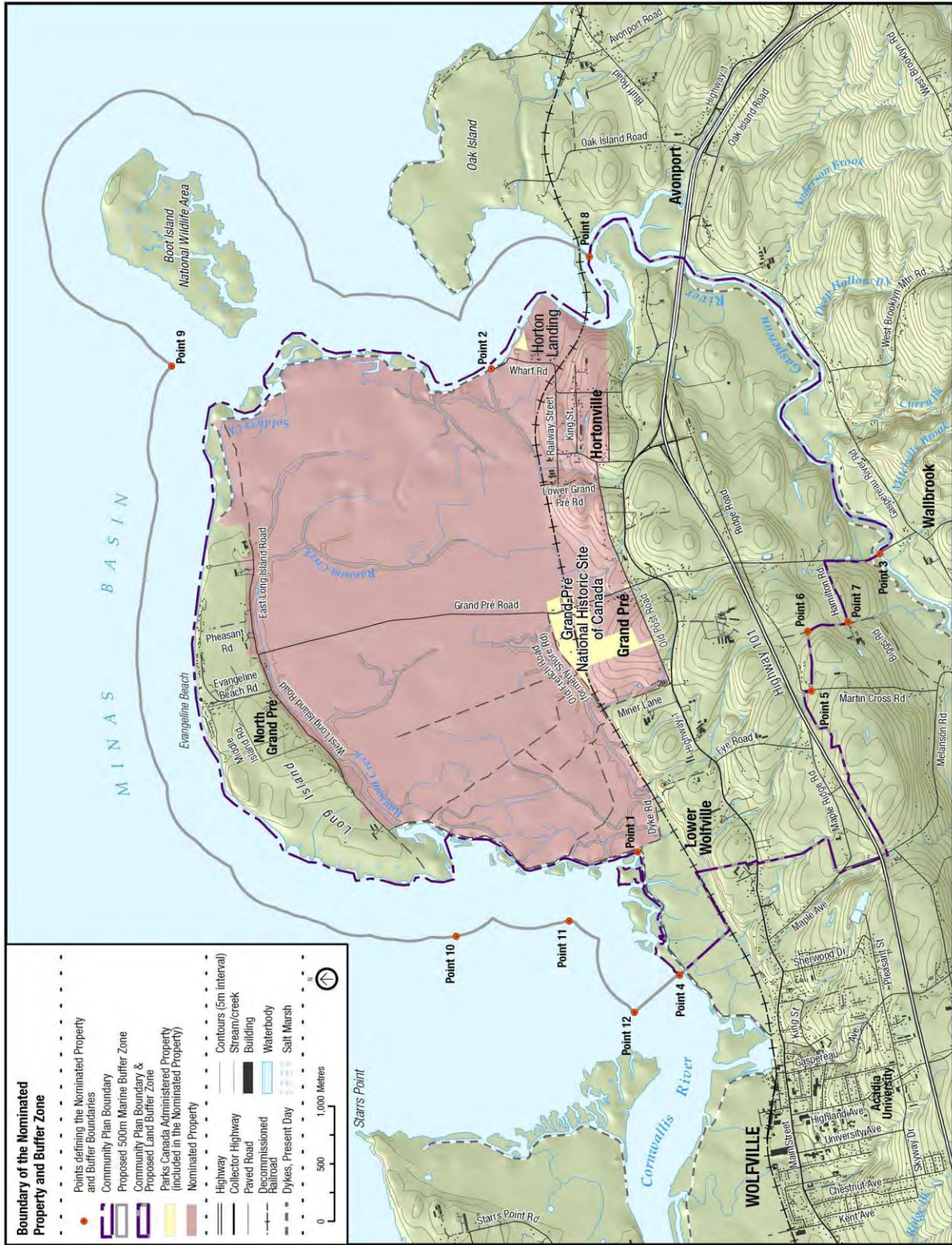
The nominated property falls under the jurisdiction of the municipality of the County of Kings, the provincial government, the Grand Pré Marsh Body, the Assembly of Nova Scotia Mi'kmaq Chiefs, and some levels of the federal government. Most lands are privately owned.

Federal Crown land consists of the lands owned and administered by the Parks Canada agency. Non-federal land consists of lands owned and administered by the Department of Agriculture. This is limited to the top of the dykes. Roads on the marsh are almost all private. Roads elsewhere are for the most part public and under the jurisdiction of the Department of Transportation and Infrastructure Renewal or the Municipality of the County of Kings.

In this context, the management of archaeological heritage is legislated by federal legislation on federally owned lands and provincial legislation for the rest, including privately owned lands. Each jurisdiction applies its own policies and follows individual reporting mechanisms.

Development activities are permitted on federal land by the Parks Canada Agency. On the marsh, development activities are reviewed and permitted by the Grand Pré Marsh Body, the Department of Agriculture, and the Municipality of the County of Kings. Elsewhere in the nominated property, development activities are reviewed and permitted by the Municipality of the County of Kings. Infrastructure development may be subject to either the provincial or the federal environmental assessment processes, depending on the project's criteria. In certain instances, both would apply.

Map 1



### 1.3 Grand Pré World Heritage Site Stewardship Board

The Grand Pré World Heritage Site Stewardship Board (hereafter referred to as the Board) is the site manager of the World Heritage Site. As such, it is accountable, along with the jurisdictions, for the management of the nominated property. The Board will come into existence in the event of a successful inscription by the World Heritage Committee.

In the interim, the Nomination Grand Pré Board provides leadership around the management of the nominated property. Details of the role and responsibilities of the Board can be found in its Terms of Reference.

The Board includes representatives of Acadian and local key communities of interest and the Mi'kmaq of Nova Scotia and ensures that these groups are engaged in the protection of the future World Heritage site.

### 1.4 Consultation

As the Stewardship Board is neither a federal nor provincial government body, it has no legal duty to consult with the Mi'kmaq of Nova Scotia. However, activities either proposed or supported by the Stewardship Board may be subject to the duty to consult.

Provincial and federal governments have a legal duty to consult with the Mi'kmaq of Nova Scotia where there is a possibility that a government activity might adversely affect a potential aboriginal or treaty right. The Mi'kmaq of Nova Scotia, Nova Scotia and Canada formally ratified the Consultation Terms of Reference on August 31, 2010.

### 1.5 Archaeological Heritage in Grand Pré and Area

The archaeological heritage of Grand Pré and its surrounding area is a rich and exceptional sample of Nova Scotia's and Canada's history. It is also one that although researched for decades, retains a high potential for providing additional information on the various cultures that lived in the area.

#### Mi'kmaq Near Grand Pré

The first human presence in the area is linked to the Mi'kmaq and their ancestors. L'nu'k have long travelled and lived in the area as the shores of the Minas Basin and the whole of the proposed World Heritage site are part of the *Mi'kma'ki* district of *Sipekni'katik*. There is archaeological evidence of repeatedly occupied settlements over thousands of years along the Gaspereau River and on Long Island (North Grand Pré), and archaeological evidence and traditional knowledge of burial grounds on Oak Island, Boot Island and in and near Wolfville. Mi'kmaq typically harvested a wide range of resources in estuarine environments like the one that existed at Grand Pré: waterfowl, fish, shellfish, sea mammals, and medicinal plants for food, social and ceremonial purposes that continue today. Mi'kmaq harvested the resources they needed from the area on a seasonal basis continuously over thousands of years, such as when certain fish species migrated through adjacent waters, when huge flocks of migratory birds came to the area to rest and fatten up and as certain plants came into their various seasons. The earliest record

of their presence in the proposed World Heritage Site boundary comes from the discovery in 2009 of a Mu Awsami Saqewe'k L'nu'k (Middle Archaic Period), full-channelled ground-stone gouge from circa 9000-6000 BP, though occupation of the area from at least the time of Saqewe'k L'nu'k (Late Palaeoindian Period 11 000 – 9 500 BP) has been recorded at the headwaters of the Gaspereau River. Material evidence such as tools, palaeoethnobotanical samples, faunal remains, hearths, caches pits, habitation sites and processing sites, including that from the nearby Scots Bay quarries, suggests that the Grand Pré area was at the nexus of an important trading network for the Mi'kmaq.

The Minas Basin figures prominently in the history, legends and spirituality of the Mi'kmaq, especially Cape Blomidon, which was and is the most dominant feature on the landscape in the overall Grand Pré area. This is the setting for the stories of Kluskap (Glooscap) and the Whale, Kluskap battle with the Beaver, and Kluskap and Lazy Rabbit. These stories and more confirm the spiritual and cultural importance of the area for the Mi'kmaq.

All this material and oral tradition evidence and more suggest that the Grand Pré and area is archaeologically important for Mi'kmaw heritage.

When the first Europeans arrived at the area that is now Nova Scotia in the 16<sup>th</sup> century, they found willing trading partners in the Mi'kmaq who had developed sophisticated trading networks over the millennia. During the succeeding centuries, Mi'kmaw territory, including the rich coastline, was gradually impacted by European settlements and intense competition for the region's resources ensued. The relationship between the French authorities and the Mi'kmaq was positive and led to alliances, one of the first resulting from the historic baptism of Kji Saqamaw (Grand Chief Henri) Membertou in 1610, the first indigenous person to be baptized in what would later become Canada. There are no known treaties between the French and the Mi'kmaq.

#### European Settlers

The first permanent European settlement on the nominated property dates back to the early 1680s with the foundation of Grand Pré / Les Mines by Acadian settlers. These were assigned land by the *seigneur* of Port Royal and settled according to the usual French settlement pattern of long strips of land drawn uphill perpendicular to the closest body of water. Progressively, the Acadians adapted to the environmental conditions and expanded their settlements in a dispersed fashion and started creating farmland from the intertidal lands adjacent to the uplands. The entire Acadian period lasted from about 1680 to 1755 resulting in substantial land transformation with the creation of close to 3000 hectares of farmland and the clearing of uplands. Archaeological evidence of that period includes house cellars, structural features, field patterns, roads, aboiteaux, and dykes.

Following the Deportation of the Acadians by the British authorities in 1755, New England Planters were attracted to Grand Pré and first landed in the area in 1760. The authorities distributed marshland parcels and divided the uplands into parcels concentrated in a typical grid pattern which formed the town of Horton. The Planter time period is difficult to define, due to a lack of clear archaeological evidence. However, archaeological remains from the Planters include house features, roads, dykes, mills, smithies, field patterns, aboiteaux, dykes, and middens.



The 19<sup>th</sup> century witnessed an expansion of industry, farming, and railroad activities in the area. Archaeological proof of that expansion lies in remains of those activities, including wharves, railroad related structures, warehouses, and other evidence of industrial activities.

There is a great diversity of sites representing the multiple phases of occupations as well as the identities of the different cultural groups that have lived in the area. Sites include settlement features, structures, harvesting and processing sites, and cemeteries and burials.

### 1.6 Overview of Archaeological Investigations

Ever since Longfellow's poem acquired international popularity, the Grand Pré area has been the target of artefact collectors and amateur archaeologists. Throughout the late 19<sup>th</sup> century, evidence of *Evangeline's* village and life were sought to add to the story and entertain visitors. These include domestic objects, farm activity related artefacts, structural remains, and even coffins. While not the result of professional archaeological work, these objects nevertheless demonstrated the richness of the area and its potential for research.

The earliest archaeological observations were carried out by amateur historians/ archaeologists and included the founder of the Grand-Pré National Historic Site, John Frederic Herbin. Like many before and after him, he was interested in identifying the exact location of the Acadian village. Acadians left behind many detailed pages of observations that are useful in recreating a 19<sup>th</sup> century landscape that is now lost and replaced by the ornate commemorative garden. In addition, local residents have reported finds on their properties ranging from coins and military objects, to evidence of *aboiteaux*, agricultural objects and Mi'kmaw artefacts and sites.

Since the 1950s, professional archaeologists have had the opportunity to investigate the area and expand their interest to non-Acadian related heritage. Parks Canada has carried out work since the late 1960s, primarily on and around the national historic site. The Nova Scotia Museum has recorded artefacts that were collected in the area. Various academic institutions have carried out work over the years. Saint Mary's University in particular has carried out work since the late 1990s.

Since most of the land included in the nominated property is private, the main challenge to managing the area's archaeological heritage is ensuring the support and cooperation of local residents. They have a primary role in protecting archaeological heritage.

### 1.7 Current State of Knowledge

The current state of knowledge is based both on information from archaeological investigations and the historical record, as well as from anecdotal evidence shared by local residents. Without the active participation of residents, there are significant challenges to understanding and managing archaeological heritage in Grand Pré and area.

Archaeologists have an overall understanding of the types of resources based on previous discoveries and historical records. The Grand Pré marsh and the surrounding community is one of the most well researched areas for historic period resources in Nova Scotia. The best documented resources in the

marsh include field patterns, dyke remnants, aboiteaux, sluices, and roads. On the uplands, where the Acadian and later settlements were located, the landscape has maintained its agricultural nature. The best documented types of resources there include field patterns, cellars from the Acadian and later periods, structural remains associated with agricultural, military, and community activities, roads, settlement patterns from the New England Planter period, an Acadian cemetery, an early 19<sup>th</sup> century cemetery, and features associated with railway activities. Most Mi'kmaq and earlier evidence of human activity have been recorded outside of the nominated property. However, surface discoveries of artefacts, from sites of those periods, were made inside the boundary during a surface reconnaissance survey and their importance and potential need to be assessed further.

Mapping this information allows managers to: identify areas of interest based on information yielded by previous work and accidental discoveries, target areas for additional research, and manage resources accordingly. It also helps identify priority areas for discovery, and amount of activity (such as development or dyke maintenance).

Key artefacts have been recovered and studied over the years. More recently, in 2006 and 2009, these include three *aboiteaux* found by farmers as they were cleaning the drainage creeks. These were brought to the national historic site, stabilized (one was preserved), and studied using dendrochronology. Archaeologists were able to investigate the area where the *aboiteaux* were found.

## 2. Scope and Definitions

The scope of this strategy extends primarily to the management and conservation of archaeological heritage located within the nominated property.

Archaeological heritage is understood in this strategy as being the form of cultural heritage covered by the *Special Places Protection Act* in Nova Scotia and by the *Guidelines for the Management of Archaeological Resources* at Parks Canada.

Management, in this document, means actions that aim to protect and preserve archaeological remains from natural and human impacts. Management requires an inventory of known sites, protocols for discovering and reporting new finds, processes to develop conservation options, and a process to assess, monitor and report on the condition of sites.

Conservation in this strategy carries the same meaning as in the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

This Strategy will recognize and aim to protect the OUV as defined by the World Heritage Committee at the time of a successful inscription.

## 3. Objectives and Outcomes

The aim of this strategy is to provide a common framework for the management and conservation of archaeological heritage, for the area nominated for inscription, in accordance with federal and provincial legislation and policies.

The outcomes are to facilitate the sharing of information between the federal, provincial, and municipal jurisdictions, and the Mi'kmaq of Nova Scotia, and establish common protocols to identify sites and report on condition, set up mechanisms to effectively conserve archaeological heritage, and engage communities of interest in reaching that goal.

This sharing of information takes place through the mechanisms outlined in the MOU for the Grand Pré Stewardship Board.

#### **4. Legislation, policies, guidelines to protect archaeological heritage in the nominated property**

##### *4.1 Archaeological Responsibility and the Mi'kmaq*

KMKNO was mandated by the Assembly of Nova Scotia Mi'kmaq Chiefs (ANSMC) for the protection of archaeological resources and burials on behalf of the Mi'kmaq of Nova Scotia. As the KMKNO serves to support the ANSMC in its role as the elected leadership for the Mi'kmaq of Nova Scotia, its responsibilities include the collection of information, including through archaeological research and management activities, necessary for ANSMC decision-making. KMKNO will work in partnership with statutory authorities, the Stewardship Board and communities of interest to ensure that development, research, monitoring, and conservation practices are consistent with the needs of the ANSMC in these and through the consultation process.

##### *4.2 Acts, policies, and guidelines applied on federally owned lands: list and implementation*

Federal land in the nominated property is owned and administered by the Parks Canada Agency. The agency's mandate, as described in the *Parks Canada Agency Act* is to protect and present nationally significant examples of natural and cultural heritage. The Agency is also responsible for the implementation of the *Canada National Parks Act* and the *Historic Sites and Monuments Act*.

In order to achieve its mandate, the Agency developed a series of policies, guidelines, management directives and guides.

Other federal legislation may have an impact on archaeological heritage management, such as the *Canadian Environmental Assessment Act*. This act applies only in the case of a development project that is triggered or funded by a federal agency, including outside federal property. In the case of any licence or approval that federal government may grant, or in the event that any activity within their jurisdiction may impact established or potential Mi'kmaq rights or title, the consultation process will be triggered and the Consultation Terms of Reference will come into effect.

<b>Acts</b>	<b>Policies</b>	<b>Guidelines and Management Directives</b>	<b>Other guiding documents</b>
Parks Canada Agency Act	Cultural Resource Management	Guidelines for the Management of Archaeological Resources at Parks Canada	Archaeological Heritage Policy Framework

	Policy		
Canada National Parks Act	National Historic Site Policy	Management Directive 2.3.1. <i>Human Remains, Cemeteries and Burial Grounds</i> . June 2000.	Parks Canada Archaeological Recording Manual: Excavation and Surveys
Historic Sites and Monuments Act		Management Bulletin 2.3.2. <i>Archaeological Research Permitting</i> . 2005.	
National Historic Parks General Regulations (Section 3)		Management Directive 2.3.3. <i>Archaeological Explosives: Archaeological Discovery</i> . August 1991 (under revision)	
National Parks General Regulations (Section 14)		Management Directive 2.1.22. <i>Collection Management System: Conservation Services</i> . 1985 (Appendices Mod. 91).	
		Management Directive 2.1.23. <i>Collection Management System: Archaeological Services</i> . July 1986 (under revision).	
		Management Directive 2.4.2. <i>Impact Assessment</i> . May 1998.	
		Management Directive 2.3.4. <i>Repatriation of Moveable Cultural Resources of Aboriginal Affiliation</i> . June 2000.	
		<i>Strategic Environmental Assessment</i> . The 1999 Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals (under revision).	
		<i>Standards and Guidelines for the Conservation of Historic Places in Canada</i> . 2004.	

#### 4.3 Act, policies, and guidelines applied on lands under provincial authority: list and implementation

The *Special Places Protection Act* provides for the preservation, regulation and study of archaeological and historical remains in Nova Scotia. Its mandate covers all non-federal lands, including those underwater, to the limit of provincial jurisdiction. The Special Places Program maintains the provincial site inventory, oversees research through its heritage research permit system, and uses a variety of tools to encourage site protection and pre-development assessment for projects throughout the province.

The Special Places Program does not directly own or manage archaeological sites. Proactive site management is undertaken only in those instances where external agents take an active interest in a site. The Province's management interest is then provided through cooperative development of site-specific policies and strategies.

The legislation requires that anyone exploring for or excavating archaeological and historical remains have a heritage research permit. The applicant must be qualified to do the work they propose to do, and three permit categories cover the areas of non-disturbance reconnaissance, problem-based research, and impact assessment.

The legislation does not require pre-development assessments for archaeological remains, so these are encouraged through a variety of methods and triggers – environmental assessments, pre-development screenings, and focussed outreach. Implementation of the act is ensured by the resources provided to the Special Places Program.

In the case of any licence or approval that provincial government may grant, or in the event that any activity within their jurisdiction may impact established or potential Mi'kmaq rights or title, including through Nova Scotia's *Environmental Assessment Act*, the consultation process will be triggered and the Consultation Terms of Reference will come into effect.

## **5. Challenges and Opportunities in Current Situation**

### *5.1 Understanding the Archaeological Heritage*

While much work has been done in the area, the information remains incomplete. This is due in part to the multiple groups working in the area who do not share information on a systematic basis. It is also the result of a lack of active investigation or monitoring programme underway to improve the understanding of the area's archaeological heritage.

Parks Canada's policies provide guidance on building inventories but the national historic site currently does not elaborate on its research priorities. Inventories are built as a result of broad archaeological surveys on the property administered by the Agency or as a result of impact assessments. When carrying out archaeological work, Parks Canada does not automatically assign a Borden number to the sites. This results in the sites on federal land not being included in the national system. Instead, Parks Canada applies its own provenience system which records all archaeological activities whether they yield results or not. Records are currently only available in paper format.

The Special Places Program maintains records of archaeological activity and reports in the area, as well as the detailed site inventory records. The Maritime Archaeological Resource Inventory (MARI) keeps a record of assigned Borden numbers, tracks permitted activities, and location of sites. Archaeologists are required to provide the necessary information on the site they are investigating as part of their archaeological report which is then included in the MARI. In addition, optional feature forms provide more detailed information on key features of the site.

The Special Places Program has recently made these detailed records available to researchers through a restricted website, and has begun work to do the same with research reports. Reports from such activity on adjacent Federal lands are not widely available, though a 'Notice of Intent' process was established to encourage the dissemination of information about archaeological work on federal lands. The Special Places Program does not employ an archaeologist so is unable to undertake archaeological investigations to support research or site management.

The Nova Scotia Museum does not have a specific research program, but has recently led or participated in archaeological investigations in the area. The Museum holds the collection of artefacts recovered during archaeological work on non-Federal lands.

Saint Mary's University has been active in the area primarily by holding its annual field school at the national historic site in partnership with Parks Canada and the Société Promotion Grand-Pré. It has also carried out reconnaissance work. Saint Mary's work has focused on historical material.

There is an opportunity for collaboration between institutions already active in the area as well new ones to coordinate research objectives, field work, sharing of information, and reporting. There is the opportunity and need to sustain and seek new partnerships to explore pre-contact and historical Mi'kmaw archaeological resources.

Finally, landowners have traditionally been instrumental in locating and reporting finds. Through their intimate knowledge and ongoing work of the land, they are the first to know about past and new discoveries and are thus important partners in identifying and protecting archaeological heritage.

## 5.2 Managing Development

As the nominated area is a living cultural landscape, development is authorized and managed according to policies in the municipal plan and the *Agricultural Marshland Conservation Act*. Development on the marsh is limited to non permanent structures and, in some circumstances, alternative energy generating structures. Development in the area, under municipal policies, needs to be in accordance with zoning policies related to maintaining the agricultural district.

Development and other human activities in the area, has mainly been tied to maintaining and sustaining agricultural activities. These include, on the marsh, work to clean the creeks, maintain aboteaux and dykes, maintain dirt roads, and farm the land. On the uplands, these may include building or disposing of farm structures (barns, houses, and silos), farming the land, and maintaining roads. All these activities can have a varying degree of impact on archaeological resources. Activities on the marsh need to be permitted by the Grand Pré Marsh Body, the Department of Agriculture, and the Municipality of the County of Kings. Elsewhere, the Municipality of the County of Kings reviews proposals. Any process of development or disturbance governed by the Crown that may impact established or potential Mi'kmaq rights or title are subject to the consultation process. The mandate to protect archaeological and burial sites related to Mi'kmaw cultural heritage has been given by the Assembly of Nova Scotia Mi'kmaq Chiefs (ANSMC) to the KMKNO which also supports the ANSMC in the consultation process.

The provincial act protecting archaeological sites (the *Special Places Protection Act*) states that archaeological sites are provided a level of protection, whether designated or not. Specifically, if the sites are threatened by destruction from human activity or development, the Minister may order that these cease until the site is surveyed, investigated or salvaged under the direction of the Nova Scotia Museum. The province may require that funds be provided by the developer to cover the costs of the archaeological work. The *Act* continues by specifying that the archaeological work will not cause undue hardship on the developer. Currently, the provincial authorities are alerted to potential impacts by permit applications or external triggers like environmental assessments or complaints from the general public.

The section of the nominated property that is administered by Parks Canada is protected from any development other than site management related activities. Those activities are managed in particular under the cultural resource management policy and the impact assessment management directive, both emphasising the need to protect archaeological sites and mitigate impacts.

In summary, development occurs in this living landscape and has typically supported the local agricultural economy. Archaeological sites need to be protected according to the law, but the multiple authorities, the absence of coordination between them, the varying levels of resources available to do the work, the partial information available, the lack of statutory requirements for archaeological research and the lack of standards for archaeological methods, represent a challenge for their overall management.

### 5.3 Roles and Responsibilities of Authorities and Landowners at Grand Pré

The roles and responsibilities of authorities and landowners with regards to the management of archaeological sites are described in the following table. Included as well, are the roles and responsibilities of authorities that manage other aspects of Grand Pré and the area.

Agent	Scope of authority	Role with regards to archaeology	Resources
<b>Parks Canada</b>	Federal Crown land administered by Parks Canada	Primary role Protect and mitigate impacts to archaeological sites Permitting authority	Staff (multiple) Budget (no fixed, defined by project) Expertise
<b>Department of Tourism, Culture, and Heritage (Special Places Program)</b>	Non-federal lands	Primary role Protect and mitigate impacts to archaeological site Permitting authority	Staff Expertise
<b>Nova Scotia Museum</b>	Non-federal lands	Secondary role Research archaeological sites	Staff (multiple) Budget for research Expertise
<b>Department of Agriculture</b>	Designated marshland	Secondary role Protect and mitigate impacts to archaeological sites when carrying out activities (under	None

		NS SPPA)	
<b>Department of Transportation and Infrastructure Renewal</b>	Public roads	Secondary role Protect and mitigate impacts to archaeological sites when carrying out activities (under NS SPPA)	None
<b>Municipality of the County of Kings</b>	Municipality (except federal lands)	Secondary role Protect and mitigate impacts to archaeological sites when carrying out activities (under NS SPPA)	None
<b>Grand Pré Marsh Body</b>	Designated marshland	Secondary role Protect and mitigate impacts to archaeological sites when carrying out activities (under NS SPPA)	None
<b>Individual landowners</b>	Individual private properties	Secondary role Protect and mitigate impacts to archaeological sites when carrying out activities (under NS SPPA)	None
<b>KMKNO</b>	Mi'kmaq heritage	Primary role Protect and mitigate impacts to archaeological sites important to the Mi'kmaq	Staff Expertise

The table illustrates that although two agencies have statutory responsibility for the management of archaeological heritage, there are a number of other agents that have a role in protecting sites. These roles need to be communicated, understood by the agents, and supported to achieve effective management.

#### 5.4 Reporting

Each agency responsible for the protection of archaeological sites is required to report to their respective legislature (the Parliament of Canada for the federal authority, the Nova Scotia Legislature for the provincial authority and the Assembly of Nova Scotia Mi'kmaq Chiefs for KMKNO) on the status of their programmes. However, there is no notification process in Nova Scotia.

The reporting mechanism at the Parks Canada Agency begins at the field evaluation level through the commemorative integrity evaluation which reviews the condition of sites, condition of inventories, and overall pressures to the sites. That evaluation is carried out every 5 years and the results are published in the individual national historic site's State of the Site Report. In addition, an Agency wide report, the



State of the Protected Heritage Areas Report, is produced every 2 to 4 years and tabled in Parliament. That report may or may not contain specific information relative to an individual site.

In parallel to this process, the Agency is responsible for permitting archaeological work on federal lands. The monitoring of those permits and the reporting requirements tied to them enable the Agency to track the condition of individual sites and of inventories.

There is no parallel mechanism at the provincial level.

The Special Places Program report mechanism at the provincial level relies on two primary triggers. One is from researchers through the heritage research permit system which allows the programme to maintain an inventory of sites and reports. The other is direct reporting of accidental discoveries. These discoveries have been reported directly to provincial authorities but in many instances local researchers and staff at the national historic site were first alerted and they in turn conveyed the information to the provincial authorities.

There are challenges with reporting because of limited resources to prepare the reports. In addition, the separate reporting mechanisms result in an incomplete picture of the archaeological heritage of the area and make it difficult to assess the overall condition of the archaeological heritage.

Despite these challenges, the positive relationship between the different authorities and with the communities of interest provides the backbone to develop and implement effective reporting mechanisms.

## **6. Archaeological Heritage Strategy**

This archaeological heritage strategy relies on existing legislation and policies in place for archaeological heritage management and for developments, at the federal, provincial, and municipal level.

Its focus is to ensure an effective, collaborative, and informed approach to management based on the site's heritage values.

### *6.1 Heritage Values*

The nominated property is part of and includes a number of national, provincial, and municipal inscriptions.

National inscriptions include the Grand-Pré National Historic Site of Canada which commemorates the Acadian settlement between 1682 and 1755 and the Deportation of the Acadians in 1755. The second site of national significance is a much larger area forming the Grand-Pré Rural Historic District National Historic Site of Canada. That inscription commemorates the agricultural landscape created by the Acadians and maintained by the Planters and successive generations of farmers. Three events of national historic significance are commemorated in the area: the Attack at Grand Pré in 1747, the deportation of the Acadians in 1755, and the arrival of the New England Planters in 1760.

Provincial inscriptions include houses designated under the *Heritage Property Act* for their architectural value. All archaeological and historical sites on non-Federal lands are subject to the provisions of the *Special Places Protection Act*.

The municipal inscription includes a number of houses which form a heritage district under the *Heritage Property Act*.

In addition to values previously recognized in formal inscription processes, the Mi'kmaq value all archaeological heritage pertaining to their past. The Mi'kmaq of Nova Scotia also recognize the importance of context to archaeological heritage resources' value and, to that end, greatly value their continuous cultural landscape, millennia old, in which the proposed World Heritage site is situated. The land and the spirituality interwoven with it are of outstanding heritage value to the Mi'kmaq of Nova Scotia.

Of particular relevance to this strategy are the Statement of Outstanding Universal Value and the attributes associated to it. These are the primary focus for protecting the nominated property.

While the outstanding universal value and its attributes are core, all these inscriptions and their associated heritage values need to be respected in the management of the area's archaeological heritage.

## 6.2 Principles

The following are the principles guiding the management of archaeological heritage in the nominated property:

- The management and conservation of archaeological heritage in Grand Pré and area protects and preserves the values of the World Heritage site while respecting the values of other historic places;
- Archaeological heritage at Grand Pré and area is managed as a whole as well as through the individual sites that compose it;
- Collaboration between the different authorities and with the landowners is essential for effective management;
- Archaeological heritage is preserved in-situ except when faced by imminent and irreversible Archaeological research should aim to preserve in-situ a representative portion of each cultural feature, in order to protect the integrity of the nominated property
- The conservation of archaeological sites is a requirement for maintaining the integrity and authenticity of the nominated property
- Archaeological heritage is conserved according to the *Standards and Guidelines for the Conservation of Historic Places in Canada*;
- Grand Pré and area is a living and active agricultural community. Changes to the landscape need to be accommodated while protecting archaeological heritage and the integrity of the World Heritage site;
- The objective of managing and conserving archaeological heritage is to study, protect and preserve that heritage for present and future generations to enjoy and learn about;

- The knowledge resulting from managing the archaeological heritage of Grand Pré and area is shared with the communities of interest and the broader public.

### 6.3 *Management and Research*

Research is an essential aspect of effective management. It is driven by the needs of those whose heritage is present in this area and communities of interest to protect their cultural interests and heritage. While research may have its own goals in investigating a site, management of that site needs the information generated from research activities to inform its conservation. In addition, research activities can be enhanced by the ability of authorities to conserve sites in the long term.

As such, an effective archaeological heritage strategy includes a framework to guide the relationship between research and management. This framework is defined by a set of research objectives for management purposes with the aim to continue to develop the inventory:

1. Understand the year round patterns of use and occupancy from the different periods;
2. Refine our understanding of the development of the dykelands;

These research objectives aim to both foster research interest from third parties and guide the development of the tools to inform decision-making by site managers.

These research objectives are adopted by the managing agencies to guide research work in areas under their authority. The purpose is to tie research work permitted in Grand Pré and area to at least one of these objectives and thus improve knowledge of the resources and the attributes of outstanding universal value. Archaeological reports submitted as part of the permitting process need to clearly articulate the relationship between the outcome of the research and the research objectives for management purposes.

Reports will be filed with the permitting agency as well as with the Heritage Division of the Department of Tourism, Culture, and Heritage as keeper of the inventory for Grand Pré and area.

The governing body of the Grand Pré World Heritage Site will receive an annual report on research activities and their contribution to management of the site.

### 6.4 *Management and Conservation*

Managing and conserving archaeological heritage is a process that involves understanding both the known and potential resource and the pressures affecting it, determining its present condition, monitoring its condition through time, developing conservation options based on these assessments, and monitoring the results. The following describes that process as it applies specifically to the heritage and reality of Grand Pré and area.

#### 6.4.1 *Inventory*

Parks Canada and the Heritage Division of the Department of Tourism, Culture and Heritage will each maintain an inventory of sites and activities in areas under their jurisdiction, according to their own procedures.

An inventory of archaeological investigations and sites of the Grand Pré area will be maintained by the Heritage Division, Department of Tourism, Culture, and Heritage. That inventory will include information from both the federal and provincial jurisdictions. It may include such information as past archaeological investigations, the results they yielded, the extent of the recorded sites, types of resources, and sensitive areas.

A Borden number will be assigned to sites on federal land. An agreement between Parks Canada and the Heritage Division of the Department of Tourism, Culture and Heritage will allow these sites to be entered into the Maritime Archaeological Resource Inventory (MARI). In addition, for both sites under federal and provincial jurisdictions, a feature form will be required to record information about significant features. Reports will be accessible in digital format. The information generated from work permitted in the Grand Pré area prior to the implementation of MARI will be added to MARI.

The inventory is a dynamic record of information resulting from research, permitted work, and accidental discoveries. It serves both a management and research purpose. It aims to support managers in protecting archaeological heritage, mitigating impacts, and monitoring the results of research work in improving the understanding of the site. In addition, it serves an important purpose in facilitating research by providing up to date and detailed information about the area. Access to the inventory may be authorized for researchers by the permitting authorities.

The inventory will benefit from the results of other types of research that may impact the land, such as geological research or environment studies. The Board will be notified by the permitting authority of the nature and intent of the work.

#### *Key actions to improve inventory*

The current inventory requires additional information to enrich it and support decision-making. In order to achieve that goal, a number of key activities will be undertaken:

- Compilation and digitization of historical maps and air photos;
- Inclusion of 'non-site' data, i.e. record of tests and surveys that yielded no results;
- Prioritize the areas which may be subject to short and mid-term development proposals. This requires engaging the municipality in identifying those areas;
- Improve the LiDAR imagery;
- Encourage partnerships with academic institutions to achieve the goal; and,
- Work with the Grand Pré Marsh Body to allow and schedule for archaeologists' time to monitor work undertaken on the marsh.
- Partnership with Mi'kmaq of Nova Scotia to determine historic cultural resources in the area through traditional use studies, Mi'kmaq Ecological Knowledge Study and archaeological survey designed to identify ancient and buried archaeological data pertaining to the long term relationship between the Mi'kmaq, their ancestors and the landscapes.

Academic institutions are encouraged to support the work of the authorities by addressing the research objectives for management purposes and provide additional information to help fill some of the gaps in knowledge that affect decision-making about conservation.

#### 6.4.2 Evaluation

Evaluating its relationship to one or more of the area's inscriptions is one of the primary tasks when describing a site, i.e. is it an attribute of the national historic site, the rural historic district, the World Heritage Site or/and other inscriptions? This aspect also includes determining whether the site has value on its own, which may lead to its individual inscription.

This evaluation is necessary for decision-making and is required whether as part of a research project, as a result of development monitoring activities, or in response to an accidental discovery. An evaluation sheet needs to be filled for each individual site. Depending on the nature of a particular site, consultation and notification of the Mi'kmaq community may be appropriate.

#### 6.4.3 Assessment

An assessment of the site will be carried out simultaneously with the evaluation. It will serve as a baseline for monitoring site conditions in the future. That assessment will include:

- Assessing site condition, which requires an assessment of its contribution to the historic site's integrity;
- Assessing the pressures that affect it; and,
- Proposing preservation options should the assessment warrant it.

This assessment is necessary for decision-making and is required whether as part of a research project, as a result of development monitoring activities, or in response to an accidental discovery. An assessment sheet needs to be filled for each individual site.

#### 6.4.4 Consideration of value in management decisions

Effective protection of archaeological heritage is the result of the decision-makers' ability to take into consideration accurate information about the archaeological site and its values. As such, having a proper inventory and accurate information on value, condition, and pressures are essential steps towards reaching that goal. While the decision on the measures to be taken to conserve the site rests with the authorities, successful decision-making is enhanced by engaging the different communities of interest and the Mi'kmaq of Nova Scotia in developing those measures.

Consideration of value occurs as soon as a development project or an activity is planned or proposed, however the archaeological value of the resource does not change based on the reason for its impact or disturbance. The primary objective is to preserve the values, the condition, and the overall integrity of the historic place. Additional information on reviewing proposed interventions can be found under section 6.5.4 *Review of activities and development proposals*.

In planning processes, the value, condition, and existing pressures should inform decision-making about appropriate use, function, and development. In reviewing proposals, these should trigger a review of impacts and a discussion on conservation measures. These two scenarios are guided by the direction provided by provincial and federal legislation and policies where appropriate and the *Standards and*

*Guidelines for the Conservation of Historic Places in Canada*, with particular attention to the *Standards and Guidelines for the Conservation of Archaeological Sites* section.

Expert advice from qualified archaeologists and the legislative authorities combined with the input of the project proponent are necessary to develop appropriate conservation measures.

Prior to authorizing a project or completing a planning process, the Board for the World Heritage site will be consulted by the permitting authority on the proposals, who will in turn provide recommendations to ensure that the site's values are fully taken into account.

When the project has the potential to impact established or potential Mi'kmaq rights or title, including archaeological or other cultural resources, the Mi'kmaq community will be informed and consulted in accordance with the Consultation Terms of Reference.

Training should be prepared and delivered to departmental agents at the municipal, provincial, and federal levels that have the responsibility to plan, review or permit activities in the nominated property.

#### 6.4.5 Education and Training

Educational material and workshops will be prepared by the *Grand Pré World Heritage Site Stewardship Board* in partnership with provincial authorities to raise awareness about the area's archaeological heritage, and the process to follow to report discoveries.

#### 6.4.6 Condition of sites

As the aim of archaeological heritage management in Grand Pré and area is to maintain integrity, sites that are excavated will not be left exposed to the elements. Sites will be stabilized or conserved during and immediately following excavation. A site stabilisation approach that will include the preferred technique and a timeline for implementation will be developed prior to beginning excavations. For sites in danger from development pressures or the elements immediate conservation will be of utmost importance. In those cases, a short term method may be developed to allow time for a longer term conservation solution to be elaborated. The *Standards and Guidelines for the Conservation of Historic Places in Canada* will serve as the guiding document to elaborate those solutions. Finally, they should be developed in partnership between the authorities, the communities of interest and the Mi'kmaq of Nova Scotia and in consultation with the Board for the nominated property.

#### 6.4.7 Monitoring

The purpose of monitoring is to assess the overall health and wholeness of the nominated property and of its values. Monitoring applies to individual archaeological sites as well as to the property as a whole and is both event sensitive (e.g. after a particularly strong storm or in the course of an infrastructure project) and long-term.

Effective monitoring relies on the information provided in state of condition reports (such as Parks Canada's state of the site report, or the World Heritage nomination proposal section on condition) and on data collected during the archaeological site's assessment (see section 6.4.3 Assessment).

The implementation and accuracy of monitoring is of primary concern to the Board of the nominated property. Monitoring is the primary responsibility of the legislative authorities. They may seek the support of third parties to carry out preliminary observations, in particular in the case of specific natural events such as storms. Event monitoring reports will be prepared that will indicate the date of the event, the date of the observations, the author of the report, and basic observations on condition, and may include photographs. This report may be followed by a more thorough assessment carried out by a qualified archaeologist carrying a valid provincial and/or federal research permit.

Monitoring the condition of the overall site, and of key attributes, will be performed every six years, starting five years after inscription, by qualified archaeologists carrying a valid provincial and/or federal research permit. Monitoring reports will be prepared in accordance with requirements specified in the permits and using the condition indicators included in this strategy.

#### 6.4.8 Artefact repository, conservation, and presentation

By law, artefacts found on private or non-federal land are the property of the province of Nova Scotia. Officials of the Nova Scotia Museum take possession of the artefacts and are responsible for their long term conservation and curation. The provincial repository is located in Halifax.

Artefacts found on land administered by Parks Canada are the property of the Government of Canada. Parks Canada is responsible for the long-term conservation and curation of these artefacts. The Parks Canada repository is located in Halifax.

In both cases, collections are accessible to researchers in accordance with the terms and conditions of the applicable provincial and federal policies.

The Mi'kmaq of Nova Scotia will be informed and consulted when Mi'kmaq artefacts or other cultural resources are involved.

The exhibit in the community of Grand Pré and elsewhere, of collections of artefacts pertinent to the local, national, and international significance of Grand Pré and area should be encouraged and supported by the Nova Scotia Museum, Parks Canada and the Mi'kmaq of Nova Scotia.

Collaboration between jurisdictions, and with communities of interest, to conserve, take care, and exhibit artefacts found in the area is encouraged particularly to ensure that key artefacts are preserved and enjoyed by present and future generations.

#### 6.4.9 Risk preparedness

The primary natural threat to archaeological heritage is from storm surges and flooding. The sites most susceptible to the impact of these threats will be a priority for monitoring purposes.

In the case of extraordinary natural events, an event monitoring report will be filled. Authorities will attempt to investigate the site within 48 hours following that event. For additional information, consult the section on reports.

#### 6.4.10 Reports

There are two types of reports:

- *Reports on activities* which include archaeological reports: these are filed as a result of the permitting requirements. Their primary purpose is to improve the inventory and the understanding of the World Heritage site. These reports are located in the offices of the permitting authority. Copies should be made available to the Board and to the other permitting authority. A summary of the information will be provided by the permitting authority to the keeper of the inventory.
- *Reports on condition* which include event monitoring reports and monitoring reports: these are filed following specific natural events for event monitoring reports and every six years starting five years after inscription for monitoring reports. Their primary purpose is to monitor change in condition and overall integrity of the site. These reports are located in the offices of the permitting authority. Notice will be given to the Board and to the other permitting authority of event reports. Monitoring reports will be coordinated between authorities to ensure consistency, accuracy, and timely delivery.

Monitoring reports are required as part of the World Heritage periodic review which takes place every six years following a inscription and reports on overall condition and threats to the property. While each jurisdiction may have its own reporting templates, a single template is used by both jurisdictions to report to the World Heritage Committee. That template uses the condition indicators and the format included in this strategy.

Copies of all reports will be made available to KMKNO on behalf of the Mi'kmaq of Nova Scotia. However, if a monitoring report is in the format of a Heritage Research Permit (HRP) report proponents may request the report remain confidential.

### 6.5 *Implementation: Roles, Responsibilities, and Process*

There are two types of responsibilities in managing the archaeological heritage of Grand Pré and area: one is the legal responsibility and the other is the stewardship responsibility. The second type recognizes the important role of community members, communities of interest, local governments and non-government bodies in having a stake in protecting archaeological heritage.

Legal responsibility on non federal land rests with the Special Places Program in the Department of Tourism, Culture and Heritage. The roles and responsibilities of the program are to ensure that legislation is enacted with regards to managing access to archaeological heritage through permitting, monitoring impacts as a result of development or natural events, and reporting.

Legal responsibility on land administered by Parks Canada rests with Parks Canada. Its role and responsibility include building an inventory, evaluating resources, monitoring, reporting, and managing research permits.



Stewardship responsibilities lie primarily with the Board for the World Heritage site. This structure, acting as the site manager, has a responsibility to facilitate the coordination of activities from the different authorities, monitor conditions, coordinate research and its outcome, provide advice on projects and conservation measures, and report on condition and activities to UNESCO and communities of interest. It may delegate parts of these responsibilities to a specialised task force with the required technical expertise.

Stewardship responsibilities also lie with landowners and other government agencies. The municipal authorities, as a local planning authority, have a role in advising and in consulting with the provincial authority to make decisions, consulting the Board, and trigger the review of potential impacts from a proposed project or planning direction.

Individual landowners have a role in working with agencies to identify sites, evaluate them, and implementing conservation measures. By law, archaeological research cannot be carried out on private land without the consent of the landowner. Landowners are encouraged to continue the long-standing collaboration with authorities and with researchers to discover and protect sites.

The Mi'kmaq of Nova Scotia have a role in working with agencies to evaluate sites, provide information on cultural resources and make decisions regarding resources pertaining to their culture and heritage.

Finally, other provincial and federal government agencies have a role and responsibility under legislation to protect archaeological heritage and a role in consulting with the Board to ensure that potential impacts are assessed and appropriate measures are taken to conserve heritage. The Board, together with the responsible authorities, provide the resources to identify and develop appropriate measures to conserve archaeological sites, in accordance with jurisdictional policies and with the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

#### 6.5.1 Process to undertake archaeological research and other investigation

Archaeological research is a permitted activity. If carried out on Parks Canada administered land, a permit must be acquired through Parks Canada and researchers must comply with its terms of references. Notification by the permitting authority of the issuance of a permit will be given to the Grand Pré World Heritage Site Stewardship Board. Copies of the results will be provided to the Board upon request. A summary of the results will be provided to the keeper of the inventory by the permitting authority.

If carried out on non federal land, a permit must be acquired through the Special Places Program and researchers must comply with its terms of references. Notification by the permitting authority of the issuance of a permit will be given to the Grand Pré World Heritage Site Stewardship Board. Copies of the results will be provided to the Board.

If carried out on private land, permission from the landowner must be obtained. The landowner needs to be engaged in the process of developing an investigation strategy and implementing it. Following that, a permit must be acquired through the Special Places Program and researchers must comply with its terms of references. Notification by the permitting authority will be given to the Grand Pré World Heritage Site Stewardship Board of the issuance of a permit. Copies of the results will be provided to the Board. If work

is carried out on the marsh, in addition to notifying the landowner, the Grand Pré Marsh Body will receive notice for information and be engaged as appropriate.

Should artefacts and sites that have the potential to be considered to be culturally associated with the Mi'kmaq be uncovered, the KMKNO will be informed by the relevant jurisdiction. The KMKNO and the jurisdiction will work together to protect that heritage under the terms of the relevant legislation and policies. This will include involving the KMKNO, on behalf of the Mi'kmaq of Nova Scotia, in developing a work plan for the site.

#### 6.5.2 Process for the discovery of human remains

On Parks Canada administered land, the protocol for human remains falls under the Parks Canada Management Directive concerning human remains (Directive 2.3.1). This directive applies to all agencies, organizations, groups and individuals, including Parks Canada personnel, on lands administered by Parks Canada. The directive includes methods and principles for the respectful treatment of human remains and guidelines for preserving associated cultural resources near the burial site.

On land under provincial jurisdiction the Nova Scotia Human Remains Protocol applies. The discovery of human remains triggers a five step process for the permit holding archaeologist: (1) cessation of excavation and securing the site, (2) informing authorities, (3) record the find, (4) respectful recovery, and (5) next steps, such as delivery to a cultural group or reburial with ceremony.

None of these protocols apply to recent human remains that may be subject to police investigation. If the remains are suspected to be of Mi'kmaq origin, Parks Canada, or the Special Places Program, will contact KMKNO, as the Mi'kmaq authority.

#### 6.5.3 Process to report and investigate accidental discoveries

On Parks Canada administered land, accidental discoveries will be reported to the Field Unit Superintendent responsible for Grand-Pré National Historic Site of Canada. Parks Canada policies relevant to this kind of event will apply. Parks Canada will investigate the discovery as soon as possible. Artefacts found on Parks Canada administered land remain under the stewardship of Parks Canada. Notification will be given to the Grand Pré World Heritage Site Stewardship Board and summary information will be provided to the keeper of the inventory.

On non federal land, accidental discoveries will be reported to Parks Canada staff at the Grand-Pré National Historic Site of Canada who will in turn report it the Manager of the Special Places Program at the Department of Tourism, Culture and Heritage. Regulations governing the protection of archaeological sites will apply. The Nova Scotia Museum will investigate the discovery as soon as possible. Artefacts found on provincial and private land remain under the stewardship and are the responsibility of the Province of Nova Scotia. Notification will be given to the Grand Pré World Heritage Site Stewardship Board and summary information will be provided to the keeper of the inventory.

Should artefacts and sites that have the potential to be considered to be culturally associated with the Mi'kmaq be uncovered, the KMKNO will be informed by the relevant jurisdiction. The KMKNO and the jurisdiction will work together to protect that heritage under the terms of the relevant legislation and

policies. This will include involving the KMKNO, on behalf of the Mi'kmaq of Nova Scotia, in developing a work plan for the site.

#### 6.5.4 Process to report on condition following a natural event

Following a natural event, such as a storm surge or a flood, every effort will be made to survey the property for possible disturbance to archaeological feature within the first 48 hours. The Grand Pré Marsh Body as the stewards of the dykelands will provide the support to perform the primary survey.

Upon arrival at a site and should damage need to be reported, the following information will be collected:

- Nature and time of the event;
- Time of observation;
- Type of site;
- Location;
- Broad description of damage;
- Identification of exposed artefacts;
- Pictures with summary captions;

In addition, no artefact will be collected by the observer unless permitted by the relevant provincial or federal authority.

Finally, if the damage occurred on land administered by Parks Canada, the Field Unit Superintendent will be advised and appropriate action will be taken to stabilize the site.

If the damage occurred on non-federal land, the Manager of the Special Places Program will be advised and appropriate action will be taken to stabilize the site. If the damage occurred on private land, the Manager of the Special Places Program will be advised who will then contact the landowner. Appropriate action will be taken to stabilize the site with the owner's consent.

If the damage occurred on land known or suspected to contain Mi'kmaw artefacts, KMKNO will be immediately informed.

#### 6.5.5 Process to review activities and development proposals

As the area is a living community, activities, infrastructure development and maintenance will occur.

Most development proposals and activities on lands other than those administered by Parks Canada will be reviewed by the Municipality of the County of Kings. The focus of that review is to ensure compliance with municipal zoning policies, by-laws and other regulations. In addition, the Municipality of the County of Kings will advise and consult with the Manager of the Special Places Program to trigger a review of potential archaeological impacts. The municipality will advise the Grand Pré World Heritage Site Stewardship Board of the proposal and will request comments.

Should potential impacts be identified, the provincial authorities will notify the Grand Pré World Heritage Site Stewardship Board and work with the committee and the individual landowner to identify the appropriate action to conserve the archaeological site.

The Manager of the Special Places Program is responsible for approving the conservation measures and monitoring the implementation of those measures.

The Manager of the Special Places Program will notify the Mi'kmaq when articles are found and encourage archaeologists who are granted HRPs to engage with the Mi'kmaq when working in areas of high potential for Mi'kmaq artefacts and contact the KMKNO when a discovery is made.

The Manager of the Special Places Program will immediately notify the Mi'kmaq of Nova Scotia of the potential for discovery of artefacts or other cultural resources or impacts that may be culturally associated.

The Municipality of the County of Kings will approve the proposal upon having satisfied the terms and conditions set by the Special Places Program to conserve the site.

Should a proposal be made for activities or development on lands administered by Parks Canada, impacts assessment will be carried out as per the Agency's policies. Parks Canada will advise the Grand Pré World Heritage Site Stewardship Board of the proposal and will request comments. Approval of the proposed activity or development will be made following consultation with the Grand Pré World Heritage Site Stewardship Board and following accommodation of its recommendations. The Field Unit Superintendent responsible for Grand-Pré NHSC will immediately notify the Mi'kmaq of Nova Scotia of the potential for discovery of artefacts or other cultural resources or impacts that may be culturally associated.

***Table outlining primary and secondary repositories of information (as generated by the implementation of this strategy)***

	<b>Primary (keeper)</b>	<b>Secondary (copies to)</b>	<b>Notification</b>
Inventory	Department of Tourism, Culture, and Heritage (Special Places Program)	Parks Canada	Other government departments Municipality of the County of Kings Researchers Grand Pré World Heritage Site Stewardship Board
Archaeological reports	On Parks Canada administered lands, Parks Canada On non federal lands, the Special Places Program	None	Other authorities Grand Pré World Heritage Site Stewardship Board
Event reports	On Parks Canada administered lands, Parks	Grand Pré World Heritage Site	Other authorities

	Canada On non federal lands, the Special Places Program	Stewardship Board	
Monitoring reports	On Parks Canada administered lands, Parks Canada On non federal lands, the Special Places Program For the entire site, Grand Pré World Heritage Site Stewardship Board	None	None
Development/ activity proposal	Municipality of the County of Kings Parks Canada (on Parks Canada lands)	Department of Tourism, Culture, and Heritage (Special Places Program)	Grand Pré World Heritage Site Stewardship Board
Mi'kmaw traditional and ecological knowledge	KMKNO		ANSMC

#### 6.5.6 Training

In order to make the implementation of the strategy effective, key partners will require training to be aware of the importance of protecting heritage in the nominated property. This includes being aware of the richness of that heritage and its diversity, the importance of advising the Heritage Division of impending work, and the importance of conserving that heritage.

Key stakeholders include provincial departments that may carry out activities on a regular basis in the area, the municipality of the County of Kings, and the Grand Pré Marsh Body.

The Heritage Division will work with the Board of the nominated property to prepare and deliver that training.

Knowledge of the existence and function of the consultation process with the Mi'kmaq of Nova Scotia under the Made In Nova Scotia Process, in accordance with the Consultation Terms of Reference, should also be offered to partners and key stakeholders as part of the necessary training to support the management objectives and activities.

#### 6.5.7 Priorities

Research:

- work with partners to define research priorities
- encourage research activities on sites in the nominated property and their collections

**Management:**

- develop tools for monitoring condition of the nominated property
- establish long-term partnerships for research and management of archaeological heritage in the nominated property
- develop training for jurisdictions, researchers and local residents

## **7. Framework for Condition Assessment and Monitoring of the Nominated Property: Indicators and Process**

This section provides information on the agencies responsible for monitoring the condition of archaeological sites, the process for monitoring, and the indicators used for reporting on condition. These indicators are the ones used to report on the overall site and may be different from the ones used by each jurisdiction.

### *7.1 Agencies performing monitoring*

Parks Canada is the agency responsible for monitoring and reporting on the condition of archaeological sites on lands it administers.

The Department of Tourism, Culture and Heritage is the provincial agency responsible for monitoring and reporting on the condition of archaeological sites on non federal lands.

The Grand Pré World Heritage Site Stewardship Board is responsible for reporting to the World Heritage Committee and to communities of interest on the condition of archaeological sites in the nominated property.

KMKNO is responsible to ensure that the protection of archaeological resources and burials pertaining to Mi'kmaq of Nova Scotia cultural heritage is adequate to the satisfaction of the Assembly of Nova Scotia Mi'kmaq Chiefs.

Partnerships may be sought to accomplish these tasks.

### *7.2 Agency-specific monitoring exercise*

Each agency has its own reporting mechanism and condition indicators that are in compliance with its individually legislated mandate to protect archaeological heritage. These are maintained and serve to inform the condition report of the entire nominated property.

### *7.3 Reporting on the condition of the area nominated for World Heritage inscription*

Once a site is designated a World Heritage site, the World Heritage Committee requires a periodic report on its condition every six years. That report is tabled by Canada and requires details about factors affecting the site, the monitoring programme, priority actions, means to mitigate threats, agencies responsible for monitoring, and the condition of the site based on the indicators identified at the time of inscription.

As such, a report on the condition of archaeological sites is an essential part of that overall report.

A standard table for reporting on the condition of archaeological sites, will be used. A sample of this table, indicating current site conditions, can be found in Appendix 4. The table was developed in the *State of Conservation of Cultural Resources Grand Pré* (Curtis, 2011) report, based off the *Condition Indicators for In Situ Archaeological Sites* (Brand, 2008). The tables will have to be accompanied by detailed instructions to ensure consistent monitoring results, this work remains to be done, as indicated by the priority of developing monitoring tools, previously stated.

The following table identifies the condition indicators and periodicity of monitoring for the management of archaeological heritage that are used for the purpose of reporting on the site's overall condition.

<b>Indicator</b>	<b>Periodicity</b>	<b>Location of Records</b>
Integrity of archaeological heritage	3 years	Parks Canada administrated land – Field Unit responsible for Grand-Pré NHSC Other lands – Special Places Program, Heritage Division
Impact of development on archaeological heritage	3 years	Parks Canada administrated land – Field Unit responsible for Grand-Pré NHSC Other lands – Special Places Program, Heritage Division
Incidence of community of interest and authority collaboration to conserve archaeological sites	Annually	Parks Canada administrated land – Field Unit responsible for Grand-Pré NHSC Other lands – Special Places Program, Heritage Division



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## 9. APPENDICES

### *APPENDIX 1: CONTACTS*

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Tel (902) 426-9509

Coordinator, Special Places Program  
Heritage Division  
Department of Tourism, Culture and Heritage  
1747 Summer Street,  
Halifax, Nova Scotia B3H 3A6  
Tel (902)424-6475

Archaeologist, KMKNO  
Kwilmu'kw Maw-klusuaqn Negotiation Office  
851 Willow Street, Truro, NS  
B2N 6N8  
Tel (902) 843 3880  
Toll Free 1 888 803 3880

Grand Pré World Heritage Site Stewardship Board  
35 Webster Street  
Kentville, Nova Scotia  
Canada B4N 1H4  
Tel (902) 678-2298

APPENDIX 2: Role and responsibilities for inventories, evaluations, management decisions, monitoring, and reporting

Agent	Inventory	Evaluation and Assessment	Consideration of value in management decision	Monitoring	Reporting
<b>Parks Canada (federal)</b>	<ul style="list-style-type: none"> <li>• Permit research on Parks Canada administered land;</li> <li>• Maintain and enhance the inventory of cultural resources on the national historic site;</li> <li>• Contribute expertise when necessary to investigate archaeological sites outside Parks Canada administered land;</li> <li>• Contribute to the inventory for the World Heritage Site;</li> </ul>	<ul style="list-style-type: none"> <li>• Determine value and condition of cultural resources;</li> <li>• Assess impacts and threats to cultural resources;</li> </ul>	<ul style="list-style-type: none"> <li>• Consult with the Board on management actions and planned activities;</li> <li>• Manage cultural resources according to Parks Canada policies and the <i>Standards and Guidelines for the Conservation of Historic Places</i>;</li> </ul>	<ul style="list-style-type: none"> <li>• Perform monitoring activity following natural event;</li> <li>• Perform biennial survey of condition</li> </ul>	<ul style="list-style-type: none"> <li>• Report on condition of sites every five years through the Parks Canada mechanisms (such as a Commemorative Integrity Evaluation or a State of the Site Report);</li> <li>• Report on condition of sites to the Grand Pré World Heritage Site Stewardship Board as required;</li> </ul>
<b>Department of Tourism, Culture, and Heritage (Special Places Program) (provincial)</b>	<ul style="list-style-type: none"> <li>• Permit archaeological research under provincial jurisdiction;</li> <li>• Maintain and enhance the inventory of archaeological sites;</li> <li>• Contribute to the inventory for the World Heritage Site;</li> </ul>	<ul style="list-style-type: none"> <li>• Assess impacts and threats to cultural resources;</li> </ul>	<ul style="list-style-type: none"> <li>• Consult with the Board on management actions and planned activities;</li> <li>• Manage archaeological heritage according to departmental policies and the <i>Standards and Guidelines for the Conservation of Historic Places</i>;</li> <li>• Provide advice to provincial departments and landowners on managing archaeological heritage;</li> </ul>	<ul style="list-style-type: none"> <li>• Maintain record of permits and results discovered during permitted work;</li> </ul>	<ul style="list-style-type: none"> <li>• Report on permits and results to the Grand Pré World Heritage Site Stewardship Board as required;</li> </ul>
<b>Grand Pré World Heritage Site Stewardship Board (stakeholders)</b>	<ul style="list-style-type: none"> <li>• Maintain and enhance the inventory of cultural resources for the World Heritage Site;</li> <li>• Manage and monitor research activities;</li> <li>• Develop educational material;</li> </ul>	<ul style="list-style-type: none"> <li>• Determine value and condition of cultural resources;</li> <li>• Assess impacts and threats to cultural resources;</li> </ul>	<ul style="list-style-type: none"> <li>• Provide technical advice to authorities;</li> <li>• Provide accessible information about archaeological heritage to decision-makers;</li> <li>• Provide technical support to</li> </ul>	<ul style="list-style-type: none"> <li>• Maintain record of monitoring activities;</li> </ul>	<ul style="list-style-type: none"> <li>• Report to communities of interest on condition of archaeological sites as required;</li> <li>• Report to the World Heritage Committee as part of Canada's Periodic Reporting activity every</li> </ul>

			landowners;		six years following inscription;
<b>Nova Scotia Museum (provincial)</b>	<ul style="list-style-type: none"> <li>• Lead the archaeological research activities at the World Heritage Site, with exception of land administered by Parks Canada;</li> </ul>	<ul style="list-style-type: none"> <li>• Determine value and condition of cultural resources;</li> </ul>	<ul style="list-style-type: none"> <li>• Provide technical support to landowners;</li> </ul>	<ul style="list-style-type: none"> <li>• Perform monitoring activity following natural event;</li> <li>• Perform triennial survey of condition;</li> </ul>	<ul style="list-style-type: none"> <li>• Report on condition of sites to the Manager of the Special Places Program;</li> </ul>
<b>Department of Agriculture (provincial)</b>	<ul style="list-style-type: none"> <li>• Provide information to the provincial authority on discoveries;</li> </ul>	<ul style="list-style-type: none"> <li>• Provide information to the provincial authorities on potential threats resulting from planned activities or condition of assets</li> </ul>	<ul style="list-style-type: none"> <li>• Provide information to the provincial authorities on potential threats resulting from planned activities or condition of assets;</li> <li>• Consult regulatory authority and conserve archaeological sites;</li> </ul>	<ul style="list-style-type: none"> <li>• Ability to perform event monitoring report;</li> <li>• Advise provincial authority;</li> </ul>	<ul style="list-style-type: none"> <li>• Provide support and information to perform condition assessment to the provincial authority;</li> </ul>
<b>Department of Transportation and Infrastructure Renewal (provincial)</b>	<ul style="list-style-type: none"> <li>• Provide information to the provincial authority on discoveries;</li> </ul>	<ul style="list-style-type: none"> <li>• Provide information to the provincial authorities on potential threats resulting from planned activities or condition of assets</li> </ul>	<ul style="list-style-type: none"> <li>• Provide information to the provincial authorities on potential threats resulting from planned activities or condition of assets</li> <li>• Consult regulatory authority and conserve archaeological sites;</li> </ul>	<ul style="list-style-type: none"> <li>• Ability to perform event monitoring report;</li> <li>• Advise provincial authority;</li> </ul>	<ul style="list-style-type: none"> <li>• Provide support and information to perform condition assessment to the provincial authority;</li> </ul>
<b>Municipality of the County of Kings (municipal)</b>	<ul style="list-style-type: none"> <li>• Provide information to the provincial authority on discoveries;</li> </ul>	<ul style="list-style-type: none"> <li>• Provide information to the provincial authorities on potential threats resulting from planned activities or condition of assets</li> </ul>	<ul style="list-style-type: none"> <li>• Provide information to the provincial authorities on potential threats resulting from planned activities or condition of assets</li> <li>• Consult regulatory authority and conserve archaeological sites;</li> </ul>	<ul style="list-style-type: none"> <li>• Ability to perform event monitoring report;</li> <li>• Advise provincial authority;</li> </ul>	<ul style="list-style-type: none"> <li>• Provide support and information to perform condition assessment to the provincial authority;</li> </ul>

<b>Grand Pré Marsh Body (landowners/provincial)</b>	<ul style="list-style-type: none"> <li>• Provide information to the provincial authority on discoveries;</li> </ul>	<ul style="list-style-type: none"> <li>• Provide information to the provincial authorities on potential threats resulting from planned activities or condition of assets</li> </ul>	<ul style="list-style-type: none"> <li>• Provide information to the provincial authorities on potential threats resulting from planned activities or condition of assets</li> <li>• Consult regulatory authority and conserve archaeological sites;</li> </ul>	<ul style="list-style-type: none"> <li>• Ability to perform event monitoring report;</li> <li>• Advise provincial authority;</li> </ul>	<ul style="list-style-type: none"> <li>• Provide support and information to perform condition assessment to the provincial authority;</li> </ul>
<b>Individual landowners</b>	<ul style="list-style-type: none"> <li>• Provide information to the provincial authority on discoveries;</li> </ul>	<ul style="list-style-type: none"> <li>• Provide information to the provincial authorities on potential threats resulting from planned activities or condition of assets</li> </ul>	<ul style="list-style-type: none"> <li>• Provide information to the provincial authorities on potential threats resulting from planned activities or condition of assets</li> <li>• Consult regulatory authority and conserve archaeological sites;</li> </ul>	<ul style="list-style-type: none"> <li>• Advise provincial authority;</li> </ul>	<ul style="list-style-type: none"> <li>• Provide support and information to perform condition assessment to the provincial authority;</li> </ul>

APPENDIX 3: Roles and responsibilities in process to undertake research, report on discoveries, report on condition, review activities, and training

	Parks Canada	Special Places Program	Municipality of the County of Kings	Landowner
Process to undertake research and investigation	<p>Permit activity on federal lands</p> <p>Monitor the application of the terms of the permit</p> <p>Notify the Grand Pré World Heritage Site Stewardship Board.</p> <p>Provide copies of the results to the Board upon request.</p> <p>Provide a summary of the results to the keeper of the inventory by the permitting authority.</p> <p>Notify the KMKNO in case of discovery of artefacts of interest.</p>	<p>Permit activity on non-federal lands.</p> <p>Monitor the application of the terms of the permit.</p> <p>Notify the Grand Pré World Heritage Site Stewardship Board.</p> <p>Provide copies of the results to the Board upon request.</p> <p>Obtain permission from the landowner if carried out on private land.</p> <p>Engage landowner in the process of developing an investigation strategy and implementing it.</p> <p>Notify and engage as appropriate the Grand Pré Marsh Body in addition to the landowner if work is carried out on the marsh.</p> <p>Notify the KMKNO in case of discovery of artefacts of interest.</p>	N/A	Provide support to jurisdictions and researchers.
Process to report on accidental discoveries	Apply Parks Canada policies relevant to accidental discoveries.	Apply regulations governing the protection of archaeological sites.	N/A	Report to Parks Canada staff at Grand-Pré NHSC

	<p>Investigate the discovery as soon as possible.</p> <p>Notify the Grand Pré World Heritage Site Stewardship Board.</p> <p>Provide a summary of the results to the keeper of the inventory by the permitting authority.</p> <p>Notify the KMKNO in case of discovery of artefacts of interest</p> <p>Act as the local contact for reporting discoveries.</p> <p>Report discovery to the Manager of the Special Places Program.</p>	<p>Investigate the discovery as soon as possible.</p> <p>Notify the Grand Pré World Heritage Site Stewardship Board.</p> <p>Notify the KMKNO in case of discovery of artefacts of interest</p>		<p>Provide support to jurisdictions and researchers.</p>
Report on condition in case of natural disaster	<p>Record damages.</p> <p>Stabilize the site.</p>	<p>Record damages.</p> <p>Stabilize the site.</p>	N/A	<p>Survey the sites.</p> <p>Preliminary record of damages.</p> <p>Advise Manager of Special Places Program.</p>
Review activities	<p>Apply Parks Canada policies</p> <p>Consult the Grand Pré World Heritage Site Stewardship Board.</p>	<p>Apply policies</p> <p>Consult the Grand Pré World Heritage Site Stewardship Board.</p>	<p>Notify the Special Places Program</p> <p>Consult the Grand Pré World Heritage Site Stewardship Board.</p>	<p>Notify the Special Places Program</p>
Training	<p>Provide training internally</p> <p>Develop training for public with Nomination Grand Pré</p>	<p>Provide training internally</p> <p>Develop training for public with Nomination Grand Pré</p>	<p>Provide training internally</p> <p>Develop training for public with Nomination Grand Pré</p>	<p>Take training</p>



## APPENDIX 4: CURRENT CONDITION OF SITES

Cultural Resource	Description	<i>In Situ</i> Resources	Sources	Physical Condition					Overall Condition
				Past/Present			Future		
				Cultural Disturbance	Archaeological Excavation	% intact	Threat	Imminence	Score
<b>Grand-Pré NHSC</b>									
Acadian Cemetery (8B10 or 41)	cemetery of Acadian settlement of Grand-Pré	numerous graves generally represented by traces of grave shafts, wetter areas may preserve more substantial traces	Campbell 1983, field notes on file at ASC, J. Fowler, R. Ferguson	ploughing, development of Memorial park, looting	tested	>90% (0)	garden and infrastructure maintenance, visitor traffic	10+ years (0)	0=good
Acadian cellar (8B29), east of Memorial Church	stone walled cellar with stone drain and evidence of destruction by fire	stone walls and drain	field notes on file at ASC, R. Ferguson	ploughing, looter's pits	completely excavated except for drain	30-50% (3)	erosion and collapse of cellar walls (if excavation is left open), visitor traffic	5 years (2)	5=fair
Well	subterranean portion of Evangeline's well believed to date to Acadian period	well structure below ground - may have been rebuilt since Acadian period	J. Fowler	looting, possibly rebuilt (above ground sections)		>60% (1)	garden and infrastructure maintenance, visitor traffic	10+ years (0)	1=good
Grand-Pré Village - core area east	archaeological deposits surrounding the main features between the cemetery and Memorial Church, including traces of British military occupation	various artifacts and features, potential for new finds along the path and for material in secondary	field notes on file at ASC, J. Fowler	ploughing, development of Memorial park	tested	>50% (2)	garden and infrastructure maintenance, visitor traffic	10+ years (0)	2=good

		context near the ponds							
Grand-Pré Village - core area west, including Planter and/or Acadian feature (8B28)	archaeological deposits between the Memorial Church and the triangular property, includes Planter material and possibly Acadian	8B26E7 - possible trench, 8B28 feature with stone/brick debris, drain feature, potential for resources below plough zone	1997 field notes, Fowler 2002, field notes on file at ASC, R. Ferguson, J. Fowler	ploughing, development of Memorial park	tested	>50% (2)	orchard, garden and infrastructure maintenance, visitor traffic	10+ years (0)	2=good
Acadian house site (8B5), triangular property	earth walled cellar with traces of wood floor and stone fireplace, evidence of destruction by fire	uprights were "saved" not sure if this means in situ	Korvemaker 1972, Hill field notes 1973	ploughing	completely excavated	<30% (4)	regrowth of vegetation, visitor traffic, development of visitor activities	10+ years (0)	4=fair
Acadian house site (8B6, 8B9), triangular property	earth walled cellar with stone drain	footprint, beams were sampled, flagstones on drain were replaced after excavation	Korvemaker 1972, Hill field notes 1973	ploughing	completely excavated	<30% (4)	regrowth of vegetation, visitor traffic, development of visitor activities	10+ years (0)	4=fair
Grand-Pré Village - triangular property (includes 8B8 and 8B25)	archaeological deposits surrounding the main identified features, potential for discovery of additional features	possible middens, fence rows, other farmyard activity areas	B. Ferguson 1993, R. Ferguson, J. Fowler	ploughing/pasture, vegetation growth root disturbance	tested	>50% (2)	regrowth of vegetation, visitor traffic, development of visitor activities	10+ years (0)	2=good

Grand-Pré Village - south fields (includes 8B2, 8B3, 8B4, 8B51, 8B52)	various features of possible Acadian and/or Planter origin and surrounding archaeological deposits	potential for substantial features below the plough zone and for cultural material throughout the plough zone	subop/lot summaries, Fowler 2006a, Korvemaker field notes, J. Fowler, R. Ferguson	ploughing	tested	>50% (2)	visitor traffic, development of visitor activities, 8B52 susceptible to erosion and collapse around open trench	10+ years (0), except 5 years for 8B52	2 to 4 = good to fair
Road running N-S from Memorial Church uphill on the ridge (8B27)	follows current path from Memorial church to south fields, crosses south fields but route is not evident	traces of brush fill in wet area south of Evangeline statue	1997 field notes		tested	unknown	garden and infrastructure maintenance, visitor traffic	10+ years (0)	insufficient info
<b>Adjacent to Grand-Pré NHSC</b>									
possible Acadian or Planter feature (8B1), and archaeological deposits in surrounding field	mound with stones at NE corner in field just beyond "south fields" of NHS	unknown	Korvemaker 1972	agriculture		>50% (2)	agriculture, property development	10 years (1)	3=good
Keech Lower Field Site (BgDb-22)	artifact deposit of late 18th-early 19th century material	artifact deposit, potential for architectural features but none identified to date	Fowler 2010	ploughing		>50% (2)	agriculture, property development	10+ years (0)	2=good
<b>Horton Landing</b>									

Planter feature (BgDb-17)	midden in Curry field, possible location of Ft Montague but no specific structural features identified to date	midden and post moulds	Nova Scotia Museum records, K. Couttreau-Robins	pasture	tested	>75% (1)	development	10 years (1)	2=good
Planter occupation (BgDb-13)	artifact scatter in ploughed field, includes British and possibly Acadian? artifacts	artifact scatter	Nova Scotia Museum records, K. Couttreau-Robins	ploughing	tested	>50% (2)	development	10 years (1)	3=good
Curry Site 2 (BgDb-18)	mid-19th century domestic site	artifact scatter	Nova Scotia Museum records, K. Couttreau-Robins	ploughing	tested	>50% (2)	development	10 years (1)	3=good
Curry Site 3 (BgDb-19)	Maritime Archaic ground stone celt as an isolated find, indicates Aboriginal presence in the area	unknown	Nova Scotia Museum records, K. Couttreau-Robins	ploughing	pedestrian survey	unknown	development	10 years (1)	insufficient info
<b>Dykelands</b>	system of dykes built by Acadians to reclaim marshland and maintained by Planters, continues to function as farmland, incorporates archaeological resources, most are buried but "Old French Dyke" remains visible on Curry property	several original structures have been found including several aboiteaux and portions of a cordory road, this suggests that much original infrastructure remains	Bleakney 1994, Fowler 2006b	road and ditch digging/maintenance	excavation in areas of disturbed aboiteaux	? extent of original underground structures remaining unknown	erosion with sea-level rise, dykeland and infrastructure maintenance	within 1 year (4)	4+=fair

Sterling/Merks Aboiteau 1 (BgDb-20)	timber aboiteau structure located in a ditch associated with Ransom Creek	portion of structure remains in situ	Nova Scotia Museum records, K. Cottreau-Robins, R. Ferguson	exposed during mechanical excavation of a drainage ditch	documented with photographs, sketch map, GPS and dendrochronology	30% (3)	further excavation for ditch maintenance may remove remaining elements	within 5 years (2)	5=fair
Sterling/Biggs Aboiteau 2 (BgDb-21)	timber aboiteau structure	very little remaining in situ	Nova Scotia Museum records, K. Cottreau-Robins, R. Ferguson	exposed during mechanical excavation of a drainage ditch	documented with photographs, sketch map, GPS and dendrochronology	<30% (4)	further excavation for ditch maintenance may remove remaining elements	within 5 years (2)	6=fair
<b>Long Island</b>									
Aboriginal Site (BgDc-16)	lithic material exposed on the beach at the western end of Long Island Rd indicates that an Aboriginal site existed in this location	virtually destroyed by erosion	notes by M. Deal (1988) on file at the Nova Scotia Museum	destroyed by erosion	surface collection	<30% (4)	continued erosion	ongoing (4)	8=poor

## APPENDIX 5: LIST OF ARCHAEOLOGICAL REPORTS TO DATE

Cameron, H.L.

1956

"Nova Scotia Historic Sites." *Transactions of the Royal Society of Canada*, Vol.1, Series 3: June 1956, pp.1-7.

1958

"History from the Air." *Photogrammetric Engineering*, June 1958, pp. 365-75.

Campbell, Anita

1983

"Archaeological Investigations at Grand Pré National Historic Park, August, 1982." *Research Bulletin* 204. Ottawa: Parks Canada, Department of Environment.

Fowler, Jonathan

2002

*Saint Mary's University Field School Excavations, May-June 2001, Grand-Pré National Historic Site: Preliminary Report.* Ms. on file, Parks Canada, Atlantic Service Centre.

2005

*Recent Projects: Grand-Pré National Historic Site.* Northeast Archaeological Research: [http://www.northeastarch.com/grand\\_pre.html](http://www.northeastarch.com/grand_pre.html)

Fry, Christina, Catherine LePointe and Stéphane Noël

2009-2010

*Of Cemeteries and Cellars: The Archaeological Diary of Grand-Pré.* <http://grandpre2009.wordpress.com/>

Korvemaker, E. Frank

1972

"Report on the 1972 Excavation of Two Acadian Houses at Grand Pré National Historic Park, Nova Scotia." *Manuscript Report* 143. Ottawa: Department of Indian and Northern Affairs, Parks Canada, National Historic Parks and Sites Branch.



## **RISK PREPAREDNESS FRAMEWORK FOR THE LANDSCAPE OF GRAND PRÉ**

January 2011





## FOREWORD

A World Heritage Site requires mechanisms and resources to ensure the maintenance of its integrity and authenticity for generations to come. In addition to everyday management mechanisms, risk preparedness addresses those extraordinary natural events that may have a permanent impact on the nominated property. In many instances, those events happen with great speed causing a relative state of confusion which can lead to negative impacts to the cultural heritage.

Risk preparedness is the ability for authorities to anticipate those impacts by setting up the appropriate mechanisms to implement in case of emergency. These are outlined in the Nomination Proposal as the document articulates the approach to preparing for, responding to, and recovering from natural disasters with particular attention to protecting the attributes and outstanding universal value.

This document complies with the requirements for preparing a nomination proposal by presenting the framework within which risk preparedness is addressed at Grand Pré and by outlining the cooperation between the federal, provincial, and municipal authorities. Implementation is ensured by each authority according to the legislation, policies, and mandate guiding it.

This framework is the result of the collaborative work between those authorities and field staff as represented by:

- Brigitte Cooney, Head Guide, Grand-Pré National Historic Site of Canada, Société Promotion Grand-Pré Inc.
- Wayne Kelly, Maintenance Supervisor, Grand-Pré National Historic Site of Canada, Parks Canada
- Robert Palmeter, Chair, Grand Pré Marsh Body
- Robert Sheldon, Field Unit Superintendent, Northern New Brunswick Field Unit, Parks Canada
- Gary Smith, Emergency Management Coordinator, Municipality of the County of Kings
- David Smith, *Aboiteau* Superintendent, Department of Agriculture, Province of Nova Scotia



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## 1. Context

The *Operational Guidelines for the Implementation of the World Heritage Convention* require that in preparing a nomination proposal for a site, risk preparedness be addressed in relation to potential disasters to the nominated property. The requirements are “[...] to itemize those disasters which present a foreseeable threat to the property and what steps have been taken to draw up contingency plans for dealing with them, whether by physical protection measures or staff training” (*Operational Guidelines, Annex 5, section 4.b (iii)*).

Grand-Pré National Historic Site of Canada, and the surrounding area, is being proposed for World Heritage inscription, under the title the Landscape of Grand Pré. The area comprises over 1300 hectares of dykeland, hundreds of hectares of upland in the communities of Grand Pré and Hortonville, the National Historic Site, and other lands administered by Parks Canada. In that context, there are multiple plans in place to address various emergencies.

## 2. Purpose

The purpose of this framework is to provide an overview of the emergency measures in place to deal with the effects of natural disasters on the cultural heritage of the nominated property. It serves to articulate the mechanisms in place at the nominated property at the federal, provincial, and municipal levels to deal with these kinds of emergencies. It does not replace or supersede existing plans where those are in place.

## 3. Scope

This Risk Preparedness Framework addresses preparedness, emergency, and post-disaster measures resulting from natural events for the property nominated for World Heritage inscription. It does not apply to the area covered by its buffer zone.

The Municipality of the County of Kings’ *Emergency Response Plan* addresses accidental discharges of chemicals and other hazardous materials, vehicular accidents, and threats to human life. That plan applies in the nominated property for those matters.

## 4. Jurisdictions

Parks Canada has jurisdiction on lands it administers. Within the nominated property these include Grand-Pré National Historic Site of Canada, the land on which the Historic Sites and Monuments Board of Canada cairn with the plaque commemorating the Attack at Grand-Pré is located, and Horton Landing. The Field Unit Superintendent for the New Brunswick North Field Unit is responsible for these properties.

For emergency preparedness on the non-Parks Canada lands, the Protective and Emergency Services division of the Municipality of the County of Kings coordinates emergency responses in accordance with the Nova Scotia *Emergency Management Act*.

In specific circumstances, when the emergency response requires it, the municipality may request that the provincial Emergency Management Office (EMO) provide assistance. In addition to providing that support, EMO is responsible for the administration of Disaster Financial Assistance programs authorized by the Nova Scotia government. Through the Disaster Financial Assistance Arrangements, the federal government assists provinces in recovering uninsurable losses to provincial and municipal governments, businesses, non-profit organizations and citizens following significant natural disasters.

The Land Protection Division of the Department of Agriculture is responsible for addressing flooding as a result of possible dyke or *aboiteau* failure. The timing of a high tide that coincides with a large runoff of rain, or snow melt water, may cause excessive flooding.

The Grand Pré World Heritage Site Stewardship Board does not have a role in the implementation of this framework but will be kept informed by the responsible authorities on the impact of the event on the attributes.

## 5. Legal and Policy Environment

This framework brings together in one document the main principles and actions of emergency management relating to the protection of the assets that are attributes of the nominated property and of visitors as found in the Municipality of the County of Kings' *Kings Regional Emergency Readiness Plan*, the Nova Scotia Department of Agriculture's *Emergency Preparedness Plan* of the Land Protection Division, and Parks Canada's policies regarding visitor safety and cultural resource protection. It relies on those existing emergency response plans and policies for its implementation.

## 6. Attributes and Value

The nominated property is being proposed for inscription because of its value as an agricultural landscape and its importance for the Acadian community.

The attributes that are the tangible evidence supporting the value are summarized as:

- The dykes and *aboiteaux*;
- The predominant agricultural use of the dykelands; and,
- The memorials to the Deportation and Renaissance of the Acadians, including the Memorial Church, the Evangeline statue, the Herbin Cross, the Deportation Cross, the commemorative gardens at Grand-Pré National Historic Site of Canada.

The integrity and authenticity of the nominated property, through its value and attributes, need to be maintained to effectively protect it. This framework refers to the Outstanding Universal Value and the attributes as described in chapters 2 and 3 of the Nomination Proposal and confirmed at the time of a successful inscription.

## 7. Phases of Risk Preparedness

Risk preparedness comprises three phases:

- *Preparedness* which addresses the level of readiness of a site include reducing the risk of the natural disasters having an impact, preparing the mitigation measures and identifying the guiding documents, strengthening the resistance of infrastructure, installing advance warning systems, and preparing a response plan.
- *Response* deals with the event itself including warning of event, coordination of response, implementation of the response plan, and identification of the emergency response team and of the conservation team.
- *Recovery* focuses on identifying the focus of the site treatment measures and the documents that will guide those measures, measures for preparedness re-instatement and enhancement.

## 8. Principles of Risk Preparedness for Cultural Heritage

The following are the principles of risk preparedness for the cultural heritage of the nominated area:

- The key to effective protection of cultural heritage is advance planning and preparation;
- Securing cultural heritage is a high priority during emergencies;
- Advance planning for the protection of cultural heritage in the area proposed for World Heritage designation against disasters integrates relevant heritage considerations within the overall disaster prevention strategy;
- Planning is conceived in terms of the whole property, and provides integrated concern for the structures, the archaeological sites, and the landscape features;
- Preparedness requirements should be met by means that have the least impact on heritage values;
- The *Standards and Guidelines for the Conservation of Historic Places* serves as the policy to guide interventions during preparedness, response, and recovery phases.

## 9. Risk Analysis

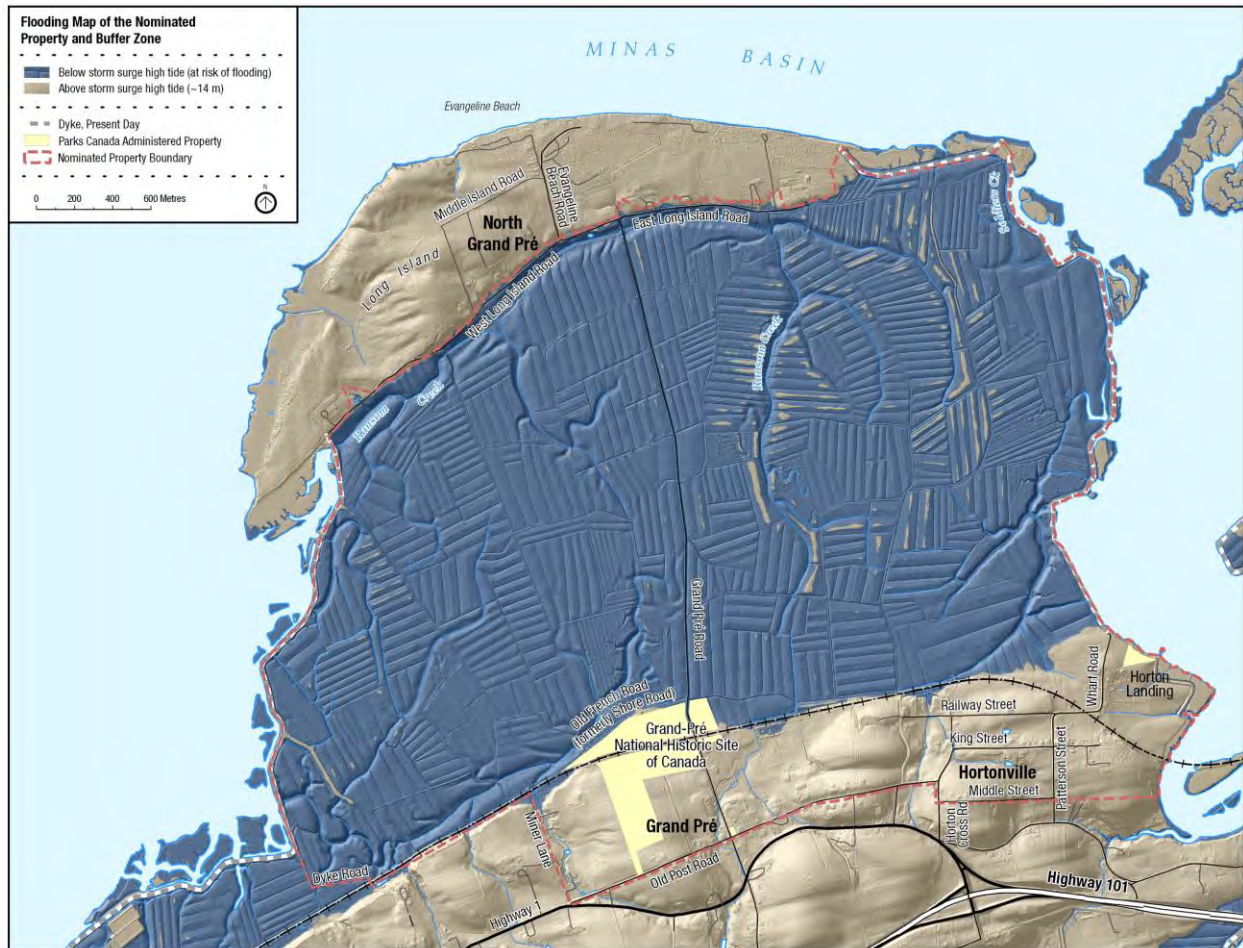
The main threats are related to fire, tropical storm surges, or excessive rain or snow melt events. Storm surges may result in dyke overtopping, dyke breaches, *aboiteau* failure, and flooding of the area.

Fire is a threat principally at the national historic site, where buildings of historic value may be adversely impacted.

The area is designated as low risk for earthquakes and tsunamis.

Tropical storms are somewhat rare but do occur with a frequency and strength that justifies mention as a potential risk. According to recent government studies, there is a northward shift of storm tracks which makes Nova Scotia in the path of those storms. Moreover, storms have increased in frequency over the past 30 years and have increased in strength and lifetime. As a low lying area, Grand Pré's dyke is at risk of being affected by tropical storms, such as strong precipitations and storm surges.

The following map indicates a possible flooding scenario at Grand Pré in a storm surge situation where dykes are breached.



Map 1: Flooding Map of the Nominated Property and Buffer Zone

## Summary of Risk on the Nominated Property

Natural disaster	Key attributes	Imminence	Impact on attributes	Other impacts	Responsible authority
Fire	Memorial Church	Low	High – Fire can affect structural integrity and original materials.	Damage to objects inside the church Damage to interpretation Injuries to visitors	Parks Canada
	Other memorials	Low	Low – None	None	
	Dykelands	Low	Low – Momentary interruption in agricultural use	None	Department of Agriculture – Municipality of the County of Kings
	Dykes	Low	Low – Momentary loss of vegetation which may affect structural integrity	None	(Parks Canada for archaeological sites under its jurisdiction)
	Archaeological sites	Low	Low	None	
Wind, tropical storms,	Memorial Church	Medium	High – Wind can affect structural integrity	Damage to objects inside the church Damage to interpretation Injuries to visitors	Parks Canada
	Other memorials	Medium	High – Wind can affect the vegetation in the commemorative garden, other structural memorials would not be significantly affected	Interruption of use Injuries to visitors	
	Dykelands	Medium	High – Severe and prolonged precipitation may cause localised flooding. Aboiteau failure may result from damage to the structure.	None	Department of Agriculture – Municipality of the County of Kings
	Dykes	Low	Low – None	None	(Parks Canada for archaeological sites under its jurisdiction)
	Archaeological sites	Low	Low – None	None	
Flooding, storm surges	Memorial Church	Low	Low – May affect basement	Damage to objects stored in basement	Parks Canada
	Other memorials	Low	Low – None	None	
	Dykelands	High	High – Loss of agricultural use for an extended period of time	Interruption of use Injuries to visitors	Department of Agriculture – Municipality of the County of Kings
	Aboiteaux and Dykes	High	High – Loss of structural integrity	Interruption of use Injuries to visitors	(Parks Canada for archaeological sites under its jurisdiction)
	Archaeological sites	Medium	Medium – Accelerated erosion, loss of information	None	



## 10. Overview of Current State of Risk Preparedness for Grand Pré and Area

The following tables compile the information regarding risk preparedness for each responsible authority. The tables are adapted from the *Risk Preparedness: A Management Manual for World Cultural Heritage*.

### 10.1. Parks Canada administered property

Response level	Natural disaster		
	Fire	Wind, tropical storms	Flooding, storm surges
Reduce risk	No smoking policy Maintenance program for buildings Maintenance program for vegetation	Maintenance program for buildings Maintenance program for vegetation Maintenance program for rock facing or erosion control Secure objects susceptible to being blown away	Maintenance program for buildings Maintenance program for vegetation Maintenance program for rock facing or erosion control
Mitigation	Detailed recording of the memorials <i>Cultural Resource Management Policy Standards and Guidelines for the Conservation of Historic Places in Canada</i>	Detailed recording of the memorials <i>Cultural Resource Management Policy Standards and Guidelines for the Conservation of Historic Places in Canada</i>	Detailed recording of the memorials <i>Cultural Resource Management Policy Standards and Guidelines for the Conservation of Historic Places in Canada</i>
Strengthen resistance	Fire hydrant	N/A	N/A
Advance warning	Fire alarm / smoke detectors	Environment Canada forecast	Environment Canada forecast
Response plan/protocol developed	Yes	Yes	Yes
Response	Fire	Wind, tropical storms	Flooding, storm surges
Warning and Coordination	Fire alarm New Brunswick North Field Unit Superintendent	New Brunswick North Field Unit Superintendent	New Brunswick North Field Unit Superintendent
Response plan/protocol available	Yes	Yes Asset Management on-site staff ensure property is secure, site inspection done after the event, communicate with Asset Manager, clean up promptly FUS determines need for site closure	Yes
Emergency response team	Municipal fire department (volunteer) Royal Canadian Mounted Police (RCMP)	Municipal fire department (volunteer) Royal Canadian Mounted Police (RCMP) Site maintenance staff	Municipal fire department (volunteer) Royal Canadian Mounted Police (RCMP) Site maintenance staff

Conservation team	Conservation architects Archaeologists Engineers Landscape architects Site maintenance staff	Conservation architects Archaeologists Engineers Landscape architects Site maintenance staff	Conservation architects Archaeologists Engineers Landscape architects Site maintenance staff
<b>Recovery</b>	<b>Fire</b>	<b>Wind, tropical storms</b>	<b>Flooding, storm surges</b>
Site treatment	<i>Cultural Resource Management Policy Standards and Guidelines for the Conservation of Historic Places in Canada</i>	<i>Cultural Resource Management Policy Standards and Guidelines for the Conservation of Historic Places in Canada</i>	<i>Cultural Resource Management Policy Standards and Guidelines for the Conservation of Historic Places in Canada</i>
Preparedness re-instatement and enhancement	Review by Field Unit	Review by Field Unit	Review by Field Unit

## 10.2. Provincial authority and jurisdiction: dykelands, aboiteaux and dykes

Response level	Natural disaster		
	Fire	Wind, tropical storms	Flooding, storm surges
Preparedness			
Reduce risk	N/A	N/A	Maintenance program Dyke elevations consistently kept above highest tidal mark
Mitigation	N/A	N/A	Rock facing and vegetation maintenance
Strengthen resistance	N/A	N/A	Rock facing and vegetation maintenance
Advance warning	N/A	N/A	Environment Canada forecast
Response plan developed	N/A	N/A	Yes – Emergency Preparedness Plan
<b>Response</b>			
Warning and Coordination	N/A	N/A	Kentville Office of the Department of Agriculture – Aboiteau Superintendent
Response plan available	N/A	N/A	Yes – Emergency Preparedness Plan
Emergency response team	N/A	N/A	Municipal fire department (volunteer) Royal Canadian Mounted Police (RCMP) Site maintenance staff Kentville Office – Aboiteau Superintendent
Conservation team	N/A	N/A	Kentville Office – Aboiteau Superintendent Grand Pré Marsh Body
<b>Recovery</b>			
Site treatment	N/A	N/A	Internal engineering expertise and procedures
Preparedness re-	N/A	N/A	Review by Kentville Office

instatement and enhancement			
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### 10.3. Municipality of the County of Kings (not managing any property / attribute)

Response level	Natural disaster		
	Fire	Wind, tropical storms	Flooding, storm surges
Reduce risk	N/A	N/A	N/A
Mitigation	N/A	N/A	No construction zone
Strengthen resistance	N/A	N/A	N/A
Advance warning	Fire alarm / smoke detectors (at the National Historic Site)	Environment Canada forecast	Environment Canada forecast
Response plan developed	Yes	Yes	Yes
<b>Response</b>			
Warning and Coordination	911 service Protective and Emergency Services – Emergency Management Coordinator	Protective and Emergency Services – Emergency Management Coordinator	Protective and Emergency Services – Emergency Management Coordinator
Response plan available	Yes	Yes	Yes
Emergency response team	13 volunteer fire departments Paramedics Royal Canadian Mounted Police Emergency Management Coordinator	13 volunteer fire departments Paramedics Royal Canadian Mounted Police Emergency Management Coordinator	13 volunteer fire departments Paramedics Royal Canadian Mounted Police Emergency Management Coordinator
Conservation team	N/A	N/A	N/A
<b>Recovery</b>			
Site treatment	N/A	N/A	N/A
Preparedness re-instatement and enhancement	Review by Emergency Management Coordinator	Review by Emergency Management Coordinator	Review by Emergency Management Coordinator

## 11. Coordinated Roles and Responsibilities

### 11.1. Preparedness

#### 11.1.1. Parks Canada

Parks Canada's role is to:

- Maintain buildings and vegetation;

- Maintain its advance warning mechanisms;
- Update its policies;
- Maintain archival information and detailed architectural recording of the memorials;
- Work with the Municipality of the County of Kings on means of mitigating impacts to memorials during response;
- Prepare for impact in cases of storm events.

#### 11.1.2. Department of Agriculture

The Land Protection Division of Department of Agriculture's role is to:

- Maintain the structural integrity of the dykes and *aboiteaux*;
- Maintain protective vegetation;
- Maintain protective erosion or rock facing protection;
- Perform monitoring of the condition of dykes and *aboiteaux*;
- Update its *Emergency Preparedness Plan*;
- Liaise with the Special Places Programme at the Department of Tourism, Culture and Heritage to monitor the condition and record significant archaeological sites as articulated in the *Strategy for the Management and Conservation of Archaeological Heritage in Grand Pré and Area*.

#### 11.1.3. Municipality of the County of Kings

The Municipality of the County of Kings' role is to:

- Maintain emergency services;
- Update its *Kings Regional Emergency Readiness Plan*;
- Maintain setback and no construction zone in areas at risk of flooding;

### 11.2. Response

- The **Municipality of the County of Kings** responds to emergencies in accordance with its *Regional Emergency Readiness Plan*. The Municipality has contracted police services to the Royal Canadian Mounted Police. Paramedic services are the responsibility of the Province.
- In the event of dyke failure, the **Department of Agriculture** through the Aboiteau Superintendent is responsible to implement its *Emergency Preparedness Plan* and the *Risk Preparedness Framework* for the nominated property.
- In the event of a fire at the national historic site, **Parks Canada** is responsible to implement its policies and the *Risk Preparedness Framework*, including contacting local emergency services.

### 11.3. Recovery

- Dyke stabilization and rebuilding is the responsibility of the **Department of Agriculture**.
- The recording and stabilization of archaeological sites and other forms of cultural heritage on non-federal lands is the responsibility of the **Special Places Programme of the Department of Tourism, Culture, and Heritage**.
- The stabilization and recovery of the memorials and the recording of archaeological sites on land administered by Parks Canada are the responsibility of **Parks Canada**.
- Financial assistance is coordinated by the **Nova Scotia Emergency Management Office**.

## 12. Notification Procedure in Case of Emergency

***In case of fire at the national historic site:* lead: Grand-Pré National Historic Site of Canada**

- Contact emergency services;
- Contact Northern New Brunswick North Field Unit Superintendent.

***In case of dyke failure, dyke overtopping, flooding, storm surge:* lead: Emergency Management Coordinator, Municipality of the County of Kings**

- Contact emergency services;
- Contact Aboiteau Superintendent;
- Contact Chair of the Grand Pré Marsh Body;
- If appropriate, contact manager for visitor services at Grand-Pré National Historic Site of Canada.

***In case of any other type of significant emergency:* lead: Emergency Management Coordinator, Municipality of the County of Kings**

## 13. Additional Guidance on Risk Preparedness for the Nominated Property's Cultural Heritage

### 13.1. Guidance for Preparedness

#### 13.1.1. Documentation

- The architectural recording of those attributes that are buildings and structures is the single most important action in guiding proper response and recovery actions by providing detailed information on the building techniques and materials.
- The archaeological recording of remains and features allows some information to be retained in the event that a natural disaster destroys the site.
- The maintenance of those archives is essential in making that information available when needed.

#### 13.1.2. Strengthening measures

- The planning, design, and implementation of strengthening measures need to protect the integrity and authenticity of the attributes and the nominated property's value.
- Expert cultural heritage advice will be sought through the Grand Pré World Heritage Site Stewardship Board in designing and implementing strengthening measures, where that expertise is unavailable.
- The *Standards and Guidelines for the Conservation of Historic Places in Canada* provide the guidance to determine the most appropriate recognized treatment to strengthen the resistance of the attribute.

#### 13.1.3. Training and Awareness

- The training of emergency response employees and of site managers on the nominated property's values and attributes is a priority.
- Training and response plans are best developed collaboratively between conservation and emergency response experts to ensure the most effective integration of strategies to address interventions on cultural heritage.
- Training will include the preparation of material to allow fire fighters to be familiar with the building materials and structures they are called to intervene on.

#### 13.1.4. Monitoring Condition

- Ongoing monitoring of condition provides an opportunity to review the preparedness measures including strengthening and advance warning measures.

### 13.2. Guidance for Response

- Minimal intervention during an emergency response is the best course of action, meaning that first responders should always seek to minimize the permanent negative impacts of their actions on the structures.
- Expert advice from cultural heritage experts should be sought if possible during a response.
- Record details of response during and after the event, including type and location of intervention.

### 13.3. Guidance for Recovery

#### 13.3.1. Site treatment

- Integrity and authenticity of the nominated property is a high priority for all agencies involved in site remediation. This means being concerned with maintaining the dykes, aboiteaux, dykelands, archaeological sites, and memorials as described in the nomination proposal.
- Expert cultural heritage advice will be sought through the Grand Pré World Heritage Site Stewardship Board in planning recovery interventions, where that expertise is unavailable.
- The *Standards and Guidelines for the Conservation of Historic Places in Canada* provide the guidance to determine the most appropriate recognized treatment for the site following a natural disaster.

#### 13.3.2. Debriefing and monitoring of impacts

- Individual response plans will be reviewed and amended as needed following an intervention.
- This framework will be reviewed and amended by the agencies as needed following an intervention.
- Expert cultural heritage advice should be sought in monitoring impacts of the interventions.
- Notify the Grand Pré World Heritage Site Stewardship Board regarding the condition of the attributes affected by a disaster.

## 14. Implementation and Duration of this Framework

- The implementation of this framework relies on the agencies responsible for risk preparedness.
- Agencies will work together to develop a training module within a year of the successful inscription of the nominated property.
- This framework is to be reviewed jointly with the Management Plan for the nominated property and the *Strategy for the Conservation and Management of Archaeological Heritage*.

## APPENDICES

### APPENDIX 1: CONTACTS

#### *Municipality of the County of Kings*

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**APPENDIX 2: BIBLIOGRAPHY**

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## **COASTAL CHANGE MONITORING PLAN FOR THE LANDSCAPE OF GRAND PRÉ**

January 2011

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## 1.0 Background

### 1.1 Description

The dykelands and other lands of the Grand Pré peninsula are an important economic and cultural resource to the residents of the area. They are of special heritage significance due to their construction by the Acadian people in the 17<sup>th</sup> Century, and because of their enduring significant cultural use and meaning. The area comprising the Grand Pré peninsula, including Grand Pré, North Grand Pré, Hortonville and Lower Wolfville, as well as the Grand-Pré National Historic Site is nominated for UNESCO World Heritage Site status, owing to it being a dynamic agricultural landscape claimed from the sea, and a powerful symbolic landscape for the Acadians. The nominated property requires a buffer zone to ensure that the integrity of the marshland and the continuity of its agricultural use are maintained. The buffer area includes a land component and a marine component. The land component is defined by the boundaries of the Grand Pré and Area Community Plan excluding the nominated property. In addition, Boot Island National Wildlife Area is included in the buffer area. The marine component extends 500 metres from land.

The near 13 kilometres of coastline of the nominated property is consistently under the threat of coastal change, which presents significant risk to the local economy and to the cultural resources held within the dykelands. The continued rise in sea level, combined with increasingly variable and intense storm events in our changing climate, increase the hazard of erosion on the Grand Pré peninsula. Erosion of the North Grand Pré shoreline, combined with potential breaches of the dykes that separate the interior of the Grand Pré region from the Minas Basin, represents substantial risk to the cultural and economic property of the area. Therefore, appropriate coastal management of the area needs to be considered in order to minimize the risks of erosion on the local economy and the cultural resources contained on the Grand Pré peninsula.

The coastal area is located within the marine component of the buffer area of the nominated property, which extends 500 metres past the shoreline. The buffer area has complementary legal requirements placed on its use and development to give an added layer of protection to the property. The nominated property requires a buffer area to ensure that the integrity of the marshland and the continuity of its agricultural use are maintained. The buffer area provides long-term capacity to maintain the agricultural economy, identifies areas to manage tourism access and services, and identifies areas where activities may have an impact on the integrity of the dykes.

The dykes and dykelands are most vulnerable to coastal erosion. Activities to mitigate their impact have been left to different departments and individuals. A holistic approach to monitoring and mitigating the effects of coastal erosion is required.

### 1.2 Legal Authorities

Federal Crown land consists of the lands owned and administered by the Parks Canada agency, and Environment Canada- Canadian Wildlife Services. Non-federal land consists of lands owned and administered by the Department of Agriculture. This is limited to the top of the dykes.

Monitoring coastal change requires a collaborative effort to ensure there is a comprehensive understanding of coastline movements as a result of erosion and saltmarsh regeneration. Five authorities have legal jurisdiction over the coastline for the nominated property and its buffer: the Municipality of the County of Kings, the Nova Scotia Department of Agriculture, the Grand Pré Marsh Body, the Parks Canada Agency and Environment Canada- Canadian Wildlife Services. Through the Coastal Change Monitoring Program, these jurisdictions commit to being responsible stewards of the property and to working together, through the regularly scheduled monitoring activities, to ensure that the property's outstanding universal value is protected. This section provides information on the agencies responsible for monitoring coastal change along the nominated property's coastline.

#### The Municipality of the County of Kings

The Municipality of the County of Kings is responsible for the management of land use and activities on the nominated property and buffer area, with the exception of federal and provincial lands. It zoned the north side of Long Island as coastal and allows for the implementation of a rolling setback. The rolling setback prohibits development within 13.7 metres (45') of the coastline. The Municipality is also responsible for reviewing coastal erosion mitigation measures.

#### Nova Scotia Department of Agriculture

The Nova Scotia Department of Agriculture has authority over the protection of the marshland and its development and maintenance for agricultural purposes. It is responsible for carrying out maintenance work on the system of tidal dykes in Nova Scotia, including the Grand Pré marsh. Through maintenance of the dykes and *aboiteaux*, the department also monitors the saltmarsh outside the dykes for erosion or regeneration. The Department is responsible for assessing the condition of dykes following tropical and winter storm events, and carrying out any required maintenance.

#### Grand Pré Marsh Body

The Grand Pré Marsh Body, in accordance with the *Agricultural Marshland Conservation Act*, has limited authority over the activities and projects taking place on the marshland. However, the Marsh Body is an important element of the site's stewardship as the group of landowners, existing since at least the 1770s, and has continuously played an essential role in maintaining agricultural activities in the dykelands.

#### Parks Canada Agency

The federal government, through the Parks Canada Agency, owns coastal land on the nominated property at the site of the arrival of the Planters at Horton Landing. The Agency's mandate is to protect, present, and foster public understanding, appreciation and enjoyment of cultural sites of national significance; thereby ensuring the effects of coastal change do not interfere with visitor's enjoyment of the place.

#### Environment Canada - Canadian Wildlife Services

The federal government, through Environment Canada - Canadian Wildlife Services, owns Boot Island National Wildlife Area and actively records coastal change on the island on a biannual basis.

### **1.3 Grand Pré World Heritage Site Stewardship Board**

The Grand Pré World Heritage Site Stewardship Board is the site manager of the World Heritage Site. As such, it is accountable, along with the legislated authorities, for the management of the nominated property. The Board will come into existence in the event of a successful inscription by the World Heritage Committee.

In the interim, the Nomination Grand Pré Board provides leadership around the management of the nominated property. The Board includes the key members of local communities of interest— Acadians, local representatives, Mi'kmaq – and ensures that these groups are engaged in the protection of the future World Heritage site.

### **1.4 Current situation and state of knowledge**

A 2010 study, *Overview of Coastal Change Influences on the Landscape of Grand Pré*, compiled known information about coastal change in the Grand Pré area to get a better understanding of the current situation.

The coastline around Grand Pré is under pressure and subject to increased coastal change. The occurrence of coastal change in Nova Scotia, and more specifically Grand Pré, is prevalent due to several factors: the coastline

being subjected twice-daily to the highest tides in the world; the rising sea levels; and the increased frequency and intensity of storm surges as a result of the changing climate.

Archaeological evidence indicates that many of the original dyke walls are currently buried under 1.5 to 1.8 m of sediment; a testament to the steady rise in sea levels and subsequent alteration to the coastline. An average of 15m (50') of shoreline erosion has occurred along the North Grand Pré coastline between 1961 and 2002 according to aerial comparisons, with coastal erosion ranging from 0.3m and 68.4m (0.97' to 224.34'). Furthermore, on Boot Island, an average annual decrease of shoreline over two year intervals was recorded from 1990 to 2008 at a rate of 0.34 to 0.85 m/yr (1.11 to 2.79'/yr). Though coastal erosion is taking place along the east and west sides of the marsh, there is evidence of saltmarsh regeneration. Saltmarsh regeneration is a natural occurrence, but scientists do not fully understand the process.

## 2.0 Scope

The scope of the Coastal Change Monitoring Program extends to the marine component of the buffer area of the nominated property as described at the time of inscription as a UNESCO World Heritage Site. The marine component extends 500 metres from the shore and includes the coastal area around Boot Island.

## 3.0 Objectives

- To monitor coastal change, particularly coastal erosion and saltmarsh regeneration
- To coordinate data collection and reporting of coastal change between legislated authorities

## 4.0 Legislation and Policies

### 4.1 *Beaches Act*

The Parks Division of the Nova Scotia Department of Natural Resources administers the *Beaches Act*. This *Act* aims to protect the beaches and associated dunes as sensitive environmental and recreational resources, as well as provide regulations and enforcement of land use activities on beaches.

### 4.2 *Special Places Protection Act*

The Province of Nova Scotia administers the *Special Places Protection Act*, which aims to provide for the preservation, protection, regulation, exploration, excavation, acquisition and study of important archaeological, historical and paleontological sites and remains, including those underwater. In the event that archaeological discoveries are exposed due to coastal erosion, the *Special Places Protection Act* will apply.

### 4.3 *Parks Canada Agency Act*

The Government of Canada, through the Parks Canada Agency, is the owner of the parcel of land at the National Historic Site commemorating the arrival of the Planters at Horton Landing. The purpose of the *Parks Canada Agency Act*, as it applies to the Coastal Change Monitoring Program, is to protect nationally significant examples of Canada's natural and cultural heritage resources in national parks, national historic sites, national marine conservation areas and related heritage areas, in view of their special role in the lives of Canadians and the fabric of a nation.

### 4.4 *Marshland Conservation Act*

The Nova Scotia Department of Agriculture is responsible for the application of the *Agricultural Marshland Conservation Act*. The Resource Stewardship Division includes the expertise to implement the provisions of the *Act*. The Division's Land Protection Section carries the responsibility for maintenance work on the system of the tidal dykes in Nova Scotia, as well as providing advice to dyke landowners on improving drainage systems on the dykeland. Should the dykes require maintenance and repair work due to coastal erosion or storm surge events, this *Act* becomes applicable.

## 5.0 Monitoring Program

The purpose of this monitoring program is to collect data related to coastal change around the nominated property and buffer area. Currently, there is no coordinated system for monitoring coastal erosion, with the exception of the Canadian Wildlife Service, who regularly monitors coastal change at the Boot Island National Wildlife Area.

### 5.1 Principles

The following principles guide the implementation of the monitoring programme:

- Collaboration between authorities allows coordinated data collection and the implementation of mitigation measures that protect the entire nominated property;
- Data collection will minimize impacts to the nominated property;
- The discovery of archaeological and other cultural resources is the concern of all those involved in this programme; they will record and protect any discoveries, in accordance with the *Special Places Protection Act*; and,
- Detailed and accurate records will be maintained for regular reporting purposes.

### 5.2 Implementation

#### 5.2.1 Monitoring Locations

Twelve locations around the nominated property and buffer area are to be used as locations for monitoring coastal change. These sites were selected for several reasons, such that they are known to be affected by coastal erosion, are known to have saltmarsh regeneration, they contain culturally sensitive resources such as *aboiteaux*, or are arbitrary points. The following map identifies these locations.

Points were chosen for the following reasons:

Point 1: cultural resources exist at Horton Landing

Point 2: the curve of the Gaspereau River exerts force on the land

Point 3: an *aboiteau* is located here

Point 4: evidence of salt marsh regeneration exists here

Point 5: known coastal erosion and salt marsh regeneration has occurred here (280 feet of land lost to coastal erosion)

Point 6: a beach and an archaeological site – 19<sup>th</sup> century dyke – exist here

Point 7: rock facing

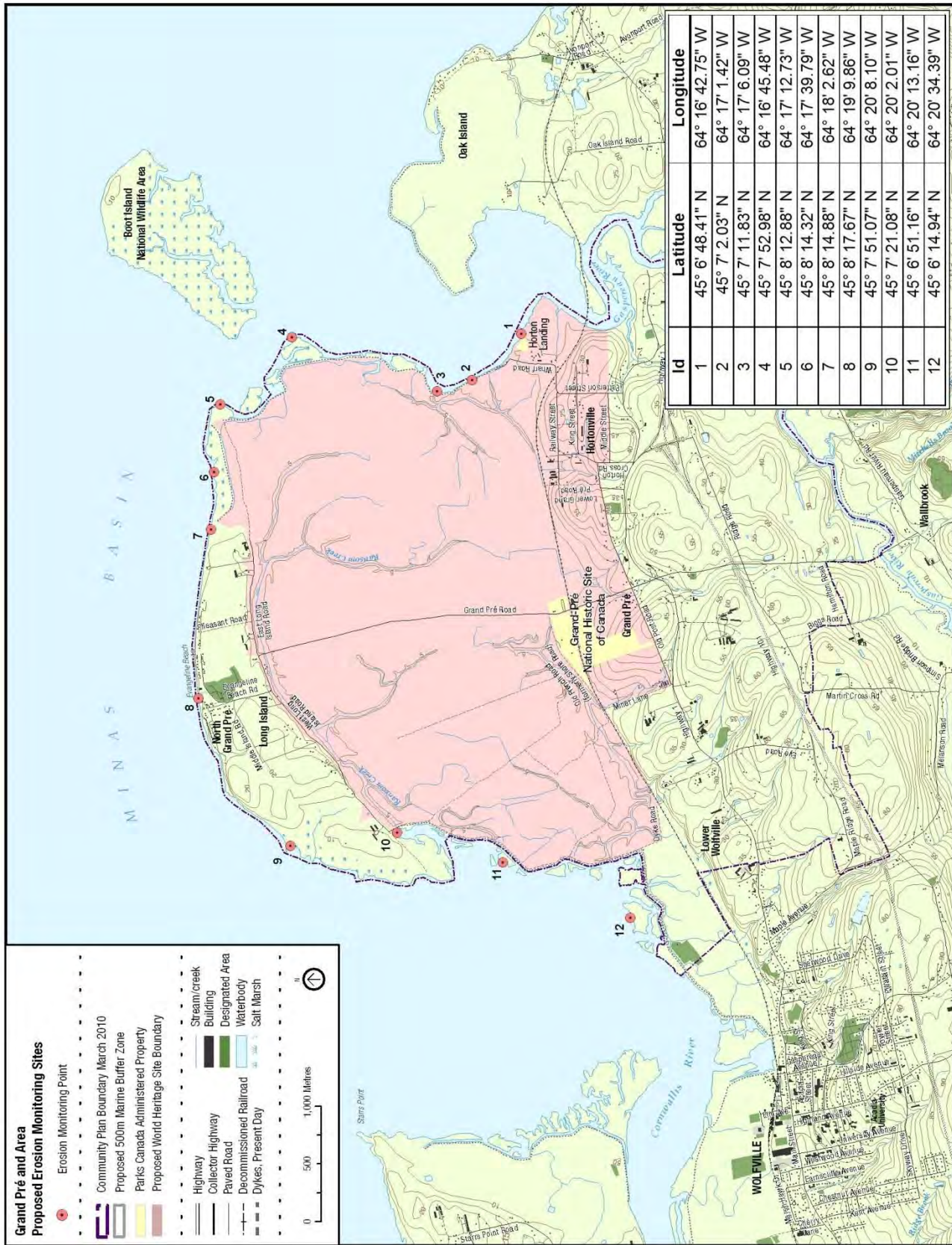
Point 8: the area with the least amount of land lost

Point 9: an arbitrary point

Point 10: an *aboiteau* is located here

Point 11: an arbitrary point

Point 12: an arbitrary point



Map 1: Grand Pré and Area Proposed Erosion Monitoring Sites

### **5.2.2 Procedure to Collect Data**

The Municipality of Kings has committed to developing a standardized methodology to monitor coastal change. The monitoring program is part of a larger project being developed for the entire Kings County coast of the Minas Basin. This area is composed of sandstone, shale and clays and is often referred to as a soft coast. It is especially susceptible to erosion. Data collection will be conducted every two years, and more frequently in years where there are significant weather events. Data collection will employ highly accurate sub-metre global positioning equipment. The program, scheduled to be initiated in 2011, will be regularly examined to ensure that the highest and best measurement and equipment standards are met. Points will be mapped and erosion rates will be calculated as multiyear data is acquired. The information collected will be shared with the property's site manager.

Should any archaeological sites be discovered due to coastal erosion, the Nova Scotia Department of Tourism, Culture and Heritage will be contacted and they will take necessary steps to protect the artefacts and the site.

### **5.2.3 Reporting**

Monitoring is the primary responsibility of the legislated authorities and key players. Authorities may seek support of third parties to carry out preliminary observations, in particular in the case of specific natural events such as storms. Regular interval monitoring reports will indicate the date of the observations, measurements of coastal change, the author of the report and basic observations on condition, including photographs and maps. Following major storm events, reports will include the above, as well as information about the storm: such as the date, intensity, and length of the storm.

Reports on coastal change will be prepared by the Municipality of the County of Kings, based on the data provided by the legislated authorities. Those reports will be prepared every 2 years and be made public.

As required for reporting to the World Heritage Committee, the Municipality of the County of Kings will prepare the information to submit to the Stewardship Board.

### **5.2.4 Encouragement of Partnerships**

The Nomination Grand Pré Board, followed by the Grand Pré Stewardship Board in the event of successful inscription as a UNESCO World Heritage Site, are encouraged to seek out partnerships with academic institutions, such as Acadia University, Dalhousie University and St. Mary's University, as well as with research units, to better understand the process and long-term impacts of coastal change due to erosion and saltmarsh regeneration.



## List of Contacts – Sources of Data

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Municipality of the County of Kings (2010). Grand Pré and area community plan. Retrieved March, 2010 from <http://www.county.kings.ns.ca/comdev/plan/GrandPre/GrandPrePlan.asp>.

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# Tourism Strategy and Interpretation Framework

## Final Report



Submitted by:

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# 1 EXECUTIVE SUMMARY

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## 1.1 Introduction

Grand Pré is a small hamlet in rural Nova Scotia with an exceptional cultural landscape. The intact dykelands at Grand Pré are an example of the Acadian tradition of turning wetlands into highly fertile farmland. Grand Pré and its neighbouring communities respect and appreciate their heritage, they understand the dynamics that support a contemporary agricultural culture and they believe in their future. The initiative to secure World Heritage status for the Grand Pré dykeland is a vast opportunity. It is the natural evolution to the true and coveted destination status of an area which has been a choice of visitors for more than a century.

World Heritage designation offers a refreshed *raison d'être* for Grand Pré and area - not only a renewed visitor focus but also to support and sustain the agricultural industry that thrives on this land. It offers the opportunity for new economic development and new views on the historic tale of Grand Pré.

This report aims to contribute valuable information to the development of the Grand Pré dossier for World Heritage status and to this end it outlines:

- A Tourism Management Plan - a scalable plan to manage visitors
- An Interpretive Framework - options for interpretation of the values of the designated site
- Legacy Options - that will benefit Grand Pré with or without World Heritage designation
- A Tourism Development Framework – to guide tourism development throughout the “region”
- Overall impact analysis – impact on the community with designation.

The recommendations presented in this report build upon the strong base of tourism infrastructure that currently exists in the area. We feel that the recommendations are achievable and would benefit the community with or without UNESCO World Heritage designation.

The Statement of Outstanding Universal Value (OUV) which serves as the underpinning of the proposal for World Heritage designation outlines the exceptional nature of the landscape. For tourism, it articulates the unique selling proposition of Grand Pré and area for the visitor.

*“Grand Pré is an enduring and inspirational cultural landscape, an outstanding example of a distinctive community-based approach to farming in 17th and 18th-century North America and through its 20th-century memorials an exceptional example of a place of tragedy that has become a symbol for all humanity of hope, perseverance and pride.”*

## **1.2 Tourism Management Plan**

To build an appropriate and sustainable Tourism Management Plan for the World Heritage Site in Grand Pré and area we have described the future in terms of the opportunities that are presented by World Heritage designation.

We recommend the following elements to help manage visitor flow around the site:

### ***A view plane of the landscape***

The impact and scope of the exceptional story of a living landscape is diminished without the opportunity to view the expanse of the land and the scope of the achievement. Parks Canada has purchased a strategic piece of land above the National Historic Site. This viewing opportunity supports the OUV by providing an unobstructed view of contemporary farming activities using the dykes, the roads and the plot plans which supported past generations.

### ***Controlled visitor movement***

Visitors will travel to Grand Pré expecting to interact with key features of the designation. They will want to view the dykes and working aboiteaux. We understand that any access to the dykelands will have to be negotiated with the Marsh Body by the Advisory Board. We recommend that these discussions begin in order to develop controlled access and interpreted and guided tours for groups of visitors. These tours would be opportunities for individuals, cruise and convention goers, school groups and clubs to experience the marshlands outside the National Historic Site for a high-quality experience.

It is not recommended at this time that priority effort be invested in developing tour product for the motor coach market. However, there are segments of niche interest that continue to travel as groups.

Depending upon the outcome of negotiations among stakeholders we recommend the following experiential tour opportunities:

- Physically connect the “stories” of the dykelands with the key features of the site: the National Historic Site; Horton Landing; the view plane area above the National Historic Site; and the dykelands themselves. A variety of tours has proven successful at the UNESCO site in Joggins, Nova Scotia
- The Acadian story is well-described, but the stories of the Miꞌkmaq First Nations people and the Planters could be told. Local “storytellers” and farmers could be engaged as interpreters
- A tour with an archeologist - the archeological digs underway at the National Historic Site
- A group tour designed to host cruise ship visitors while in port in Halifax
- A visitor experience that would feature the natural marshland outside the dykes in the buffer area - including the bird sanctuary, the grasses and the natural features of the salt marsh and tides
- A tour to include a tidal interpretation of the Minas Basin at high and low tide every day that could be “moon permitting”,

The tours could be revenue generating. You may consider test-driving three tours in year one with careful attention to impact measurement. Additional tours could be added to the inventory with adjustments as required.

### ***Interpretive walking trail***

We recommend that the World Heritage site management team undertake the organization and development of a controlled walking trail around the perimeter of the site. It could be used by visitors and residents and, based on land use negotiation, could meander through the site on traditional roadways and Acadian roads. It could be developed in stages and eventually consist of a number of “loops” of varying lengths. The trail could connect the National Historic Site with Horton Landing and the proposed view plane. The trail could be punctuated at points of interest and significance with non-invasive visitor directional signage, interpretative information and rest areas. A “map” describing the trail, its distance and skill-level, and an abbreviated history of the roadways could be developed and offered to walkers as they begin their self-guided trek. Over time, this trail could be extended beyond the dykeland into neighbouring communities and become a significant trail way for the area.

### ***Signage within the designated area***

We recommend that non-invasive, environmentally sustainable and informative signage be established in key areas to support the touring experience. We understand that directional signage is regulated by the County and any new directional signage on the site would require a change in the zoning regulations. We therefore recommend that the



Municipality and the Stewardship and Technical Advisory Committee work together to identify and solve any potential barriers to directional signage.

### ***Visitor information***

Specific information profiling the UNESCO designation will be required for complete visitor information. This information could outline details of the OUV on a map of the overall site with key visitor locations identified, e.g. Horton Landing and the view plane area as well as information on tours, the walking trail and visitor amenities available onsite and within the Grand Pré area. A map of the walking trail should be developed. Visitor information will reinforce the inventory of agriculturally themed activities and experiences available in Kings County. All information could be housed and updated on a relevant, ease-of-access and interactive website. It is recommended that the website [www.grandpre.com](http://www.grandpre.com) be expanded to house all information related to the World Heritage designation. In order to participate in a group tours, visitors would be directed to a new visitor staging area, a *Tour Kiosk*.

### ***Tour Kiosk***

The Tour Kiosk proposed at the UNESCO World Heritage Site could serve as the companion staging area to the National Historic Site's interpretation centre and, located across the road, encourages visitation to the National Historic Site where the exhibit gallery, gift shop and functional facilities are located. There should be no attempt to duplicate services.

Over time, as the visitation to the site stabilizes and the Tourism Development Framework for the region takes root, this Tour Kiosk could evolve into a major Gateway Centre for the World Heritage Site, interpreting the evolution of the landscape and offering incremental local crafts and items available for sale. This Gateway Centre could eventually be a location for incremental community events in all seasons and become a welcome centre for the World Heritage Site. The Gateway Centre, located at a gateway location to Grand Pré and Kings County would offer a "sense of arrival" to the World Heritage Site and to the county.

### ***An identified leadership team is required***

The DRAFT Management Plan for the World Heritage site proposes a permanent management team, the Grand Pré Stewardship and Technical Advisory Committee, to oversee operations at the site and to provide advice to regulators and partners. Responsibilities of the Stewardship and Technical Advisory Committee would include implementation of the site Management Plan including:

- Developing a timeline and prioritization for implementation
- Budgeting for implementation

- Identifying and sourcing appropriate partners to contribute to the successful development of the World Heritage Site
- Developing the guidelines and principles under which World Heritage related tours / onsite activities incremental to those at the National Historic Site would operate
- Contracting as required
- Measuring and evaluating the results of the management efforts.

### ***Collaborations and partnerships are essential***

Partnerships with existing and new partners will contribute to planning, enhancing and funding the site's management, to developing experiences and tours for the site, and for marketing. Collaborative thinking will ensure the opportunities associated with, and community expectations for, development of the Walking Trail and the Tour Kiosk are met.

### ***Market with focus and intent***

The new tours, viewing areas and interpretation of the World Heritage Site should be promoted along with the current and enhanced services available at the National Historic Site.

This marketing effort should align with complementary marketing plans and partners:

- In cooperation with Parks Canada and the Société
- In partnership with Nova Scotia Tourism and with the marketing efforts of Destination Southwest Nova Scotia
- In cooperation with World Heritage Sites in Lunenburg and Joggins, Nova Scotia regarding opportunities for cooperative marketing. We recommend the sites meet regularly to share best practices, databases and marketing opportunities. An Atlantic Canadian World Heritage Site collaboration could be supported by the power of Nova Scotia's and Newfoundland's marketing efforts
- In cooperation with tourism organizations, tourism operators, businesses and residents throughout Kings County. This is addressed in the Tourism Development Framework in this report
- In cooperation with inbound tour operators and Nova Scotia receptive tour operators with a long history of assisting in product development.

### 1.3 Interpretation Framework

Our interpretive plan recommendations are a “broad brush” overview using the OUV for the Grand Pré World Heritage Nomination as a guideline. The Interpretation framework focuses on three areas:

- National Historic Site: unlimited access and largest interpretive concentration
- Horton Landing: smaller site with some controlled access.

While some of the issues and recommendations in this report are for the longer term, we offer these action items to be considered for the near future:

#### **Horton Landing upgrades**

Immediately

A. Discuss on-going access to the site via an easement or other legal agreement

B. Plan and prepare basic landscaping upgrades and seating (with Parks Canada) for 2010 season.

February - June

#### **Pathway to cornfield/look-off**

March - June

Discuss potential development (with Parks Canada) of pathway to top of cornfield to at least provide a path to the delineated look-off area in time for the tourist season.

#### **Investigate Podcasting**

February - March

Review feasibility of podcasting several foreign language tours of external grounds around the National Historic Site. Suggest German, Spanish, and Japanese, for example.

#### **Blacksmith's shed re-purpose**

February 2010 -  
June 2011

Discuss the potential development (with Parks Canada) of re-purposing the blacksmith's shed area as an Acadian homestead, for completion prior to the 2011 season.

### 1.4 Legacy Options

#### ***Panoramic Viewing Deck***

A panoramic viewing deck received the overwhelming support of a community town hall meeting in January 2010 and it is the recommendation of the consulting team as a Legacy Project. The Viewing Deck will be a legacy for the community with or without World Heritage designation.

We recommend the viewing platform be developed at the top of the cornfield upland above the National Historic Site. This location provides the quintessential „bird’s eye view“ of the marshland, dykes, National Historic Site, the Bay of Fundy and tides. The panoramic view of the agricultural landscape has remained virtually unchanged for over 300 years.

This look-off area can be developed in stages: first (Stage 1) as a raised wooden view-deck, then developed, enhanced or enlarged (Stage 2) as a gathering place with roof structure, removable seating, wheelchair access, podium, mounted binocular stations, tidal clock and interpretive panels.

## **1.5 Tourism Development Framework**

The Tourism Development Framework provides structure to guide the work of many organizations within the region and to provide a basis for discussion among many stakeholders.

### ***Four development themes***

We recommend that four themes guide future tourism development in the region. The supporting themes were chosen because they represent areas of experience that are in high demand and play to the strengths of the region. Many visitor experiences and activities will find a home under these themes:

- Adventures in Taste – the food and wine experience
  - There are options for all seasons, for all ages and for varying lengths of time
- Touch the Land – getting back to nature
  - The recommended trails and tours at the Grand Pré site will be a key feature of this theme
- Festivals – working together
  - Opportunities exist for greater synergy among festival organizers on planning, marketing and project execution
- Bay of Fundy – natural wonder
  - The region should position itself as an important on-ramp to the Bay of Fundy.

The themes have development potential with or without the designation and should be the focus of collective tourism development over the years to come. Each of these four themes has the potential for cross pollination at the packaging level. Business and tour operators should be encouraged to mix and match elements. In the initial stages, Kings

Regional Development Agency and Destination South West Nova Tourism Association could coordinate implementation and monitor activities.

The table below provides a high level view of the themes, key activities and potential partners and organizations that could be involved in this regional work.

Theme	Key Activities	Partners
<b>Adventures in Taste – the food and wine experience</b>	<ul style="list-style-type: none"> <li>• Use the Experience Inventory for detailed opportunities</li> <li>• Develop one NEW experience for each season</li> <li>• Market to Atlantic Canada in winter</li> <li>• Develop a Plant-A-Seed schools program for spring</li> </ul>	<ul style="list-style-type: none"> <li>• Taste of Nova Scotia</li> <li>• Nova Scotia Tourism</li> <li>• Non-traditional tourism partners</li> <li>• Sponsorship from Vesey's Seeds</li> </ul>
<b>Touch the Land - getting back to nature</b>	<ul style="list-style-type: none"> <li>• Use the Experience Inventory to source farms as sites for participation in programs</li> <li>• Work with hike/bike operators to generate offers in all seasons</li> <li>• Work with DNR to action the Cape Split Management Plan</li> <li>• Provide way-finding /interpretive signage on existing trails</li> </ul>	<ul style="list-style-type: none"> <li>• DNR</li> <li>• Bicycle Nova Scotia</li> <li>• Nova Scotia Trails Assn</li> <li>• Local festival organizers</li> </ul>
<b>Festivals – working together</b>	<ul style="list-style-type: none"> <li>• Develop a committee of local festivals</li> <li>• Share successes and bloopers</li> <li>• Coordinate dates and activities among festivals</li> <li>• Develop a “festival info” resource of details to feed online, phone-in requests for information</li> </ul>	<ul style="list-style-type: none"> <li>• NS Tourism festivals” coordinator</li> <li>• DSWNS</li> </ul>
<b>Bay of Fundy – natural wonder</b>	<ul style="list-style-type: none"> <li>• Engage in Bay of Fundy Planning efforts</li> <li>• Document UNIQUE regional features and leverage them</li> <li>• Secure public beach access</li> <li>• Embed Blue Beach in the Fundy “fossil messaging”</li> </ul>	<ul style="list-style-type: none"> <li>• Bay of Fundy Tourism Partnership</li> <li>• Nova Scotia Tourism</li> <li>• Museum of Natural History</li> </ul>

The themes include more than just touring, interpretive or culinary experiences. They have potential to drive themed enhancements of other tourism facilities and services such as accommodations and retail.

### ***An Experience Inventory across all four themes***

Weaving together experiences will make Kings County and region a “must visit” area and worth the trip for an extended or multiple stay. The tourism industry should build an inventory of year-round tourism products, an Experience Inventory that relates to the central theme of the area. To build a profitable Experience Inventory tourism leaders must:

- Establish benchmarks for experiences
- Gather and present existing products in marketable and accessible clusters
- Enhance existing experiences and refresh them with new dimensions and appeal
- Generate incremental experiences

### ***Keep the Experience Inventory current***

Commit the Experience Inventory to a database that is readily accessible, customer-friendly, easy to update and regularly maintained. Understand the technical requirements of key partners, such as Nova Scotia Tourism, with whom you will share this information in advance of developing the database. Ensure that details such as hours of operation, seasonality and contact information is complete with each entry.

### ***Tap into available resources***

The Grand Pré area and surrounding region can access a number of experience-enhancement programs designed to equip communities with creative insights into experience development and market readiness.

### ***Regional tourism marketing issues***

The Kings County region should work to consolidate marketing efforts and focus on building the destination by harnessing individual marketing efforts for collective benefit. The Experience Inventory should be offered consistently in all marketing efforts emanating from the region and at every point of customer contact throughout the region.

With its powerful themes, growing identity, authentic experiences, and strong products the region can maximize tourism results by making every marketing dollar count. The region should:

- Ensure that core images are selected to represent the Experience Inventory
- Ensure that the Experience Inventory is linked to every local business, tourism, and government website in the region and is available at every point of customer contact

- Ensure that the core theme and the Experience Inventory are central in all provincial, national and international partnership marketing efforts and all travel trade and travel media relationships.

### ***Intercept - keep them here!***

The Experience Inventory should be the central source of information and available to all business and tourism operators, museum staff, and residents. From accommodation operators and breakfast servers to jewelry store salespeople – all businesses and residents throughout the region can be influential tourism ambassadors by intercepting visitors, offering experience suggestions, and passing customers from location to location throughout the county. Programs could be developed along the lines of “The Valley Today”.

### ***Engage non-traditional tourism partners***

Among these non-traditional resources are:

- Commercial fruit and vegetable production plants who could offer tours of their operations
- Scientists, archeologists and birding enthusiasts whose expertise could enhance tours of the World Heritage Site
- First Nations leaders and spiritual guides
- Community organizations with hosting capabilities
- Acadia University and NSCC for extended learning opportunities
- Retired farmers, local historians and beekeepers and many others - who are the community’s storytellers.

### ***Gateway Centre***

A “gateway” to the attractions and experiences of the region could offer visitors the satisfaction of “having arrived” at a destination of value and quality. This Gateway Centre should be strategically located at the entrance to the region rather than at the World Heritage Site. It could serve as a visitor centre for information and accommodations, a location for ticket sales for festivals, a departure point for tours, a referral point for trip-planning, a service centre for functional needs from washrooms to an internet hotspot, and perhaps a performance venue. This Gateway Centre could evolve into a location for community events in all seasons and could become a welcome centre for the World Heritage Site and the multi-dimensional agricultural experience of Kings County and region.

### ***General implementation recommendations***

Communicating the tourism development themes to as many organizations as possible will help more people and groups become engaged and leverage their power. The development activity can and should begin immediately and be a focus for regional development with or without World Heritage designation.

In the initial stages we recommend that a leadership team:

- Host a workshop in 2010 which would assemble the broadest possible cross-section of tourism operators and organizations interested in the themes
- Engage this group in initial implementation planning and organize a steering committee from across the region
- Support this regional committee with secretariat support for the first year
- Host an annual symposium where all interested parties gather to share information and successes around the projects that align with the four development themes. This should be broad based and include regional members and groups and businesses from afar. Organizations and partnerships exist elsewhere that will bring energy, resources contacts and ideas to the initiative.

### **1.6 Overall Impact Analysis**

It is anticipated that the UNESCO World Heritage Site designation at Grand Pré will have a number of significant positive impacts in relation to overall site visitation, tourism visitation to the immediate region, various economic impacts associated with the increased tourism activity, and some positive social-cultural impacts. At the same time there is potential for some negative impacts, which really depend on the extent to which tourism activity increases. Given that overall tourism visitation levels have declined significantly over a number of years, any potential negative impacts of increased tourism visitation are expected to be minimal given that the Grand Pré National Historic Site and the surrounding region have hosted many more visitors annually in the past than at present.

Our view is that the overall impact in terms of community change will be positive in that it will provide a much needed boost to the sagging tourism revenues experienced over the past several years. Over the foreseeable future visitation levels are likely to remain well below what they have been in the past going back to the 1990s and 1980s.



### ***Recommendations from Impact Analysis Section***

- Implement a systematic visitor tracking and monitoring system that will track visitation numbers not only at Grand Pré National Historic Site and the UNESCO World Heritage Site, but also at other local tourist attractions and facilities
- Combined with the monitoring of visitation numbers there should be an annual visitors' survey process that could measure the following:
  - Geographic origins of visitors
  - Visitor expenditures on-site and off-site by major expenditure category (e.g. accommodations, food & beverage, retail, transportation, etc.)
  - Length of stay on-site and in the area
  - On-site activities and features participated in at Grand Pré
  - Other area attractions visited and activities visitors participate in
  - Visitor demographics
  - Visitor satisfaction levels with facilities/services offered on-site and off-site.

This survey process will be helpful for measuring ongoing economic impacts, monitoring the impacts of implementation of the Tourism Management Plan and Tourism Development Framework, as well as for ongoing marketing and management of the on-site and off-site visitor experience.

- Implement site management protocols that would help to ease any possible congestion pressures of increased tourism visitation, as well as avoiding impacts on existing agricultural lands and local communities, including the following:
  - Site access controls
  - Signage
  - Fencing
  - Requirement to use guides to access various locations where congestion or impacts on existing residents and agricultural land could occur.

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## 2 INTRODUCTION/OVERVIEW

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This section of the report includes background information on this project, an outline of existing tourism and heritage resources, the SWOT analysis, and all elements that provide a departure point for the chapters that follow.

### 2.1 Introduction

Grand Pré is a small hamlet in rural Nova Scotia with an exceptional cultural landscape. The intact dykelands at Grand Pré are an example of the Acadian tradition of turning wetlands into highly fertile farmland. The initiative to secure World Heritage status is a vast opportunity. It is the natural evolution to the true and coveted destination status of an area which has been a choice of visitors for more than a century.

Grand Pré, Hortonville, North Grand Pré and Lower Wolfville have drawn generations of visitors to the epic story of the Acadian people and the landscape created by inhabitants of the dyked marshlands. Henry Wadsworth Longfellow's poem *Evangeline: A Tale of Acadie*, published in 1847, moved Grand Pré to celebrity status. With the creation of a historic park at Grand Pré, which began in the 1920s, the location became a spiritual centre for Acadians from around the world. Its reputation as the agricultural heartland of the Maritimes has nurtured many recognized festivals and reasons to visit. Recently, the growing prominence of the "highest tides in the world" along the shores of the Bay of Fundy at Grand Pré, the "soft adventure" potential of the region, and the developing wine and culinary industry have fueled fresh interest in its tourism potential. The corridor from Grand Pré to Wolfville is unfolding as a recognized destination.

#### ***Tourism revenues declining – time for action***

Tourism revenues in Kings County have fallen about 5 percent (from \$61-million to \$58-million) from 2004 to 2008. Visitation has room to grow. The National Historic Site at Grand Pré has experienced a 56 percent decline in visitation over the past decade and there are empty hotel rooms even in the traditionally strongest tourism months. The tourism season in pockets of Kings County and the Annapolis Valley has extended into the fall and episodically into the winter months. There is room for tourism growth in the area without putting undue pressure on existing resources. World Heritage designation for Grand Pré and area will help to re-energize tourism in Kings County.

Grand Pré and its neighbouring communities are rich with the important natural resources that will help build tourism success. The "stories of this land" have many layers and the resources to describe them exist – both tangible and intangible. The

communities are authentic and value their collective heritage as evidenced by the three historic designations in Grand Pré alone. Stakeholders recognize the area as a “living landscape” searching to find the delicate balance that will ensure the integrity of the heritage, the realities of dynamic agriculture, and the promise of business growth. There are real opportunities for synergies, within and outside the communities, which will create compelling reasons to visit the area and stimulate tourism growth.

This project was contracted to describe the tourism potential and future for Grand Pré and area and the surrounding region. For the purposes of this report the “region” is defined as the area from and including the Town of Windsor, and all of Kings County.

Within this report we outline:

- A Tourism Management Plan - a plan to manage visitors
- An Interpretive Framework - options for interpretation of the values of the designated site
- Legacy Options - that could be left in Grand Pré with or without World Heritage designation
- A Tourism Development Framework – to guide tourism development throughout the “region”
- Overall impact analysis – impact on the community with designation.

The figure below visually describes the “Tourism Management Plan” and “Tourism Development Framework”. The inner circle represents the designated area and the outer circle represents the region. The Interpretive framework and Legacy Options will impact on the inner circle.



## **2.2 The work plan**

In order to provide the recommendations outlined in this report, we have:

- Reviewed existing studies and materials associated with:
  - World Heritage designation
  - The area - its regulations and governance
  - Tourism information and trends
- Interviewed many key informants and derived community input from reports of community consultations
- Toured the site
- Connected with pivotal partners and stakeholders including those working on complementary plans for the National Historic Site, the overall management of the World Heritage Site and the Community Development Plan
- Worked closely with a Steering Committee of the Advisory Board
- Developed Strategic Tourism Principles that have guided our thinking throughout the process. These principles are:
  - Collaboration and partnerships
  - Enhance existing resources and add incrementally
  - Community commitment
  - Stewardship of and support for the integrity of the OUV – an authentic, living, working and exceptional cultural landscape
  - Exceed customer and UNESCO expectations.

## **2.3 Profile of tourism/heritage resources**

The communities in the region are well-positioned to optimize the opportunities that will present themselves with World Heritage designation. In order to build a Tourism Management Plan for the World Heritage Site and a Tourism Development Framework for the region, we have created a resource profile for the region - the tourism, heritage and cultural resources that exist to create rewarding experiences and service visitors.

Some of the resources are tangible, i.e. hotels, museums, exhibits, etc. Some are intangible - “thought starters” such as storytellers and scientists - who can refresh and enhance a visitor’s experience. The table below provides an overview of the resources / tools in Kings County. Details of the resources are outlined in the Appendices.

<b>RESOURCE PROFILE - REGION</b>	
<b>Tangible Resources</b>	
<b>Accommodation – number of properties available in the area</b>	<b>58</b>
<b>Hotels and Motels</b>	<b>12</b>
<b>Lodges and cottages</b>	<b>7</b>
<b>Bed and Breakfasts</b>	<b>38</b>
<b>Campgrounds</b>	<b>3</b>
<b>Farm markets</b>	<b>17</b>
<b>Farmer’s markets</b>	<b>5</b>
<b>Golf courses</b>	<b>6</b>
<b>Heritage organizations</b>	<b>23</b>
<b>Restaurants</b>	<b>150+</b>
<b>U-picks</b>	<b>21</b>
<b>Visitor information centers</b>	<b>6</b>
<b>Vineyards/wineries</b>	<b>6</b>
<b>Intangible Resources - this list needs to be generated by the community</b>	
<p>Story tellers, folklore, ghost stories, recipes, the story of Evangeline, local knowledge, i.e. where to see a working aboiteau, bird nests, community halls, special interest clubs. These can be gathered as the region organizes the Experience Inventory as discussed in Section 6 of this report.</p>	

## 2.4 SWOT assessment

A SWOT assessment is a review of Strengths, Weaknesses, Opportunities and Threats. This process of critical thinking was undertaken to better understand the area. Who and what will influence recommendations in relation to the Tourism Management Plan and Tourism Development Framework? What are the winning features of the area? What can enhance or hamper progress? What is on the horizon? And, most importantly, what are the opportunities?

This SWOT assessment integrated information gathered from interviews, relevant documents and materials, review of tourism trends, historical information and the consulting team’s collective experience in tourism in Canada. The recommendations that are outlined in this report were developed from the *Opportunities* identified during the SWOT.

### **Strengths**

- This is an authentic and storied area – “the stories of the land” continue to be written

- Since the 1920s, relatively high visitor awareness, primarily around the Acadian story, dykes and apples
- Concentrated pockets of well-developed infrastructure:
  - Grand Pré National Historic Site
  - Acadia University
  - Kentville Research Station
  - Theatres
  - Signature Festivals
- An active, working area with focus: agriculture
- Indications that productivity of the land is exemplary - crop rotations
- Product clusters unique to Nova Scotia and Atlantic Canada:
  - Wineries and vineyards
  - Farm markets and u-picks
  - Fruit juice plants
- A community committed to heritage
- The tradition of collaboration in decision-making is centuries old
- Mature and knowledgeable tourism industry
- “Champions for Tourism” exist in the tourism industry, business community and among residents
- Close proximity, within 60 minutes drive of Halifax:
  - Halifax International Airport
  - Port of Halifax
- Three season tourism base of experiences now exists with recognized winter product in development
- Proven partnerships working in the area:
  - Parks Canada
  - Société Promotion Grand-Pré
  - Acadia University
  - Chambers of Commerce
  - Kings Regional Development Agency

- Destination Southwest Nova Association
- The Valley Pumpkin Festival - a collaboration of effort
- Climate is advantageous
- Growing awareness and prominence of the Bay of Fundy
- Growing recognition of Grand-Pre - Wolfville as a developing “destination”
- Many natural advantages - primarily Cape Split.

### **Weaknesses**

- Tourism industry neighbors throughout Kings County competing for customer “airtime”
- Many festivals and events sharing the same or similar themes are “competing” with each other for media profile, visitation and volunteers
- It is difficult for visitors to find out what is available to see and do throughout the region
- Limited information on First Nation and Planters’ stories of the area
- No coordinated way to “see” the dykes and aboiteaux
- No organized means to view the expanse of the dykelands and the Bay of Fundy
- Many on-ramps to the tourism experiences of Kings County without the focus of a “sense of arrival”
- Some community resistance to designation
- Some community resistance to tourism development and growth
- Declining visitation at the National Historic Site - from 100,000 in the 1990s to less than 30,000 in 2009
- Marketing of area lacks a focused effort
- Few tourism and festival websites are linked.

### **Opportunities**

- Coordinate tourism management and development around the core theme:  
*Stories of the Land*
- Develop tourism visitor experiences using available resources in:
  - History and heritage
  - Planting
  - Harvest

- Farming stories
- Cuisine/culinary and wine
- The arts
- Science
- Develop a view plane for the dykelands
- New, sustainable and non-invasive tourism opportunities for businesses in Grand Pré and area
- Central inventory of information for visitors for trip planning
- A “sense of arrival” to something special
- Legacy project with benefits with or without designation
- Potential for cruise tours
- Potential to manage more people at the UNESCO site by generating special interest group tours
- Opportunities for connecting underutilized community resources for tourism:
  - Story-telling
  - Suppers at community centers
  - Genealogical/museum tours
- The archeological “dig” onsite and on the dykelands is a potential experience
- Enhanced experiences will result in new visitor movement patterns onsite requiring different visitor “staging”
- Heightened profile with designation could enable collaborative/cluster marketing of three UNESCO sites in Nova Scotia, six in Atlantic Canada and sharing of best practices
- Strongly connect the region to growing profile of the Bay of Fundy and highest tides integrating the opportunities at Blue Beach
- Developing interest and momentum of Grand Pré - Wolfville as a true “destination”
- Reinforce robust efforts to develop unique-to-Atlantic Canada product clusters spanning four seasons:
  - Wine festivals, adventures and tours
  - Culinary experiences



- Opportunities for scientific and academic symposiums
- Expand local festivals and events
- Collaborate with Acadia's University's professionals and alumni for product enhancement and training
- Coordinate among members of a mature industry on theme and experience development and marketing
- Nova Scotia archives – Acadian resources
- Bay of Fundy highest tides partnership/marketing opportunity – leverage the asset - Blue Beach, growing awareness of the tides, dykes, fossils.

### ***Threats***

- Private land ownership makes tourism efforts complex
- Fear of development encroachment
- Conflicting economic agendas: tourism / agriculture
- Cancellation of the CAT ferry from the US to SWNS.

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## 3 TOURISM MANAGEMENT ANALYSIS/ASSESSMENT

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This section of the report covers:

- Setting the stage – background for visitor movement in the designated area
- What will UNESCO designation mean?
- A focus for motivated visitors
- International awareness for Grand Pré and the region
- Opportunities to develop a menu of refreshed and enhanced tourism experiences
- Opportunities to better manage and protect the dykelands
- Leveraging opportunities
- Recommendations for managing visitor movement in the designated area
- Implementation of the Tourism Management Plan – key principles.

### 3.1 Setting the stage – background for visitor movement in the designated area

Grand Pré and area has been recognized as a choice location to visit for many decades. The stories of the Acadian people - accomplished, tragic and heroic - are written here. Longfellow's poem *Evangeline* gave Grand Pré epic and celebrity status and the creation of a historic park at Grand Pré has enabled the location to become a spiritual centre for Acadians around the world. The extreme tidal power of the Bay of Fundy is observable here. The Annapolis Valley's reputation as the bread-basket of Nova Scotia begins in Grand Pré and Hortonville. In recent years, fueled by a blossoming wine industry, the pastoral corridor from Grand Pré through to Wolfville is gaining momentum as a growing and recognized "destination". And there are the stories which are not as well known, but equally as compelling: stories of reclaiming salt marshland from the forces of the highest tides in the world and ensuring agricultural productivity for hundreds of years; stories of protected birds; First Nations legends; and a living cultural landscape - an agricultural story that is still being written.

World Heritage designation offers a refreshed *raison d'être* for Grand Pré and area - not only a renewed visitor focus but also to support and sustain the agricultural industry that thrives on this land. It offers the opportunity for new economic development and new views on the historic tale of Grand Pré.

### ***Numerous reports helped influence this plan***

To describe the future tourism management needs for the area with World Heritage Designation, the consulting team referred to the *DRAFT Management Plan for the Proposed Grand Pré World Heritage Site* (September 2009), *Grand Pré: An Economic Impact Assessment of a UNESCO World Heritage Designation* (April 2009), the inventory of tourism and heritage resources, and the SWOT assessment to develop the Tourism Management Plan Recommendations for the site.

### ***Key informant interviews and current momentum***

We conducted key informant interviews within the community and had discussions with the Joggins Fossil Cliffs World Heritage Site in Nova Scotia. All of the research has been viewed through the lens of the Strategic Tourism Principles outlined in the introductory section of this report. Parks Canada's Management Plan for the National Historic Site for the next five to fifteen years has been factored into the recommendations as well as the Community Plan being led by the Municipality of the County of Kings to incorporate the development wishes of residents.

### ***Outstanding Universal Value***

The Statement of Outstanding Universal Value (OUV) which serves as the underpinning of the proposal for World Heritage designation outlines the exceptional nature of the landscape. For tourism, it articulates the unique selling proposition of Grand Pré and area for the visitor.

*“Grand Pré is an enduring and inspirational cultural landscape, an outstanding example of a distinctive community-based approach to farming in 17th and 18th-century North America and through its 20th-century memorials an exceptional example of a place of tragedy that has become a symbol for all humanity of hope, perseverance and pride.”*

To build an appropriate and sustainable Tourism Management Plan for the World Heritage Site in Grand Pré and area, we have described the future in terms of the opportunities that are presented by World Heritage Designation. The *Draft Management Plan for the Proposed Grand Pré World Heritage Site* helped provide valuable context.

## 3.2 What UNESCO designation will mean

### ***Increased visitation and visitor spending***

In the study entitled *Grand Pré: An Economic Impact Assessment of a World Heritage Designation*, April 2009, Dr. Brian VanBlarcom and his team at Acadia University assessed the impact of non-resident visitation - anyone travelling to this province from outside Nova Scotia - on the designated site offering the *same products and services* that are available today. This picture of non-resident traffic, although valid, is not a total picture of potential visitation to this area as a World Heritage Site.

The Economic Impact Report used Lunenburg before and after World Heritage designation as its model. The 2009 Economic Impact Report anticipates:

- Visitation to Grand Pré will increase by 6.2% net per year – between 1,000 and 4,000 additional visitors per year
- Visitors will each spend an average of \$69 onsite. Incremental spending from the additional visitors would be between \$50,000 and \$300,000 per year.

The study however does not factor into its estimates:

- Any *increase in length of stay* by resident or non-resident visitors stimulated by enhanced/new visitor experiences and positive tourism development
- Any *increase in spending* by resident or non-resident visitors stimulated by new tourism development and higher revenue products.

Leveraged appropriately and marketed properly, the designated site at Grand Pré and area will experience an increase in non-resident visitation of at least 6.2 percent, an increase in Nova Scotia visitation over an extended season, and increased visitor spending.

## 3.3 A focus for motivated visitors

The visitor who chooses to visit Grand Pré and area to experience the UNESCO World Heritage Site is the same visitor currently being targeted by Nova Scotia Tourism to visit the province in its 2010 Tourism Plan<sup>1</sup>. The plan targets visitors who value authentic experiences and choose to participate in activities and events with a focus on personal satisfaction and learning. The plan also specifically identifies visiting World Heritage Sites, the Bay of Fundy and culinary tourism as key travel motivators and marketing features of the province – all potentially available in Kings County.

The visitor to Grand Pré will make the trip to explore the authentic experiences and stories of the area and to learn about the history of the dykelands. This visitor will

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<sup>1</sup> <http://www.gov.ns.ca/tch/tourism/tourism-plan.aspx>

respect the principles of environmental and tourism sustainability so important to the area and be interested in the cultural and outdoor adventure experiences offered in Kings County. This visitor will expect quality and satisfying experiences within the World Heritage Site and the region. The Grand Pré experience will be one of the quality products that will fulfill the “promise” Nova Scotia Tourism is making to visitors in its provincial marketing.

### **3.4 International awareness for Grand Pré and the region**

UNESCO focuses its energies on effective preservation of World Heritage Sites and offers marketing tools such as high-quality photography, publications and travel books. UNESCO also encourages partnerships. It is unclear if UNESCO maintains a database of World Heritage Sites aficionados, but UNESCO designation will most certainly place the area in an elite group. The UNESCO brand is recognized as “exceptional in the world” and, if carefully nurtured, can be leveraged for economic growth through tourism. Project managers at Joggins were emphatic that there are “keenly interested people” who travel the world to view new World Heritage Sites.

The designation will create new marketing opportunities through many channels for Grand Pré and area, and for the National Historic Site. Collaborative marketing efforts with new partners such as the UNESCO sites at Lunenburg and Joggins in Nova Scotia, the other UNESCO sites in Atlantic Canada, and with cruise ship lines should be considered. The area will have a fresh and “outstanding message” with which to vie for the attention of major agricultural, culinary, archeological, cultural and travel media in key markets and around the world.

### **3.5 Opportunities to develop refreshed and enhanced tourism experiences**

In its 2010 Tourism Plan<sup>2</sup>, Nova Scotia Tourism expresses the benefits when tourism products and experiences are generated to meet visitors’ needs.

*“...Today’s consumers want more than just a trip or a hotel stay... they want an experience... an experience that engages the senses, connects them with our communities and cultures, and enriches lifelong learning...to be competitive in today’s marketplace, we must ensure our offerings meet the changing needs of consumers.”*

Grand Pré and area partners who are working to achieve World Heritage status have an extraordinary opportunity “to get it right”, using the platform of designation to enhance existing tourism experiences and products - and to create new, compelling experiences.

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<sup>2</sup> <http://www.gov.ns.ca/tch/tourism/tourism-plan.aspx>

### **3.6 Opportunities to better manage and protect the dykelands**

Currently, aside from the outstanding visitor interpretation opportunities of the Acadian story at the Grand Pré National Historic Site and the Horton Landing commemorative area, there is little in the way of signage to prevent visitors from moving relatively freely throughout the dykelands and working farmland, most of which is private property. Public roads travel through and around the dykelands and are often used by area residents and visitors. There are few fences, gates, signs or trails to manage visitor movements. Trespassing, although inadvertent, could prove damaging to crops and heritage resources. Safety for those traveling through the dykelands may be a concern with farm machinery operating there. There is limited way-finding throughout the area of Grand Pré, North Grand Pré, Hortonville and Lower Wolfville. The curious and interested are left to fend for themselves to explore productive and private farmland and to find key historic locations and vistas.

For the visitor who wants to pursue the stories of the dykelands, touring outside the National Historic Site is incomplete and disconnected. The aboiteaux locations are known almost exclusively to the local residents. There is no central repository for information on the history, business, tourism opportunities and activities of the area. Importantly, the comprehensive impact of the site and its significance, beyond the profound story of the Acadians, is almost invisible to a visitor who has come to the area with limited or no knowledge of its history.

Using the National Historic Site as a “staging area”, sustainable tourism management of people and activities will enhance not only the *Shared Legacy* of the designated area, but also the dynamic operation of existing farms and tourism operations.

Supporting the integrity of the OUV will establish that the marshland continues as prime agricultural land. A community plan is in development to support the protection of the OUV. Conscious and careful management of visitors to the site and their movement patterns will mitigate trespassing and potential safety issues while enhancing visitor experiences.

### **3.7 Leveraging opportunities**

There is considerable high-quality infrastructure in place in Grand Pré and the region as reflected in the Resource Profile and the SWOT. There is demonstrated local commitment to and knowledge of heritage, and a culture of collaboration that is the hallmark of community decision-making. With appropriate planning, marketing and management of the designated area, the number of visitors will increase significantly and visitor spending will increase measurably.

### ***Important realities***

The tourism management recommendations we propose for the site offer scalable plans to manage increasing numbers of visitors within the designated area. We feel that the recommendations will enhance visitor experiences on the site whether or not World Heritage designation is achieved. They have been developed recognizing:

- The integrity of maintaining the Statement of OUV
- The Strategic Tourism Principles
- The fact that the dykeland is extensively privately owned and used for active, dynamic and productive farming
- Significant resources for successful tourism management already exist within the designated area
- Partnerships are a modus operandi for Grand Pré
- A sensitive balance between all these elements is essential.

### ***Principles for effective implementation of the Tourism Management Plan***

- Tourism goals are clearly articulated and everyone involved understands roles, responsibilities and expectations
- Visitor needs are understood
- Appropriate services are in place to satisfy functional needs
- Well developed and themed products and experiences are:
  - Developed by partners with creativity and resources
  - Offered to an appropriate group size
- Communications among stakeholders and with visitors is effective and consistent
- Relevant marketing and partnerships achieve results
- Project evaluation, measurement and a mechanism for adjustment is in place
- Onsite interpretation plan supports “flow” goals.

### ***A solid base of services***

The Grand Pré effort to achieve World Heritage designation benefits from high quality infrastructure for interpretation purposes - the Grand Pré National Historic Site, the Horton Landing commemorative site, and the support of Parks Canada.

The National Historic site is under-utilized. In 2009 fewer than 30,000 visitors were recorded compared to the 1990s when the park, with fewer services onsite, welcomed 100,000 visitors per year. Visitation has diminished with the exception of the visitation of

70,000 people during Congres Mondial Acadian in 2004. The site offers sufficient parking for passenger vehicles, recreational vehicles and tour motor coaches. Washroom capacity exceeds current use. Although limited accommodation and dining opportunities exist within the designated area; they are close at hand. There is available capacity in the key tourism months and functional services exist.

The partnership association, Société Promotion Grand-Pré, employs an interpretation staff to offer programming including a film, a daily dramatic presentation, an art exhibit, blacksmith shop and special events at the National Historic Site to interpret the Acadian story. The Memorial Church is a central focus and evocative experience. Sculptures and information panels exist to describe the Acadian story and their agriculture accomplishments.

Within the Interpretation Centre the Société operates a gift shop and an exhibit hall interpreting the Acadian history and the history of the dykes. The dioramas in the exhibit hall describe the natural pressures of the world's highest tides and the ingenuity of generations of landowners who used centuries-old technology of dyking against the tides to reclaim fertile farmland. An impressive, centuries-old original aboiteau is central to this exhibit. An impressive base of services exists to interpret a World Heritage Site!

### **3.8 Recommendations for managing visitor movement in the designated area**

The visitor attracted to the site by World Heritage designation will expect to “experience the OUV” and learn in a personal way from the stories of Grand Pré. The cultural enthusiast will find the experience outside the National Historic Site incomplete. The aboiteaux locations and view planes are known almost exclusively to the local residents and exist on private land. The Horton Landing site is disconnected and difficult to find.

We offer the following recommendations to address these issues:

#### **3.8.1 A view plane of the landscape**

The impact and scope of the exceptional story of a living landscape is diminished without the opportunity to view the expanse of the land and the scope of the achievement. Parks Canada has purchased a strategic piece of land above the National Historic Site with the vision of collaborating to develop a viewing area / platform to appreciate the expanse and vista of the site. The area can be reached by foot from the National Historic Site or along a public roadway. Parking would need to be planned.

This viewing opportunity supports the OUV, providing an unobstructed view of the contemporary farming activities, as they operate today, using the dykes, the roads and



the plot plans which have supported past generations. The potential for a viewing area on this site is consistent with the Parks Canada Management Plan for the site and is a project that Parks Canada has indicated it will consider. An interpretation approach will be identified in the Interpretation Framework section of this report.

### **3.8.2 Controlled visitor movement**

World Heritage designation will encourage increased visitation to the National Historic Site and interest in the dykelands and the aboiteaux. It is anticipated that, at a minimum, an additional 1,000 to 4,000 people per year will visit the site. We anticipate more. We recognize that effective and non-invasive visitor movement in the designated area is important to success for tourism and is essential to local landowners, residents and agricultural businesses. Visitors will want to view the dykes and working aboiteaux that exist within working farmland and to “experience” the spirit by meeting with local interpreters and those who passionately relate the stories of the site. Grand Pré promoters will want visitors to appreciate the complete experience of the shared legacy. A sustainable balance between prime agricultural use of the dykelands and visitor satisfaction will be critical. All land-owners and groups involved with managing movement on the dykelands need to participate in negotiations on visitor access which would be very controlled and guided.

### **3.8.3 Group touring of the designated site**

Currently, trained interpreters encourage enjoyable self-guided experiences at the National Historic Site. There are, however, no guided and interpreted tours available at either the National Historic Site or to the marshland.

Visitors will travel to Grand Pré expecting to interact with key features of the designation. They will want to view the dykes and working aboiteaux. We understand that any access to the dykelands will have to be negotiated with the Marsh Body by the Advisory Board. We recommend that these discussions begin in order to develop controlled access and interpreted and guided tours for groups of visitors. These tours would be opportunities for individuals, cruise and convention goers, school groups and clubs to experience the marshlands outside the National Historic Site for a high-quality experience. There is a market for tours; it is up to the stakeholders to decide the nature of the tours or if they are developed.

The traditional motor coach tour business was once an important segment of the visitation to the Grand Pré National Historic Site and to Nova Scotia. Over the past 10 years the nature of the business has changed dramatically and has decreased significantly. It is not recommended at this time that priority effort be invested in developing tour product for the motor coach market. However, there are segments of

niche interest that continue to travel as groups. Several operators, including Smithsonian, National Geographic and Tauck World Discovery (formerly Tauck Tours), are concentrating on developing experiential opportunities which would fit with World Heritage designation.

Depending upon the outcome of negotiations among stakeholders, we recommend the following experiential tour opportunities:

- Physically connect the “stories” of the dykelands with the key features of the site: the National Historic Site; Horton Landing; the view plane area above the National Historic Site; and the dykelands themselves. These tours could offer a visitor an opportunity to view a working aboiteau and the dykes. Tours could extend for various lengths of time and with various levels of guided expertise. A 60 to 90 minute tour with a guide would provide a “quick” tour and an overview story. A four hour tour with a scientist or historian could be developed to satisfy a visitor’s deep interest. A variety of tours have proven successful in the UNESCO site in Joggins, Nova Scotia
- The Acadian story is well-described, but the stories of the Mi’kmaq First Nations people and the Planters could be told. Local “storytellers” and farmers could be engaged as interpreters
- A tour with an archeologist - the archeological digs underway at the National Historic Site
- A group tour designed to host cruise ship visitors while in port in Halifax. This would require working in partnership with an established shore-excursion provider such as Ambassadors Gray Line in Halifax. Preliminary discussions indicate that with careful time management, there is potential in this opportunity
- A visitor experience that would feature the natural marshland outside the dykes in the buffer area - including the bird sanctuary, the grasses and the natural features of the salt marsh and tides
- A tour to include a tidal interpretation of the Minas Basin at high and low tide every day that could be “moon permitting”
- The tours could be offered for a variety of durations and with various levels of expertise in guides - from trained interpreters for short tours to scientists and specialists for longer, more involved activities. The tours could be revenue generating.

Negotiations among stakeholders will determine the nature of tours. If undertaken, we suggest that they would be guided and offered on a schedule that is negotiated with landowners and farmers based upon seasons and weather conditions.

### **3.8.4 Interpretive walking trail**

The routes used by Grand Pré farmers and inhabitants for hundreds of years exist today throughout the proposed World Heritage site. They are in various stages of repair. Some are public and some privately owned. Importantly, they are authentic in origin and naturally connect some of the key features of the site and can provide upland vistas and lowland views of the dykeland and landscape. For instance, an old Acadian road, used primarily by local farmers, runs across the dykeland from just behind the Memorial Church to historic Horton Landing.

We recommend that the World Heritage site management team undertake the organization and development of a controlled walking trail around the perimeter of the site. It could be used by visitors and residents and, based on land use negotiation, could meander through the site on traditional roadways and Acadian roads. It could be developed in stages and eventually consist of a number of “loops” of varying lengths. The trail could connect the National Historic Site with Horton Landing and the proposed view plane. The trail could be punctuated at points of interest and significance with non-invasive visitor directional signage, interpretative information and rest areas. A “map” describing the trail, its distance and skill-level, and an abbreviated history of the roadways could be developed and offered to walkers as they begin their self-guided trek. We anticipate that the visitor who travels to the UNESCO site will be a visitor who respects the protocols of the trail and “packs in-packs out” garbage and water bottles.

Around the world the challenge of public/private use of land at tourism sites is managed to a common end. There is every reason to expect that at Grand Pré, with its culture of collaboration in decision-making, land use discussions could be fruitful. Trail development could also require appropriate surfacing and rest stops. There are a number of opportunities for sponsorships and partnership in development. Parks Canada has indicated its willingness to discuss the development of such a trail as it pertains to land under its ownership and management. Over time, this trail could be extended beyond the dykeland into neighbouring communities and become a significant trail way for the area.

### **3.8.5 Signage within the designated area**

Currently there is little signage aside from the National Historic Site. Wayfinding to link the key elements of the National Historic Site, Horton Landing and the dykeland, or any signage that directs visitors is lacking and may leave visitors to roam the marshland

unattended. We recommend that non-invasive, environmentally sustainable and informative signage be established in key areas to support the touring experience. We understand that directional signage is regulated by the County and any new directional signage on the site would require a change in the zoning regulations. We therefore recommend that the Municipality and the Stewardship and Technical Advisory Committee work together to identify and solve any potential barriers to directional signage.

The mandate of the Grand Pré National Historic Site is to honour and interpret the Acadian story of Grand Pré including the story of the dykelands. It accomplishes this mandate impressively. The Interpretation Centre includes a gift shop and an area for information. Parks Canada officials, supportive of the World Heritage designation effort, have indicated that will offer space onsite for additional UNESCO information and have space available for incremental services at the Interpretation Centre. Their focus, however, remains the Acadian story.

### **3.8.6 Visitor information**

Visitors coming to the World Heritage Site will have been exposed to experiences, services and opportunities prior to their arrival in Grand Pré. Specific information profiling the UNESCO designation will be required for complete visitor information. This information could outline details of the OUV on a map of the overall site with key visitor locations identified, e.g. Horton Landing and the view plane area, as well as information on tours, the walking trail and visitor amenities available onsite and within the Grand Pré area. A map of the walking trail should be developed. Visitor information will reinforce the inventory of agriculturally themed activities and experiences available in Kings County. It should encourage an extended stay and participation in activities throughout Kings County and offer activities that will encourage a return visit. All information could be housed and updated on a relevant, ease-of-access and interactive website. It is recommended that the website [www.grandpre.com](http://www.grandpre.com) be expanded to house all information related to the World Heritage designation.

The visitor information available would direct the UNESCO motivated visitor to the National Historic Site for access to the Acadian experience and to the exhibit hall for interpretation of the dykes and the aboiteaux. In order to participate in a group tour, visitors would be directed to a new visitor staging area, a *Tour Kiosk*.

### **3.8.7 Tour Kiosk**

Parks Canada has indicated that the parking lot adjacent to the National Historic Site and the lands on which the “old apple barn” was once located could be utilized for a visitor staging area. There is sufficient parking available for cars, motor coaches and

recreation vehicles, and room for a picnic and rest area. The Tour Kiosk proposed at the UNESCO World Heritage Site could serve as the companion staging area to the National Historic Site's interpretation Centre and, located across the road, encourages visitation to the National Historic Site where the exhibit gallery, gift shop and functional facilities are located. There should be no attempt to duplicate services.

At the outset, the Tour Kiosk could be a small event-tent or permanent kiosk with ticketing and information services required by tour operators. Over time, as the visitation to the site stabilizes and the Tourism Development Framework for the region takes root, the Tour Kiosk could evolve into a major Gateway Centre for the World Heritage Site, interpreting the evolution of the landscape and offering incremental local crafts and items available for sale. This Gateway Centre could eventually be a location for incremental community events in all seasons and become a welcome centre for the World Heritage Site - a multi-dimensional agricultural experience of Kings County as described in the Tourism Development Framework. The Gateway Centre, located at a gateway location to Grand Pré and Kings County, would offer a "sense of arrival" to the World Heritage Site and to the county.

### **3.9 Implementation of the Tourism Management Plan – key principles**

#### ***An identified Leadership Team is required***

The DRAFT Management Plan for the World Heritage site proposes a permanent management team, the Grand Pré Stewardship and Technical Advisory Committee, to oversee operations at the site and to provide advice to regulators and partners. Responsibilities of the Stewardship and Technical Advisory Committee would include implementation of the site Management Plan including:

- Developing a timeline and prioritization for implementation of Tourism Management Recommendations and Interpretation Framework recommendations
- Budgeting for implementation of Tourism Management recommendations
- Identifying and sourcing appropriate partners to contribute to the successful development of the World Heritage Site. Partners will be required as sponsors and funding supporters, cooperative and collaborative marketers, to help develop and implement tours and activities onsite and to offer ongoing advice and insights
- Developing the guidelines and principles under which World Heritage related tours / onsite activities incremental to those at the National Historic Site would operate
- Contracting as required tour operators / guides / specialists and scientists including specialists in evaluating programs

- Measuring and evaluating the results of the management efforts.

### ***Quality is paramount***

In the implementation of the Tourism Management Plan, top-quality services and products, authentic and consistent with the OUV and the integrity of the site, must be the benchmark. It will be important to have best practice sites in mind to use as guidelines and never to compromise on the caliber of a service or activity offered onsite.

### ***Measurement is Essential***

If an effort cannot be measured, it cannot be managed. Measuring and evaluating the results of the tourism management efforts outlined is critical to overall success. It is very important that plans for the site have evaluation and measurement tools built into their DNA. The results should be reviewed objectively on a regular basis and adjustments made to tactics and efforts. Programs, visitors, revenues and visitation, environmental and community impact and visitor services are areas to measure and review.

### ***Collaborations and partnerships are essential***

Cooperation and collaboration to achieve common goals are hallmarks of the culture of Grand Pré and area. For generations area inhabitants, community groups, jurisdictions and governments have shared in the operation and management of this land. Common understanding of goals and objectives, roles and responsibilities and expectations associated with World Heritage Designation and the opportunities it presents are crucial to ensuring that Tourism Management Plans are implemented in a timely and efficient manner.

Partnerships with existing and new partners will contribute to planning, enhancing and funding the site's management, to developing experiences and tours for the site, and for marketing. Collaborative thinking will ensure the opportunities associated with, and community expectations for, development of the Walking Trail and the Tour Kiosk are met. Partnering with experienced tours operators will harness a wealth of tourism experience and will contribute ongoing advice and insights.

### ***Market with focus and intent***

World Heritage designation will put Grand Pré and area "on the map" in a profound and significant way as an exceptional piece of world history. Effective marketing will ensure that visitors who will appreciate what the area has to offer, and will spend their travel dollars while they are visiting, know that it is available, are motivated to visit, and to extend their stay. The new tours, viewing areas and interpretation of the World Heritage Site should be promoted along with the current and enhanced services available at the National Historic site.

This marketing effort should align with complementary marketing plans and partners:

- In cooperation with Parks Canada and the Société through their existing channels and marketing efforts primarily on a revamped, interactive version of the website [www.grandpre.com](http://www.grandpre.com)
- In partnership with Nova Scotia Tourism and with the marketing efforts of Destination Southwest Nova Scotia. Nova Scotia Tourism identifies World Heritage Sites as key messages to potential visitors. Both organizations have established networks to carry a Grand Pré marketing message and to mobilize international travel media and to the travel trade
- In cooperation with World Heritage Sites in Lunenburg and Joggins, Nova Scotia. We recommend the sites meet regularly to share best practices, databases and marketing opportunities. They should also consider working with the two sites in Newfoundland and Labrador. An Atlantic Canadian World Heritage Site collaboration could be supported by the power of Nova Scotia's and Newfoundland's marketing efforts
- As a core message in a Kings County-wide marketing effort to focus tourism messaging and product theming around the comprehensive "stories of the land" in all seasons. Cooperation to focus marketing efforts among tourism organizations, tourism operators, businesses and residents throughout Kings County is addressed in the Tourism Development Framework in this report.
- In cooperation with inbound tour operators and Nova Scotia receptive tour operators with a long history of assisting in product development and in putting new products such as guided tours into the marketing channel

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## 4 INTERPRETATION FRAMEWORK

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### 4.1 Introduction

On November 27, 2009 the Sperry Design interpretive team took an informative and engaging 6-hour tour of Grand Pré with Christophe Rivet and our colleagues from Hockin Cronin and Broad Reach. The tour gave us a first-hand view of the area and appreciation of the opportunities and constraints vis-à-vis the UNESCO World Heritage Site Nomination initiative. Our tour included:

- National Historic Site
- Horton Landing
- North Grand Pré
- Dykelands / marshlands
- View plane locations
- Selected buffer areas

Our interpretive plan recommendations are a “broad brush” overview using the OUV for the Grand Pré World Heritage Nomination as a guideline.

We also reviewed the general and specific parameters set out in the Management Plan for the Proposed Grand Pré World Heritage Site; overview maps of the dykelands, Parks Canada properties, proposed UNESCO boundaries and buffers; as well as brand attributes of the nomination logo as a conceptual reference.

### 4.2 Interpretive goals

Our interpretive recommendations and concepts are intended to:

- Complement the Tourism Management and Development recommendations set out elsewhere in this report
- Complement existing interpretive messages and applicable sites
- Complement Parks Canada initiatives
- Minimize impact to the current way of life in Grand Pré, and the natural and agricultural environment
- Be subject to all applicable local, municipal, provincial and federal jurisdictional regulations and by-laws



### 4.3 Major theme

***The main overarching theme is a living cultural landscape, an agricultural story that is still being written; the Acadian story is woven throughout.*** The Grand Pré site comprises a centuries-old agricultural approach that is still “alive and well”. This resonated with our group as we toured the area and we were almost overwhelmed with the ingenuity and engineering feat of the dyked marshlands. The history and personal struggles of those who populated the lands over the centuries is already well interpreted and, while important in interpretive sub themes, does not need to be extensively re-visited. Suggested sub-themes are noted in Interpretive Overview Recommendations.

### 4.4 Proposed Interpretive Area

We recommend two linked interpretive areas that focus on the overarching agricultural story.



**Illustration 1:**

**Area 1 National Historic Site:** unlimited access and largest interpretive concentration

**Area 2 Horton Landing:** smaller site with controlled access

## **Area 1: National Historic Site**

### **Interpretive Centre**

The Centre does an excellent job of telling Acadian story from the 1680s, when dykes were built, through to the Deportation, and through first-hand accounts and the Lt. Colonel John Winslow story. The interpretive story is presented with perspectives from the Mi'kmaq, the Acadians and the British, and focuses on these people as real human beings that modern-day visitors can relate to. In addition, there is an underlying theme that Grand Pré is an “enduring and inspirational” community and “an exceptional example of a place of tragedy” but more importantly “a symbol for all humanity of hope, perseverance and pride.”

The poignant AV presentation fairly portrays the history of the Deportation, and provides visitors with a very real and emotional story using actual historical figures, representing Acadian and British perspectives.



**Illustration 2: Interpretive Centre and surrounding area.**

## 4.5 Exterior grounds – a review

### Exterior grounds behind Centre

Behind the Centre and the Deportation Commemorative Statues, records indicate that an old Acadian road existed through the meadow/cornfield up to the Old Post Road. Evidence indicates that the general landscape (field divisions / patterns) have not changed since Acadian times.

### Cornfield / upland

Parks Canada owns and has direct access to the cornfield property - part of the uplands. This upland area provides an iconic and panoramic view of the heart of Grand Pré and



the dykelands. The integrity of the field patterns has remained over the years and is still visible. On a clear day, Cornwallis River, Cape Blomidon, Minas Basin, and the mouth of Gaspereau River are visible from this viewpoint.

*Illustration 3: The upland portion of the cornfield provides a panoramic view.*

### Exterior grounds

A wooden walkway / hedge leads to the „core“ of the Grand Pré village. The old willow trees around the orchards were referenced in Longfellow’s *Evangeline*. In an archaeological site next to Memorial Church, relics such as coins, a cross, blacksmith



tools, and wine bottles that probably date back to the Acadian period have been uncovered. A stone cross marks the location of the cemetery of Saint-Charles-des-Mines, an unmarked Acadian burial ground and resting place of several generations of Acadian families.

*Illustration 4: A stone cross marks the location of a burial ground on the site.*

### **Memorial Church**

Originally opened as a museum, the Memorial Church was built on what was believed to be the site of the original Acadian church of Saint-Charles-des-Mines, destroyed in the late 18<sup>th</sup> century. The interior displays paintings and exhibits that reference the Acadian way life prior to Deportation and the Deportation itself.



*Illustration 5: The Memorial Church was believed to have been built on the site of the original Acadian church.*



*Illustration 6: Interior displays and paintings.*

### **Blacksmith shed / garden**

This triangle of land, owned by Parks Canada, offers a view of the dykelands, but is not readily accessible and apparent to visitors. Currently on the site are a 19<sup>th</sup> century blacksmith shop and kitchen garden. There are also two recently discovered 17<sup>th</sup> century

aboiteaux stored in the yard, but not as artifacts on display.



*Illustration 7: Current blacksmith shop and kitchen garden area.*

### **Marsh Road behind Memorial Church**

Behind the Memorial Church there is a dirt access road used primarily by local farmers – the old Acadian road. It leads to Horton Landing in one direction and Lower Wolfville in the other. Visitors are not encouraged to walk the road although there appeared to be no restrictive signage. Behind the church, overlooking the road, is a small, unused wooden platform meant as an observation deck, but was found to be unsafe (slippery).



***Illustration 8:*** The dirt road behind the National Historic Site is private, leading to Lower Wolfville in one direction and Horton Landing in the other.

## ***Area 2: Horton Landing***

Accessibility to the site is not readily apparent, although there is a simple arrow labeled “Historic Site” at the approach of the driveway, a single lane public road. The site itself is a small triangle of property owned by Parks Canada and features a Deportation cross and a Historic Sites and Monuments Board of Canada monument, commemorating the arrival of the New England Planters.

The current landscaping and overall „sense of place“ does not provide the visitor with any cohesive story or feelings (sense of tragic departure or arrival of new settlers).

Commemorative services are held at the site each September 5 to mark the anniversary of the Deportation.



***Illustration 9: Horton Landing conveys a conflict of place.***

***Special Note: Dykelands (West Long Island Road)***

The dykelands are not only the *raison d'être* of Acadie, they are the living, beating heart of the continuing agricultural story of Grand Pré. As visitors, we got a true sense of the vastness of this area, and the incredible feat of engineering, ingenuity and perseverance it represents, as well as the profound relationship of the people with the land and sea that endures. It is an environmentally and agriculturally sensitive area where any uncontrolled access is devastating and a potential liability for the landowners/Marsh Body. This is a living, working agricultural area that continues as a sustainable and necessary livelihood for the community.

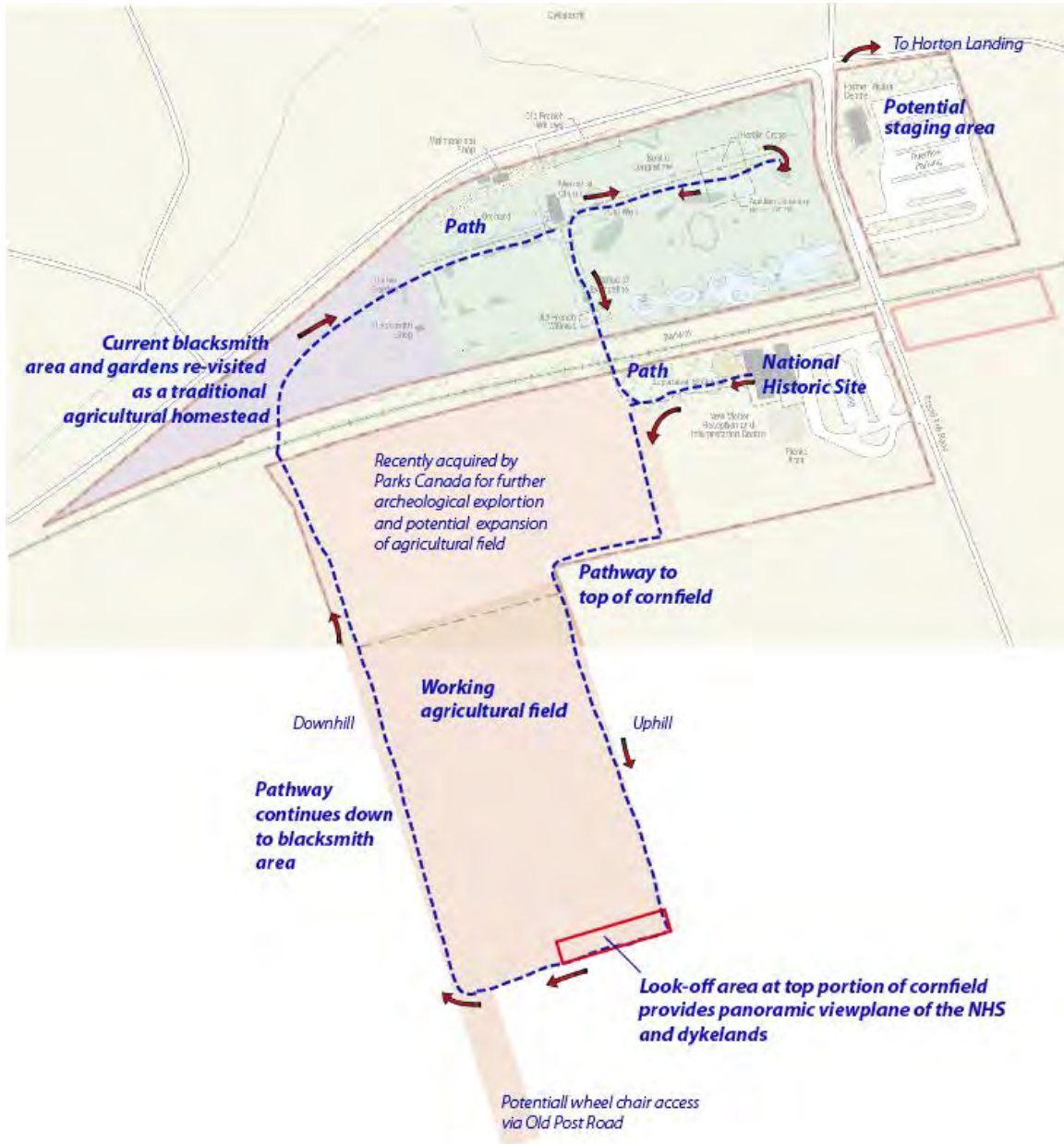


***Illustration 10: A creek channel on the dykelands – the raison d'être of Grand Pré and Acadia.***

## 4.6 Interpretive overview recommendations

### **Area 1: National Historic Site**

The former welcome centre grounds could be developed as an appropriate starting point for interpretive tour groups. In addition, this report references the potential development of the site as a staging or launch area as well as a potential Legacy Project. The site also provides additional parking space.



**Illustration 11:** The National Historic Site provides an enhanced interpretive experience.



The existing Interpretive Centre focuses on the whole Grand Pré story, from the Mi'kmaq to the Acadians and Planters. The interpretive story is effectively and fairly presented.

The path behind the Interpretive Centre leads past the Deportation Sculptures through a short path and bridge towards the (newly acquired) cornfield and path leading to the Memorial Church. Interpretive and directional signage should be revisited (*see General communication approaches 5.0*)

The intersection at the end of the short path leads to the Memorial Church on the right. It is recommended that a suitable and appropriate pathway be built from this point uphill to the top of the cornfield. While visitors will be encouraged to walk uphill to the left, those unable or not wishing to do so can continue on the right towards the Church.

This pathway will require further review by a qualified landscape architect to determine the most feasible and accessible approach. Initial discussions with our in-house landscape architect suggest that the path could be finished with a highly compacted crusher screening that would accommodate visitors with mobility issues – kids in strollers, seniors, etc. Wheelchair accessibility could be addressed with a paved surface and a series of inclines.

The pathway could be defined with a border treatment – for example, trees, hedges, roots, a stone wall, post and rail fencing. A boardwalk/ramp approach would also provide accessibility, but might be the most expensive to execute. Alternatively, accessibility could be achieved at the property entrance off the Old Post Road at the top of the hill. This would also require appropriate parking facilities.

The final details and plans for this concept will require consultation and mutual agreement with Parks Canada. We understand that Parks Canada is open to suggestions for this area. This concept may also be considered as a potential Legacy Project discussed elsewhere in this report.

At the top of the cornfield (via the proposed pathway), we recommend a look-off site as this area provides the quintessential „bird’s eye view“ of the marshland, dykes, National Historic Site, etc. The panoramic view of the agricultural landscape has remained virtually unchanged for over 300 years. This look-off area can be developed in stages first as a raised wooden view-deck, then developed, enhanced or enlarged as a gathering place with roof structure, removable seating, podium, mounted binocular stations, interpretive panels, etc. This concept may also be considered as a potential Legacy Project discussed elsewhere in this report.

We also understand that there is a view plane study being considered at the County level. We recommend that further work should be completed to ensure that other important Grand Pré view plane areas are identified and protected.

**Interpretive sub-themes for look-off:**

- The patterns of the agricultural landscape you see has remained virtually unchanged since the Acadian farmed these lands
- Points of interest: National Historic Site, dykelands, Cape Blomidon, etc
- Crops were grown to sustain the community and for trade/export. We recommend that the cornfield be kept and maintained as a functional agricultural field to grow and harvest appropriate crops in season, thus maintaining the authentic agricultural landscape/theme
- Crops such as corn, oats, wheat and barley, were grown in this field by the Acadians, Planters and subsequent generations of farmers
- This field is still used for agricultural purposes with an emphasis on shallow rooted crops i.e., clover, that will not disrupt archaeological areas.

We recommend that the pathway continue across the top of the cornfield and downhill to the existing blacksmith shed site.

The blacksmith's shed area could be repurposed as a traditional Acadian homestead, recreating some aspects of everyday domestic life with adults and children. (There are also several other archeological structures in the immediate vicinity, related to the Acadian period, that could also be incorporated into the interpretation). This Acadian homestead concept would entail authentically dressed interpreters depicting pre-Deportation Acadian life.



**Illustration 12:** The blacksmith building would be repurposed as typical Acadian homestead with dwelling, community oven (nearby), animal petting area, kitchen garden, orchard, etc.

It is understood that an outdoor communal oven was commonly used to bake bread.

This concept might be recreated on, or near, this site, providing visitors with an opportunity to see, smell, touch, and taste a piece of Acadian daily life. The kitchen garden and orchard area could be expanded to reflect more of the traditional fruits, vegetables and herbs. A small pen of animals such as pigs, sheep and chickens might also be feasible – perhaps a petting zoo approach would bring the area to life, especially for families with children.

**Interpretive sub-themes for blacksmith/kitchen garden area:**

- Life was hard, but the Acadians made the most of their environment and were self-sufficient
- A typical Acadian homestead had a small garden of vegetables and herbs that were used to prepare meals
- Animals such as chicken pigs, sheep, and cattle were also kept for food and trade

The walking trail would continue, from the homestead through the walking gardens, to the Memorial Church, the statue of Evangeline, the willows, and the cemetery area.

**Interpretive sub-themes for Evangeline/willows/cemetery area:**

- The story of Evangeline – fiction versus history (i.e., willow trees, Evangeline's Well)
- The immediate area is believed to be the original heart of the Acadian community.

***Area 2: Horton Landing***

It is beyond the scope of this assignment to determine the overall interpretive parameters of this thematically and culturally sensitive place, as further consideration and discussion needs to take place among the community stakeholders. Further consideration needs to be given to the overall intent, message, and feeling the site should convey to visitors.

While there can be a link made to the overall agricultural story of Grand Pré (exporting goods to other areas from the landing), we recommend that the overriding Deportation/Arrival story be maintained. We recommend that this site requires, at minimum, landscape consideration and seating for reflection and commemoration.

**Interpretive sub-themes for Horton Landing:**

- The general area was originally part of the „port“ used by the Acadians for exporting goods for trade (the actual port was further upriver)
- The site is a deeply spiritual and powerful place for Acadians
- It is also the arrival point of the New England Planters

- Today it is a place of reflection for Acadian, Planter and Mi'kmaw descendents

#### **4.7 General communication approaches**

Various communication approaches should be considered in order to make the visitor experience a rich, varied and memorable visit. Recommendations for communication approaches are as follows:

The main approach to interpretive communications will be self-guided tours using updated interpretive panels and informational brochures and orientation map(s). The story and text of the existing interpretive panels should be revisited and re-written to accommodate updated themes and storylines. The panels themselves could be more



text driven and less visually driven, considering them as descriptive or explanatory text to the scene. We also felt that the existing interpretive support structures – galvanized metal tubing – was oversized and out of character with the historic nature and vernacular of the site.

***Illustration 14: Existing interpretive panel***

As well, simple directional signage should also be considered and incorporated cohesively with the interpretive signage and throughout the proposed interpretative area as applicable.

Guided tours could be optional to take larger tour groups around the site by experienced, bilingual tour guides – either in uniform or period clothing. This might be managed on “per appointment” basis. In addition, the option of other language interpretation would provide a more international appeal to the site – i.e., German, Spanish and Japanese.

An audio „pod casting” approach would allow visitors to download Grand Pré interpretive tours (from your website) in various languages. Pod casting is online audio content delivered via the Internet to applicable hand-held devices such as iPod, iPhone, Blackberry, etc. A large demographic of younger visitors use this technology on a daily basis. Essentially audio tours would be written, translated and recorded in various languages, converted to an appropriate digital audio file, and made available on a website.



**Illustration 15:** Podcasting allows self-guided multiple language tours

While the tech-savvy have endorsed pod casting as a new audio medium, the process is not overly complex and has much merit and potential. This option assumes a functional / operational website would be available.

It is recommended that there be more seating and rest areas provided for visitors along the path, necessitated by the considerable expansion of the interpretive walking trail around the National Historic Site.

#### 4.8 Overall access

The overriding challenge will be to successfully welcome visitation and, at the same time, restrict access to private property. It is recommended that all applicable private roadways are signed with authoritative, but „softer“ bilingual messaging.



**Illustration 16:** Restrictive signage will discourage visitors to travel on private land.

If restrictive signage does not discourage or deter visitor trespassing, specific roadways or entrance points may also need to be gated in addition to applicable signage.



**Illustration 17:** A simple gate structure signage will further discourage access.

## 4.9 Sustainability

In the case of managing groups of people in the areas as mentioned in this document, environmental and agricultural impact will be the prime consideration before any construction or changes to the landscape can occur. Initial recommendations for general sustainability include:

- All construction materials and fabricators/labour will be locally sourced, as applicable
- Benches or other types of exterior seating could be fabricated using recycled materials, as applicable
- A Farmers' Market-type venue on the site should be explored to provide visitors with:
  - An awareness of the continuing agricultural significance of the area
  - A tangible „take away“ for the visitor as a reminder of their experience
  - Visitor connection with the community and the land
  - Visitor connection with story of Grand Pré
  - Potential revenue stream.

## 4.10 General implementation recommendations

While some of the issues and recommendations in this report are for the longer term, we offer these action items to be considered for the near future:

Item	Time frame
<b>Horton Landing upgrades</b>	Immediately
A. Discuss on-going access to the site via an easement or other legal agreement	
B. Plan and prepare basic landscaping upgrades and seating (with Parks Canada) for 2010 season.	February - June
<b>Pathway to cornfield/look-off</b>	March - June
Discuss potential development (with Parks Canada) of pathway to top of cornfield to at least provide a path to the delineated look-off area in time for the tourist season.	
<b>Investigate Podcasting</b>	February - March
Review feasibility of podcasting several foreign language tours of external grounds around the National Historic Site.	

Suggest German, Spanish, and Japanese, for example.

**Blacksmith's shed re-purpose**

Discuss the potential development (with Parks Canada) of re-purposing the blacksmith's shed area as an Acadian homestead, for completion prior to the 2011 season.

February 2010 -  
June 2011

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## 5 LEGACY OPTIONS

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Part of this project involves developing recommendations for legacy projects that could be developed within a \$20,000 budget, or by leveraging that amount, in 2010. A number of ideas have been developed and are recorded here.

### 5.1 Legacy option criteria filters

Filters were developed and sanctioned by the Steering Committee to guide our thinking in development of these ideas and to help with an initial short-listing of concepts. The following five filters support the Strategic Tourism Principles of the project and the OUV. Several of the legacy options have been deemed appropriate and significant enough to become recommendations in the Management Plan, the Interpretation Framework and the Tourism Development Framework.

#### **Filter 1: Appropriate** (to heritage and site)

- Project's contribution to the principles of the OUV
- Project supports ongoing story cultural/agricultural landscape with or without World Heritage designation
- Project "honours" the community of Grand Pré and Area for its commitment to collaborating toward World Heritage designation.

#### **Filter 2: Appropriate** (to future development)

- Project supports the strategic objectives outlined in the Tourism Management Plan/Interpretative Framework/Tourism Development Plan for Grand Pré as a World Heritage Site.

#### **Filter 3: Financial feasibility**

- Project is achievable within the prescribed budget (\$20,000)

#### **Filter 4: Logistical feasibility**

- Land/resources/partners are available to achieve the project

#### **Filter 5: Sustainable**

- Project can be maintained / sustained over time.



## 5.2 Legacy project options

At a community town hall session on January 21, 2010 a straw poll was taken. Nine concepts for a community legacy project were posted and people had the chance to write in other ideas. The first idea listed below - the Panoramic Viewing Deck - received the overwhelming support of the group and *is the recommendation of the Consulting Team as a Legacy Project*. The shortlist of legacy options is shown below:

### ***Panoramic viewing deck***

- To be located above the cornfield and National Historic Site on Old Post Road
- Wheelchair access and parking, perhaps off Old Post Road. Walk up from National Historic Site
- Could incorporate a Declaration of Shared Legacy (option #2) as a „plaque“
- Deck could be initiated at a „ground breaking“ ceremony
- Parks Canada must be onside with the project
- Could use local workers and resources. Built to last (cedar/treated), but reflect some of the traditional building methods as applicable
- May qualify for funding under the provincial product development program<sup>3</sup>
- Could start out as a raised path or simple platform and evolve into a sheltered area with seating, interpretive panels, binocular look-off stations, etc.

### ***Declaration of shared legacy***

- Based on the OUV of shared history and legacy, this would be a plaque commemorating the community's commitment to shared stewardship
- Could include the family names of all who live(d) on the designated site and reference their descent and centuries of residency
- Could be located at Horton Landing, on the dykeland along the walking trail or at the view plane site and could be incorporated into any option.

### ***Tour Kiosk***

- A staging area for group tours close to parking and washrooms, where tours would begin, bicycles could be rented, etc
  - Located across from National Historic Site
  - Built to last, with expansion into additional purposes. Basic healthy concessions – water, milk, coffee, tea, juice, fruit and home-baked goods.

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<sup>3</sup> <http://www.gov.ns.ca/tch/tourism/funding-programs.aspx>

The Kiosk is referenced in Tourism Management Assessment and Interpretation Framework sections of this report.

### ***Walking Trail***

- A controlled walking trail around the perimeter of the site for use by visitors and residents may over time become a series of “loops”
- Based on land use negotiation, the trail could travel along traditional roadways and Acadian roads
- Would include non-invasive visitor directional signage, interpretative information and rest areas

### ***Shared Legacy Spirit Award***

- Given annually to a person or business/organization that fostered / demonstrated the spirit of shared legacy.

## **5.3 Legacy Recommendation: Panoramic Viewing Deck**

We recommend a panoramic viewing platform be developed at the top of the cornfield upland above the National Historic Site. The Viewing Deck is located at a look-off site which provides the quintessential „bird’s eye view” of the marshland, dykes, National Historic Site, the Bay of Fundy and tides. The panoramic view of the agricultural landscape has remained virtually unchanged for over 300 years. The Viewing Deck will be a legacy for the community with or without World Heritage designation.

This look-off area can be developed in stages: first (Stage 1) as a raised wooden view-deck, then developed, enhanced or enlarged (Stage 2) as a gathering place with roof structure, removable seating, wheelchair access, podium, mounted binocular stations and interpretive panels. Parking must also be considered.

### ***Implementation/ Next Steps***

- Organize a Legacy Project Committee
- Discuss potential development with Parks Canada
- Introduce the legacy project to the community
- Assess possibilities of funding partners for Stage 1 and Stage 2
- Approach provincial and federal funding sources and possible sponsors
- Announce funding partners/sponsors as required
- Assess parking and path access requirements for Stage 1 and Stage 2
- Ensure all regulations and requirements are reviewed

- Survey land ensuring space allocation for enhancements
- Develop drawings of the viewing deck in Stage 1 and Stage 2
- Call for tenders
- Develop Stage 1
- Time frame: April to August 2010

***Estimate of probable costs (Class D Estimate: +/- 20%)***

Based on known information and general assumptions

**Stage 1: Panoramic Viewing Deck**

Grade level, approx 20" x 15", (300 ft<sup>2</sup>), railing, steps  
Pressure-treated structure, 2" x 6", cedar decking

**\$21,500**

**Stage 2: Expanded Viewing Deck/ Gathering Place**

Existing deck expanded to approx 40" x 15" (600 ft<sup>2</sup>),  
with roof structure

**\$50,000**

***Allowance for removable seating, podium, binoculars  
Interpretive panels TBA***

**\$8,500 - \$12,500**

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## 6 TOURISM DEVELOPMENT FRAMEWORK

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In this section of the report we cover:

- Regional tourism development – a strong start
- Growing momentum in the region
- Tourism Development Framework
- Product development – an Experience Inventory
- Regional tourism marketing issues
- Four development themes
- Gateway Centre – a sense of arrival

### 6.1 Regional tourism development - a strong start

The Kings County area has an enviable jumpstart in efforts to take its tourism industry to a new and exciting level in the wake of World Heritage designation at Grand Pré. The area is rich in resources that can be used to further develop tourism.

Since the early 20<sup>th</sup> century the area has been recognized as a Mecca for visitors. The high awareness of Grand Pré as the “the spiritual center” for the Acadian people and Parks Canada infrastructure have fueled the recognition. Festivals of significance, in all seasons, operate annually in Kings County and the area is recognized for its adventure opportunities, primarily outstanding hiking and biking. Today, the travel corridor from Grand Pré through to and including Wolfville is moving toward “destination” prominence due to the growth of unique and motivating product clusters, culinary and wine experiences.

Local tourism operators are creative and the industry is mature. Capacity exists in a diverse accommodation and food and beverage base to service increased visitation year-round. The business community and local governments understand and appreciate the value of tourism as business. With close attention paid to priority industry growth initiatives, this region can offer world-class tourism product to new visitors.

## **6.2 Growing momentum in the region**

The Management Plan for Cape Split, a major pristine and untapped adventure resource for this area, is complete and in the hands of the Department of Natural Resources. The land assembly to support the plan is organized and the plan identifies viable and sustainable experiences for Cape Split that require market readiness efforts.

A major study that is currently underway, the *Bay of Fundy Attraction and Interpretation Plan*, identifies product and experience enhancements and will be in the hands of its funding partners, including Kings Regional Development Agency, by late spring of 2010. This study promises to establish a new benchmark for developing Nova Scotia attractions and destinations along the bay. Grand Pré - Wolfville is anticipated to be an important point of focus for attraction development along the Bay of Fundy, along with the Parrsboro - Joggins area. UNESCO designation for the cultural landscape of Grand Pré will mean that two World Heritage Sites and a World Biosphere site will exist within a relatively small area. As well, Grand Pré - Wolfville is moving in the direction of becoming the “Napa Valley” of Atlantic Canada; a unique and appealing area that provides quality and a satisfying experience over a number of seasons. The visitor attracted to a destination like Grand Pré - Wolfville is also interested in hiking, biking, history, meeting unique people in authentic situations, and “learning from the visit”.

### ***UNESCO designation reinforces tourism momentum for the region***

The OUV embodies the powerful identity for which this region of Nova Scotia is recognized: *stories of an exceptional land are written and told here*. Nova Scotians and visitors alike will visit to participate in the “stories of the land” – from the passionate history of the people who live here to experiences in food and wine, berry picking and pumpkin festivals, eagles in winter and tides year-round. UNESCO designation is the platform around which the region can rally to develop themed product and experiences for all visitors.

The international profile of UNESCO can open doors to lucrative marketing partnership opportunities within the region, within Nova Scotia, and further afield.

### ***UNESCO designation - renewed pride of place for Kings County***

The international profile offered by UNESCO World Heritage designation along with new partnerships and collaborations will work to knit a close fabric of appreciation among towns and communities throughout the region. Working toward a region-wide program of tourism development based on core themes will result in a renewed pride of place for the people of the region.

World Heritage designation will provide a fresh proposition upon which to recruit investment, especially in the agricultural sector, and to encourage immigration to the area.

### **6.3 Tourism Development Framework**

The Tourism Development Framework was developed to provide structure to guide the work of many organizations within the region and to provide a basis for discussion among many stakeholders.

Visitors buy experiences not individual hotel rooms or sightseeing tours. They seek out a destination of interest and then look for activities and experiences that are packaged or bundled together in captivating ways and are aligned with their interests.

We recommend that four themes guide future tourism development in the region:

- Adventures in Taste – the food and wine experience
- Touch the Land – getting back to nature
- Festivals – working together
- Bay of Fundy – natural wonder

### **6.4 Product development – an Experience Inventory**

The “stories of the land” can be experienced in many ways; as high quality culinary and wine experiences; as the joy of the harvest through festivals, community suppers or the whimsy of pumpkin-people; as a tour of the highest tides in the world; or a family picnic at an apple or blueberry u-pick. Weaving together experiences will make Kings County and region a “must visit” area and worth the trip for an extended or multiple stay.

#### ***Developing experiences across all four themes***

The magic is in weaving the experiences together. The tourism industry should build an inventory of year-round tourism products, an Experience Inventory that relates to the central theme of the area. To build a profitable Experience Inventory tourism leaders must:

- Establish benchmarks for experiences to ensure that they satisfy the core theme and support the principle of sustainability inherent in the UNESCO Statement of OUV
- Gather and present existing products in marketable and accessible clusters ensuring that the specialties and unique features of each are documented. For instance, the critical mass of u-picks when presented collectively as a travel

opportunity reinforces a core tourism theme of the area AND makes the visit “worth the trip”

- Enhance existing experiences and refresh them with new dimensions and appeal by adding new or non-traditional, under-utilized and intriguing resources. Perhaps a farmer could demonstrate the use of farm equipment and explain harvest methods at a farm market. Or, perhaps slices of apple pie with the recipe and glasses of locally-produced juice could be sold in a picnic area at an apple u-pick
- Generate incremental experiences that support the theme and complement existing experiences in strategic locations throughout the region. There may be opportunities for scientific symposiums at Acadia University or on the shores of the Minas Basin. Fruit and vegetable processing plants could offer visitor tours

### ***Keep the Experience Inventory current***

Commit the Experience Inventory to a database that is readily accessible, customer-friendly, easy to update and regularly maintained. Understand the technical requirements of key partners, such as Nova Scotia Tourism, with whom you will share this information in advance of developing the database. Ensure that details such as hours of operation, seasonality and contact information is complete with each entry. This inventory will be the root material from which dynamic and comprehensive visitor information is built and presented.

### ***Tap into available resources***

The Grand Pré area and surrounding region can access a number of experience-enhancement programs designed to equip communities with creative insights into experience development and market readiness. The Department of Tourism, Culture and Heritage has information to connect eligible communities and destinations with:

- International destination development expertise and mentoring
- The resources of the Gros Morne Institute for Sustainable Tourism (GMIST) and its leading programs for successful experience development and management
- Community Market Readiness Assessment program offered by the Department.

## **6.5 Regional tourism marketing issues**

Over time the Kings County region should work to consolidate marketing efforts and focus on building the destination by harnessing individual marketing efforts for collective benefit. The Experience Inventory should be offered consistently in all marketing efforts emanating from the region and at *every point of customer contact* throughout the region.

The towns and communities and festivals and events in the region tend to promote themselves independently with few marketing collaborations such as web links and cross-marketing. The potential visitor who doesn't understand local jurisdictions, associations or organizations must visit a number of websites and read many local publications to find the experiences awaiting him in Kings County and region. The experiences and activities which encourage a prolonged and engaged stay in Kings County are awkward to locate.

With its powerful themes, growing identity, authentic experiences, and strong products to offer, the region can maximize tourism results by making every marketing dollar count in a collective effort to generate business to the region. The region should:

- Ensure that core images are selected to represent the Experience Inventory
- Ensure that the Experience Inventory is linked to every local business, tourism, and government website in the region, is central to all marketing communications, and is available at every point of customer contact
- Ensure that the core theme and the Experience Inventory are central in all provincial, national and international partnership marketing efforts and all travel trade and travel media relationships

Whether the target visitor is in Halifax or Helsinki the Experience Inventory is the gateway to outstanding tourism opportunities in the region and, if communicated effectively, will result in increased visitation and expenditures.

### ***Intercept - keep them here!***

Every tourism and business operator and resident in Kings County is a potential ambassador for tourism. Each has a role to play in actively encouraging visitors to stay in the region. A visitor will be motivated by the endorsement by a local to visit a farm market if informed that "the first of the blueberries are available for picking today"....or "you just can't miss the play at the National Historic Site"...and "don't forget the tide changes at 4pm!" The Experience Inventory should be the central source of information and available to all business and tourism operators, museum staff, and residents. From accommodation operators and breakfast servers to jewelry store salespeople – all businesses and residents throughout the region can be influential tourism ambassadors by intercepting visitors, offering experience suggestions, and passing customers from location to location throughout the county. Programs could be developed along the lines of "The Valley Today".

### ***Engage non-traditional tourism partners***

The Resource Inventory and SWOT Assessment included in this report list resources that can be put to work to support tourism development. Some have recognized their



roles in tourism. Others, however, may not have considered themselves contributors to tourism experiences and will need to be engaged. Among these non-traditional resources are:

- Commercial fruit and vegetable production plants who could offer tours of their operations
- Scientists, archeologists and birding enthusiasts whose expertise could enhance tours of the World Heritage Site
- First Nations leaders and spiritual guides
- Community organizations with hosting capabilities
- Acadia University and NSCC for extended learning opportunities
- Retired farmers, local historians and beekeepers and many others - who are the community's storytellers.

Incorporating non-traditional partners in programming not only expands the scope of an experience but adds intrigue and a new level of authenticity and credibility.

## **6.6 Four development themes**

Tourism development in the region can be effectively structured into categories under the core theme of "stories of the land". The supporting themes were chosen because they represent areas of experience that are in high demand and play to the strengths of the region. Many visitor experiences and activities will find a home under these themes:

- Adventures in Taste – the food and wine experience
- Touch the Land – getting back to nature
- Festivals – working together
- Bay of Fundy – natural wonder.

Although the UNESCO designation is the focus of this report, the themes have development potential with or without the designation and should be the focus of collective tourism development over the years to come. The themes have the potential to engage many public and private sector organizations in collective planning and implementation.

### ***Adventures in Taste – Nova Scotia's food and wine experience***

The region is developing and delivering experiences with this theme now - a fertile base on which to build a reputation for memorable food and wine offerings. With close proximity to metropolitan Halifax, the region can become the "Napa Valley" of Atlantic Canada - a must visit excursion. Winery tours, traditional cooking classes, berry picking / jam making weekends, food festivals, themed dinners, and community suppers could be included on the menu of events and activities offering "adventures in taste". There are options for all seasons, for all ages and for varying lengths of time.

### ***Touch the Land – getting back to nature***

With a landscape that includes Cape Split, rolling farmlands and the vista of the Bay of Fundy, regional experiences can incorporate soft adventures activities. Hiking and walking trails can be mapped for self-directed tours or offered with knowledgeable guides. The region is recognized as a prime biking destination and multi-day routes can be packaged with wine tours and accommodations for a diverse Kings County experience. The intricacies of haying and harvesting apples or a tour of a juice-making plant will capture the attention of visitors. The recommended trails and tours at the Grand Pre site will be a key feature of this theme.

### ***Festivals – working together***

Festivals and special events are valuable tourism assets and deserve attention in a Tourism Development Framework. They give visitors specific reasons to travel. They reflect the character and style of a destination and offer opportunities to sell local products and build relationships. Many of the signature festivals and events in the region celebrate the rural character, the true personality and culture of the area. To operate and survive, local festivals and events compete for money, attention, support and volunteers. Opportunities exist for greater synergy among festival organizers on planning, marketing and project execution. Festivals within the region can share information, planning timetables, cross-marketing and perhaps even coordination of staffing and volunteers. An outstanding example of festival growth through cooperation is the annual event now billed as the *Valley Pumpkin Festival* where independent harvest-related celebrations pool marketing resources to generate a festival with depth and variety throughout September and October. Opportunities exist in this region for string festivals in all seasons.

### ***Bay of Fundy – natural wonder***

The magnetic qualities of the Bay of Fundy are drawing increasing attention and marketing commitment. The region should position itself as an important on-ramp to the Bay of Fundy. Tours to and along the water's edge will give the visitor access to the mud and the ocean bottom. Historic interpretations, scientific and tidal programs and birding activities are possible, again in all seasons.

Each of these four themes has the potential for cross pollination at the packaging level. Business and tour operators should be encouraged to mix and match elements. Two key disciplines that will support the development of these themes are product development and marketing. A highly skilled private business or marketing organization could lead these support efforts and, in the initial stages, Kings Regional Development Agency and Destination South West Nova tourism association could coordinate implementation and monitor activities.

The themes include more than just touring, interpretive or culinary experiences. They have potential to drive themed enhancements of other tourism facilities and services such as accommodations and retail, which tie-in nicely to these themes (e.g. farm B & Bs, arts and crafts shops focusing on specific traditional crafts, etc.).

The table below provides a high level view of the themes, key activities and potential partners and organizations that could be involved in this regional work.

Theme	Key Activities	Partners
<b>Adventures in Taste – the food and wine experience</b>	<ul style="list-style-type: none"> <li>• Use the Experience Inventory for detailed opportunities</li> <li>• Develop one NEW experience for each season</li> <li>• Market to Atlantic Canada in winter</li> <li>• Develop a Plant-A-Seed schools program for spring</li> </ul>	<ul style="list-style-type: none"> <li>• Taste of Nova Scotia</li> <li>• Nova Scotia Tourism</li> <li>• Non-traditional tourism partners</li> <li>• Sponsorship from Vesey's Seeds</li> </ul>
<b>Touch the Land - getting back to nature</b>	<ul style="list-style-type: none"> <li>• Use the Experience Inventory to source farms as sites for participation in programs</li> <li>• Work with hike/bike operators to generate offers in all seasons</li> <li>• Work with DNR to action the Cape Split Management Plan</li> <li>• Provide way-finding /interpretive signage on existing trails</li> </ul>	<ul style="list-style-type: none"> <li>• DNR</li> <li>• Bicycle Nova Scotia</li> <li>• Nova Scotia Trails Assn</li> <li>• Local festival organizers</li> </ul>
<b>Festivals – working together</b>	<ul style="list-style-type: none"> <li>• Develop a committee of local festivals</li> <li>• Share successes and bloopers</li> <li>• Coordinate dates and activities among festivals</li> <li>• Develop a “festival info” resource of details to feed online, phone-in requests for information</li> </ul>	<ul style="list-style-type: none"> <li>• NS Tourism festivals” coordinator</li> <li>• DSWNS</li> </ul>
<b>Bay of Fundy – natural wonder</b>	<ul style="list-style-type: none"> <li>• Engage in Bay of Fundy Planning efforts</li> <li>• Document UNIQUE regional features and leverage them</li> <li>• Secure public beach access</li> <li>• Embed Blue Beach in the Fundy “fossil messaging”</li> </ul>	<ul style="list-style-type: none"> <li>• Bay of Fundy Tourism Partnership</li> <li>• Nova Scotia Tourism</li> <li>• Museum of Natural History</li> </ul>

## **6.7 Gateway Centre – a sense of arrival**

A “gateway” to the attractions and experiences of the region would offer visitors the satisfaction of “having arrived” at a destination of value and quality. The Gateway Centre would interpret the evolution of the landscape, offer visitors a comprehensive overview of activities in the region, and efficiently move people to their chosen destinations throughout Kings County and the Annapolis Valley.

This Gateway Centre should be strategically located at the entrance to the region rather than at the World Heritage Site. It could serve as a visitor centre for information and accommodations, a location for ticket sales for festivals, a departure point for tours, a referral point for trip-planning, a service center for functional needs from washrooms to an internet hotspot, and perhaps a performance venue. This Gateway Centre could evolve into a location for community events in all seasons and could become a welcome centre for the World Heritage Site and the multi-dimensional agricultural experience of Kings County and region. Depending upon the size, scope and priorities of community planning, the Gateway Centre could include appropriate retail opportunities. The Gateway Centre would offer the visitor the continuity of a departure point from which to begin a Grand Pré / Wolfville / Kings County experience. The tourism themes for Grand Pré and region should have a strong presence in the Gateway Centre.

## **6.8 General implementation recommendations**

The Tourism Development Framework provides focus for the activity of many organizations – development agencies, marketing organizations, tourism associations, business partnerships and individual businesses.

We have structured it around four development themes that can be used for everything from pan regional product development initiatives to packaging at the individual hotel or restaurant level. Communicating these themes to as many organizations as possible will help more people and groups get engaged and leverage the power of the themes. The themes are market driven, powerful and aligned with regional strengths and momentum.

The development activity can and should begin immediately and be a focus for regional development regardless of the results of designation.

In the initial stages we recommend that a leadership team:

- Communicate the themes to as many interested organizations as possible
- Host a workshop in 2010 which would assemble the broadest possible cross-section of tourism operators and organizations interested in the themes

- Focus the workshop on engaging this group's initial implementation planning and organize a steering committee from across the region. Ensure that the partners and members of this committee include organizations from the tourism industry, Parks Canada and local municipalities plus non traditional partners like agriculture, natural resources, education, the food and beverage industry, and the arts
- Encourage them to develop their own high level implementation plan and meeting schedule. Then organize sub committees around the individual development themes
- Support this regional committee with secretariat support for the first year. This should include coordination support, development of a database and communication support for their efforts
- Kings RDA can be this group's conduit for external partnership development with municipalities, the agencies of the provincial federal governments and even foreign tour operators, interest groups, media and investors
- Host an annual symposium where all interested parties can gather to share information and successes around their various projects that align with the four development themes. This should be broad based and include, not only regional members, but groups and businesses from afar
- Do not restrict participation strictly to those in the region. Organizations and partnerships exist elsewhere that will bring energy, resources contacts and ideas to the initiative.

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## 7 OVERALL IMPACT ANALYSIS

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It is anticipated that the UNESCO World Heritage Site designation at Grand Pré will have a number of significant positive impacts in relation to overall site visitation, tourism visitation to the immediate region, various economic impacts associated with the increased tourism activity, and some positive social-cultural impacts. At the same time there is potential for some negative impacts, which really depend on the extent to which tourism activity increases. Given that overall tourism visitation levels have declined significantly over a number of years, any potential negative impacts of increased tourism visitation are expected to be minimal, given that the Grand Pré National Historic Site and the surrounding region have hosted many more visitors annually in the past than at present. The various components of impacts are reviewed and analyzed in this section of the report.

### 7.1 Overall economic impacts

Because of the significant decline in tourism activity at Grand Pré over the past two decades, the potential economic impacts of the UNESCO designation are viewed as being positive. These economic impacts include increases in tourism visitation to the Grande Pré site itself and visitation to the surrounding region, incremental tourism spending, both onsite and offsite, incremental employment, both onsite and offsite, and other positive impacts on local businesses.

#### ***Increases in tourism visitation***

Two previous examinations of economic impacts associated with the designation of Grande Pré as a UNESCO World Heritage Site have already been undertaken. In April 2009, an economic impact study was completed for Nomination Grand Pré by professors at Acadia University entitled: *Grand Pré: An Economic Impact Assessment of a UNESCO World Heritage Designation*. This study undertook the following:

- It examined visitation patterns to the Grand Pré National Historic Site for the period 1998-2008 and projected future visitation with and without the UNESCO designation
- By examining the experience of Lunenburg's designation as a UNESCO World Heritage Site it estimated the proportion by which visitation to Lunenburg increased after its designation as a World Heritage Site
- The study also conducted a survey of 278 visitors at Grand Pré and locations around the historic site. The focus of the survey was to determine current visitor spending by tourists that visit Grand Pré. This was done in an effort to quantify current and future economic impacts.

A second study of the UNESCO designation impacts was prepared for the Nomination Grand Pré Committee in October 2009 by KELCO Consulting Ltd. This analysis reviewed the various impacts of the UNESCO World Heritage Site designation in three comparison communities including Lunenburg, as well as New Lanark in Scotland (an industrial heritage community) and the Bend of the Boyne (Bru na Boinne) in Ireland (Europe's largest and most important concentration of pre-historic megalithic art). Using this comparative analysis various types of impacts were examined including potential benefits of the UNESCO designation, business impacts, economic impacts, property value impacts, property tax impacts and infrastructure impacts.

The general conclusion in both studies was that the positive economic impacts could be significant, although would not be on a scale that would result in corresponding negative impacts such as having too much tourism activity, disruptions to local communities or the necessity for additional infrastructure.

Based on the findings and conclusions of the above-noted impact studies prepared for Nomination Grand Pré, as well as previous similar work undertaken by the consultants at Economic Growth Solutions Inc., it is very likely that the result of a UNESCO World Heritage Site Designation for Grand Pré will be increased visitation to the site. In the April 2009 Acadia University study, it was concluded that a 6.2% increase in visitation would likely occur as a result of the UNESCO designation.

- As the designation would occur in 2012, it is necessary to project the Grand Pré National Historic Site visitation levels for 2012, based on examination of trends over the past two decades
- As noted earlier in the study, there has been a steady decline in visitation to the site over the years and the Acadia University Economic Impact Analysis concluded that there may be a possibility that visitor numbers would return to an overall average of visitation over the past 10 years or so, approximately 45,000 or, more likely, visitation levels would be a continuation of the declining trend which would result in a total visitation of 24,650 by 2012
- Our view is that the most likely scenario is in between these two estimates, although closer to the lower estimate. As of 2009 site visitation was approximately 29,000, but this occurred in the depth of the recession and with the maximum negative impacts in terms of attracting U.S. visitation
- It is likely by 2012 that even if a slight decline occurs again in 2010, in 2011 and 2012 there is likely to be slight upturn so we are projecting 2012 visitation conservatively at 30,000 for Grand Pré National Historic Site, without a UNESCO designation.

The Acadia University study projects a low and high visitor increase scenario with the low being an increase of 2.75% as a result of UNESCO World Heritage Site designation and the high being 9.8%. The remainder of our analysis is based on the medium scenario of 6.2% increase in visitation, which we feel would be the most likely outcome in terms of incremental visitation impacts associated with the UNESCO designation alone. It is quite possible that if the economic recovery and the recovery of U.S. visitation to Nova Scotia occur at a faster rate than expected, the visitation numbers will be somewhat higher, but not specifically because of the UNESCO designation.

With a base visitation to the Grand Pré National Historic Site of 30,000 estimated for 2012, the 6.2% increase would mean an additional 1,860 visitors. It should be noted that this is strictly the increase in number of visitors to the Grand Pré National Historic Site and immediate area as a result of the UNESCO designation.

- It is likely, however, that additional visitation to the region may be stimulated as a result of the increased awareness of the region as a result of the UNESCO Designation
- The designation helps to put the region “on the map” in a broader international context than may be the case at present. Clearly, many of the incremental visitors to the region may visit the site itself, but not likely all of them, so it is reasonable to assume that in addition to the incremental 1,860 visitors to the site, at least a few thousand additional visitors may visit the area as a result of the increased awareness caused by the UNESCO designation
- It is difficult to back-up this assertion with quantitative data, but additional destination area awareness in the marketplace normally results in higher visitation levels, unless there are counteracting factors (e.g. - a bad economy) at the time.

### ***Incremental tourism spending onsite and offsite***

The increases in visitation noted in the preceding section will clearly result in incremental tourism spending at Grand Pré National Historic Site and off-site in the immediate vicinity. The Acadia University study did a detailed survey of visitors during 2008, which enabled them to assess expenditure patterns, as shown in Figure 7.1.



Figure 7.1: Average Expenditures of Visitors to Grand Pré National Historic Site, 2008

Expenditure Category	Amount Spent (\$ Cdn)
Accommodation	\$22.39
Meals and beverages in restaurants	\$17.34
Groceries/liquor at stores	\$2.15
Vehicle rental	\$2.74
Other shopping purchases	\$11.19
Operation of private vehicle (gas, oil)	\$4.84
Recreation and entertainment	\$7.73
Inclusive travel package	\$0.07
Other	\$0.28
<b>Total Average Expenditures</b>	<b>\$68.72</b>

Source: Acadia University, *Grand Pré: An Economic Impact Assessment of a UNESCO World Heritage Designation*, April 2009

As shown, the survey accounted for various types of expenditures, the largest of which were for overnight accommodations and for meals and beverages in restaurants. The survey takes into account that some visitors will have stayed with friends and relatives.

In Figure 7.2, based on incremental visitation to the Site of 1,860 visitors, the total direct spending impacts are shown along with the indirect and induced impacts which take into account a multiplier effect.

Figure 7.2: Direct, Indirect and Induced Spending Impacts of Visitors to Grand Pré National Historic Site, 2008

Expenditure Category	Total Direct Expenditures (2008 \$)	Total Direct Expenditures (2012 \$)
Accommodation	\$41,645	\$43,311
Meals and beverages in restaurants	\$32,252	\$33,542
Groceries/liquor at stores	\$3,999	\$4,159
Vehicle rental	\$5,096	\$5,300
Other shopping purchases	\$20,813	\$21,646
Operation of private vehicle (gas, oil)	\$9,002	\$9,362
Recreation and entertainment	\$14,378	\$14,953
Inclusive travel package	\$130	\$135
Other	\$521	\$542
<b>Total average spending</b>	<b>\$127,836</b>	<b>\$132,950</b>

Source: Calculated from data in: *Grand Pré: An Economic Impact Assessment of a UNESCO World Heritage Designation*, April 2009. Assumes 1,860 incremental visitors.

It should be noted that the total spending impacts include incremental expenditures of visitors from all geographic markets, since the 6.2% factor was applied to total visitation to Grand Pré National Historic Site. However, this understates the total potential incremental tourism expenditure impacts as the following aspects need to be factored in:

- Increased average length of stay, as a result of additional attractions and features associated with the UNESCO Designation
- Additional on-site and off-site spending, as a result of additional opportunities for visitor spending in relation to additional interpretive programs offered, tours and excursions, and additional retail and food and beverage opportunities that may arise as a result of the designation
- Visitor expenditure impacts of additional visitors attracted to King's County as a result of the increased awareness of the region caused by the UNESCO designation.

These additional incremental impacts are more difficult to quantify based on any existing survey data. However, we project the following as being possible scenarios:

- A 20% increase in the average length of stay
- A 15% increase in overall visitor expenditures as a result of additional expenditure opportunities
- 3,000 additional visitors annually to the region as a result of the UNESCO designation who do not actually visit the Site, resulting in an incremental impact of another \$450,000 annually.

This results in total tourism expenditure impacts in the region of close to \$1 million annually, directly and indirectly, as a result of the UNESCO Designation.

### ***Employment impacts***

There are a variety of employment impacts that are likely to occur as a result of the UNESCO designation. These include one-time construction and development impacts as a result of any new infrastructure that is put in place as a result of the UNESCO designation. Examples include the Legacy Projects noted in the preceding chapter, as well as other possible infrastructure developments including additional trails, site buildings, roadways and parking areas and signage, among other things.

In addition to the one-time construction and development impacts, which can be expressed in person-years, there will likely be additional on-site permanent employment impacts, as a result of the broader mandate of the Grand Pré Historic Site to include

management and interpretation of the areas encompassed within the UNESCO designation.

- This would likely generate an additional 10 full-time and seasonal positions on-site, as well as an equivalent number off-site as a result of additional tours and excursions that would be stimulated by the expanded site interpretation programs
- Another dimension of on-going employment impacts would be associated with tourism-oriented businesses in the immediate region including accommodation establishments, food and beverage operations, and retail outlets that cater to visitors.

Sufficient data is not currently available to project these employment impacts in any reliable way. Therefore, it will be important to implement a systematic visitor tracking and monitoring system that will track visitation numbers not only at Grand Pré National Historic Site and the UNESCO World Heritage Site, but also at other local tourist attractions and facilities. Combined with the monitoring of visitation numbers should be an annual visitors" survey process that could measure the following:

- Geographic origins of visitors
- Visitor expenditures on-site and off-site by major expenditure category (e.g. accommodations, food & beverage, retail, transportation, etc.)
- Length of stay on-site and in the area
- On-site activities and features participated in at Grand Pré
- Other area attractions visited and activities visitors participate in
- Visitor demographics
- Visitor satisfaction levels with facilities/services offered on-site and off-site.

This survey process will be helpful for measuring ongoing economic impacts, monitoring the impacts of implementation of the Tourism Management Plan and Tourism Development Framework, as well as for ongoing marketing and management of the on-site and off-site visitor experience.

### ***Impacts on local businesses***

The additional tourism activity and the resulting expenditures and economic impacts are likely to have a positive impact on local businesses in the Grand Pré area. It should be noted that the projected increase in the number of visitors is fairly modest and well below visitation levels that have been achieved in the region previously. Therefore, it is not likely that significant new business activity will be stimulated by the designation itself, although it should help to enhance the viability and profitability of existing enterprises

that cater to visitors. Incremental business should occur for the following types of businesses:

- Accommodation establishments
- Food and beverage operations
- Tourist oriented retail outlets
- Tours and excursions
- Transportation services

Sometimes the increased tourism activity can stimulate the attraction of new tourism-oriented businesses to the region which, if they are more effective at catering to visitor needs than existing businesses, may result in some business displacement. Again, the projected visitation increases are relatively modest, so such business displacement is unlikely to occur simply as a result of the UNESCO designation. It is more likely to occur as a result of an improving economic situation and increasing visitation numbers because of economic factors rather than the UNESCO designation.

It should also be noted that the UNESCO designation is unlikely to increase the demand for labour in a significant way (although it will likely result in some additional jobs, as noted in the previous section), nor will it result in the bidding-up of wage rates.

In a very positive way the additional marketing cache for the region, as a result of the UNESCO designation, will help local and regional tourism-oriented businesses in their marketing efforts as there will be greater awareness of the region.

## **7.2 Other positive social-cultural impacts**

Previous studies have demonstrated a variety of positive social-cultural impacts of UNESCO World Heritage Site designation, partly as a result of the economic impacts stimulated, as well as the addition of new facilities and amenities, educational opportunities, cultural preservation, and environmental conservation. These impacts are summarized below and are likely to occur at Grand Pré as a result of a UNESCO designation:

- **Cultural preservation.** The comprehensive interpretive program that would be developed in concert with the UNESCO designation, as described earlier in this report, will contribute to preservation of the cultural heritage of the region by presenting and interpreting this culture to the world.

- **Educational opportunities.** Presentation of the culture and the heritage landscape in on-site interpretive programs and other outreach activities will help to educate local and regional residents, as well as visitors, about this cultural legacy of the past few centuries. The interpretive programs and other programming associated with outreach activities will provide specific educational opportunities for the general public.
- **Environmental conservation.** The interpretive framework that has been developed in this study has been carefully designed to ensure conservation of the natural environment and the unique heritage landscape as it has existed for the past few hundred years. The UNESCO designation and expansion of protected areas through any additional land acquisition and site management controls will help to preserve the natural environment and cultural landscape of the region.
- **Community pride.** The international significance of the UNESCO designation is typically a great mechanism for boosting community pride. The area is then acknowledged to have a site which is on the same listing of internationally significant sites as some of the Great Wonders of the World, such as the Pyramids in Egypt, India's Taj Mahal, and the Acropolis in Athens, Greece. Frequently this boost in community pride spills over into community enhancements and beautification activities, which further enhance the attractiveness of local communities to visitors with resulting tourism economic impacts.
- **Community enhancements.** There are normally additional community enhancements that result from the UNESCO World Heritage Site designation including additional amenities and services at the Heritage Site itself, as well as improved amenities and services in local communities stimulated by the increase in visitor activity and corresponding economic impacts. These improved amenities can range from additional retail, food and beverage and cultural facilities to improved streetscapes, signage and access.

### **7.3 Possible negative impacts of increased visitation**

Both previous economic impact studies of the Grand Pré UNESCO designation have concluded that there are unlikely to be any significant negative impacts at the Site or in local communities as a result of the increased visitation. This is because the projected increase in visitation is relatively modest, as noted earlier, perhaps amounting to an additional few thousand visitors annually, well within the number of visitors that has been catered to over the past few decades. In fact, significant growth would have to occur in order to reach the levels experienced ten or twenty years ago. However, it is worth

commenting on the types of visitation impacts that could possibly occur if the increase in visitation as a result of the UNESCO designation is substantially in excess of what has been projected.

### ***Effects on the visitor experience***

The main possible negative impact on visitor experience would be as a result of any site congestion that could occur because of an increased number of visitors. As noted, this is unlikely because the actual visitation to the site is unlikely to increase by more than a few thousand visitors annually, directly as a result of the UNESCO designation. In fact, there may be a positive impact on the visitor experience in that the site would appear to be more active and vibrant than has been the case for the past few years when there have been significant declines in visitation.

### ***Effects on circulation patterns between attraction points***

This would be a concern if visitation levels increased to the point where any type of congestion could occur on roadways, walkways or pathways that connect the various attraction points in and around the National Historic Site and other protected areas that may be designated as a result of the UNESCO designation. These kinds of impacts can be carefully managed through signage, controlled access points and the requirement to use guides to access various locations in and around the designated sites.

### ***Potential community change***

Clearly this could be a positive or negative impact. Our view is that the overall impact in terms of community change will be positive in that it will provide a much needed boost to the sagging tourism revenues experienced over the past several years. This boost will not likely be so much that there would be a negative impact on the community from too much tourism or too many visitors. Over the foreseeable future visitation levels are likely to remain well below what they have been in the past going back to the 1990s and 1980s.

### ***Tourism impacts on agricultural economy***

Should tourism activity increase substantially over time, local residents may have a concern regarding possible negative impacts on the agricultural economy. This is unlikely to occur as long as there are systematic land use planning controls in place to protect existing agricultural lands from other uses. The projected increases in tourism visitation as a result of the UNESCO designation are expected to be modest and over the next decade or more visitation levels to Grand Pré are unlikely to return to the levels experienced 10-20 years ago, so tourism impacts are unlikely to change the nature of the community to a point where agriculture is not predominant. Should tourism impacts become much more significant at some point in the distant future, it should be possible

to control any possible negative impacts with good on-site and off-site management protocols and effective land use planning as noted below in section 7.4.

### ***Relationship of residents to local setting/community***

Another possible concern, fairly similar to that noted for agriculture is the extent to which increased tourism activity in the area might affect the relationship that residents have with their setting/community, such as access to the marshlands, access to public spaces, and overall ability to enjoy their community. As has already been noted and discussed above, the projected visitation increases as a result of the UNESCO designation are relatively modest and can easily be accommodated with the existing infrastructure and services that already exist within the local communities. Therefore, we do not believe that local residents will be impacted significantly in terms of their access to the marshlands, access to public spaces, or other aspects of enjoying their community. In fact, their enjoyment of their community may indeed be enhanced as additional tourism activity may improve the viability of local food and beverage and retail establishments, as well as arts and cultural activities and other community amenities

### ***Pressures on resource protection, property values***

The previous economic impact studies for the Grand Pré UNESCO designation have concluded that these pressures are unlikely to occur, particularly any impact on property values. In the Kelco Consulting Impact Study of October 2009 it was concluded that, based on the examination of comparable UNESCO Sites (Lunenburg, New Lanark, Scotland, and Bru Na Boinne, Ireland) pressure on property values did not occur as a result of the designation.

The most relevant example would be Lunenburg itself.

- While there have been significant property value increases in Lunenburg, this is as a result of other real estate factors including interest by Americans, as well as by empty nesters and retirees who look at the community as an ideal location to get away from the pressures of larger cities
- This kind of real estate phenomenon is already occurring in the Annapolis Valley and the area around Grand Pré and there is already upward pressure on housing prices, as a result of insufficient land available for housing development
- Therefore, while pressure on property values is a reality already, it is unlikely to be influenced to any significant degree by the UNESCO designation.

## **7.4 Recommendations to mitigate negative impacts**

As concluded above, there are unlikely to be any significant negative impacts from the UNESCO designation at Grand Pré. As times goes on, however, and growth occurs at

the site, especially if tourism visitation levels return to what they were 20 years ago, there may be some pressures that need to be addressed. These can easily be handled with well-designed site management protocols and careful planning and development within local communities. Possible site management protocols that would help to ease any possible congestion pressures of increased tourism visitation, as well as avoiding impacts on existing agricultural lands and local communities, include the following:

- Site access controls
- Signage
- Fencing
- Requirement to use guides to access various locations where congestion or impacts on existing residents and agricultural land could occur.



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## 8 APPENDICES

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### 8.1 Resource Profile

<b>Accommodation</b>	<a href="http://www.destinationsouthwestnova.com/accommodations/">http://www.destinationsouthwestnova.com/accommodations/</a> <a href="http://www.kingsrda.ca/common/publicdb.aspx">http://www.kingsrda.ca/common/publicdb.aspx</a>	
<b>Hotels &amp; Motels (12)</b>	<b>Allen's Motel</b> 384 Park St. Kentville, Kings County B4N 1M9 Phone: (902) 678-2683 Toll Free: 1-877-678-2683 Web Address: <a href="http://www.allensmotel.ns.ca">www.allensmotel.ns.ca</a>	Year round
	<b>Avonside Motel</b> 2116 Hwy 1, Falmouth, NS Phone: 902-798-8344	Year round
	<b>Beach Breeze Motel</b> 127 Evangeline Beach Road Grand Pré, Kings County Phone: (902) 542-5588 Web Address: <a href="http://www.beachbreezemotel.ca">www.beachbreezemotel.ca</a>	May - October
	<b>Best Western Aurora Inn</b> 831 Main Street Kingston, Kings County B0P 1R0 Phone: (902) 765-3306 Toll Free: 1-800-780-7234 Web Address: <a href="http://www.bestwestern.com/ca/aurorainn">www.bestwestern.com/ca/aurorainn</a>	Year Round
	<b>Downeast Motel</b> Address: 4212 Hwy 1, Box 2048, Windsor, NS, B0N 2T0 Phone: 902-798-8374 Toll Free: 1-800-395-8117	Year round
	<b>Evangeline Inn &amp; Motel</b> Grand Pré, Kings County Phone: (902) 542-2703 Toll Free: 1-888-542-2703 Web Address: <a href="http://www.evangeline.ns.ca">www.evangeline.ns.ca</a>	May - October
	<b>Greensboro Inn</b> 9016 Commercial Street, New Minas, NS, Canada, B4N 3E2 Phone: 902-681-3201 Fax: 902-681-3399	May 1 to October 27

Toll Free: 1-800-561-3201  
E-mail: [info@greensboroinn.com](mailto:info@greensboroinn.com)  
Website: <http://www.greensboroinn.com/>

**Old Orchard Inn**

Year round

Exit 11, Highway 101, 153 Greenwich Road South,  
Wolfville, NS, Canada B4P 2R2  
Phone: 902-542-5751  
Fax: 902-542-2276  
Toll Free: 1-800-561-8090  
E-mail: [reservations@oldorchardinn.ns.ca](mailto:reservations@oldorchardinn.ns.ca)  
Website: <http://www.oldorchardinn.com/>

**Slumber Inn**

Year round

5534 Prospect Road  
New Minas, Kings County B4N 3K8  
Phone: (902) 681-5000  
Toll Free: 1-800-914-5005  
Web Address: [www.slumberinn.ca/](http://www.slumberinn.ca/)

**Sun Valley Motel**

Year round

902 Park Street, Kentville, NS, Canada, B4N 3V7  
Phone: 902-678-7368  
Fax: 902-678-5585  
Toll Free: 1-800-649-7955  
E-mail: [rooms@svmotel.com](mailto:rooms@svmotel.com)  
Website: <http://www.svmotel.com/>

**Super 8 Motel**

Year round

63 Cole Drive  
Windsor, Hants County B0N 2T0  
Phone: (902)-792-8888  
Toll Free: 1-866-859-7666  
Web Address: [www.super8motelwindsor.com](http://www.super8motelwindsor.com)

**Wandlyn Inn Kentville**

Year round

7270 Highway 1  
Coldbrook, Kings County B4R 1B9  
Phone: (902) 678-8311  
Toll Free: 1-877-447-7270  
Web Address: [www.wandlyninn.ca](http://www.wandlyninn.ca)

**Lodges and  
Cottages (7)**

**Bramble Lane Farm & Cottage**

April 1 to October 31

437 Brooklyn Street, North Kingston, NS, Canada, B0P 1R0  
Phone: 902-765-6730  
E-mail: [info@bramblelane.ca](mailto:info@bramblelane.ca)  
Website: <http://www.bramblelane.ca/>

**Green Fields Vacation Cottage**

57 Wharf Rd, Hortonville, NS, Canada  
Phone: 902-670-2595  
Fax: 902-542-1646  
Toll Free:  
E-mail: cfcurry2002@yahoo.ca

June 1 to October 15

**Harbourville Cottages & Guest House**

Address: 3281 Long Point Rd, Harbourville, Kings County,  
NS, Canada, B0P 1E0  
Phone: 902-538-0844 902-679-1362  
Fax: 902-679-6985  
E-mail: harbourville2002@yahoo.com  
Website: <http://www.harbourville.com/>

**L' Acadie Vineyards Guest Cottage**

310 Slayter Road, Gaspereau Valley, RR #1, Wolfville, NS,  
Canada, B4P 2R1  
Phone: 902-542-3034  
E-mail: cottages@lacadievineyards  
Website: <http://www.lacadievineyards.ca/>

May - November

**River Valley Guest Cottage**

24 Gaspereau River Branch Rd, RR #3, Wolfville, NS, B4P  
2R3  
Phone: 902-542-7304 902-670-4103  
Fax: 903-542-0739  
E-mail: sbebler@ns.sympatico.ca

Year round

**Roselawn Lodging**

32 Main Street, Wolfville, NS, Canada, B4P 1B7  
Phone: 902-542-3420  
Fax: 902-542-0576  
Toll Free: 1-866-710-5900  
E-mail: roselawn@ns.aliantzinc.ca  
Website: <http://www.roselawnlodging.ca/>

Year round

**Sandpiper Lane Cottage**

25 Sandpiper Lane, Evangeline Beach P.O. Box 62  
Grand Pré, Kings County B0P 1M0  
Phone: (902) 542-4610  
Email: s.ennis@ns.sympatico.ca

Year round

**Bed & Breakfasts  
(39)**

**Blomidon Inn**

195 Main St, Wolfville, NS, Canada, B4P 1C3  
Phone: 902-542-2291  
Fax: 902-542-7461  
Toll Free: 1-800-565-2291  
E-mail: innkeepr@blomidon.ns.ca

Year round

<b>Blue Shutters B &amp; B</b> 7 Blomidon Terrace, Wolfville, NS, Canada, B4P 2G8 Phone: 902-542-3363 Cell Phone: 902-670-6650 E-mail: blueshutters@ns.sympatico.ca Website: <a href="http://www3.ns.sympatico.ca/blueshutters/">http://www3.ns.sympatico.ca/blueshutters/</a>	Year round
<b>Boegel's Bed &amp; Breakfast</b> 145 Dill Road, Windsor Phone: 902-792-1363 Fax: 902-792-1363 E-mail: boegelbb@glinx.com	Year round
<b>Briarcliff B &amp; B</b> 199 Wall St, Canada Creek; RR3 Waterville, NS, B0P 1V0 Phone: 902-538-3389 Toll Free: E-mail: briarcliff@xplornet.com Website: <a href="http://www.briarcliffbnb.com/">http://www.briarcliffbnb.com/</a>	Year round
<b>Brownings B &amp; B and Guest House</b> 8358, Highway 221 East Centreville, NS, Canada, B0P 1J0 Phone: 902-582-7062 Fax: 902-680-6398 E-mail: brownings@ns.sympatico.ca Website: <a href="http://www3.ns.sympatico.ca/brownings/">http://www3.ns.sympatico.ca/brownings/</a>	May - November
<b>Canaan Country B &amp; B</b> 833 Canaan Mtn Rd, Kentville, NS, Canada, B4N 4K1 Phone: 902-678-1846 Fax: 902-678-4517 Toll Free: 1-877-678-1846 E-mail: dave.hollohan@ns.sympatico.ca Website: <a href="http://www.comoxvalleyrestaurants.ca/CanaanCountry.htm">http://www.comoxvalleyrestaurants.ca/CanaanCountry.htm</a>	Year round
<b>Candle Inn The Window Bed &amp; Breakfast</b> 156 Brown Street, Berwick, NS, Canada, B0P 1E0 Phone: 902-538-0697, 902-538-0698 Toll Free: 1-866-338-0698 E-mail: sleep@candleinnbandb.com Website: <a href="http://www.candleinnbandb.com/">http://www.candleinnbandb.com/</a>	Year round
<b>Carwarden B &amp; B</b> 640 Church St. Port Williams, NS, Canada Phone: 902-678-7827 Fax: 902-678-0029 Toll Free: 1-888-763-3320 E-mail: carwarden@ns.sympatico.ca	May 1 to October 31

Website: <http://www.carwarden.com>

**The Clockmaker's Inn**

Year round

1399 King Street, Windsor  
Phone: 902-792-2573  
Fax: 902-792-1640  
Toll Free: 1-866-778-3600  
E-mail: [reservations@theclockmakersinn.com](mailto:reservations@theclockmakersinn.com)  
Website: <http://www.theclockmakersinn.com>

**Delft Haus B & B Inn**

Year round

1942 Highway 359, P.O. Box 88, Centreville, NS, Canada,  
B0P 1J0  
Phone: 902-678-4333  
Fax: 903-678-4310  
Toll Free: 1-866-851-4333  
E-mail: [info@delfnhaus.com](mailto:info@delfnhaus.com)

**Edgehill Bed & Breakfast**

Year round

483 Wiley Ave., Windsor  
Phone: 902-792-1451  
E-mail: [ruth.fader@ns.sympatico.ca](mailto:ruth.fader@ns.sympatico.ca)

**Farmhouse Inn B & B**

Year round

9757 Main St, Box 38, Canning, NS, Canada, B0P 1H0  
Phone: 902-582-7900  
Fax: 902-582-7480  
Toll Free: 1-800-928-4346  
E-mail: [farmhous@ns.sympatico.ca](mailto:farmhous@ns.sympatico.ca)  
Website: <http://www.farmhouseinn.ca/>

**Fiddlehead B & B**

May 21 to November 15

307 King St., Windsor  
Phone: 902-798-2659  
Fax: 902-792-2422  
E-mail: [don.sheehan@ns.sympatico.ca](mailto:don.sheehan@ns.sympatico.ca)  
Website: <http://www.bbcanada.com/5660.html>

**Foley House Inn**

Year round

9639 Cedar St., Windsor  
Phone: 902-261-2844  
Fax: 902-261-2270  
Toll Free: 1-888-989-0882  
E-mail: [foley.house@ns.sympatico.ca](mailto:foley.house@ns.sympatico.ca)  
Website: <http://www3.ns.sympatico.ca/foley.house/area.html>

**Fundy Bay Holiday Home B & B**

Year round

2165 McNally Road, Victoria Harbour, Aylesford, NS,  
Canada, B0P 1C0

Phone: 902-847-1114  
Fax: 902-847-1032  
Toll Free: 1-800-565-0000  
Website: [www.fundyhomes.com](http://www.fundyhomes.com)

**Gabriel's Rest Bed & Breakfast**

Year round

Address: 280 Gabriel Rd, Falmouth, NS, B0P 1L0  
Phone: 902-792-1775  
E-mail: [oreilly8@ns.sympatico.ca](mailto:oreilly8@ns.sympatico.ca)

**Garden House B & B**

Year round

220 Main Street, Wolfville, NS, Canada, B4P 1C4  
Phone: 902-542-1703  
Fax: 902-690-2823  
E-mail: [info@gardenhouse.ca](mailto:info@gardenhouse.ca)  
Website: <http://www.gardenhouse.ca/>

**Gingerbread House Inn B & B**

Year round

8 Robie Tufts Drive, Wolfville, NS, B4P 1X1  
Phone: 902-542-1458  
Toll Free: 1-888-542-1458  
E-mail: [innkeeper@gingerbreadhouse.ca](mailto:innkeeper@gingerbreadhouse.ca)  
Website: <http://www.gingerbreadhouse.ca/>

**Grand Street Inn**

Year round

160 Main St, Kentville, NS, Canada, B4N 1J8  
Phone: 902-679-1991  
Fax: 902-679-1991  
Toll Free: 1-877-245-4744  
E-mail: [grandstreetinn@eastlink.ca](mailto:grandstreetinn@eastlink.ca)

**Harwood House B & B**

Year round

33 Highland Avenue, Wolfville, NS, Canada, B4P 1Y9  
Phone: 902-542-5707  
Toll Free: 1-877-897-0156  
E-mail: [info@harwoodhouse.com](mailto:info@harwoodhouse.com)  
Website: <http://www.harwoodhouse.com/>

**Hidden Gardens B & B**

Year round

274 Main Street, Berwick, NS, Canada, B0P 1E0  
Phone: 902-538-0813  
Toll Free: 1-866-299-0813  
E-mail: [hiddengardens@ns.sympatico.ca](mailto:hiddengardens@ns.sympatico.ca)  
Website: <http://www.bbcanada.com/hiddengardens>

**Hilltop Haven B & B Spa Retreat**

Year round

265 Lockhart Road, Coldbrook, NS, Canada, B4R 1C1  
Phone: 902-678-4374  
E-mail: [stay@hilltophavenbandb.com](mailto:stay@hilltophavenbandb.com)

[www.hilltophavenbandb.com/http://www.hilltophavenbandb.com/](http://www.hilltophavenbandb.com/http://www.hilltophavenbandb.com/)

**Hummingbird B & B** Year round  
5543 Hwy 14, Windsor, NS, B0N 2T0  
Phone: 902-798-4010  
Fax: 902-823-1446  
E-mail: [info@hummingbirdbandb.ca](mailto:info@hummingbirdbandb.ca)  
Website: <http://www.hummingbirdbandb.ca/>

**In Wolfville Luxury B & B** Year round  
56 Main Street, Wolfville, NS, Canada  
Phone: 902-542-0400  
Fax: 902-542-4202  
Toll Free: 1-800-542-0400  
E-mail: [inwolfville@ns.sympatico.ca](mailto:inwolfville@ns.sympatico.ca)  
Website: <http://www.inwolfville.ns.ca/>

**Isabella's B & B** Year round  
11589 Hwy 1, Grand Pre, NS, Canada, B0P 1M0  
Phone: 902-542-1574  
E-mail: [iannigel33@hotmail.com](mailto:iannigel33@hotmail.com)

**Look In Guest Room** May - September  
3369 Hwy 358, RR #3, Canning, NS, Canada  
Phone: 902-582-3022  
Fax: 902-582-1334  
E-mail: [c.french@xcountry.tv](mailto:c.french@xcountry.tv)  
Website: <http://www.lookoffcamping.com/>

**Meander Inn B & B** Year round  
153 Albert St., Windsor, NS  
Phone: 902-798-2514  
Fax: 902-792-2405  
Toll Free: 1-877-387-6070  
Website: <http://www.bbcanada.com/meanderinbandb>

**Olde Lantern Inn & Vineyard** Year round  
11575 Hwy 1, Box 112, Grand Pre, NS, Canada, B0P 1M0  
Phone: 902-542-1389  
Toll Free: 1-877-965-3845  
Website: <http://www.oldlanterninn.com/>

**Parkside Gardens B & B** May 1 to October 15  
1387 Highway 1, Kingston, NS, Canada, B0P 1R0  
Phone: 902-765-4605  
Toll Free: 1-888-393-5422  
E-mail: [parkside@av.eastlink.ca](mailto:parkside@av.eastlink.ca)  
Website: <http://users.eastlink.ca/~parkside/>

**Sea Spray B & B**

938 Chipman Brook Rd., Centreville, Kings County, NS,  
Canada, B0P 1J0  
Phone: 902-538-0844 902-679-1362  
Fax: 902-679-6985  
E-mail: harbourville2002@yahoo.com  
Website: <http://www.harbourville.com/>

**Silver Shoe Bed & Breakfast**

Year round

1221 Highway 341 RR2  
Canard, Kings County B0P 1J0  
Phone: (902) 679-6400  
Toll Free: 1-800-362-1566

**Tattingstone Inn**

Year round

620 Main Street, Wolfville, NS, Canada, B4P 1E8  
Phone: 902-542-7696  
Fax: 902-542-4427  
Toll Free: 1-800-565-7696  
E-mail: [tattingstone@ns.sympatico.ca](mailto:tattingstone@ns.sympatico.ca)  
Website:  
<http://www.summitconferencetools.com/tattingstone/>

**Tides Inn Guest Suites**

Year round

Highway 359  
Hall's Harbour, Kings County B0P 1J0  
Phone: (902) 678-4543  
Web Address: [www.tidesinhallsharbour.com](http://www.tidesinhallsharbour.com)

**Victoria's Historic Inn and Carriage House B & B**

Year round

600 Main Street, Wolfville, NS, Canada, B4P 1E8  
Phone: 1-902-542-5744  
Fax: 902-542-7794  
Toll Free: 1-800-556-5744  
E-mail: [victoriasinn@eastlink.ca](mailto:victoriasinn@eastlink.ca)

**Welcomhome B & B**

Year round

9955 Main St, Canning, NS, Canada, B0P 1H0  
Phone: 902-582-3457  
Toll Free: 1-866-582-3457  
E-mail: [stay@welcomhome.ca](mailto:stay@welcomhome.ca)  
Website: <http://www.welcomhome.ca/>

**Wickwire House B & B**

May - October

183 Main Street, Kentville, NS, Canada, B4N 1J6  
Phone: 902-679-1188  
Fax: 902-679-5196  
Toll Free: 1-877-679-1188  
E-mail: [information@the-wickwire.ca](mailto:information@the-wickwire.ca)



	<b>Willowbrae Vacation Home</b> 4505 Highway #221, Berwick, NS, BOP 1E0 Phone: 902-538-1754 Fax: 902-538-1666 Toll Free: E-mail: <a href="mailto:bm.lees@ns.sympatico.ca">bm.lees@ns.sympatico.ca</a>	Year round
	<b>The Woodshire Inn and Cocoa Pesto Bistro</b> 494 King Street, Windsor, NS Phone: 902-472-3300 Fax: 902-472-3232 E-mail: <a href="mailto:info@thewoodshire.com">info@thewoodshire.com</a> Website: <a href="http://thewoodshire.com/">http://thewoodshire.com/</a>	Year found
<b>Campgrounds (3)</b>	<b>Land of Evangeline Family Camping Resort</b> 18 Grandview Drive Wolfville, Kings County B4P 1W4 Phone: (902) 542-5309 Toll Free: 1-(800-565-0000 Web Address: <a href="http://www.evangelinefamilycampground.com">www.evangelinefamilycampground.com</a>	
	<b>Look-Off Family Camping Park</b> 3396 Highway 358 Canning, Kings County B0P 1H0 Phone: (902) 582-3022 Web Address: <a href="http://www.lookoffcamping.com">www.lookoffcamping.com</a>	
	<b>Plantation Campground</b> RR#2 Berwick, Kings County B0P 1E0 Phone: (902) 538-8888 Toll Free: 1-888-363-8882 Web Address: <a href="http://www.plantationcampingresort.com/">www.plantationcampingresort.com/</a>	
<b>Farm Markets (17)</b>	<a href="http://www.selectnovascotia.ca/?cid=12&amp;pn=Farm%20Market">http://www.selectnovascotia.ca/?cid=12&amp;pn=Farm%20Market</a>	
	<b>Anstrum's Farm Market</b> 519 Ben Jackson Rd. Hantsport, NS <b>Telephone:</b> (902) 684-9668	8 am to 8 pm
	<b>Avery's Farm Market</b> 431 Main Street Kentville, NS <b>Telephone:</b> (902) 678-6469	
	<b>Cosman and Whidden Honey Co.</b>	Storefront is open seven days a week year round

9925 Hwy 1, RR #2  
Wolfville, NS  
**Telephone:** 1-902-542-9443  
Website: [www.novascotiahoney.com](http://www.novascotiahoney.com)  
**Email:** [cwhoney@ns.sympatico.ca](mailto:cwhoney@ns.sympatico.ca)

**Dempsey Corner Orchards**  
2717 Hwy 221  
Aylesford, NS  
**Telephone:** (902) 847-1855  
Website: [www.dempseycornerorchards.com](http://www.dempseycornerorchards.com)

**Elderkin's Farm Market & U-Pick**  
10362 Hwy 1, RR #2 Wolfville  
Wolfville, NS  
**Telephone:** 1-902-542-7198  
**Email:** [elderkinsapples@accesswave.ca](mailto:elderkinsapples@accesswave.ca)

**Falmouth Fruit & Vegetable Company Ltd.**  
2053 Hwy #1  
Falmouth, NS  
**Telephone:** (902) 798-0200  
Website: [www.falmouthfarmmarket.com](http://www.falmouthfarmmarket.com)

9-6 Sun-Wed, 9-8 Thur, Fri,  
Sat

**Forsyth's Farm Market**  
3759 Hwy 1  
Berwick, NS  
**Telephone:** (902) 538-9321

Open 9AM - 8PM seven days  
a week

**Fox Hill Cheese House**  
1660 Lower Church Streett  
Port Williams, NS  
**Telephone:** 1-902-542-3599  
Website: [www.foxhillcheesehouse.com](http://www.foxhillcheesehouse.com)  
**Email:** [foxhillfarm@ns.sympatico.ca](mailto:foxhillfarm@ns.sympatico.ca)

Year round

**Hennigar's Farm Market**  
10272 Hwy 1  
Wolfville, NS  
**Telephone:** (902) 542-3503  
Website: [www.hennigars.com](http://www.hennigars.com)  
**Email:** [heather@hennigars.com](mailto:heather@hennigars.com)

**Howard Dill Enterprises**  
400 College Road  
Windsor, NS  
**Telephone:** (902) 798-2728

Website: [www.howarddill.com](http://www.howarddill.com)

**Kenny's Farm Market**

121 Main Street  
Wolfville, NS  
**Telephone:** (902) 542-5598

**Manning's Family Farm Market**

50 Oakdale Lane  
Falmouth, NS  
**Telephone:** (902) 798-4541

**Meadowbrook Meat Market**

318 Pleasant Valley Rd  
Berwick, NS  
**Telephone:** (902) 538-1106  
Website: [www.meadowbrookmeatmarket.com/index.html](http://www.meadowbrookmeatmarket.com/index.html)  
**Email:** [meadowbrookfarm@ns.sympatico.ca](mailto:meadowbrookfarm@ns.sympatico.ca)

Year round

**Noggins Corner Farm Ltd.**

10009 Hwy 1  
Greenwich, NS  
**Telephone:** 1-902-542-5515  
Website: [www.nogginsfarm.ca](http://www.nogginsfarm.ca)

Year round

**Peach Pit Farm Market**

2830 Hwy #221  
Dempsey's Corner, NS  
**Telephone:** (902) 847-0872  
Website: [peachpitfarmmarket.com/](http://peachpitfarmmarket.com/)  
**Email:** [blomidon@ns.sympatico.ca](mailto:blomidon@ns.sympatico.ca)

Mid Aug - October

**Stirling Fruit Farms (Wolfville)**

10317 Hwy 1  
Wolfville, NS  
**Telephone:** (902) 542-2789  
Website: [www.stirlingfruitfarms.ca](http://www.stirlingfruitfarms.ca)  
**Email:** [hal@stirlingfruitfarms.ca](mailto:hal@stirlingfruitfarms.ca)

**Willowbank U-Pick Farm & Equestrian Stable**

110 Starr's Point Road  
Port Williams, NS  
**Telephone:** 1-902-542-9153  
Website: [www.willowbankupick.com](http://www.willowbankupick.com)  
**Email:** [u-pickfarm@hotmail.com](mailto:u-pickfarm@hotmail.com)

**Farmers markets (5)**

**Berwick Farmers' Market**

236 Commercial St  
Town Hall Parking Lot

Thursday 4-8

Berwick, NS  
**Telephone:** 538-5633  
**Email:** berwickfarmersmarket@gmail.com

**Kentville Farmers Market** July 2 - Oct 1  
Centre Square Wednesday 10 - 2  
Kentville, NS

**Kingston Farmers Market** Seasonal  
Corner of Main Street and Bridge Street Wednesday 3 - 7  
Kingston, NS  
**Telephone:** 902-840-0423  
**Email:** kingstonfarmersmarket@hotmail.com

**Windsor Farmers Market** June to October  
Sam Slick Coach House, Windsor waterfront Saturday 9 - 1  
Windsor, NS  
**Telephone:**  
**Email:** windsorfarmersmarket@gmail.com

**Wolfville Farmers' Market** Year round  
May to September - Robie Tufts Nature Centre. October to  
April - Acadia Student Union Bldg, Highfield Ave. Saturday 8:30 - 1  
Wolfville, NS  
**Telephone:** 1-902-678-8568  
Website: wolfvillefarmersmarket.com/

**Golf Courses (6)**

**Berwick Heights Golf Course**  
3060 Highway 221  
Weston, Nova Scotia  
Canada B0P 1C0  
Tel: 902.847.9000  
Toll Free: 1.866.735.4653

**Eagle Crest Golf Course**  
2059 Lakewood Road, Centreville  
Nova Scotia, B0P 1J0  
Phone: 902 679 3033

**Island Green Golf Club & Driving Range**  
7005 Highway 12, Kentville North Alton N.S.  
Phone: 902-678-7577

**Ken-Wo Golf Club**  
9514 Commercial Street  
New Minas,  
Nova Scotia  
B4N 3E9

Office 902-681-0678

**Paragon Golf and Country Club**

P.O. Box 277  
Kingston, N.S. Canada B0P 1R0  
Phone (902)765-3211

**Avon Valley Golf & Country Club**

P.O. Box 101, Falmouth, Nova Scotia  
B0P 1L0  
Office: 902-798-4654

**Heritage  
Organizations (23)**

<http://novascotiaheritage.ca>

**Kings County (18)**

**Acadia University Archives**

(902) 585-1549  
<http://library.acadiau.ca/archives>  
Vaughan Memorial Library  
50 Acadia St  
Wolfville, NS B0P 1X0

**Acadia University Art Gallery**

(902) 585-1373  
<http://ace.acadiau.ca/arts/artgal/>  
Acadia University, Beveridge Arts Centre  
10 Highland Avenue  
Wolfville, NS B4P 2R6

**Apple Capital Museum Society**

(902) 538-9229  
171 Commercial Street  
Berwick, NS B0P 1E0

**Blair House Museum**

(902) 678-1093  
Kentville Agricultural Centre  
Main Street  
Kentville, NS B4N 1J5

**Blomidon Naturalists Society**

Wolfville, NS B0P 1X0

**Canning Library & Heritage Centre**

(902) 582-7699  
<http://fieldwoodhs.ednet.ns.ca/index.html>  
9806 Main Street  
Canning, NS B0P 1H0

**Charles Macdonald Concrete House**

<http://www.concretehouse.ca/>  
19 Saxon Street  
Clementsport, NS B0P 1J0

**George and Mary Lynch Heritage Museum**

(902) 678-3915  
Berwick, NS B0P 1E0

**Grand-Pré National Historic Site**

(902) 542-3631  
<http://www.parkscanada.gc.ca>  
2242 Grand-Pré Road  
Grand Pré, NS B0P 1M0

**Greenwood Military Aviation Museum**

(902) 765-1494 (ext. 5955)  
<http://gmam.ednet.ns.ca/>  
Greenwood, NS B0P 1N0

**Hall's Harbour Interpretive Centre**

(902) 678-7001  
3586 Hwy 359  
Centreville (Kentville area), NS B0P 1J0

**Kings County Genealogy Centre**

(902) 678-6237  
<http://www.okcm.ca/>  
37 Cornwallis St.  
Kentville, NS B4N 2E2

**Kings County Museum**

(902) 678-6237  
[www.okcm.ca](http://www.okcm.ca)  
7 Cornwallis Street  
Kentville, NS B4N 2E2

**Kings Environmental Group**

Centreville (Kentville area), NS B0P 1J0

**Oaklawn Farm Zoo**

902-847-9790  
<http://www.oaklawnfarmzoo.ca/>  
997 Ward Rd.  
Aylesford, NS B0P 1C0

**Planter Studies Centre**

Room 410, Beveridge Arts Centre  
Acadia University

Wolfville, NS B4P 2R6

**Prescott House Museum**

(902) 542-3984  
<http://prescott.museum.gov.ns.ca>  
1633 Starr's Point Road  
Port Williams, NS B0P 1T0

**Randall House Museum**

(902) 542-9775  
<http://wolfvillehs.ednet.ns.ca>  
259 Main Street  
Wolfville, NS B4P 1C6

**Hants County (5)**

**Churchill House & Marine Room Museum**

(902) 684-3365  
Hantsport, NS B0P 1P0

**Fort Edward National Historic Site**

(902) 798-4706  
<http://www.parkscanada.ca>  
Windsor, NS B0N 2T0

**Haliburton House Museum**

(902) 798-2915  
<http://haliburton.museum.gov.ns.ca>  
414 Clifton Avenue  
Windsor, NS B0N 2T0

**King's-Edgehill School Archives**

(902) 798-2225  
<http://www.kes.ns.ca/>  
33 King's-Edgehill Lane  
Windsor, NS B0N 2T0

**Shand House Musuem**

(902) 798-8213  
<http://shand.museum.gov.ns.ca>  
389 Avon Street  
Windsor, NS B0N 2T0

**U-picks (21)**

Source: <http://www.selectnovascotia.ca/?cid=12&pn=U-Pick>

**Blair/Carol Embree**

1039 Belcher Street  
Port Williams, NS  
**Telephone:** 1-902-542-3456

**Blueberry Acres**

1225 Middle Dyke Road  
Centreville, NS  
**Telephone:** 1-902-582-1482  
Website: [www.novaagri.com](http://www.novaagri.com)  
**Email:** [margie@novaagri.com](mailto:margie@novaagri.com)

**Boates Farm**

432 Bligh Road  
Woodville, NS  
**Telephone:** 1-902-678-7671  
Website: [www.boatvin.com](http://www.boatvin.com)  
**Email:** [kb@xcountry.tv](mailto:kb@xcountry.tv)

**Bob Ansem's U-Pick**

1949 Lakewood Road  
Centerville, NS  
**Telephone:** 1-902-679-0757

**Bosveld's Fruit Farm**

183 Lamont Road  
Lakeville, NS  
**Telephone:** (902) 678-8767 or (902) 678-0740  
**Email:** [bosveld@auracom.com](mailto:bosveld@auracom.com)

**Daniels U-Pick**

4473 Chester Road  
Windsor, NS  
**Telephone:** (902) 798-5432  
**Email:** [phildaniels9@hotmail.com](mailto:phildaniels9@hotmail.com)

**Dempsey Corner Orchards**

2717 Hwy 221  
Aylesford, NS  
**Telephone:** (902) 847-1855  
Website: [www.dempseycornerorchards.com](http://www.dempseycornerorchards.com)

**Elderkin's Farm Market & U-Pick**

10362 Hwy 1, RR #2 Wolfville  
Wolfville, NS  
**Telephone:** 1-902-542-7198  
**Email:** [elderkinsapples@accesswave.ca](mailto:elderkinsapples@accesswave.ca)

**Foote Family Farm**

1972 Woodville Road, RR #2 Cambridge Station  
Cambridge Station, NS  
**Telephone:** 1-902-678-4371  
Website: [www.footefamilyfarm.com](http://www.footefamilyfarm.com)



**Email:** trina@footefamilyfarm.com

**Fuller Brothers U-Pick**

224 Bluff Road  
Avonport, NS  
**Telephone:** 1-902-542-1825

**Gates U-Pick**

1263 Starr's Point Road  
Port Williams, NS  
**Telephone:** (902) 542-9340  
Website: www.gatesupick.com  
**Email:** mlgates@eastlink.ca

**Hennigar's Farm Market**

10272 Hwy 1  
Wolfville, NS  
**Telephone:** (902) 542-3503  
Website: www.hennigars.com  
**Email:** heather@hennigars.com

**Mac Berry Farms**

1279 Sherman Belcher Rd  
Centreville, NS  
**Telephone:** 1-902-678-3961

**Noggins Corner Farm Ltd.**

10009 Hwy 1  
Greenwich, NS  
**Telephone:** 1-902-542-5515  
Website: www.nogginsfarm.ca

**Quinn's Strawberry U-Pick**

MacIntosh Road  
Millville, NS  
**Telephone:** 1-902-674-2517

**Starr Best**

86 Arnold Rd., Woodville  
Waterville, NS  
**Telephone:** 1-902-538-8740

**Stirling Fruit Farms (Wolfville)**

10317 Hwy 1  
Wolfville, NS  
**Telephone:** (902) 542-2789  
Website: www.stirlingfruitfarms.ca  
**Email:** hal@stirlingfruitfarms.ca

**Stonehenge Farm**

2380 Harmony Road  
Aylesford, NS  
**Telephone:** 1-902-847-9146  
**Email:** r.t.johnson@ns.sympatico.ca

**Suprima Farms Ltd.**

1388 Middle Dyke Rd, RR #5  
Canning, NS  
**Telephone:** 1-902-582-3044

**Willowbank U-Pick Farm & Equestrian Stable**

110 Starr's Point Road  
Port Williams, NS  
**Telephone:** 1-902-542-9153  
Website: www.willowbankupick.com  
**Email:** u-pickfarm@hotmail.com

**Vineyards (6)**

<http://winesofnovascotia.ca/wineries/index.php>

**L'Acadie Vineyards**

310 Slayter Road, Gaspereau ( 8 km from Exit 9)  
Phone: 902 542 8463 (VINE)  
Web: www.lacadievineyards.ca  
E-mail: info@lacadievineyards.ca

May - December

**Benjamin Bridge Vineyards**

Gaspereau Valley Winemaker: J  
Phone: 902 542 4407  
Web: www.benjaminbridge.com  
E-mail: wines@benjaminbridge.com

Currently not open to public

**Blomidon Estate Winery**

Location: 10318 Hwy 221, Canning  
Phone: 902 582 7565  
Web: www.blomidonwine.com  
E-mail: retail@blomidonwine.com

Year round

**Domaine De Grand Pré**

Location: 11611 Hwy 1, Grand Pré  
Phone: 902 542 1753 (Winery)  
Toll-free: 1 866 GPWINES  
Web: www.grandprewines.com  
E-mail: mail@grandprewines.ns.ca

May - October 10 - 6  
April & October Wed - Sun 11  
- 5  
January - March - weekends

**Gaspereau Vineyards**

2239 White Rock Road, Gaspereau  
Phone: 902 542 1455

April - December

Web: [www.gaspereauwine.com](http://www.gaspereauwine.com)  
Email: [info@gaspereauwine.com](mailto:info@gaspereauwine.com)

**Muir Murray Estate Winery Limited**

Winery Lane, Wolfville, NS B4P 2R1  
Phone: (902)542-0343  
Website: [WWW.muirmurraywinery.com](http://WWW.muirmurraywinery.com)  
E-mail: [enquiries@muirmurrayestatewinery.com](mailto:enquiries@muirmurrayestatewinery.com)

**Sainte-Famille Wines**

Dyke Road and Dudley Park Lane, Falmouth (Exit #7 off Hwy 101)  
Phone: 902 798 8311 or 1 800 565 0993  
Web: [www.st-famille.com](http://www.st-famille.com)  
E-mail: [scorkum@st-famille.com](mailto:scorkum@st-famille.com)

Year round

**Visitor Information Centres (6)**

Windsor: (902) 798-2690  
Hantsport: (902) 684-9302  
Wolfville: (902) 542-7000  
Kentville: (902) 678-7170  
Berwick: (902) 538-9229  
Kingston: (902) 765-6678

End of May-Beginning of October  
Mid-May-End of September  
Mid April-Mid December  
Mid May-Beginning of October  
June-September  
Mid May-End of September

**Restaurants**

[www.avesta.ns.ca/avesta\\_info/Facilities/facilities\\_dining.html](http://www.avesta.ns.ca/avesta_info/Facilities/facilities_dining.html)  
[www.destinationsouthwestnova.com/experiences/restaurant/](http://www.destinationsouthwestnova.com/experiences/restaurant/)

## 8.2 Key Informant Interviews – Community Input

### General

- Grand Pré is about *living agriculture* and respect for private land is important. It is also a living site with tourism opportunities. This is about an agricultural lifestyle and agricultural character
- Farmers do not want to be seen in the community as being defensive about movement on the dykelands but are concerned about liability
- This is a community committed to heritage
- Biggest challenge is to tell the whole story of many centuries and many peoples
- A unique focus – this a working agricultural area. The residents and agriculture have lived in harmony for 300 years. Tolerance and working together has gone on forever. No conflict issues re traffic or farm smells that often occur in other agricultural areas
- The whole story is not told. There is interpretation for parts of the story. It must be subtly done and appropriate to the landscape - weaving the story without putting emphasis on one people - but on the landscape. The story is the landscape and how the people have interacted over time.

- The whole story is not told – the natural history piece, important vistas, beach, mud flats
- The collective will is to protect the farmland – not develop
- Emphasis is on the 4 communities but the greater area will benefit
- The interpretation needs to be subtle and in keeping with rural Nova Scotia values. Nothing brash. Has to be smaller scale, in keeping with the nature of the community – appropriate and respectful of the humility.
- If we create infrastructure – has to weave the story – follow walking paths, biking, horse and cart.
- Evangeline Beach – people come to see the birds and can't help but notice Blomidon –beauty.

### ***Requirements for a quality visitor experience:***

- There will have to be some place to direct tourists – to tell them what is here is and what there is to see. Perhaps a view point – at the National Historic Site
- We have a great OUV, but if somebody went there today, they wouldn't understand the value of the area
- A tourist plan for the community so that a tourist can come and find out what the points of interest are in Grand Pré - start here and go there. If that is carried out, it will enhance the tourist experience but also keep the tourist movement away from agriculture
- The road down to the iron cross might be used – perhaps a horse and cart ride
- Opportunities exist for archaeological interpretation/ tours
- How about a farm market?
- Wayfinding – map, walking trail, driving map
- View points – there is a good one above the park
- People would probably like to see a working aboiteau
- Visitor information - one of the best in the province – but it is in Wolfville. People need help to plan their experience and have sites identified.
- Do up a booklet – or use internet – to promote. UNESCO designation will bring people into the whole area.
- Access to food and washrooms, resting places
- Perhaps a ring route walking – accessible, clear and quick – orienting information for people – or network of shorter or longer loops with interesting viewing or vantage points – but dykeland must be protected
- Broader perspective than Acadian focus would be welcomed

### ***Signage***

- Signage is important
- More signage

- Need better signage on the routes – work with Department of Transportation
- The highway signs are very good
- More signs in Kings County would be like trying to rezone farmland
- There is signage at the beach re the birds but on private land. No real public access to see the beach and the movement of tide.
- If you compare to the US and Europe – Kings County is very strict about signage Different businesses (new) if not on the main road or in the main core, may put a sign up and they are outlawed by the municipality
- Need clear signage and information about what they are seeing, what they have arrived at – could be brochure, a sign, like at the Wolfville waterfront – interpretive signs

### ***Accommodation***

- Accommodation - not critical here, but perhaps in the region there may be a need for more
- We're fine right now
- Lots of accommodation in Wolfville. If only 6% increase in tourism we will be fine.
- B & B's come and go. More will come if the increase is greater than 6%. If it is 20%, that is another issue.
- Old Orchard Inn and the Wandlyn in Coldbrook – this was not a good summer for them. Better to have 2 that are doing ok than 4 that are struggling

### ***Legacy Projects***

- Something that is important with or without designation
- Something that will honour community contribution that is practical and usable
- Walking path that would connect National Historic Site to Horton Landing
- Maybe the view plane
- Viewpoint – the one above the park would be the best
- How about something like New Ross or Louisbourg – university students dressed up in red uniforms who re-enact the expulsion – could provide employment for students.
- More pictures and paintings from the time – walk on the road that the planters walked on
- Access down to the beach to see the tide - this is where it started. These are the salt marshes and mud flats that were dyked to create the farmland. Could be something most appreciated by the community. People have complained for years that they don't have access to the beach. This is for the community – the view plane is for the tourists. Perhaps purchase of piece of beach that would offer public access to the beach. .

- Walking trail – be there indefinitely and something the local people would enjoy.
- When the highway department redesigned the crossroad they left a little bit of the highway's public land. It is not clear what to do with it – could be a planting or a tree (between the filling station and the corner)
- Two bits of land where ownership is disputed – lost records – lost clarity of deeds, some way to resolve one or both of the ownership – would be precious as public land. There is no place for a little park or playground. Try to designate areas as public.

### ***Tourism Development***

- We need a tourist plan for the area. Create a real theme for tourism
- Infrastructure collaboration from provincial government, not only tourism but transportation re roads lighting and safety
- Exit 10 – there is some discussion about putting businesses there with an agricultural theme. May or not go
- People from afar need information about what exactly there is in the valley, e.g. Hall's Harbour, Harbourville, etc. Important for people to know that these things exist – perhaps a map on the back of a brochure.
- Lots of people come for fall weekends so more advertising/promotion for agriculture - Noggins Farm is a good example
- Tourism infrastructure isn't bad for the size of Grand Pré - and Wolfville is nearby
- Pick our spots and advertise – important and can help direct people.
- Need a comprehensive plan by the local group so that they all support each other
- Could do more advertising on provincial and federal scene – agriculture goes hand in hand with tourism. Provincial environment department has sanctioned spreading of bio solids on farmland, there is concern that these are in fact safe – need to market that the veggies grown in the area do not use biosolids.
- There is a disconnect between all of the players Destination Southwest Nova, Kings RDA, Municipality – who does what? Who will be carrying out our plan? DSWN should have a stronger role.
- Mayor of Lunenburg talks about the triad of World Heritage sites that could be exploited therefore regional partnerships
- Regional promotion piece – triad of World Heritage sites
- Somebody needs to do something within the local community – a capacity building exercise. We see the opportunity to provide services, but who wants to do it, e.g. horse and buggy and bike tours? How do we spur the private sector to do these things that we suggest? Perhaps a community meeting to see if anybody is interested. Perhaps business planning assistance. How do we

- partner with the private sector on these new ideas? Who does that – maybe Kings RDA?
- Opportunity to partner with Blue Beach – could become another UNESCO site – 15 minutes away
  - Blue Beach – tremendous - come to Grand Pré first. It is a gold mine – should be developed along with the dykelands.
  - UNESCO will have to be promoted big time – promotion is everything and continue to promote it.
  - Absolutely critical to have people who live in the area and have a vested interest involved in the decision-making roles. There must be a partnership between locals and other organizations e.g. Kings RDA, DSWN

### ***Community sensitivities***

- The public is not something the farmers want on the dyke, so there must be designated areas for the tourists – but that's not to say they don't want people to see the dyke
- You'll never get 100% to support it – there are a few that don't want to change anything
- Sensitivities are being dealt with within the community – Christophe has handled this well
- Some are very supportive – but they do not want the community to change
- Do not want any damage to the dykes
- Do not want any encroachment to the farming community – sacred
- How is it going to be protected?
- Twenty old homes from late 1700-1800's in heritage society – therefore restrictions in Grand Pré - but the homeowners are supportive
- Planter/Acadian issue. How do we approach that? The Planters feel that their story has been ignored
- Agricultural land – protection of it. The area is under a land use review right now. It is a natural area for development. Community does not want change or big scale development
- But, if the numbers are up – they will use local services/products
- It has been unclear about where concerns should be best addressed
- Does designation mean you can or cannot do things to your property – a very real and legitimate concern – not necessarily a problem; people will want to know specifically.
- Will it affect taxes?
- Will it affect property values? If they are raised drastically – could have an impact and become only viable for tourists and less viable as a living community.

- No community forum discussions for a number of months to discuss these issues. People are frustrated because the talk is too general – what exactly is going to happen – “we don’t know” is an answer – we are working to get answers, etc.



# **Nomination Grand Pré Draft Terms of Reference (“ToR”) for the Grand Pré World Heritage Site Stewardship Board (“Board”)**

## **1.0 DEFINITIONS**

In these ToR,

“**Buffer Zone**” means the area surrounding the Nominated Property as described in sections 1.e and 1.f of the Nomination Proposal.

“**Canadian Delegation to the World Heritage Committee**” means the Parks Canada officials responsible for leading implementation of the World Heritage Convention in Canada, on behalf of the Government of Canada, as a State Party to the Convention. The Canadian Delegation is led by the Director General, National Historic Sites, Parks Canada and speaks on behalf of Canada with respect to official positions related to implementation of the Convention. Communications between the World Heritage Centre and Canada’s World Heritage sites are coordinated by the Canadian Delegation.

“**Commemorative Integrity**” refers to the condition or state of a national historic site when the site is healthy and whole. A national historic site possesses commemorative integrity when:

- the resources directly related to the reasons for designation as a national historic site are not impaired or under threat,
- the reasons for designation as a national historic site are effectively communicated to the public, and
- the site's heritage values (including those not related to the reasons for designation as a national historic site) are respected in all decisions and actions affecting the site.

“**Communication**” means all activities related to the public transmission of information through print radio, television, web and any other media, as well as in public events and advertising.

“**Consultation**” means the process by which the input of a stakeholder or the Mi’kmaq on matters affecting them is sought.

“**Education and Marketing Committee**” means the committee created by the Board as described in these Terms of Reference for the purpose of coordinating the efforts of the partners involved in raising awareness and promoting the World Heritage Site.

**“Grand-Pré National Historic Site of Canada (NHSC)”** means the federal land administered by Parks Canada and designated by the Minister responsible for the Historic Sites and Monuments Act as Grand-Pré NHSC.

**“Jurisdiction”** refers to the area under the authority of federal, provincial, and municipal governments and of the Grand Pré Marsh Body.

**“Management Plan”** means the document prepared by the Nomination Board in accordance with the sections of the Operational Guidelines regarding management of Nominated Properties and submitted as part of the Nomination Proposal.

**“Nomination Board”** means the Nomination Grand Pré Advisory Board, the organization that prepares the Nomination Proposal.

**“Nominated Property”** means the area proposed for World Heritage inscription as described in sections 1.e and 1.f of the Nomination Proposal, known as “The Landscape of Grand Pré”.

**“Nomination Proposal”** means the formal documentation prepared by the Nomination Board and submitted by the Canadian Delegation to the World Heritage Committee for the purpose of inscribing the Nominated Property on the World Heritage List.

**“Operational Guidelines”** means the document prepared by the World Heritage Committee officially known as *The Operational Guidelines for the Implementation of the World Heritage Convention*. Among other things the Operational Guidelines provide guidance on the requirements for the preparation of Nomination Proposals and outline the Committee’s expectations with respect to management of World Heritage sites.

**“Outstanding Universal Value (OUV)”** means the “cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. As such, the permanent protection of this heritage is of the highest importance to the international community as a whole” (*The Operational Guidelines for the Implementation of the World Heritage Convention*, UNESCO 2008, paragraph 49). Demonstrating to the World Heritage Committee that the Nominated Property has Outstanding Universal Value is the main purpose of the Nomination Proposal, in particular through sections 3.a and 3.b. If the World Heritage Committee confirms that the Nominated Property has Outstanding Universal Value and inscribes it on the World Heritage List, the Committee will adopt a formal Statement of Outstanding Universal Value for the property and will hold Canada, as a State Party to the World Heritage Convention, through the Board, accountable for conserving, protecting and presenting this Outstanding Universal Value and transmitting it to future generations.

**“Partners”** means the organizations that decide in the course of managing the Nominated Property to collaborate and share resource to achieve the mandate of the Board.

**“Regulatory Authorities”** means the federal and provincial departments with authority under a specific Act governing an activity within the boundaries of the Nominated Property and of its Buffer Zone.

**“Requests For Input”** means any form of request for advice, opinion, recommendation, obtained through consultation or other form of notification to the Board by a Regulatory Authority or a stakeholder.

**“Site Management Coordinator”** means the person responsible for implementing the direction of the Board and for coordinating the Regulatory Authorities and other partners to implement the Management Plan.

**“State Party”** means a member state of UNESCO that has ratified the World Heritage Convention.

**“Stewardship Board” (the Board)** means the Grand Pré World Heritage Site Stewardship Board, the organization identified as the site manager in the Nomination Proposal.

**“Technical Advisory Committee”** means the committee created by the Board as described in these Terms of Reference for the purpose of providing expert advice to the Board on the protection and management of the World Heritage Site.

**“World Heritage Centre”** means the Secretariat to the World Heritage Committee, provided by the Director General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), located in Paris, France.

**“World Heritage Committee”** means the Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage, as established by the World Heritage Convention. The Committee consists of 21 States Parties to the Convention, duly elected by all States Parties to the Convention to guide implementation of the Convention, including by establishing and maintaining the World Heritage List. Amongst its functions is to review nomination proposals submitted by States Parties to determine whether the nominated properties meet the requirements for inscription on the World Heritage List, in particular whether the nominated properties have OUV. When the Committee inscribes a nominated property on the World Heritage List, it expects the relevant State Party and site manager to conserve, protect, and present this OUV and to transmit it to future generations. It becomes a stakeholder in the management of the property, with a duty to take an interest in the property’s state of conservation. The World Heritage Committee may delete a site from the World Heritage List if it determines that the property has deteriorated to the extent that it has lost those characteristics that justified its inclusion on the World Heritage List.

**“World Heritage Convention”** means the international agreement formally known as the *Convention Concerning the Protection of World Cultural and Natural Heritage*. Canada is a State Party to the Convention, and recognizes that the protection of World Heritage Sites is the duty of the international community as a whole.

“**World Heritage List**” means the list of cultural and natural heritage properties created by the World Heritage Convention which consists of properties that the World Heritage Committee considers to have OUV.

“**World Heritage Site**” (WHS) means the site which has been deemed by the World Heritage Committee to have OUV and is inscribed on the World Heritage List.

## **1.0 Title**

The Board acting as site manager for the Landscape of Grand Pré World Heritage Site shall be named the *Grand Pré World Heritage Site Stewardship Board – Comité d’intendance du site du patrimoine mondial de Grand-Pré*.

## **2.0 Purpose**

In the event of a successful inscription of the Nominated Property on UNESCO’s World Heritage List, the Nomination Board will cease to exist. A Board will be created to replace it and act as the site manager in accordance with the Operational Guidelines and the Nomination Proposal.

## **3.0 Status of the Board**

3.1 The Board is a permanent committee of the Kings Regional Development Agency (Kings RDA). It abides by the rules and regulations regulating similar committees of the Kings RDA.

3.2 Should the mandate or the terms of reference of the Stewardship Board change, the relationship with the Kings RDA will be reviewed by the Stewardship Board and actions will be taken as appropriate to ensure the sustainability of the WHS’s governance

## **4.0 Responsibilities**

- 4.1 The responsibilities of the Board will be to:
- a) Act as the manager of the WHS;
  - b) Implement the Management Plan through a coordinated management approach between all Regulatory Authorities;
  - c) Engage the stakeholders in the stewardship of the WHS;
  - d) Consult its members on key issues;
  - e) Promote the WHS’s Outstanding Universal Value;
  - f) Foster and facilitate research and information sharing for the benefit of the WHS;
  - g) Report on the condition of the property, including, as necessary, to the World Heritage Centre through the Canadian Delegation to the World Heritage Committee;
  - h) Appoint a Site Management Coordinator;
  - i) Obtain the support of relevant authorities;
  - j) Oversee the management of the finances of the WHS, including adopting business plans, receiving financial reports, and approve spending; and,

- k) Review and approve contracts and other forms of agreements.
- 4.2 The Board may establish sub-committees to provide advice or to assist in the performance of its responsibilities.
- 4.3 At least one member of the Board will be part of such sub-committees.
- 4.4 The Board may seek outside expertise to achieve its objectives.
- 4.5 The Board may establish formal rules of procedure and policies that are necessary for the performance of its responsibilities.
- 4.6 The Board will respond within six weeks to requests for input received from the different jurisdictions regarding development projects proposed for the area within the boundary and Buffer Zone of the WHS. It is understood that the Co-Chairs of the Board will make representations to various government bodies regarding issues identified by the Board. While the Board may consult stakeholders and the residents of the WHS as it carries out its mandate, the Board will not undertake formal public consultations regarding a development project as this would duplicate the work of other jurisdictions.

## **5.0 Membership**

- 5.1 The members of the Board are the following organizations:

### As voting members

- Councillor of District 12, Municipality of the County of Kings (“County of Kings”);
- Kings Regional Development Agency (“Kings RDA”);
- Grand Pré Marsh Body (“Marsh Body”);
- Société nationale de l’Acadie (“SNA”);
- Société Promotion Grand-Pré (“SPGP”);
- Glooscap First Nation (“Glooscap”);
- Destination Southwest Nova (“DSWN”);
- Grand-Pré and Area Community Association (“Community Association”); and,
- Parks Canada Agency (“Parks Canada”).

### As ex-officio and non voting members

- Staff, the Municipality of the County of Kings (“County of Kings”);
- Atlantic Canada Opportunity Agency (“ACOA”);
- Department of Tourism, Culture and Heritage of the Province of Nova Scotia (“DTCH”);
- Office of Acadian Affairs of the Province of Nova Scotia (“OAA”);
- Department of Agriculture of the Province of Nova Scotia (“Agriculture”); and,
- Nova Scotia Economic and Rural Development (“NSERD”).

- 5.2 Each organization shall delegate one representative and one alternate.

- 5.3 Delegates and alternates shall have authority to make decisions on the Board.
- 5.4 The terms of office of representatives are at the discretion of the appointing voting member organization.
- 5.5 New members can be added to join by the Board to ensure the balance and representation necessary to achieve its mandate. There will be no more than 12 voting members.
- 5.6 The Site Management Coordinator will sit on the Board, without voting rights, to report and advise the Board as necessary.
- 5.7 Resource people may be invited to attend the meetings upon request from the Co-chairpersons on behalf of the Board to provide advice and assistance as necessary. Resource people will not have a right to vote.
- 5.8 Board members who no longer represent the organization for which they were nominated will cease to be members of the Board.
- 5.9 Experts can be added as ex-officio members of the Board as required.

## **6.0 Co-Chairpersons**

- 6.1 The positions of Co-chairperson of the Board will be held by (1) a member of the local community and (2) a member of the Acadian community. Co-chairs will serve for three year terms. The local community representative will be delegated by the Community Association. The Acadian community representative will be delegated by the SNA. Both positions are from the membership of the Board.
- 6.2 The responsibilities of the Co-chairpersons include:
  - Scheduling meetings and approving agendas;
  - Inviting resource people to attend meetings when required by the Board;
  - Chairing meetings;
  - Ensuring that all agenda items end with a decision, action or definite outcome;
  - Reviewing the draft minutes prior to their distribution;
  - Approving media statements;
  - Representing the WHS in an official capacity; and,
  - Serving as the official spokespersons of the WHS.
- 6.3 Co-chairs are by default members of the committees created by the Board.

## **7.0 Secretariat**

- 7.1 The Secretariat will be operated by Kings RDA.

- 7.2 The position of Secretary of the Board will be held by an employee of Kings RDA.
- 7.3 The responsibilities of the Secretariat are to:
- Support the operations of the Board and its committees;
  - Manage correspondence on behalf of the Board;
  - Manage the website for the WHS;
  - Manage the budget;
  - Prepare funding applications;
  - Manage contracts;
  - Report on financial matters;
  - Prepare and update policies for the Board; and,
  - Provide coordination for media, public, and stakeholder relations.
- 7.4 The responsibilities of the Secretary are to:
- Prepare meeting agendas and issue notices of meetings 10 days prior to the meeting date, and ensuring that all documents required for discussion or comment are attached to the agenda;
  - Take notes and prepare minutes of Board meetings within 10 days after the meeting;
  - Provide draft minutes to the Co-chairpersons for their review prior to distribution to the Board;
  - Ensure that the minutes of the previous meeting are approved at the beginning of the following meeting; and
  - Organize the logistics of the meetings of the Board and other meetings relating to the operations of the Board.
- 7.5 The Secretary will provide quarterly reports on the operations of the Secretariat, including reports on correspondence, budget, contracting, and media, public, and stakeholder relations.

## **8.0 Management of the World Heritage Site**

- 8.1 The Board will manage the WHS according to the highest standards in cultural and natural heritage management, to the requirements of the Operational Guidelines, and to the Management Plan submitted at the time of the Nomination Proposal and its subsequent updates.
- 8.2 The Management Plan will be reviewed five years after inscription on the World Heritage List and every six years following that.
- 8.3 The Board will engage, work with, and report to the Regulatory Authorities with Jurisdiction in the Buffer Zone.
- 8.4 Public Consultation is solely the responsibility of the Regulatory Authorities. Consultation of the Mi'kmaq is the responsibility of the Regulatory Authorities representing the Federal Crown and the Province of Nova Scotia.

- 8.5 In order to ensure the effective implementation of the Management Plan, the Board will appoint a Site Management Coordinator and set up a Technical Advisory Committee and an Education and Marketing Committee. It may set up any other committee it deems necessary to achieve its mandate.

## **9.0 Site Management Coordinator**

- 9.1 The Site Management Coordinator will report to the Board.
- 9.2 The responsibilities of the Site Management Coordinator are to:
- Coordinate the implementation of the Management Plan for the WHS;
  - Coordinate the implementation of the decisions of the Board;
  - Coordinate the review of Requests For Input;
  - Chair the Technical Advisory Committee;
  - Chair the Education and Marketing Committee;
  - Chair any other committees created by the Board;
  - Prepare a five-year business plan for the Board with annual statements of implementation;
  - Prepare reports, position papers and recommendations to the Board;
  - Coordinate media, public, and stakeholder relations with key partners;
  - Seek and facilitate partnerships to pursue the goals of implementing the Management Plan, particularly for activities relating to research, protection, promotion, and sustainability;
  - Report annually on the implementation of the Management Plan and on the condition of the World Heritage Site;
  - Coordinate and prepare the report on the condition of the WHS for Canada's Periodic Report under the guidance of the Canadian Delegation to the World Heritage Committee;
  - Review the Management Plan and any other management related document;
  - Represent the WHS on the Canadian Network of World Heritage Sites;
  - Liaise with the Canadian Delegation to the World Heritage Committee, in particular on matters relating to media relations, project reviews, pressures on the WHS, and, as necessary, communication with the World Heritage Centre.
- 9.3 The Site Management Coordinator will provide quarterly reports on the partnerships, condition of the site, activities, and any other matter pertaining to the management of the WHS.
- 9.4 The business plan will identify a funding strategy, resources required, priorities, and positive outcomes for the protection, promotion and interpretation of the WHS.

## **10.0 Process to Review Requests for Input**

- 10.1 The Site Management Coordinator will advise the Board of any Request For Input received and will provide a short summary of the proposal.



- 10.2 The Board will acknowledge receipt of the Request For Input directly to the Regulatory Authority and will direct the Site Management Coordinator to solicit advice from the Technical Advisory Committee and other experts as needed.
- 10.3 The review process will take no more than six weeks between acknowledgement of receipt and the Board's submission of a statement on the proposal.

### **11.0 Technical Advisory Committee**

- 11.1 The Board will establish a Technical Advisory Committee to advise the Board regarding issues which could have an impact on the OUV of the WHS.
- 11.2 The Committee will provide technical advice on the protection of the property's OUV and assist in reporting on the condition of the WHS.
- 11.3 The membership of the Technical Advisory Committee may include representatives of the federal, provincial and municipal governments, ICOMOS Canada, outside experts and stakeholders.
- 11.4 The Technical Advisory Committee will meet at least twice a year or as required to provide support to the Board.
- 11.5 The Technical Advisory Committee will review Requests For Input within a time frame of no longer than four weeks. It will provide comprehensive, accurate, and objective information to the Board through the Site Management Coordinator in the form of reports.
- 11.6 Should the Technical Advisory Committee require more time to proceed with the review, the Chair of the Technical Advisory Committee will make a written request to the Board no later than two weeks after receipt of the Request For Input that will include a justification, a detailed timeline, and resources required to complete the review. The Board will then contact the Regulatory Authority to seek accommodation.
- 11.7 The Technical Advisory Committee will provide an annual report on its activities for the May meeting of the Board.

### **12.0 Education and Marketing Committee**

- 12.1 The Board will establish an Education and Marketing Committee to advise the Board on issues relating to promotion, interpretation, and education, as well as to coordinate the development of products, activities and messages related to the WHS.
- 12.2 The membership of the Education and Promotion Committee will include representatives of the government and non government agencies responsible for

tourism, interpretation, and regional economic development, outside experts and local area stakeholders.

- 12.3 The Education and Promotion Committee will meet at least twice a year or as needed.
- 12.4 The Education and Promotion Committee will provide an annual report on its activities for the May meeting of the Board.

### **13.0 Meetings**

- 13.1 Meetings shall be held quarterly in February, May, August, and November.
- 13.2 Special or extraordinary meetings shall be called by the Co-chairpersons upon the request in writing specifying the reasons justifying the meeting, of two or more members of the Board.
- 13.3 A quorum of members must be present before a meeting can proceed. Fifty percent plus 1 of voting members of the Board must be present before the meeting can proceed.
- 13.4 Decisions will be made by consensus and will be approved unanimously. A vote will be conducted with a majority determining the decision should consensus not be possible.
- 13.5 Each voting member will have an opportunity at each meeting to provide a summary of concerns, issues, and opportunities that affect the stakeholder group they represent and discuss these as appropriate.
- 13.6 The language of meetings will be usually English.
- 13.7 Agendas, minutes and other documents relevant will be made available in English and French.
- 13.8 Meetings are public and minutes will be made available, following approval of the Board.
- 13.9 Invitations will be sent to the Regulatory Authorities within the Buffer Zone prior to a meeting of the Board. Minutes will be provided following the meeting to those Regulatory Authorities.
- 13.10 The Board will call a public meeting once a year no later than June 30<sup>th</sup> to provide a report on the management of the WHS and discuss issues, challenges, and opportunities.

## **14.0 Funding**

- 14.1 The Board is responsible to approve and review the budget and business plans.
- 14.2 The finances of the Board are to be managed by Kings RDA. The Kings RDA will enter into contracts and agreements on behalf of the Board subject to the Board's approval. Staff of the Board will be hired and managed by the Kings RDA.
- 14.3 The Board will develop a policy to manage the funds from its budget related to the protection of historical and archaeological features no later than in the first year following a successful inscription.
- 14.4 A five-year operational budget will be included within the business plan.
- 14.5 Special projects will be funded from project-based funding applications.
- 14.6 The organizations represented on the Board will cover the travel costs and other costs associated with the participation of their representative on the Board.

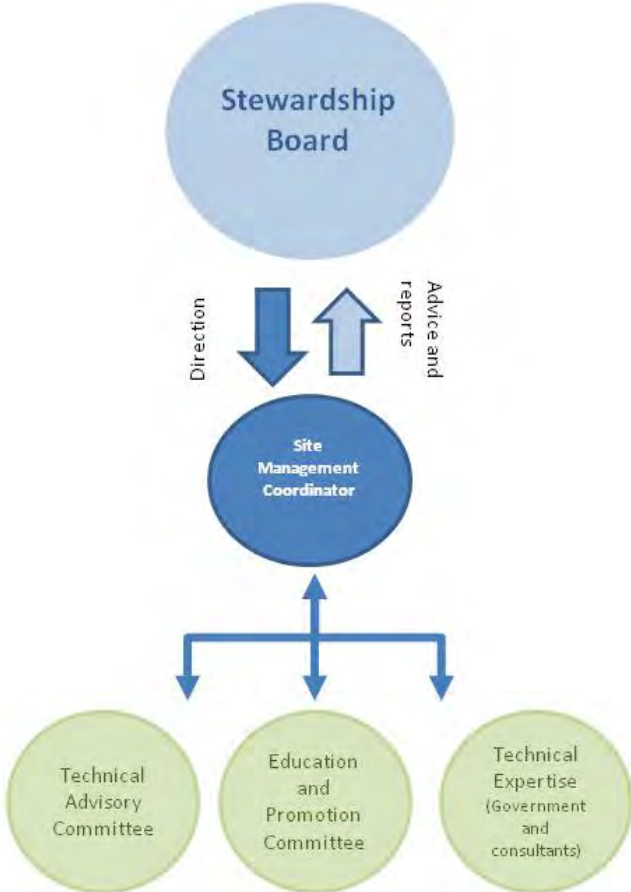
## **15.0 Communications and Media Relations**

- 15.1 Communications and Media Relations are managed by the Secretariat and the Site Management Coordinator.
- 15.2 The spokespeople of the Board are the Co-chairpersons or their delegates.
- 15.3 Media issues relating to the WHS will be managed by the Board in conjunction with Parks Canada, the Province of Nova Scotia and the Canadian Delegation to the World Heritage Committee. In advance of communications with the media, proactive discussion between the Board and the Canadian Delegation to the World Heritage Committee is particularly important if the media issue relates to a policy question with respect to implementation of the World Heritage Convention rather than a specific management issue at the WHS or if it relates to a management issue that may also be relevant to another WHS in Canada.

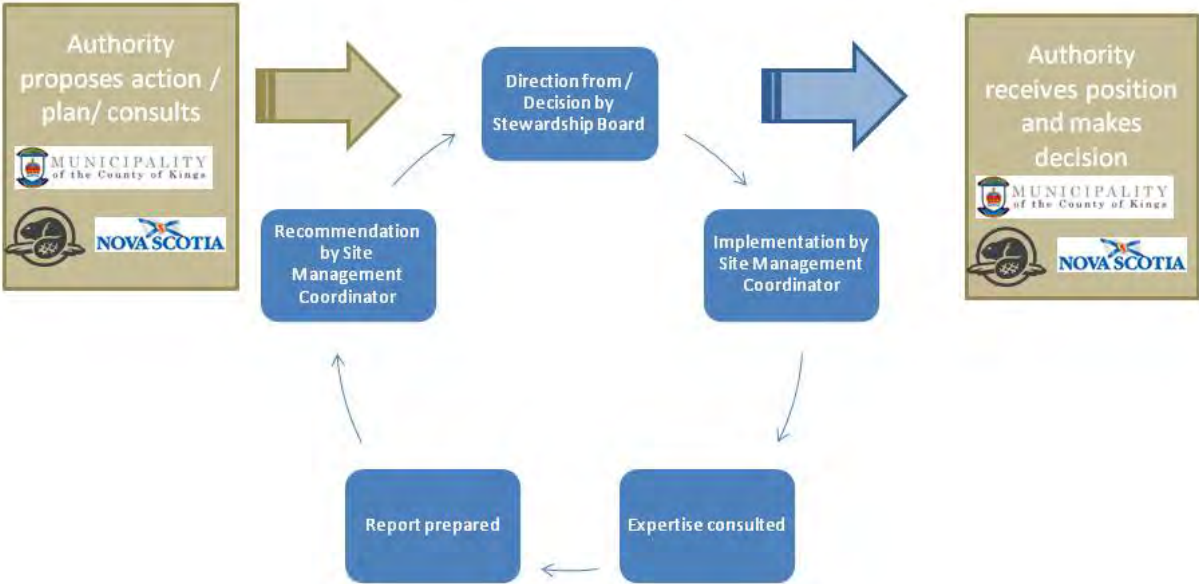
## **16.0 Amendments or Revisions**

The terms of reference will be reviewed at least every three years and may be reviewed and altered in writing to meet the requirements of the Board, by at least two thirds (2/3) agreement.

**Appendix 1: Organizational Chart**



**Appendix 2: Process to review Requests for Input**



## MEMORANDUM OF UNDERSTANDING (MOU)

between

**GRAND PRÉ AND AREA COMMUNITY ASSOCIATION (“Community Association”),**  
and  
**GRAND PRÉ MARSH BODY (“Marsh Body”),**  
and  
**KINGS REGIONAL DEVELOPMENT AGENCY (“Kings RDA”),**  
and  
**MUNICIPALITY OF THE COUNTY OF KINGS (“County of Kings”),**  
and  
**PARKS CANADA AGENCY (“Parks Canada”),**  
and  
**PROVINCE OF NOVA SCOTIA (“Nova Scotia”) as represented by the Minister of  
Tourism, Culture, and Heritage,**  
and  
**THE SOCIÉTÉ PROMOTION GRAND-PRÉ INC. (“Société”),**  
and  
**THE SOCIÉTÉ NATIONALE DE L’ACADIE (“SNA”)**

(hereinafter referred to collectively as the “Parties” and individually as the “Party”)

### 1.0 DEFINITIONS

In this MOU,

“**Buffer Zone**” means the area surrounding the Nominated Property as described in sections 1.e and 1.f of the Nomination Proposal.

“**Canadian Delegation to the World Heritage Committee**” means the Parks Canada officials responsible for leading implementation of the World Heritage Convention in Canada, on behalf of the Government of Canada, as a State Party to the Convention. The Canadian Delegation is led by the Director General, National Historic Sites, Parks Canada and speaks on behalf of Canada with respect to official positions related to implementation of the Convention. Communications between the World Heritage Centre and Canada’s World Heritage sites are coordinated by the Canadian Delegation.

“**Commemorative Integrity**” refers to the condition or state of a national historic site when the site is healthy and whole. A national historic site possesses commemorative integrity when:

- the resources directly related to the reasons for designation as a national historic site are not impaired or under threat,
- the reasons for designation as a national historic site are effectively communicated to the public, and
- the site's heritage values (including those not related to the reasons for designation as a national historic site) are respected in all decisions and actions affecting the site.

“**Communication**” means all activities related to the public transmission of information through print, radio, television, web and any other media, as well as in public events and advertising.

“**Consultation**” means the process by which the input of a stakeholder or the Mi’kmaq on matters affecting them is sought.

**“Education and Marketing Committee”** means the committee created by the Stewardship Board as described in its Terms of Reference for the purpose of coordinating the efforts of the partners involved in raising awareness and promoting the World Heritage Site.

**“Grand-Pré National Historic Site of Canada (NHSC)”** means the federal land administered by Parks Canada and designated by the Minister responsible for the Historic Sites and Monuments Act as Grand-Pré NHSC.

**“ICOMOS”** means the International Council of Monuments and Sites, the World Heritage Committee’s official Advisory Body with respect to cultural heritage matters.

**“ICOMOS Canada”** means the Canadian national committee of the International Council of Monuments and Sites.

**“Jurisdiction”** refers to the area under the authority of federal, provincial, and municipal governments and of the Grand Pré Marsh Body.

**“Management Plan”** means the document prepared by the Nomination Board in accordance with the sections of the Operational Guidelines regarding management of Nominated Properties and submitted as part of the Nomination Proposal.

**“Nomination Board”** means the Nomination Grand Pré Advisory Board, the organization that prepares the Nomination Proposal.

**“Nominated Property”** means the area proposed for World Heritage inscription as described in sections 1.e and 1.f of the Nomination Proposal, known as “The Landscape of Grand Pré”.

**“Nomination Proposal”** means the formal documentation prepared by the Nomination Board and submitted by the Canadian Delegation to the World Heritage Committee for the purpose of inscribing the Nominated Property on the World Heritage List.

**“Operational Guidelines”** means the document prepared by the World Heritage Committee officially known as *The Operational Guidelines for the Implementation of the World Heritage Convention*. Among other things the Operational Guidelines provide guidance on the requirements for the preparation of Nomination Proposals and outline the Committee’s expectations with respect to management of World Heritage sites.

**“Outstanding Universal Value (OUV)”** means “cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. As such, the permanent protection of this heritage is of the highest importance to the international community as a whole” (*The Operational Guidelines for the Implementation of the World Heritage Convention*, UNESCO 2008, paragraph 49). Demonstrating to the World Heritage Committee that the Nominated Property has Outstanding Universal Value is the main purpose of the Nomination Proposal, in particular through sections 3.a and 3.b of that document. If the World Heritage Committee confirms that the Nominated Property has Outstanding Universal Value and inscribes it on the World Heritage List, the Committee will adopt a formal Statement of Outstanding Universal Value for the property and will hold Canada, as a State Party to the World Heritage Convention, through the Stewardship Board, accountable for conserving, protecting and presenting this Outstanding Universal Value and transmitting it to future generations.

**“Partners”** means the organizations that decide in the course of managing the Nominated Property to collaborate and share resources to achieve the mandate of the Stewardship Board and may include the Parties as well as non-Parties to this MOU.

**“Regulatory Authorities”** means the federal and provincial departments with authority under a specific Act governing an activity within the boundaries of the Nominated Property and of its Buffer Zone.

**“Site Management Coordinator”** means the person responsible for implementing the direction of the Stewardship Board and for coordinating the Regulatory Authorities and other partners to implement the Management Plan.

**“State Party”** means a member state of UNESCO that has ratified the World Heritage Convention.

**“Stewardship Board”** means the Grand Pré World Heritage Site Stewardship Board, the organization identified as the site manager in the Nomination Proposal.

**“Terms of Reference”** means the terms of reference of the Stewardship Board as agreed upon by the Parties at the time of the signing of this MOU.

**“Technical Advisory Committee”** means the committee created by the Stewardship Board as described in its Terms of Reference for the purpose of providing expert advice to the Stewardship Board on the protection and management of the World Heritage Site.

**“World Heritage Centre”** means the Secretariat to the World Heritage Committee, provided by the Director General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), located in Paris, France.

**“World Heritage Committee”** means the Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage, as established by the World Heritage Convention. The Committee consists of 21 States Parties to the Convention, duly elected by all States Parties to the Convention to guide implementation of the Convention, including by establishing and maintaining the World Heritage List. Amongst its functions is to review nomination proposals submitted by States Parties to determine whether the nominated properties meet the requirements for inscription on the World Heritage List, in particular whether the nominated properties have OUV. When the Committee inscribes a nominated property on the World Heritage List, it expects the relevant State Party and site manager to conserve, protect, and present this OUV and to transmit it to future generations. It becomes a stakeholder in the management of the property, with a duty to take an interest in the property’s state of conservation. The World Heritage Committee may delete a site from the World Heritage List if it determines that the property has deteriorated to the extent that it has lost those characteristics that justified its inclusion on the World Heritage List.

**“World Heritage Convention”** means the international agreement formally known as the *Convention Concerning the Protection of World Cultural and Natural Heritage*. Canada is a State Party to the Convention, and recognizes that the protection of World Heritage Sites is the duty of the international community as a whole.

**“World Heritage List”** means the list of cultural and natural heritage properties created by the World Heritage Convention which consists of properties that the World Heritage Committee considers to have OUV.

**“World Heritage Site”** means the site which has been deemed by the World Heritage Committee to have OUV and is inscribed on the World Heritage List.

## **2.0 PURPOSE**



The purpose of this MOU is to set to the means by which the Parties agree to collaborate through mutual understanding and assistance to manage the Nominated Property.

### **3.0 SCOPE**

The scope covers the relationship between the Parties both during the period following the submission of a Nomination Proposal to UNESCO and a decision by the World Heritage Committee on that Nomination Proposal, and after that decision in the event of a successful inscription.

Any reference in this MOU to a WHS at Grand Pré is conditional to a successful inscription by the World Heritage Committee.

### **4.0 BACKGROUND**

Grand Pré has been on Canada's Tentative List for potential World Heritage inscription by UNESCO since 2004. As such, it is proposed by Canada as a candidate for inscription on the World Heritage List, the highest possible international recognition for cultural and natural heritage sites. It is a distinction that if achieved would bring greater international attention to an extraordinary place, one that is already celebrated by various provincial and national designations.

The Nomination Board has been actively working since 2007 at developing a nomination dossier for submission to UNESCO. The Nomination Board has been conducting research, public engagement activities, and Management Planning exercises to prepare a solid proposal. The support of the local area communities and stakeholders and that of government departments and agencies at the federal, provincial and municipal levels has been instrumental in the completion of the Nomination Proposal.

Following the submission of a Nomination Proposal to UNESCO, a review process is led by ICOMOS which lasts 18 months. A decision is made by the World Heritage Committee once a year.

There are multiple Regulatory Authorities active in the Grand Pré area. Consequently, and in line with the requirement outlined in the *Operational Guidelines* to develop a management plan and identify an entity responsible for the management of the World Heritage Site, the Parties have developed jointly a Management Plan and are setting up a governance structure for the World Heritage Site. The Management Plan relies on the Regulatory Authorities for its implementation.

### **5.0 STATEMENT OF COMMITMENT**

- 5.1 The Parties agree to continue supporting the Nomination Proposal and the Nomination Board up until a decision by the World Heritage Committee is made.
- 5.2 The Parties agree to establish a framework which will govern their actions in the implementation of the Management Plan to ensure the integrity of the Nominated Property and of the WHS.
- 5.3 The Regulatory Authorities agree to provide mechanisms, including timetables, to consult and receive recommendations from the Nomination Board on issues pertaining to the management of the Nominated Property and from the Stewardship Board on issues pertaining to the management of the WHS, including on means to protect its OUV.
- 5.4 The Parties agree to protect the Nominated Property as described in the Nomination Proposal until a decision is made by the World Heritage Committee.

5.5 The Parties agree to protect the OUV of the WHS, and the resources and attributes of the WHS that are recognized as the basis for its OUV, as recognized by the World Heritage Committee at the time of the inscription of Grand Pré on the World Heritage List.

5.6 The Parties agree to apply the following principles to guide their actions during the term of this MOU:

Principle 1: Management of the Nominated Property will meet or exceed World Heritage standards regardless of inscription.

Principle 2: The primary focus of the Management Plan is to address issues directly related to the management and conservation of the WHS's OUV and attributes by providing a framework for advice from the Stewardship Board and for decision-making for the Regulatory Authorities.

Principle 3: The Management Plan recognizes that the Nominated Property is set within an active agricultural community where people continue to live and work. People have created, lived and worked on this land for generations and have been responsible stewards of the land. The Management Plan also recognizes that this is an area of great importance for the Acadians who have a strong emotional attachment to it.

Principle 4: Management of the Nominated Property in relation to World Heritage guidelines will be a shared responsibility among the different owners, communities, and government entities with regulatory responsibilities for the Nominated Property. The Management Plan recognizes that actions undertaken by an owner, community, or government entity with regulatory responsibilities may have a detrimental impact on the Nominated Property and that communication, coordination, and collaboration are essential to its long-term protection.

Principle 5: Management and protection will be delivered through existing boards, bodies, and government authorities, supplemented by technical advice, interpretation, and education from the Stewardship Board and procedures developed to accommodate a designated World Heritage Site.

5.7 In addition, the Parties agree to pursue the following goals and objectives in relation to the management of the Nominated Property during the term of this MOU:

*Goal 1: To provide for the protection, continuing community and agricultural use and appreciation of the Nominated Property by:*

- a) Ensuring that agriculture remains a vibrant economic activity of the community;
- b) Dedicating resources to the monitoring and maintenance of the dykes;
- c) Preserving and enhancing the memorials reflecting the enduring importance of the area for the Acadians;
- d) Nurturing ongoing research and filling the gaps in knowledge about the landscape and the people that inhabited it over the years;
- e) Ensuring that the Marsh Body, as long term steward of the marshland, continues to play a significant role in the maintenance, use and protection of the marshlands;
- f) Informing visitors to the community, through signage and brochures, of the need to be mindful that they are entering an active agricultural community; and,

- g) Working with the Marsh Body to ensure that visitors have access to the values of the WHS without interfering with the ongoing agricultural use of the marshland.

*Goal 2: To enrich the existing tourism destination by promoting wide recognition, understanding and appreciation of the educational and cultural values represented by the Nominated Property by:*

- a) Developing programs, activities, tools, and interpretation that raise awareness of the importance of the landscape for the different communities, including the Mi'kmaq, the Acadians, and the descendants of the New England Planters;
- b) Promoting visitation through regional, national and international media;
- c) Ensuring that promotion is managed responsibly in all aspects of publicity in relation to the Nominated Property in accordance with UNESCO guidelines.
- d) Developing tools and interpretation on the history and importance of agriculture;
- e) Continuing to raise awareness about the Acadian people and the way they overcame their forced migrations of the 18<sup>th</sup> century; and,
- f) Developing partnerships with existing World Heritage Sites.

*Goal 3: To instill a strong sense of shared community pride and stewardship in the protection, interpretation and promotion of the Nominated Property by:*

- a) Providing for community input and encouraging community participation;
- b) Engaging Acadian, local and other stakeholder communities in activities that celebrate the importance of the Grand Pré landscape;
- c) Employing a governance model to ensure that the interests and concerns of local residents and the Acadian community are heard, discussed, and reflected in the advice to the different Regulatory Authorities;
- d) Ensuring the local and Acadian schools are provided sufficient information and opportunities to incorporate the experience at Grand Pré into their curriculum.

## **6.0 ROLES AND RESPONSIBILITIES**

### **6.1 Nomination Board**

6.1.1 The Nomination Board, as the organization responsible for preparing a Nomination Proposal, has the mandate to define the first terms of reference for the Stewardship Board.

6.1.2 After the Nomination Proposal has been submitted, the Nomination Board will continue to lead the proposal up until a decision by the World Heritage Committee. It will maintain stakeholder support, continue to communicate with stakeholders and government bodies and proceed with key commitments. In cooperation with the Canadian Delegation to the World Heritage Committee, it will coordinate preparations for the ICOMOS evaluation mission and provide, as necessary, any further information requested by ICOMOS subsequent to the mission.

6.1.3 If the Nominated Property is inscribed on the World Heritage List by the World Heritage Committee, the Nomination Board will cease to exist.

6.1.4 If the Nominated Property is inscribed on the World Heritage List, the Parties agree to create the Grand Pre World Heritage Site Stewardship Board.

### **6.2 Stewardship Board**

- 6.2.1 If the World Heritage Committee inscribes the Nominated Property on the World Heritage List, the Stewardship Board will act as the WHS manager in accordance with the Operational Guidelines and as described in its terms of reference.
- 6.2.2 If the World Heritage Committee inscribes the Nominated Property on the World Heritage List, it will expect Canada, as a State Party to the Convention and the Stewardship Board, as site manager, to conserve, protect, and present this OUV and to transmit it to future generations.
- 6.2.3 The Stewardship Board will stand as a committee of the Kings RDA.
- 6.2.4 The mandate of the Stewardship Board is to ensure the conservation, protection, presentation and transmission to future generations of the property's OUV through implementation of the Management Plan through a coordinated management approach between all Regulatory Authorities, advice to ensure the integrity of the WHS, promotion of the WHS's OUV, engagement of the stakeholders in the stewardship of the WHS, and reporting on the condition of the WHS. If it is necessary to report to the World Heritage Centre about the condition of the WHS, the Canadian Delegation to the World Heritage Committee will work cooperatively with the Stewardship Board to provide the necessary information.
- 6.2.5 Should the mandate or the terms of reference of the Stewardship Board change, the relationship with the Kings RDA will be reviewed by the Stewardship Board and actions will be taken as appropriate to ensure the sustainability of the WHS's governance.
- 6.2.6 The structure of the Stewardship Board as described in its terms of reference will include representation from the local area communities, the Acadian community, the Mi'kmaq, the Regulatory Authorities with Jurisdiction for the area included within the boundary of the Nominated Property, key stakeholders and other government bodies.
- 6.2.7 In order to support the operations of the Stewardship Board, resources will be provided by Parks Canada, Nova Scotia, the County of Kings, Kings RDA, and other Partners, which will include staff for logistical support, a site management coordinator, and an operational budget.
- 6.2.8 The Stewardship Board has the authority to Consult its membership. Public Consultation is solely the responsibility of the Regulatory Authorities. Consultation of the Mi'kmaq is the responsibility of the Regulatory Authorities representing the Federal Crown and Nova Scotia.
- 6.2.9 The Stewardship Board will foster and facilitate research and information sharing for the benefit of the WHS and may seek outside expertise to achieve its objectives. The Stewardship Board may also engage other stakeholders, and the Regulatory Authorities for the areas included in the Nominated Property's Buffer Zone who are not specifically identified in this MOU.
- 6.2.10 The Stewardship Board will establish a Technical Advisory Committee, an Education and Marketing Committee, and any other committee it deems necessary to achieve its mandate in accordance with its terms of reference. These committees will advise the Stewardship Board regarding issues which could have an impact on the OUV of the WHS, including on

its protection, interpretation, and promotion.

### 6.3 The County of Kings

- 6.3.1 The County of Kings is a voting member of the Nomination Board and of the Stewardship Board through the County councillor representing District 12.
- 6.3.2 The County of Kings will Consult with the Nomination Board and the Stewardship Board on development projects, zoning issues and other matters that could have an impact on the Nominated Property and the WHS.
- 6.3.3 The County of Kings will notify Nova Scotia of projects and activities that may occur within the boundary of the Nominated Property and that may have an impact on the protection of archaeological heritage.
- 6.3.4 The County of Kings will provide support and advice to the Nomination Board and the Stewardship Board on a when and as required basis, subject to the availability of funds and personnel and in accordance with applicable regulations.
- 6.3.5 The County of Kings will establish a data sharing agreement and monitoring agreement with Parks Canada and Nova Scotia.
- 6.3.6 The County of Kings will provide the necessary information to report on the condition of the WHS.

### 6.4 Community Association

- 6.4.1 The Community Association will be a voting member of the Stewardship Board.
- 6.4.2 It will serve as the co-chair representing the local residents and will fulfill this role according to the terms of reference for the Stewardship Board.
- 6.4.3 The Community Association will ensure that the interests and concerns of the residents of the communities of Grand Pré, Hortonville, North Grand Pré and Lower Wolfville are expressed and taken into consideration in all matters pertaining to the management of the WHS.
- 6.4.4 The Community Association will provide support and advice to the Stewardship Board on engaging, raising awareness, and working with the residents to manage the WHS effectively.

### 6.5 Kings RDA

- 6.5.1 Kings RDA is a voting member of the Nomination Board and the Stewardship Board.
- 6.5.2 Kings RDA will continue to provide administrative support for the Nomination Board and the Stewardship Board ensuring that minutes of meetings are recorded and distributed.
- 6.5.3 Kings RDA will continue to host the Nomination Board as one of its committees.

- 6.5.4 Kings RDA will host the Stewardship Board as one of its committees if the Nominated Property is successfully inscribed on the World Heritage List.
  - 6.5.5 Kings RDA will provide financial management capacity for the Nomination Board and the Stewardship Board by preparing financial statements.
  - 6.5.6 Kings RDA will enter into contracts and agreements on behalf of the Stewardship Board as needed to support its mandate.
  - 6.5.7 Kings RDA will prepare submissions to other government bodies for resources required to undertake projects deemed necessary by the Nomination Board and Stewardship Board.
- 6.6 Marsh Body
- 6.6.1 The Marsh Body is a voting member of the Nomination Board and of the Stewardship Board.
  - 6.6.2 It will provide support and advice to ensure monitoring and reporting requirements for the WHS are achieved.
  - 6.6.3 The Marsh Body will inform the Nomination Board and the Stewardship Board one month prior to work commencing, about impending work on dykes, drainage, and roads, for the site management coordinator to determine the potential presence of archaeological sites and preserve historical features. This will allow the planning and coordination of resources to monitor potential impacts to historical and archaeological features to avoid undue delays.
  - 6.6.4 The site management coordinator will work with the Marsh Body and with Nova Scotia to determine the best course of action to protect key features of the Nominated Property, including archaeological and historical features, with limited impact on ongoing agricultural activities.
  - 6.6.5 The Marsh Body will assist the Nomination Board, Stewardship Board, and Regulatory Authorities in carrying out necessary monitoring work to ensure the protection of the Nominated Property and of the WHS.
  - 6.6.6 In the event that the Stewardship Board manages funds to protect archaeological and historical features in the Nominated Property, the Site Management Coordinator will work with the Marsh Body and Nova Scotia to allocate resources based on agreed priorities and the Stewardship Board's policy regarding the provision of resources for the protection of archaeological and historical features in the Nominated Property.
  - 6.6.7 The Marsh Body will provide support to engage its membership in protecting the Nominated Property as well as to gather the necessary information to report on the condition of the WHS.
- 6.7 Parks Canada
- 6.7.1 Parks Canada is an ex-officio member of the Nomination Board.
  - 6.7.2 Parks Canada as a custodian of Grand-Pré NHSC is a voting member of the Stewardship Board.

- 6.7.3 Parks Canada will achieve its legislated mandate to protect the Commemorative Integrity of Grand-Pré NHSC. It will manage the cultural resources located under its Jurisdiction according to its policies in order to protect the OUV of the WHS.
- 6.7.4 Parks Canada will ensure that all its management activities related to land under its Jurisdiction are supportive of the values and objectives of the WHS.
- 6.7.5 Parks Canada will provide support to welcome visitors to the WHS and to interpret the values and importance of the WHS, subject to the availability of funds and personnel. Its priority will remain the maintenance of Grand-Pré NHSC's Commemorative Integrity, including the protection and interpretation of the cultural resources directly related to the reasons for designation as a national historic site.
- 6.7.6 Parks Canada provides the Canadian Delegation to the World Heritage Convention under the leadership of the Director General, National Historic Sites, Parks Canada. Any communications between the World Heritage Centre and the World Heritage Site will be coordinated by the Canadian Delegation.
- 6.7.7 With the support of Nova Scotia and the County of Kings and other relevant organizations, Parks Canada will take a leadership role, on behalf of the Stewardship Board, in providing technical expertise to monitor and report on activities at the WHS in accordance with UNESCO requirements.
- 6.7.8 Parks Canada will implement a data sharing agreement with the County of Kings and Nova Scotia.
- 6.7.9 In the spirit of collaboration guiding the protection of the Nominated Property, Parks Canada will request a Borden number from Nova Scotia for archaeological sites found in its Jurisdiction. It will provide summary information reports from archaeological investigations carried out in its Jurisdiction to Nova Scotia in order to maintain an up-to-date inventory of the Nominated Property's archaeological heritage.
- 6.7.10 As the Nominated Property is part of the Grand-Pré Rural Historic District NHSC, Parks Canada will provide expertise necessary for the protection of the Nominated Property and of the WHS, subject to the availability of funds and personnel.
- 6.7.11 Working in cooperation with the Stewardship Board, the Société and local area communities and stakeholders, Parks Canada will support the promotion, marketing, and organization of events and activities related to the WHS, subject to the availability of funds and personnel.
- 6.7.12 Parks Canada will consult the Nomination Board and the Stewardship Board prior to developing and implementing plans and activities in areas under its Jurisdiction.

## 6.8 Nova Scotia

- 6.8.1 Nova Scotia, the Department of Economic and Rural Development and the

Office of Acadian Affairs are ex officio members of the Nomination Board.

- 6.8.2 Nova Scotia, the Department of Economic and Rural Development, the Office of Acadian Affairs and the Department of Agriculture are ex officio members of the Stewardship Board.
- 6.8.3 Nova Scotia, the Department of Economic and Rural Development, the Office of Acadian Affairs and the Department of Agriculture will provide support to Parks Canada and the County of Kings for the monitoring and reporting activities required for the WHS.
- 6.8.4 Nova Scotia, the Department of Economic and Rural Development, the Office of Acadian Affairs and the Department of Agriculture will help promote the WHS and provide support for projects undertaken by the Stewardship Board, subject to the availability of funds and personnel.
- 6.8.5 Nova Scotia and the Department of Agriculture will implement a data sharing agreement with Parks Canada and the County of Kings.
- 6.8.6 In the spirit of collaboration guiding the protection of the Nominated Property, Nova Scotia will provide summary information reports from archaeological investigations carried out in its Jurisdiction to Parks Canada in order to share the result of research and inform future direction for the protection of the Nominated Property's archaeological heritage.
- 6.8.7 Nova Scotia, the Department of Economic and Rural Development, the Office of Acadian Affairs and the Department of Agriculture will provide expertise and resources necessary for the protection of the Nominated Property and of the WHS, subject to the availability of funds and personnel.
- 6.8.8 Nova Scotia, the Department of Economic and Rural Development, the Office of Acadian Affairs and the Department of Agriculture will consult the Nomination Board and the Stewardship Board prior to the development and implementation of plans, policies and activities which could have an impact on the Nominated Property and the WHS, including in its Buffer Zone.

## 6.9 Société

- 6.9.1 The Société is a voting member of the Nomination Board and of the Stewardship Board.
- 6.9.2 The Société will support promotional activities in relation to the WHS.
- 6.9.3 The Société will be a member of the Education and Marketing Committee to ensure the values and importance of the WHS are communicated to target audiences.
- 6.9.4 The Société will support and contribute to the development, distribution and display of educational products related to the WHS, subject to the availability of funds and personnel.
- 6.9.5 The Société will Consult the Nomination Board and Stewardship Board prior to developing and implementing plans and activities related to the Grand-Pré NHSC and other areas of interest as they relate to the World



Heritage Site. Of particular importance are plans and activities that are related to the OUV in the Nomination Proposal and at the time of inscription by the World Heritage Committee.

#### 6.10 SNA

6.10.1 The SNA will be a voting member of the Stewardship Board.

6.10.2 The SNA will serve as the co-chair representing the Acadian community and will fulfill this role according to the terms of reference for the Stewardship Board.

6.10.3 The SNA will provide support to engage the Acadian community at large in the governance of the WHS.

6.10.4 The SNA will actively participate in the WHS's protection by raising awareness about its OUV.

6.10.5 The SNA will be a member of the Technical Advisory Committee.

### 7.0 COMMUNICATIONS

7.1 The use of the Nomination Grand Pré logo is restricted to the Nomination Board's use and to the period preceding the decision by the World Heritage Committee unless otherwise specified.

7.2 A Party will not use the marks, including organizational identifiers, of another Party without that other Party's written consent.

7.3 Communication, such as media relations, advertising, and public events, regarding the Nomination Proposal is managed by the Nomination Board in cooperation with and with the support of Parks Canada, Nova Scotia and the Canadian Delegation to the World Heritage Committee. Following submission of the Nomination Proposal and throughout the evaluation process leading to a World Heritage Committee decision, a coordinated communications approach will be developed by the Nomination Board, Parks Canada, Nova Scotia and the Canadian Delegation.

7.4 Communication on behalf of the Nomination Board is strictly restricted to the co-chairs or their delegate as required.

7.5 None of the Parties will engage in Communication relating to the Nomination Proposal without providing appropriate advance notice to the Nomination Board and to the Canadian Delegation to the World Heritage Committee. If Communication with respect to World Heritage matters (for example, policies, procedures and processes related the evaluation of nomination proposals and inscription of properties on the World Heritage List) is necessary, clause 7.6 will apply.

7.6 Communication regarding World Heritage matters (for example, policies, procedures and processes related to the evaluation of nomination proposals and inscription of properties on the World Heritage List) as they relate to the Nomination Proposal is managed by Parks Canada and the Canadian Delegation to the World Heritage Committee.

7.7 In the event of a successful inscription, a communication strategy will be developed by the Stewardship Board.

## **8.0 AMENDMENTS AND TERMINATION**

- 8.1 This MOU will take effect upon signing by the Parties and shall remain in effect until terminated with the mutual written consent of all Parties.
- 8.2 This MOU may be amended by the mutual written consent of the Parties.
- 8.3 Notwithstanding section 8.1 any Party may terminate its participation in this MOU by providing ninety (90) days notice in writing of such termination and the reasons therefore. Upon expiration of such period of notice that Party's participation shall be terminated.
- 8.4 Notwithstanding section 8.1, 8.2 and 8.3 if the Nomination Proposal is unsuccessful this MOU shall terminate within ninety days (90) of the decision by the World Heritage Committee.
- 8.5 In the event that the Stewardship Board ceases to operate for whatever reason, the Regulatory Authorities will continue to be responsible for activities in their Jurisdiction and in discharging their authority protect the OUV of the WHS.

## **9.0 GENERAL MATTERS**

- 9.1 Any reference in this MOU to a statute, regulation, by-law, declaration, directive, policy, approval, requirement, standard or order means the statute, regulation, by-law, declaration, directive, policy, approval, requirement, standard or order now in force, as it may be amended, revised, consolidated or substituted from time to time.
- 9.2 The Stewardship Board will develop policies and procedures for decision-making and its operations as necessary.
- 9.3 It is recognized that this MOU constitutes a statement of mutual understanding between the Parties. However, it is not intended to be and shall not be interpreted or construed as a legally enforceable agreement or as creating any legal rights or obligations between the Parties.
- 9.4 It is also recognized that nothing in the MOU, or in the work the parties undertake together, is intended to be or shall be interpreted or construed as creating an agency, partnership or joint venture relationship of any kind between the Parties or as imposing on either Party any partnership, joint venture or agency duties, obligations or liabilities to the other Party or to any other person.
- 9.5 In dealings with other persons, the Parties will endeavour to ensure that all such persons are aware that the parties are not acting in partnership, joint venture or as an agent for each other.

## **10.0 NOTICE**

- 10.1 The Parties agree that any notice required to be given pursuant to this MOU shall be sufficiently given if personally delivered or mailed by prepaid registered mail addressed to the Parties as follows:
  - a) To the Community Association:

Secretary,

c/o John Lynch  
11246 Highway#1  
Lower Wolfville, Nova Scotia  
B4P2R1

- b) To the County of Kings:

Warden,  
Municipality of the County of Kings  
PO Box 100  
87 Cornwallis Street  
Kentville, Nova Scotia  
B4N 3W3

- c) To Kings RDA:

Executive Director,  
Kings Regional Development Agency  
35 Webster Street  
Kentville, Nova Scotia  
B4N 1H4

- d) To the Marsh Body:

Grand Pre Marsh Body,  
661 East Long Island Road  
Grand Pré, Nova Scotia  
B0P 1M0

- e) To Nova Scotia:

Minister,  
Department of Tourism, Culture, and Heritage  
6th Floor, World Trade and Convention Centre  
1800 Argyle Street  
P.O. Box 456  
Halifax, Nova Scotia  
B3J 2R5

- f) To Parks Canada:

Field Unit Superintendent,  
Northern New Brunswick Field Unit  
186, Route 117  
Kouchibouguac National Park, New Brunswick  
E4X 2P1

- f) To the SNA:

Président,  
Société nationale de l'Acadie  
307, rue Amirault  
Dieppe (Nouveau-Brunswick)  
E1A 1G1

- g) To the Société:

Président  
Société Promotion Grand-Pré Inc.  
Lieu historique national du Canada de Grand-Pré  
C.P. 150  
Grand-Pré (Nouvelle-Écosse)  
B0P1M0

10.2 In addition, notice will be given to the Nomination Board if given prior to successful inscription, and to the Stewardship Board if following a successful inscription, as follows:

a) To the Nomination Board:

Co-Chairs  
Nomination Grand Pré Advisory Board  
Kings RDA  
35 Webster Street  
Kentville, Nova Scotia  
B4N 1H4

b) To the Stewardship Board:

Co-Chairs  
Grand Pré World Heritage Site Stewardship Board  
Kings RDA  
35 Webster Street  
Kentville, Nova Scotia  
B4N 1H4

**On behalf of the Community Association, the chair:**

Signature

Date

**On behalf of the Municipality of the County of Kings, the Warden:**

Signature

Date

**On behalf of the Kings Regional Development Agency, the Executive Director:**

Signature

Date

**On behalf of the Grand Pré Marsh Body, the chair:**

Signature

Date

**On behalf of the Province of Nova Scotia, the Premier:**

Signature

Date

**On behalf of Parks Canada, the Director General, East:**

Signature

Date

**On behalf of the Société nationale de l'Acadie, the President:**

Signature

Date

**On behalf of the Société Promotion Grand-Pré Inc., the President:**

Signature

Date



Parks  
Canada

Parcs  
Canada



# Grand-Pré

NATIONAL HISTORIC SITE OF CANADA

*Commemorative Integrity Statement*

*January 2011*

***Grand-Pré National Historic Site of Canada  
Commemorative Integrity Statement - 2011***

**GRAND-PRÉ NATIONAL HISTORIC SITE OF CANADA  
COMMEMORATIVE INTEGRITY STATEMENT**

**Approved by:**

\_\_\_\_\_  
Larry Ostola  
Director General, National Historic Sites  
Parks Canada

\_\_\_\_\_  
Date

\_\_\_\_\_  
Robert Sheldon  
Field Unit Superintendent  
Northern New Brunswick Field Unit  
Parks Canada

\_\_\_\_\_  
Date



***Grand-Pré National Historic Site of Canada  
Commemorative Integrity Statement - 2011***

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## **1.0 Introduction**

### **1.1 Overview**

In May 1955 the Historic Sites and Monuments Board of Canada (HSMBC) responded to a question posed to it by the Department of Northern Affairs and National Resources with the Board's opinion that *Grand Pré Memorial Park possesses historical features which would make it eminently suitable as a National Historic Park.*

The federal government acquired Grand Pré Memorial Park, located in the Annapolis Valley of Nova Scotia, from the Dominion Atlantic Railway (DAR) and the Memorial Church from the *Société Nationale l'Assomption* (SNA) in 1957 – today called the *Société nationale de l'Acadie* (SNA). With the creation of the national historic park in 1961, the name of the site changed to Grand-Pré National Historic Park.

The national historic significance of the national historic park was clarified by the HSMBC in 1982, recommending that Grand-Pré National Historic Site of Canada (NHSC) was of national historic significance because:

- it was a centre of Acadian activity from 1682 to 1755;
- it commemorates the Deportation of the Acadians, which occurred at Grand-Pré in 1755; and
- it commemorates the strong attachment that remains to this day among Acadians throughout the world to this area, the heart of their ancestral homeland and symbol of the ties which unite them.

Grand-Pré National Historic Site includes the commemorative gardens created by the DAR, the Memorial Church built by the Acadians in 1922 as a symbolic reclamation of their ancestral homeland, a number of other memorials and sculptures, the cemetery of the Acadian parish of Saint-Charles-des-Mines and part of the agricultural landscape, including archaeological resources, located at the heart of the former Acadian settlement. The site is owned by Parks Canada which shares management operational responsibilities with the *Société Promotion Grand-Pré*.

### **1.2 National Historic Sites Program Objectives**

The objectives of the Government of Canada for the national historic sites program are:

- to foster knowledge and appreciation of Canada's past through a national program of historical commemoration;
- to ensure the commemorative integrity of national historic sites by protecting and presenting them for the benefit, education and enjoyment of this and future generations, in a manner that respects the significant and irreplaceable legacy represented by these places and their associated resources; and
- to encourage and support owners of national historic sites in their efforts to ensure commemorative integrity.

### **1.3 Commemorative Integrity**

#### **1.3.1 Definition of Commemorative Integrity**

Commemorative integrity describes the health and wholeness of a national historic site. A national historic site possesses commemorative integrity when:

- the resources directly related to the reasons for designation as a national historic site are not impaired or under threat;

- the reasons for designation as a national historic site are effectively communicated to the public; and,
- the site’s heritage values (including those not related to designation as a national historic site) are respected in all decisions and actions affecting the site.

### **1.3.2 Definition and Purpose of the Commemorative Integrity Statement**

A Commemorative Integrity Statement (CIS) is a document which identifies what is meant by commemorative integrity at a particular national historic site. It provides a baseline for planning, managing, operating, reporting and taking remedial action.

The document is divided into six parts:

#### **1. Introduction**

#### **2. Designation and Context**

#### **3. Resources Directly Related to the Reasons for Designation as a National Historic Site**

This section of the CIS identifies the resources that relate directly to the reasons for designation. It also describes the historic values of these resources, which can be physical as well as associative or symbolic. These values must be safeguarded and communicated. The CIS provides guidance, through objectives, about the meaning of “not impaired or under threat” in the context of the site.

#### **4. Effective Communication of the Reasons for Designation as a National Historic Site**

This section of the CIS identifies reasons for designation as a national historic site, as well as any additional, essential information required to ensure their understanding. It provides guidance, through objectives, on integrity in presentation and effective communication of messages with audiences.

#### **5. Resources, Values and Messages Not Related to the Reasons for Designation as a National Historic Site**

This section of the CIS covers resources, values and messages that are not related to reasons for designation as a national historic site.

#### **6. Appendices**

### **1.3.3 Uses of the Commemorative Integrity Statement**

A CIS is required for each national historic site which falls under Parks Canada’s administration. The CIS is also used as the primary basis for planning under the National Historic Sites of Canada Cost-Sharing Program.

A CIS guides site management by:

- identifying what is most important about a site relative to the national historic designation and, for Parks Canada sites, ensuring that matters relating to national significance, including resources and messaging, are the highest management priority;
- ensuring that there is focus on the “whole”, and not just the individual resources;
- providing the fundamental document to guide management planning and preparation of a conservation and presentation plan (for the National Historic Sites of Canada Cost-Sharing Program), which detail specific actions to be carried out;
- enunciating a set of heritage values and objectives which can be used in analysing and evaluating the impact of development and adaptive re-use proposals on a site or nearby property;

- providing the basis for design guidelines for development which may take place within or nearby and which may have an impact on the national historic site; and,
- giving direction on heritage messages for marketing plans and programs.

#### **1.4 Cultural Resource Management (CRM) Policy**

Cultural resource management is an integrated and holistic approach to the management of cultural resources. It applies to all activities that affect cultural resources, including the care taken of these resources and the promotion of public understanding and enjoyment of them. The objective is to manage cultural resources in accordance with the principles of value, public benefit, understanding, respect and integrity.

Parks Canada's *CRM Policy* defines cultural resources as places or human works that have been determined to have historic value. Cultural resources include those directly related to the reasons for the site's national significance and those not related but which possess historic value.

The Policy is the basis for management of cultural resources by Parks Canada. Effective cultural resource management practice is based on:

1. an up-to-date inventory of resources;
2. an evaluation of resources to determine which are to be considered as cultural resources and what it is that constitutes their historic value;
3. consideration of historic value in actions affecting conservation and presentation. Most, if not all, operational activities have an impact on conservation or presentation; and,
4. monitoring and review to ensure that conservation and presentation objectives continue to be met effectively.

The objectives in a CIS specify that the site should be managed in accordance with the principles and practice of the *CRM Policy*. In addition to the principles and practice, management under the *CRM Policy* means:

- cultural resources and their values are inventoried and evaluated, and these records are kept up to date;
- there are no uses or threats that reduce the potential for long-term conservation and future understanding and appreciation of the cultural resources;
- any modification to the site or its cultural resources is based on sound knowledge and respect for the historic values of the resources and is preceded by adequate research, recording, and investigation;
- conservation measures are based on direct, rather than indirect evidence, follow the path of least intrusive action, and are clearly recorded;
- any new work at or adjacent to the site is sensitive in form and scale to the site and its associated resources;
- monitoring and review systems are in place to ensure the continued survival of the cultural resources with minimum deterioration;
- reproductions and reconstructions are marked in such a way as not to be confused with the original they are intended to represent; and,
- the historic value of the resources is fully considered and integrated into the planning, conservation, presentation and operational programs.

## **2.0 Designation and Context**

### **2.1 Designation**

Designation refers to the establishment of a national historic site. It occurs when the responsible federal Minister, currently the Minister of the Environment, approves a recommendation for national historic significance from the Historic Sites and Monuments Board of Canada.

### **2.2 Commemorative Intent**

#### **2.2.1 Definition**

Commemorative intent refers to the reasons for a site's designation as a national historic site, as determined by the Ministerially-approved recommendations of the Historic Sites and Monuments Board of Canada. A CIS contains a *Statement of Commemorative Intent (SOCI)* which provides the answer to the question "When and for what reason was this site designated by the Minister responsible for the *Historic Sites and Monuments Act* as a national historic site?"

#### **2.2.2 Statement of Commemorative Intent (SOCI) for Grand-Pré National Historic Site of Canada**

On 31 May 1955, the year marking the 200th anniversary of the Deportation, the HSMBC made the general statement that Grand Pré Memorial Park possessed historical features which made it suitable as a National Historic Park. On June 1, 1955, the Board declared the national historic importance of the expulsion of the Acadians and their return to Nova Scotia and New Brunswick, which was to be commemorated with a plaque at Grand-Pré. In June 1982, the Board clarified the national historic significance of the national historic park in a statement that forms the basis for the statement of commemorative intent. The reasons for its designation, as derived from the 1982 HSMBC minutes, are that:

- it was a centre of Acadian activity from 1682 to 1755;
- it commemorates the Deportation of the Acadians, which occurred at Grand-Pré in 1755; and
- it commemorates the strong attachment that remains to this day among Acadians throughout the world to this area, the heart of their ancestral homeland and symbol of the ties which unite them.

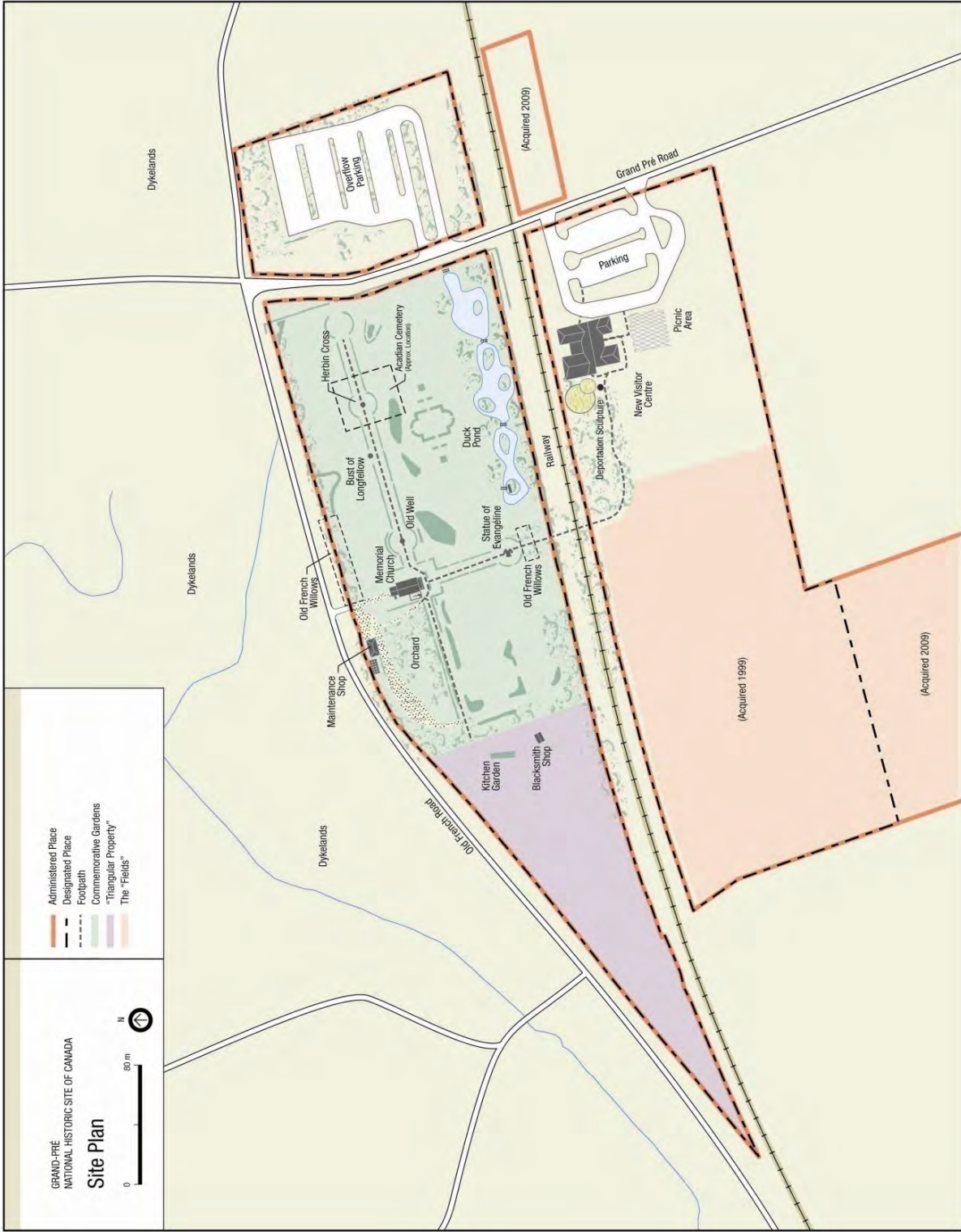
### **2.3 Designated Place**

#### **2.3.1 Definition**

Designated Place refers to the place designated by the responsible federal Minister on the recommendation of the Historic Sites and Monuments Board of Canada. Information on what constitutes the Designated Place for a particular historic site is drawn from the minutes of the HSMBC.

#### **2.3.2 Description of Designated Place for Grand-Pré NHSC**

The designated place consists of the initial site transferred to Parks Canada in 1957, the triangular property, the site of the former visitor centre and parking area, and the lands acquired in 1999 south of the original property (see Site Plan). The land acquired in 1999 was formally added to the designated place by the HSMBC in 2007. The designated place includes, the Memorial Church, the Statue of Evangeline, Herbin Cross, well, cemetery, memorial gardens, significant archaeological resources, visitor centre and other





features. The land that comprises the designated place represents only a small portion of what would have been the historical Acadian village of Grand-Pré, which existed until the fall of 1755. That original village extended about 4 km along the ridge between present-day Wolfville and Hortonville.

As noted on the site plan, Parks Canada administers two additional parcels of land outside the designated place. These lands were acquired in 2009 as part of the Agency's efforts to protect significant cultural resources and viewsapes at Grand-Pré NHSC.

## **2.4 Historic and Geographic Context**

### **2.4.1 Historic Context**

While the early 1600s witnessed several French attempts at colonization in what is now Atlantic Canada, it was not until the 1630s that the first French families settled permanently in *Acadie* (referring in this case to today's mainland Nova Scotia). By the 1750s there would be slightly more than 14,000 Acadians living in different parts of what today are the Maritime Provinces of Canada.

The Acadian settlement at Grand-Pré and in the overall district of Les Mines began in the early 1680s. The first Acadians were drawn by the huge 3,000-acre salt marsh or meadow (the *grand pré*) that over a period of several decades they reclaimed from the sea by dyking and desalination. Over time, Grand-Pré became the most populous settlement in *Acadie*, extending for several kilometres along the upland bordering the large reclaimed marshland. The spread-out community included houses, farm buildings, storehouses, windmills, and the parish church of Saint-Charles-des-Mines.

Unfortunately for the Acadians, their settlements at Grand-Pré and elsewhere in what are today the Maritime Provinces of Canada did not occur in a political and military vacuum. France and England (after 1707, Great Britain) had competing imperial visions for the eastern coastline of North America, which led to numerous conflicts and several full-scale wars. In 1704, for instance, an expedition from New England, led by Benjamin Church, arrived at Grand-Pré and burned houses, destroyed dykes and carried off prisoners. After the New Englanders left, the Acadians rebuilt what had been damaged or destroyed.

Though the Treaty of Utrecht (1713) transferred *Acadie* to Britain, most Acadians stayed in their traditional communities. For the next three decades, life at Grand-Pré and in the other Acadian districts was peaceful; a period that historian Naomi Griffiths describes as a "golden age". The Acadian birth rate was among the highest recorded in North American history.

The steady growth in the size of the Acadian population was a worry for the British administration, based at Annapolis Royal until 1749 and at Halifax from mid-1749 onward. British officials feared they could not rely on the neutrality of the Acadians because of their Roman Catholic religion and their ties with nearby French colonies. The British wanted the "neutral French" to swear the standard oaths of allegiance and become full British subjects. The Acadians, on the other hand, pointed out that they had sworn a loyalty oath in 1729-30 acknowledging their neutrality in case of conflict between Great Britain and France and its Aboriginal allies and insisted that they were, and would remain neutral.

Between 1744 and 1747 there were numerous developments that greatly complicated the situation in the region. In 1744, for instance, a French expedition from Louisbourg made its way through many Acadian communities, including Grand-Pré, on its way to attack Annapolis Royal. In late 1746, the British sent roughly 500 New England soldiers to establish a post at Grand-Pré, with the soldiers taking over a large

number of Acadian houses. In the middle of a February night, while a snowstorm was raging, a French force from Canada (250 French soldiers and 50 Amerindian warriors) caught the New Englanders totally by surprise. Known to history as the Battle of Grand-Pré (also commemorated as a National Historic Event of Canada as the Attack at Grand Pré), the encounter left at least 80 New Englanders dead, including their commander. In 1924 the HSMBC found the 1747 attack to be an event of national significance.

From the British perspective, the events of 1744-1747 demonstrated the vulnerability of Nova Scotia to French and Amerindian attacks. In 1749-1750 Governor Edward Cornwallis, based in the newly founded stronghold of Halifax, pressed the Acadians to swear the standard oath and become regular British subjects. The Acadians refused, affirming their neutrality and claiming they feared reprisals from the French and the Mi'kmaq. Moreover, their position remained essentially the same when in the summer of 1755, only a few weeks after the fall of Fort Beauséjour, the new governor, Charles Lawrence, and his Council demanded that they take the oath. Faced with the Acadians' refusal, the British authorities decided, on July 28, 1775, to proceed with the deportation of the entire Acadian population to the Anglo-American colonies.

Historians sometimes differ in their interpretations of the Acadian Deportation, which began in 1755 and lasted seven years, though there is no disagreement over the tragic impact that the deportation had on the Acadians and their communities. The first Acadian area to feel the impact of the removal policy was the Chignecto region, beginning in mid-August 1755. Grand-Pré and Pigiguit (Windsor) were the next districts to be affected, beginning on September 5, 1755.

The removal of the entire population living at Grand-Pré and in neighbouring villages did not proceed quickly or smoothly. There was a shortage of British transport ships and a lack of sufficient provisions. It was not until late October 1755 that the entire population was aboard the transport ships. The vessels sailed out of the Minas Basin bound for Pennsylvania, Virginia, Maryland, Connecticut, and Massachusetts. At the same time, transport ships carrying Acadian deportees from the nearby Pigiguit area also sailed south to the Anglo-American colonies. In total, approximately 2,200 Acadians were deported from the Minas area in 1755. That was roughly one-third of the 6,000 Acadians deported from Nova Scotia during the first year of forcible removals.

With the removal of the Acadians, British officials expected land-hungry Anglo-American colonists would move north to take over the highly fertile lands at Grand-Pré and elsewhere. At the time, New Englanders were unable to migrate westward because of unsettled frontier conditions and hostility from Amerindians and French in that region. The expected migration began in 1760 when the first major wave of settlers from New England arrived in Nova Scotia. Between 1760 and 1768, roughly 8,000 men, women and children from New England came to settle in Nova Scotia. One of the places the Planters settled was Grand-Pré, renamed Horton.

The Planters who came to Grand-Pré/Horton wanted to take advantage of the highly fertile dyked lands and so had to repair the damage done to the dykes during a 1759 storm. The Planters turned to the displaced Acadians, some of whom were imprisoned in Halifax, to learn the intricacies of dyke construction and repair. The Planters and their descendants eventually became master dyke builders of their own, maintaining what the Acadians had built and eventually adding new dykes and reclaiming additional marshland from the sea.

In 1847 the American poet Henry Wadsworth Longfellow published *Evangeline: A Tale of Acadie*, a long narrative poem that became an international bestseller. Longfellow chose Grand-Pré as the setting for the early parts of the poem, a choice that was to lead many tourists to come to Grand-Pré, beginning in the late

19<sup>th</sup> century. By the turn of the 20<sup>th</sup> century, Grand-Pré had become a well-known tourist destination, and the Annapolis Valley was often described as the “Land of Evangeline”. The Dominion Atlantic Railway (DAR) responded to the phenomenon by creating a park-like landscape at Grand-Pré, within which one found a statue of Evangeline, an old well and other features. The DAR had obtained the land for this park from Wolfville jeweller John Frederic Herbin, who had purchased the land to protect it because of its Acadian history and on behalf of the contemporary and future Acadian community.

In the 1880s, contemporaneous with Grand-Pré’s emergence as a tourism destination, the descendants of Acadians who had settled in the Maritimes in the aftermath of the Deportation underwent a major cultural renaissance. There were many manifestations of the newfound pride and identity: such as a “national” Acadian flag, anthem and feast day. One project that Acadians embarked on was to mark their earlier presence at Grand-Pré, which they did most conspicuously through the construction of a memorial church for which they had raised funds.

In 1956, an agreement was signed between the federal government and the *Société Nationale l’Assomption*, acting on behalf of the Acadian people, which acknowledged that “the Grand-Pré Park is considered the most important historic site by the Acadian people, that it recalls their saddest and most heroic moments and must remain for future generations the example of courageous people whose culture and actions shall enrich more and more the Canadian nation.”

The Government of Canada acquired Grand Pré Memorial Park in 1957 and opened it to the public as Grand Pré National Historic Park in 1961.

#### **2.4.2 Geographic Context**

Grand-Pré National Historic Site is located in the village of Grand Pré, within the Municipality of the County of Kings, Nova Scotia. The character of the overall area is one of intensive agricultural uses, as it has been since the late 17<sup>th</sup> and early 18<sup>th</sup> centuries when Acadians first reclaimed the salt marshes from the sea. Aside from the marshes, the “upland” area near Grand-Pré NHSC is characterized by gently rolling hills, farm properties and/or well-dispersed houses, a vineyard and many well-established trees. The overall area, stretching from North Grand Pré on Long Island then coming across the marsh and into Hortonville, Horton Landing, Grand Pré village and beyond and part of lower Wolfville, falls within the Grand Pré Rural Historic District National Historic Site of Canada, designated in 1995.

The closest urban community is Wolfville, a small town about 10 km away. The Halifax Regional Municipality is located approximately one hour’s drive away.

There are many national historic designations in the immediate region with close links or associations with Grand-Pré NHSC. Other national commemorations within the broader region include: Beaubassin NHSC, Port-Royal NHSC, Fort Edward NHSC, Fort Anne NHSC and Charles Fort NHSC, Melanson Settlement NHSC, the sites comprising the Halifax Defence Complex, the Attack at Grand Pré National Historic Event of Canada (NHEC), and the Coming of the New England Planters NHEC.

### **3.0 Resources Directly Related to the Reasons for Designation as a National Historic Site**

This section contains details on the resources – the whole and the parts of the whole – that are directly related to the reasons for designation (see Appendix 6.3 – Inventory of Resources). These resources usually include:

- the Designated Place;
- *in situ* cultural resources within the administered place that have direct relationship with the reasons for designation;
- cultural resources identified in the HSMBC minutes as contributing to the Designated Place including resources that may lie outside the Designated Place; and
- objects that have a direct relationship to the commemorative intent and to the site. These may be located either within or outside the Designated Place.

#### **3.1 Designated Place**

##### **3.1.1 Description**

The designated place consists of the initial site transferred to Parks Canada in 1957, including the triangular property (see Site Plan), the former visitor centre and parking area and the property acquired in 1999 south of the original property. Found on this land are extensive archaeological resources dating to the Acadian settlement (circa 1682-1755), a large burial ground or cemetery, an 18<sup>th</sup>-century well, remnant willow trees, and the features erected in the early 20<sup>th</sup> century to mark the earlier Acadian presence: a Memorial Church, a statue of Evangeline, the Herbin Cross, Longfellow bust and the memorial flower beds and pathways.

While not part of the designated place, but part of the administered land (see Appendix 6.2), two additional parcels of land were acquired by Parks Canada in 2009 as part of the Agency's efforts to protect significant cultural resources and viewsapes at Grand-Pré NHSC. One of the properties is known from historical records to have a high potential for cultural resources directly related to Grand-Pré NHSC and the Grand-Pré Rural Historic District NHSC.

##### **3.1.2 Historic Values**

Historic value is a value or values assigned to a resource, whereby it is recognized as a cultural resource. The values can be physical and/or associative.

The designated place has historic values related to its reasons for designation as a national historic site as follows:

- The site has been confirmed to lie at the “heart” of the original Acadian village; it is where the church and burial ground were located and the zone in which the British and New Englanders established their camp at the time of the Deportation in 1755.
- Grand-Pré NHSC is the Acadians' most important place of memory. A small portion of their ancestral homeland, symbolically and peacefully reclaimed, has found a place at the heart of Acadian identity.
- Grand-Pré's evocative memorials, such as the Memorial Church and Herbin Cross, erected by Acadians early in the 20<sup>th</sup> century, are powerful, tangible symbols of the impact of the Deportation on the Acadians and are testimony to a people's struggle for survival, to their strength and perseverance.

- For about a century, Grand-Pré has been a pilgrimage destination for Acadians from the diaspora, most notably on Acadian Days (held in July), on August 15, (the *fête nationale de l'Acadie*) and on the anniversaries most closely associated with the Deportation (July 28 and September 5).
- Located next to the vast dykelands created by the Acadians, the site offers a sense of place which has evolved, but which has maintained much of its original agricultural character.
- The site offers unimpeded views of both the adjacent dyked marshland and the adjacent uplands upon which the Acadians built most of their houses and farm buildings.
- The site contains the pathways, flower beds and Statue of Evangeline statue erected early in the 20<sup>th</sup> century by the DAR in order to both mark the history of the site and to attract tourists.
- The site is located about two kilometres away from Horton Landing (marked by the evocative Deportation Cross) where the Acadians were put into small boats and transported to the ships which would take them to Anglo-American colonies.

### **3.2 Landscapes and Landscape features**

#### **3.2.1 Description**

The designated place contains a rural landscape that has changed little since the area was first settled by the Acadians.

The rural landscape includes some of the original roads and agricultural land settlement patterns created by the Acadians and which have been maintained by the New England Planters and successive generations of farmers.

The view planes to the historic landscape beyond the national historic site offer important opportunities for experiencing the setting of Grand-Pré NHSC.

There are prominent willow trees at Grand-Pré NHSC and they represent an amalgam of two landscapes, the historical landscape created by the Acadians, and the more recent and commemorative landscape dating to the early 20<sup>th</sup> century. Oral tradition traces the oldest trees back to the Acadian era. As dendrochronological testing is a complicated matter with willows, their origins cannot be easily verified. New willows were planted as part of the creation of the commemorative gardens offering therefore a deliberate blend of two different landscape approaches.

See Section 6.3 for an Inventory of Resources for the site.

#### **3.2.2 Historic Values**

The landscape and landscape features have the following values:

- the rural landscape includes valued field and farming patterns that have remained mainly intact for over 300 years. Its serene agricultural setting helps visitors imagine what the heart of the Acadian village of Grand-Pré would have been like with its farmers busily harvesting abundant crops;
- the absence of standing buildings dating back to the 18<sup>th</sup> century and earlier underlines that this was an area that has witnessed great upheaval over the intervening years, with the disappearance of one entire population and the settlement of a different group;
- the rural landscape adjacent to the modern visitor centre evokes the land as it likely appeared, more or less unchanged, during both the Acadian and Planter periods; and

- the old Grand-Pré willows, which are believed to date back to the Acadian settlement, are an integral part of an oral tradition which links them to the original village of Grand-Pré and the location of its parish church and cemetery. Their associative value with Acadian presence include: willows were planted in close rows to protect orchards; the wood was used as construction material for making shoes used by Acadians; and willows were present in the Acadian landscape in southeast New Brunswick as well as in southwest Nova Scotia in the 19<sup>th</sup> century.

### **3.3 Buildings and Structures**

The only building within the designated place that is related to the reasons for designation is the Memorial Church. The Memorial Church was erected by the Acadian community in 1922 as a memorial to their deported ancestors.

A number of monuments and structures, such as the Herbin Cross, Statue of Evangeline, Bust of Longfellow and old well located in the commemorative gardens evoke the sense of attachment of the Acadians to Grand-Pré and are representative of the evolution of the site as a *lieu de mémoire*.

#### **3.3.1 Description**

The Memorial Church was designated Classified by FHBRO (Federal Heritage Buildings Review Office) in 1991 for its association with the commemoration of Canadian history and the promotion of tourism through the construction of monuments; for the French Regime architectural antecedents in its design; and for its importance as a national symbol of Acadian history and culture.

The Memorial Church, intended to evoke the original Acadian church, was designed by Moncton architect René Fréchet in close collaboration with Montréal architect Percy Nobbs. Construction of the exterior of the building was completed in 1922 after a fund-raising campaign for its construction among Acadians and sympathetic non-Acadians who lived in Canada and the United States.

The heritage character of the Memorial Church resides in its evocation of vernacular design, as evidenced in its massing, materials, and interior detailing; and by its historic setting.

The architect represented the original Acadian parish church with a design based on eighteenth-century French Regime churches from Québec. This design aesthetic is expressed in the rectangular plan, steeply-pitched bell-cast roof, simple steeple, ocular window in the gable, and round-headed multi-paned windows.

Similarly, the use of traditional building materials, such as the rough-cut fieldstone cladding and copper trim, emulated French Regime design. Removal of copper from the gutters and belfry has reduced this design relationship.

The unobstructed interior of the church was designed to function as a museum, as reflected in its open barrel-vaulted space, wide double doors, side windows, and large lunette over the entrance, while the "sacristy" served as a meeting room. These historic volumetric relationships should be retained. A stained glass window, installed in the lunette in 1986, is in keeping with the original intentions of the architects. Renovations to the interior in 1957 involved the removal of the original quarry-tile floor and marble dado, possibly for structural reasons. The remaining original interior finishes, including vault and wall mouldings, denticulated cornice and window surrounds are typical of French Renaissance style as

interpreted by Fréchet, and should be carefully preserved.

One of the most striking elements within the church is the statue of the Acadian patron saint, *Notre-Dame de l'Assomption*.

There are four other prominent structures located within the designated place. Rivalling the Memorial Church for prominence and for people's affection and attachment is the Statue of Evangeline, commissioned by the DAR and created by renowned Québec sculptor Henri Hébert. It was unveiled to the public in 1920.

Close to the Memorial Church is an old well (above ground portion) that since the 19<sup>th</sup> century has been called alternately the Acadian well and Evangeline's well. Although the upper courses of this well were reconstructed in the 20<sup>th</sup> century, they are considered Level One because the resource relates directly to the third reason for designation.

A short distance down one of the paths from the Memorial Church and the well is a stone cross, erected by John Frederic Herbin early in the 20<sup>th</sup> century with stones found in the area, which were thought to have come from the original church or other buildings. The cross marks the burial area of the original Saint-Charles-des-Mines parish.

The fourth and final noteworthy feature is a bust of Henry Wadsworth Longfellow, unveiled in 1955 by the Nova Scotia government to honour the creator of *Evangeline* and to mark the 200<sup>th</sup> anniversary of the Deportation.

See Section 6.3 for an Inventory of Resources for the site.

### **3.3.2 Historic Values**

The Memorial Church, built by and for the Acadians as a result of an extensive fund-raising campaign, reflects the community's Roman Catholic religious tradition, and in a larger sense, the Acadians' emotional and spiritual attachment to Grand-Pré as the best-known place from which their ancestors were forcibly removed in 1755.

The Evangeline statue, though originally commissioned by the Dominion Atlantic Railway when it owned the site, has long since become an iconic element on the site. For many visitors, Acadian descendants and others, the statue symbolizes not so much the specific poem by Longfellow, but rather the indomitable spirit with which an entire population overcame the hardships imposed on it.

Since the early 20<sup>th</sup> century, the old well provides a direct link to the Acadian settlement at Grand-Pré and is representative of the evolution of the site – as a site of great tragedy to a pilgrimage destination for Acadians and a place of memory.

The Herbin Cross marks the location of the large burial area, and reflects the attachment that Acadians feel toward the populous historical community that existed there between the 1682 and 1755.

The Longfellow bust provides a tangible link to the well-known American poet who wrote *Evangeline – A Tale of Acadie*, which eventually inspired the creation of Grand Pré Memorial Park.

### **3.4 Archaeological Sites**

#### **3.4.1 Description**

In the late 19<sup>th</sup> century, curiosity seekers pulled a coffin from the cemetery, dug up parts of an Acadian house site, and emptied the adjacent well. More systematic and limited testing was done on a house site in 1958 by Dr. Harcourt L. Cameron, a professor of geology at Acadia University. Controlled excavation under Parks Canada's jurisdiction began in 1972, with work by Frank Korvemaker on two house sites. Saint Mary's University has run an archaeological field school at the site annually since 2001.

Identifiable features relating to the Acadian occupation include:

- six house features; three of these have been excavated almost completely, with the remains of cellar foundations left intact in the ground; two of the cellars had extensive drains which are also intact;
- traces of the old Acadian road from the uplands to the dyked fields, including a causeway of brush and stone across a swampy area on the southern edge of the gardens and which corresponds to the original entrance to the Grand Pre Commemorative Park;
- the cemetery (excluding human remains), limits of which have not yet been defined; and
- a possible hearth feature close to the cemetery, consisting of at least two slabs of blue slate, which may indicate use of the site by Lieut.-Colonel Winslow's troops in 1755; associated artifacts include lead musket balls, bone fragments and food utensils; no substantial structural remains of the church have been found to date.

Soil strata (layers) within the designated place may contain Level 1 undisturbed deposits. In addition, there may also be disturbed deposits that contain Level 1 objects relating to the Acadian occupation.

See Section 6.3 for an Inventory of Resources for the site.

#### **3.4.2 Historic Values**

The archaeological sites are valued because:

- they represent tangible evidence of the Acadian community at Grand-Pré;
- they provide a picture of Acadian life in 17<sup>th</sup>-18<sup>th</sup>-century Grand-Pré;
- they provide a link to the British occupation of the church and vicinity in 1755; and
- the unexcavated resources represent a potential for increasing knowledge and understanding of the period.

### **3.5 Objects**

#### **3.5.1 Description**

A substantial number of objects have been collected over a forty-year period of intermittent excavations.

Materials relating to the Acadian period include household items of ceramics, glass and metal; animal bones relating to the diet; soil samples for future faunal and botanical analyses; personal objects, including shoe buckles, buttons and a silver cross; weaponry items, particularly lead musket balls and gunflints; bale seals and coins from commercial activities; and architectural hardware.



Acadian objects from Grand-Pré are on exhibit in the Visitor Centre – 13 in the permanent exhibit and 146 in a temporary archaeology exhibit. In addition, approximately 100,000 Acadian objects, faunal remains and soil samples are held in the Parks Canada archaeology lab and at the Department of Anthropology, Saint Mary's University.

Over the past few years, sluices which were part of aboiteaux constructed by the Acadians have been excavated from the Grand Pré dykelands within the boundary of the Grand-Pré Rural Historic District. These objects are located at the national historic site.

A statue of *Notre-Dame de l'Assomption* was commissioned specifically for the Memorial Church by the Acadian community. A condition of the sale of the building to the federal government stipulates that the statue was to remain on display in the Memorial Church.

See Section 6.3 for an Inventory of Resources for the site.

### **3.5.2 Historic Values**

The objects are valued because:

- they provide a tangible link to the Acadian era, and testify to the daily lives of the Acadians at Grand-Pré;
- they attest to the rich and diverse nature of a prosperous Acadian settlement;
- they inform us of architectural styles; and
- they provide a connection to the brief military occupation of 1755.

The four sluices are valued because they are linked to the Acadian farming practice of transforming marshland into rich agricultural lands.

The statue of *Notre-Dame de l'Assomption* is valued because it is an expression of the strong attachment felt by Acadians to Grand-Pré. As a national symbol of the Acadians, it speaks to the symbolic reclamation of their ancestral homeland in the early 1920s.

### **3.6 Objectives**

The resources at Grand-Pré NHSC – its designated place, landscape and landscape features, buildings and structures, archaeological sites and objects – will not be impaired or under threat when:

- the resources and their associated values are respected;
- management decisions are based on adequate and sound information and are made in accordance with the principles and practice of the CRM Policy;
- the resources and their associated values are not lost, impaired or threatened from natural processes, for example erosion and decay, within or outside of the site;
- the resources and their associated values are not lost, impaired or threatened from human actions, for example vandalism and theft; and,
- the historical values of the resources are communicated to visitors and stakeholders.

## **4.0 Effective Communication of the Reasons for Designation as a National Historic Site**

### **4.1 Reasons for Designation as a National Historic Site**

#### **4.1.1 Definition**

The reasons for designation express, in the form of messages, why the site was designated a national historic site. They derive directly from the Statement of Commemorative Intent.

#### **4.1.2 Reasons for Designation**

The reasons for designation of Grand-Pré National Historic Site of Canada are:

- it was a centre of Acadian activity from 1682 to 1755;
- it is the site most closely associated with the Deportation of the Acadians; and
- it commemorates the strong attachment that remains to this day among Acadians throughout the world for this area, the heart of their ancestral homeland, making Grand-Pré a symbol of the ties that unite them.

## **4.2 Context Messages**

### **4.2.1 Definition**

Context messages are those messages that are essential to an understanding of the reasons for the national significance of the site.

### **4.2.2 Context Messages**

#### Message One:

Grand-Pré is a national historic site, a place designated by the Government of Canada as a site of importance for all Canadians because of its national historic significance.

The activities of the Acadians at Grand-Pré and the tragic events of the deportation that took place between 1682 and 1755 gave rise to the present-day site containing a wide array of important cultural resources that are highly valued.

This context message supports the first reason for designation of Grand-Pré NHSC.

#### Message Two:

The Acadians were colonists of mostly French descent in what are now the Maritimes who developed their own distinct identity during the 17<sup>th</sup> and 18<sup>th</sup> centuries. They became renowned as dyke-builders who reclaimed large areas of salt marsh from the sea, most famously at Grand-Pré, their largest single achievement in the period up to 1755. The reclaimed areas were part of a set of fields and farming patterns that have remained basically intact for over 300 years.

This context message supports the first reason for designation of Grand-Pré NHSC.

#### Message Three:

The Deportation, or mass population removal, took place during a period of intense imperial rivalry between Great Britain and France, just before the official beginning of the Seven Years' War.

This context message supports the second reason for designation of Grand-Pré NHSC.

Message Four:

The experiences of loss, deprivation and death endured by Acadians during the Deportation reinforced the sense of common identity felt by Acadians, as well as their attachment to places where they or their ancestors formerly lived, such as Grand-Pré.

This context message supports the second and third reasons for designation of Grand-Pré NHSC.

Message Five:

As a result of the creation and evolution of a park at Grand-Pré throughout the first half of the 20<sup>th</sup> century – thanks in large part to the influence of Longfellow’s poem *Evangeline* and the actions undertaken by John Frederic Herbin, the Dominion Atlantic Railway, and the *Société Nationale l’Assomption* prior to 1957 and by Parks Canada since that date – Grand-Pré National Historic Site has emerged as a place of emotional pilgrimage for Acadian descendants, and for a growing number of non-Acadians who also regard the Deportation as a tragic event that touches them deeply.

This context message supports the second and third reasons for designation of Grand-Pré NHSC.

Message Six:

Since 1998, Parks Canada and the *Société Promotion Grand-Pré* (a non-profit organization representing the Acadian communities of the Maritime Provinces) have shared management responsibility for the site. The *Société Promotion Grand-Pré* plays a major role in engaging the Acadian community regarding Grand-Pré NHSC and has generated significant funds to develop complementary interpretive resources such as a new mural and sculpture related to the Deportation.

This context message supports the third reason for designation of Grand-Pré NHSC.

### **4.3 Objectives for Messages of Reasons for Designation**

The reasons for the designation of Grand-Pré National Historic Site of Canada are effectively communicated to the public when:

- the overall heritage presentation experience conveys the reasons for designation as a national historic site;
- visitors and site stewards understand the reasons for designation, as well as the relationship and differences between the cultural resources of the historic site and the artistic interpretations that have been added as layers to the site; and
- management decisions are based on adequate and sound information and are made in accordance with the principles and practice of the CRM Policy.

## **5.0 Resources, Values and Messages Not Related to the Reasons for Designation as a National Historic Site**

Some resources, values and messages are not related to the reasons for designation of Grand-Pré National Historic Site of Canada. In applying the first element of commemorative integrity, emphasis is clearly on resources directly related to the reasons for designation as a national historic site and their values. However, the *Cultural Resource Management Policy* applies to all cultural resources, as well as significant ecosystem features.

A Commemorative Integrity Statement is developed to assist managers or owners in managing all the resources for which they have responsibility. The overall stewardship of a national historic site is called into question and commemorative integrity is threatened if resources not related to the reasons for designation are not managed in accordance with the *Cultural Resource Management Policy*.

### **5.1 Resources Not Related to the Reasons for Designation at a National Historic Site**

A resource not directly related to national significance is any other resource, usually within the administered entity, which has historical value but is not related to the reasons for the site's designation. A resource may be included within this category because of its historical, aesthetic or environmental qualities. It is also given to such factors as regional and local associations or provincial or municipal designations.

The resources not related to the reasons for designation as a national historic site are:

#### **Landscape and Landscape Features:**

- The commemorative gardens designed on behalf of the Dominion Atlantic Railway by architect Percy Nobbs, who was inspired in part by Herbin's idea of a memorial for his Acadian ancestors. The gardens which feature numerous memorials and landscape features, such as the paths, gardens, ponds and trees, were initially created by the DAR to encourage tourism.

#### **Buildings and Structures:**

- The Blacksmith's Shop located just outside of the commemorative gardens in the triangular property. The building dates back to the 19<sup>th</sup> century and was owned by an Acadian. It was moved to Grand-Pré from Wedgeport, Nova Scotia in 1967.
- The Original Railway Entrance was built by the Dominion Atlantic Railway during the development of the site as a tourism destination.
- Two Historic Sites and Monuments Board of Canada plaques.

#### **Archaeological Sites:**

- In-situ resources that post-date 1755, including one possible New England Planter site by the southwest corner of the Memorial Church. Historical evidence suggests that there is Acadian and Planter material in this location. Recent archaeological research in this area has located a drain constructed during the Planter period, likely linked to a house site. Further research is required.
- A well, adjacent to a house site located beside the Memorial Church; only the stone courses below ground are original. Until additional archaeological research is performed to determine the direct linkage to the Acadian period, this below-ground portion of the well is rated as Level Two.

- Recent archaeological work indicates a probable well located at the northwest corner of the Memorial Church. Its cultural association has not yet been determined.

**Objects:**

- Archaeological objects from periods beyond 1755 which have direct and meaningful relationship to the New England Planter-period and later objects relating to the tourism period, located in the Parks Canada archaeology lab, and the lab at Saint Mary's University.
- Archaeological objects from areas other than the designated place on display in the Visitor Centre including 25 objects from the Melanson Settlement NHSC and one sluice excavated at Melanson Settlement.
- Curatorial collection, including books, artwork and 19<sup>th</sup> century objects collected from Acadian communities in the 1930s and after.

**5.2 Values Not Related to the Reasons for Designation as a National Historic Site**

The relevant values for this category are:

- the heritage value of the commemorative gardens lies in the reflective character they impart to the site as a whole. The gardens evoke the spirit of the place, and offer the visitor a sense of contemplation;
- the blacksmith shop is a valued 19<sup>th</sup>-century heritage Acadian structure, a representative type of structure constructed by the Acadians which provides a symbolic link between the Deportation and the re-settlement of Acadians;
- as the original entrance to Grand Pré Memorial Park, the Original Railway Entrance provides a sense of place that was created by the DAR. Re-instated in 2003, it offers the traditional perspective of the site with the Evangeline statue in the foreground and the Memorial Church as a classic backdrop, located at the edge of the vast dykelands of Grand-Pré;
- the HSMBC plaques commemorate the national historic significance of the Expulsion of the Acadians and the Grand-Pré Rural Historic District;
- the post 1755 period artefacts and possible New England Planter site provides evidence of the settlement of the lands at Grand Pré following the Deportation of the Acadians;
- the sluice excavated at Melanson Settlement provides a link with other pre-deportation Acadian villages; and
- the curatorial collection is related to the history and evolution of Grand-Pré NHSC.

**5.3 Objectives for Resources and Values**

The resources and heritage values not related to the reasons for designation will not be impaired when:

- the resources and their associated values are respected;
- management decisions are based on adequate and sound information and are made in accordance with the principles and practice of the *Cultural Resource Management Policy*;
- the resources and their associated values are not lost, impaired or threatened from natural processes, for example, erosion and decay, within or outside of the site;
- the resources and their associated values are not lost, impaired or threatened from human actions within or outside of the site; and,
- the historic values of the resources are communicated to visitors and stakeholders.

#### **5.4 Messages Not Related to the Reasons for Designation as a National Historic Site**

The messages under this heading include:

- the subsequent settlement and use of the Grand-Pré area by the New England Planters, beginning in 1760, and by their descendants up to the present day;
- the fact that Grand-Pré NHSC forms part of the Grand-Pré Rural Historic District NHSC;
- the links that exist between Grand-Pré NHSC and other Acadian and/or Seven Years' War national historic sites in Atlantic Canada;
- the close relationship that exists between Grand-Pré NHSC and the Deportation Cross, located at Horton Landing since 2005; and
- the presence of several other nearby designations of national, provincial and municipal significance, such as the 1747 Attack at Grand-Pré NHEC, Covenanters Church NHSC, and Sir Robert Borden NHP.

#### **5.5 Objectives for the Messages**

The messages not related to the reasons for designation as a national historic site are effectively communicated to the public when:

- part of the heritage presentation experience conveys the messages not related to the reasons for designation as a national historic site;
- the presentation of the messages not related to the reasons for designation as a national historic site do not overwhelm or detract from the presentation and understanding of the site's national significance;
- visitors understand the messages not related to the reasons for designation as a national historic site; and
- management decisions are based on adequate and sound information and are made in accordance with the principles and practice of the CRM Policy.

## 6.0 Appendices

### 6.1 HSMBC Minutes and Plaque Texts

#### Discussion and Recommendations

In the spring of 1955, the Dominion Atlantic Railway (DAR) offered to sell Grand Pré Memorial Park to the federal government. This year marked the 200<sup>th</sup> anniversary of the Deportation, which thousands of Acadians and other people observed in special ceremonies at Grand Pré Memorial Park. The DAR was no longer interested in operating the site which it had owned since 1917.

The Minister responsible for national historic parks referred the matter to the Historic Sites and Monuments Board of Canada for advice on the historical features of the park. At the same time, he sought clarification from the DAR on the museum that was situated in the park, but owned and operated by the *Société Mutuelle l'Assomption*.

The agenda paper prepared for the May-June 1955 meeting of the Board gave a brief description of the park. It acknowledged the role of the DAR in landscaping and developing the site to make it "one of the most beautiful small parks to be found anywhere" and to attract visitors on the Dominion Atlantic Railway's rail line. The paper also dealt with the museum and valuable museum collection. Of particular interest were the questions of whether the building stood on the site of the Acadian church of Saint-Charles-des-Mines and whether it was an exact replica of that church. The first question could not be answered and the second was deemed to be unimportant. The Board was advised that the museum, with its collection, seemed to be of value and the Department could not permit the *Société Mutuelle l'Assomption* to operate the museum if the Department took over the site.

An internal departmental memo seems to have served as the basis for the paper (7 April 1955, Director, Historic Sites, to the Deputy Minister of Northern Affairs and National Resources). The memo stated that Grand Pré Memorial Park was on the site of the historic village of Grand-Pré and that the memorial church was thought to be on the site of the Acadian church, the headquarters for the Deportation from the area. The memo also assessed the resources and facilities on the site - the memorial church and its museum collection, the reconstructed well, the willows, the Herbin Cross and the tea room. At its May 1955 meeting, the Board responded directly to the Department's question about the historical features at Grand Pré Memorial Park with the opinion that "*Grand Pré Memorial Park possesses historical features which would make it eminently suitable as a National Historic Park*" What exactly was meant by "historical features", is unclear. The Board paper did not mention the memorial aspect of the park. In fact, the word "memorial" did not appear in the text, not even for the Memorial Church, which was treated strictly as a museum building. The only historical feature from the Acadian village addressed in the paper was the church of Saint-Charles-des-Mines, whose location had not been confirmed.

The federal government acquired Grand Pré Memorial Park from the DAR and the memorial church from the *Société Nationale l'Assomption* (SNA) in 1957. The SNA had previously acquired it from the *Société Mutuelle l'Assomption*. A 1956 agreement signed by the SNA and the government acknowledged the special significance of Grand-Pré Park and the church site to the Acadian people. With the creation of the national historic park in 1961, the name of the site changed to Grand-Pré National Historic Park. Concurrent with, but apart from, its 1955 discussions of the Grand Pré Memorial Park, the Board looked at the Deportation, in response to a request from the organizing committee for the 1955 "Acadian Reunion". The committee suggested the erection of several memorials, including one at Grand-Pré "to mark the bicentenary of the dispersal of the Acadians."

The Board considered the suggestions at its June 1, 1955 meeting and declared that:

*In the opinion of the Board the expulsion of the Acadians and their return to Nova Scotia and New Brunswick is an event of national historical importance and should be suitably commemorated.*

The location of the “proposed memorial” was left for the Nova Scotia member, Dr. Ferguson, to investigate. Neither Grand-Pré nor Grand Pré Memorial Park was specifically mentioned in the recommendation and in the body of minutes, but the item was entitled “Dispersal of the Acadians, Grand Pré, N.S.” Minutes in later years used the same heading while the November 1958 minutes specifically stated that the commemoration would be at Grand-Pré.

In 1956, the Board deferred the commemoration until a decision had been reached about “Grand Pré proper”, presumably meaning the acquisition of the Memorial Park. In 1957, the commemoration was deferred again and Dr. Ferguson was asked to prepare a draft plaque text. In May 1958, the Board approved the English plaque text, which members agreed would be bilingual. At its November meeting, the Board approved another text and decided that the French version would use the term “grand dérangement”.

The approved May 1958 text read:

#### THE ACADIANS

In 1775 (sic) because of the vicissitudes of War, over six thousand Acadians were evicted from their lands and deported from Nova Scotia. About two thousand others escaped deportation. These, joined by a like number returning from exile, subsequently accepted the rights and responsibilities of citizenship.

The approved November 1958 text read:

#### THE ACADIANS

In 1755 at the onset of the Seven Years’ War, over six thousand Acadians were deported from these parts of Nova Scotia mostly to the American colonies. About two thousand escaped deportation, others returned from exile. Their descendants form an important segment of the people of the Maritime Provinces.

The plaque was finally erected and unveiled at Grand-Pré NHSC in 2005 as part of the 250<sup>th</sup> anniversary commemoration of the Deportation. The “Return of the Acadians” was commemorated with a plaque at Caraquet, New Brunswick, in 1956.

During management planning in 1982, the Atlantic Regional Office asked the Board to clarify the national historic significance of Grand-Pré National Historic Park. By this time, the site had expanded beyond the 1955 boundaries of the former Grand Pré Memorial Park. The 1982 park also included land developed as a parking lot on the east side of the Grand Pré road and a triangular property, which included Acadian house sites, on the west side of the original park. At its June 1982 meeting, the Board clarified the significance of the park with the statement that:



*Grand-Pré National Historic Park is of national significance by virtue of the fact that the area was a centre of Acadian activity from 1682 through to the expulsion and that there remains to this day a strong attachment among Acadians to this, the heart of their ancestral homeland, and further that the interpretive program at the Park deal exclusively with the life of the Acadian community, in the Minas Basin, up to the expulsion and be supported through additional historical and archaeological research, as required. In addition the Board encouraged the Atlantic Region, Parks Canada, to undertake to interpret these themes, on site, at a location other than the Memorial Chapel.”*

In 1994, the HSMBC discussed the definition and criteria for “rural historic districts”, with the Grand Pré area used as one possible example. In 1995 the Board recommended that the Grand-Pré rural historic district is a rural historic district of national historic and architectural significance. The specific recommendation was as follows:

*that the Grand-Pré rural historic district be commemorated on grounds of national historic and architectural significance because the area contains one of the oldest land occupation and use patterns of European origin in Canada, created by two cultural groups of significance and embodying distinctive characteristics of successive periods and methods of land occupation, which illustrate the dynamics of human interaction with the landscape. Further, through the continued use of dykelands and the survival of a land-use pattern influenced by the associated agricultural practice, the area represents an outstanding example of a landscape of technological and social importance, created by the Acadians and modified by subsequent cultural groups. Finally, these cultural landscape qualities exist within a definable area which exhibits a high level of integrity and a minimum of urban encroachments or incompatible land uses.*

In 1995 the HSMBC recommended to revoke the Board’s 1982 recommendation that the site “deal exclusively with the life of the Acadian community in the Minas Basin up to the expulsion.” Recommendation was to return to the Board’s earlier formulation of national significance, because the 1982 determination made it impossible to convey the “strong attachment among Acadians to this [Grand-Pré], the heart of their ancestral homeland”.

In 1997, during a discussion about the designation of Acadian tidal gates (*aboiteaux*) at Memramcook, the Board recommended:

*that the critical role played by the “aboiteaux” in Acadian agriculture be interpreted at Grand-Pré National Historic Site in Nova Scotia.*

In 1997, the HSMBC approved by full Board, a bilingual plaque inscription for Grand-Pré Rural Historic District. The plaque was later mounted beside the new visitor centre, on the land acquired by Parks Canada in 1999.

In 2004 the Board approved the plaque inscription for “The Expulsion of the Acadians (1755-1762), Grand-Pré, Nova Scotia”, which was mounted in front of the new visitor centre, on the land acquired by Parks Canada in 1999.

Final approved plaque text:

**LA DÉPORTATION DES ACADIENS  
THE EXPULSION OF THE ACADIANS  
(1755-1762)**

En 1755, à la veille de la guerre de Sept Ans, débute la déportation des Acadiens. Contrariées par la neutralité des Acadiens qui refusent de prêter serment sans conditions à la Couronne, les forces britanniques enclenchent le « grand dérangement ». Pendant huit ans, plus de 10 000 Acadiens sont dispersés par petits groupes dans les colonies américaines, en Angleterre et en France. Après la fin de la guerre en 1763, ils sont nombreux à reprendre le chemin du retour. Ils se joignent alors au peu d'Acadiens ayant échappé à l'exil et construisent, avec force et courage, une communauté fière et dynamique.

The expulsion of the Acadians began in 1755, on the eve of the Seven Years' War. Frustrated with the neutrality of Acadians who refused to swear an unconditional oath of allegiance to the Crown, British forces began the "grand dérangement." Over the next eight years, more than 10,000 Acadians were dispersed throughout the American colonies, England and France. After the end of the war in 1763, many returned. They joined the small number of Acadians who had narrowly escaped exile and, with strength and courage, they forged a proud and vibrant community.

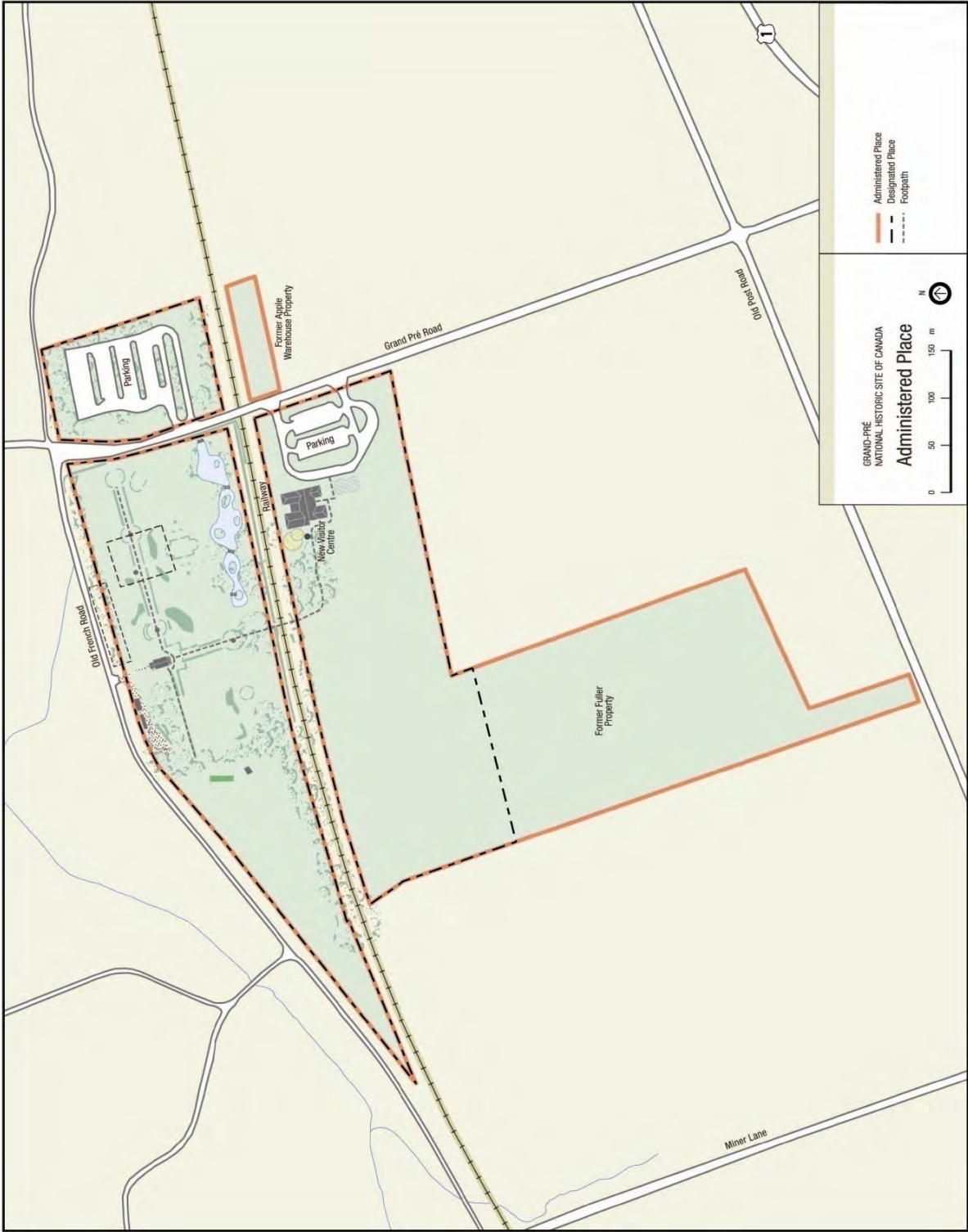
At the December 2007 HSMBC meeting, consideration was given to a proposed extension to Grand-Pré National Historic Site of Canada in order to include important cultural resources that speak to the existing reasons for designation of the national historic site, and to implement a coherent management direction for cultural resources and messages of national historic significance on the entire property administered by Parks Canada. The Board was presented with the following background:

...the proposed extension is the property that was purchased in 1999. It is located south of the existing national historic site, on the other side of a railway line. This property includes significant archaeological resources (four known Acadian cellars), a visitor centre built in 2003, a parking lot for that centre, and two Board plaques, one for Grand-Pré Rural Historic District National Historic Site of Canada, designated 1995, and the other for the Dispersal [sic] of the Acadians National Historic Event, designated 1955. Like the existing national historic site, this property is located in a rural setting. Farmers' fields and orchards form the boundary along the entire length of its southern and western edges. The railway line delineates the northern boundary of the property and the Grand Pré Road forms the eastern boundary. The existing national historic site and the proposed extension are, as an entity, surrounded by cornfields, orchards and rural residential properties.

The Full Board agreed with the findings of the Submission Report 2007-85 (Ref. 2007-85, "Grand-Pré National Historic Site of Canada: Proposal to Extend the Designated Place") before it and recommended that:

The designated place of Grand-Pré National Historic Site of Canada is defined by property boundaries of the site currently administered by Parks Canada and acquired in a number of different stages between 1956 and 1999.

6.2 Administered Place of Grand-Pré National Historic Site of Canada



### 6.3 Inventory of Resources Related to the Commemoration of Grand-Pré NHSC

The table below indicates the current cultural resource rating (Level) and the previous rating as found in the May 1997 CIS (found in brackets). Items marked “(new)” are resources not known to exist at the time of the 1997 CIS.

The letters (a), (b) and (c) referred to in the ‘Explanation’ column of the table correspond to the first, second and third reasons respectively for the designation of Grand-Pré NHS:

- (a) it was a centre of Acadian activity from 1682 to 1755;
- (b) it is the site most closely associated with the Deportation of the Acadians; and,
- (c) it commemorates the strong attachment that remains to this day among Acadians throughout the world for this area, the heart of their ancestral homeland, making Grand-Pré a symbol of the ties that unite them.

#### Landscapes and Landscape Features

Description	Level	Explanation
Rural landscape	Level One (Other)	Dating back to the Acadian settlement, the rural landscape which is located in the designated and administered place and view planes to the historic landscape beyond the national historic site, is linked to (a) it was a centre of Acadian activity from 1682 to 1755.
Commemorative gardens or created landscape	Level Two	Developed by the Dominion Atlantic Railway to encourage tourism, they have become an essential part of the Grand-Pré experience.
French Willows	Level One	Dating back to the Acadian settlement they are linked to (a) it was a centre of Acadian activity from 1682 to 1755.

#### Buildings and Structures

Description	Level	Explanation
Memorial Church	Level One	The Memorial Church is (c) directly linked to the strong attachment to this day among Acadians to the heart of their ancestral homeland.
Statue of Evangeline	Level One (Two)	The Statue of Evangeline is (c) the statue is directly linked to the strong attachment to this day among Acadians to the heart of their ancestral homeland. Created in 1920, the statue of Evangeline has come to represent the long and established attachment among Acadians to Grand-Pré and the heart of their ancestral homeland.

**Grand-Pré National Historic Site  
Commemorative Integrity Statement – 2011**

Well (above ground)	Level One (Two)	The well, frequently identified as Evangeline’s well, is (c) directly linked to the strong attachment to this day among Acadians to Grand-Pré and the heart of their ancestral homeland in much the same manner as the Statue of Evangeline.
Herbin Cross	Level One (Two)	The Herbin Cross is (c) directly linked to the strong attachment to this day among Acadians to the heart of their ancestral homeland.
Deportation Cross	Level One (new)	While the Deportation Cross is located outside the Grand-Pré NHSC administered area, it is clearly linked to the strong attachment to this day among Acadians to the heart of their ancestral homeland. The Cross is located at Horton Landing, a site owned and administered by Parks Canada, and is therefore managed as one of Grand-Pré’s Level One cultural resources.
Deportation Sculpture	Other	While the Deportation Sculpture, which was installed in 2005 by the Acadian community to commemorate the 250 <sup>th</sup> anniversary of the Deportation does speak to the continued attachment among Acadians to Grand-Pré, it does not exhibit the long and established attachment Acadians have for the site.
Bust of Longfellow	Level One (Two)	Commissioned by the Province of Nova Scotia to commemorate the 200 <sup>th</sup> anniversary of the Deportation, it is directly linked to (c) the long and established attachment among Acadians to Grand-Pré and the heart of their ancestral homeland.
HSMBC plaque commemorating the Expulsion of the Acadians	Level Two (new)	Unveiled in 2005 as part of the 250 <sup>th</sup> anniversary commemorations.
HSMBC plaque commemorating the Rural Historic District	Level Two (new)	Unveiled in 2004 next to the new visitor centre.
Blacksmith’s shop	Level Two	19 <sup>th</sup> century building moved to the site in 1968.
Original railway entrance	Level Two	With the re-development of the site in 2003, the original railway entrance to the site was re-instated.
Visitor Centre and parking	Other	
Maintenance building	Other	

### Archaeological Sites

<b>Description</b>	<b>Level</b>	<b>Explanation</b>
Remains of six Acadian houses	Level One (4 new)	Dating back to the Acadian settlement they are linked to (a) it was a centre of Acadian activity from 1682 to 1755.
Traces of old Acadian Road	Level One (new)	Dating back to the Acadian settlement the road is linked to (a) it was a centre of Acadian activity from 1682 to 1755.
Cemetery	Level One	While human remains are not cultural resources, the cemetery and its material culture, which dates back to the Acadian settlement, is linked to (a) it was a centre of Acadian activity from 1682 to 1755.
Hearth feature close to cemetery	Level One	Dating back to the Acadian settlement it is linked to (a) it was a centre of Acadian activity from 1682 to 1755.
Well (below ground)	Level Two	Only the stone courses below ground are original and are presumed to date back to the Acadian settlement. Until additional archaeological research is performed to determine the direct linkage to the Acadian period, this below-ground portion of the well is rated as Level Two.
New England Planter period drain located west of the Memorial Church	Level Two (new)	Linked to Grand-Pré Rural Historic District NHSC.
Feature located at the northwest corner of the Memorial Church – possibly a well.	Level Two (new)	Its cultural association has not yet been determined. Additional archaeological research is required.

### Objects

<b>Description</b>	<b>Level</b>	<b>Explanation</b>
Objects excavated at the site which have a direct and meaningful relationship with Grand-Pré as a centre of Acadian activity from 1682 - 1755	Level One	Dating back to the Acadian settlement, the objects are linked to (a) it was a centre of Acadian activity from 1682 to 1755.
Objects excavated at the site which have a direct and meaningful relationship to the New England Planters	Level Two	Linked to Grand-Pré Rural Historic District NHSC.

**Grand-Pré National Historic Site  
Commemorative Integrity Statement – 2011**

Other objects excavated at the site that were not evaluated to be cultural resources under the CRM policy	Other	
Sluice excavated at Grand Pré	Level One	Dating back to the Acadian settlement they are linked to (a) it was a centre of Acadian activity from 1682 to 1755.
Sluice excavated at Melanson Settlement	Level Two	Level One cultural resource for Melanson Settlement NHSC.
Statue of Notre-Dame de l'Assomption	Level One	The Statue of Notre-Dame de l'Assomption is (c) directly linked to the strong attachment to this day among Acadians to the heart of their ancestral homeland.
Curatorial collection, including books, artwork and 19 <sup>th</sup> century objects collected from Acadian communities since the 1930s.	Level Two	Directly related to creation and evolution of the site.
Stained glass window by Terry Smith-Lamothe	Other	Commissioned through the cooperative efforts of the <i>Fédération acadienne de la Nouvelle-Écosse</i> and Parks Canada in 1985. The stained glass window was part of the original design feature of the Memorial Church, but was not completed when the building was constructed.
Brass plaques that list the Acadian family names	Other	Installed inside the Memorial Church in the 1980s, the list has become an important element of the visitor experience, especially for Acadians making a pilgrimage to Grand-Pré.
Six paintings by Claude Picard	Other	Commissioned by Parks Canada during the renewal of the exhibits in the Memorial Church in the 1980s.
Bas-relief by Claude Roussel	Other	Commissioned by Parks Canada during the renewal of the exhibits in the Memorial Church in the early 1980s.
Tapestry by Jeanne Arsenault	Other	Commissioned in 1979.
Mural by Wayne Boucher	Other	The mural was commissioned by the <i>Société Promotion Grand-Pré</i> and installed in the new Visitor Centre following a fund-raising initiative in 2004.
Painting by Denise Comeau	Other	This painting of the Deportation Cross before it was relocated to Horton Landing, is displayed in the Visitor Centre.
Paintings by Georgette Bourgeois	Other	The paintings were produced as a result of artist-in-residence initiative of the <i>Société Promotion Grand-Pré</i> .

#### **6.4 List of CIS Team Members**

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## Appendix 2I

### Grand-Pré National Historic Site of Canada Management Plan

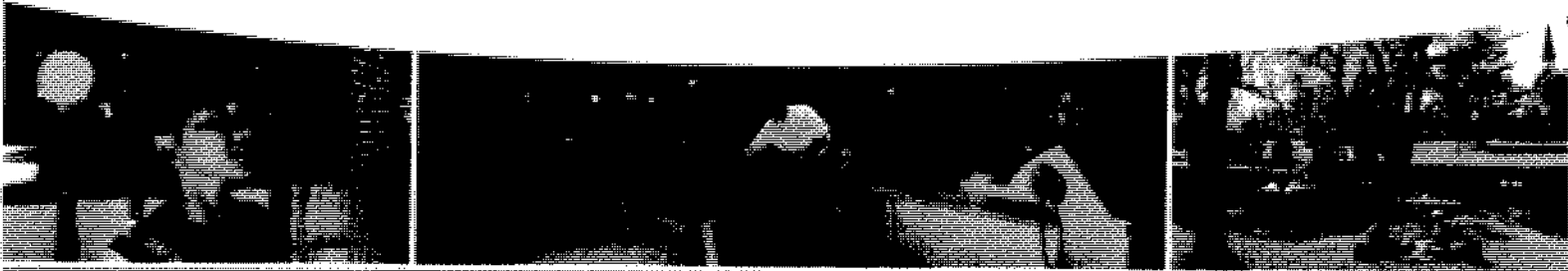






Parks  
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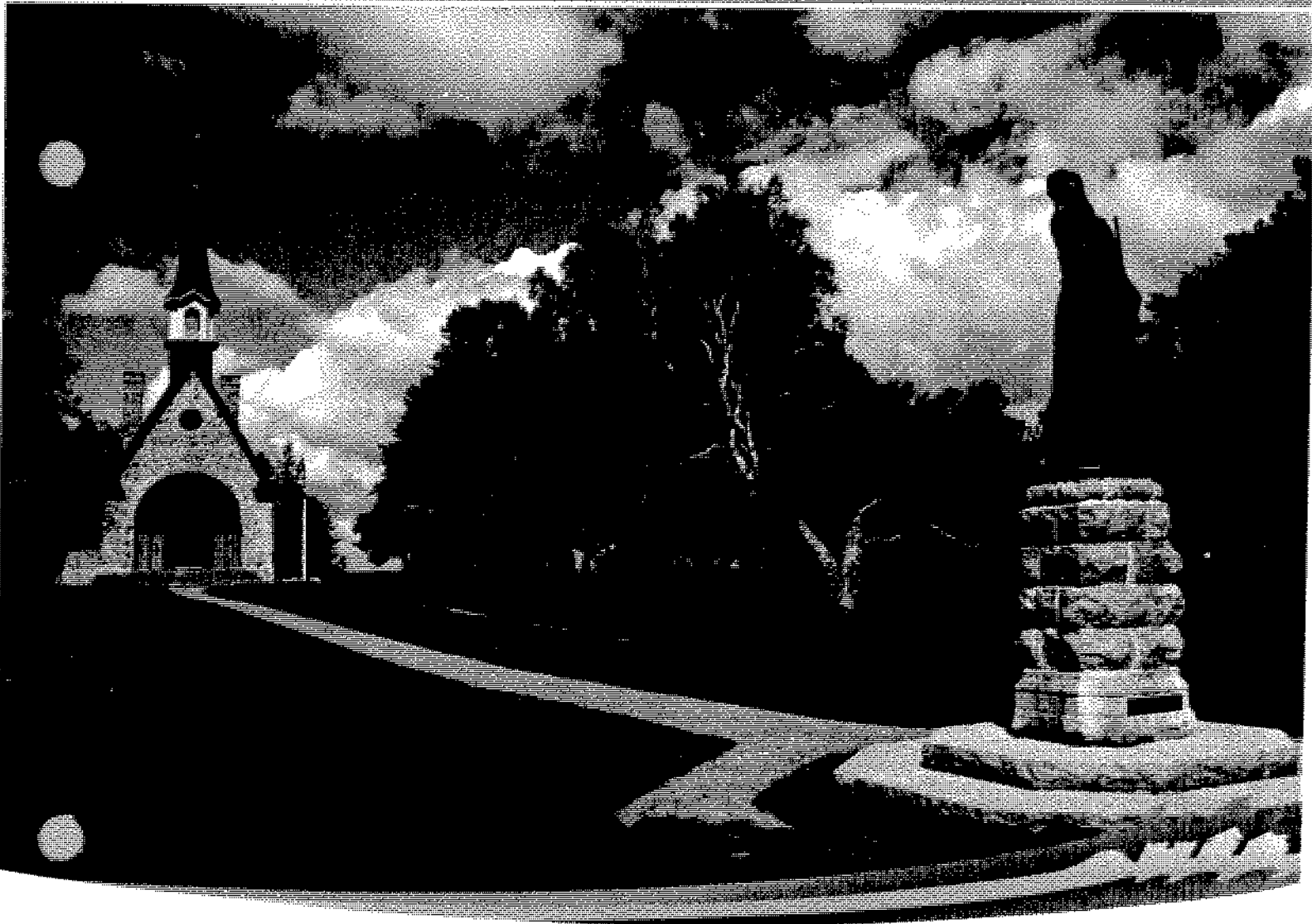


# Grand-Pré

National Historic Site of Canada

## Management Plan

## 2010



Canada



MONTH 2010

# Grand-Pré

National Historic Site of Canada

## Management Plan

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by the Chief Executive Officer of Parks Canada, 2010.

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## Foreword

To be inserted.





## Recommendations

*Recommended by:*

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Alan Latourelle  
*Chief Executive Officer*  
*Parks Canada*

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Robert Sheldon  
*Field Unit Superintendent*  
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*Parks Canada*



## Executive Summary

This plan replaces the management plan tabled in parliament for Grand-Pré National Historic Site of Canada<sup>1</sup> in April 2001 and reflects the direction provided by the *Parks Canada Guide to Management Planning* (2008). This new management plan provides an integrated approach to implementing Parks Canada's mandate for protecting heritage resources, facilitating opportunities for visitor experience, and fostering public appreciation and understanding of Parks Canada's heritage places.

During the process to update the management plan for Grand-Pré NHSC, Parks Canada consulted with the Mi'kmaq of Nova Scotia, the public, partners and stakeholders to identify the challenges facing the national historic site, to work towards refining a vision for the site and to identify opportunities that would assist the Agency in meeting its mandate. A State of the Site Report (SoSR) for Grand-Pré NHSC was completed in 2009 and identified the major management issues and challenges for the site. The following are the key issues and challenges which are addressed in this management plan:

- significant decline in visitation;
- elements of visitor experience such as trip planning, on-site communication of messages, and way finding;
- limited public outreach education activities;
- maintenance of the administered place since the acquisition of additional properties that include significant cultural resources;
- need to increase programming and interpretation of, and sense of connection with, the archaeological remains of the 17<sup>th</sup>- and 18<sup>th</sup>-century Acadian settlement;
- increasing disconnect from local residents; and

- contribution to a possible UNESCO World Heritage designation.

Parks Canada will work to strengthen existing collaborative relationships with the Mi'kmaq of Nova Scotia and undertake projects of mutual interest. Parks Canada will work with representatives of Mi'kmaq communities in Nova Scotia to identify opportunities for Mi'kmaq involvement within advisory committees.

Presented in this plan is a vision for Grand-Pré NHSC that is expected to guide the national historic site into the next 10 to 15 years. Three key strategies support achieving this vision. Each of these strategies and associated objectives, targets and action items address the issues identified in the 2009 Grand-Pré State of the Site Report (SoSR). Two area-specific strategies for the "Triangular Property" and the "Fields" and the "Commemorative Gardens" are also presented in this plan.

Parks Canada remains committed to facilitating opportunities for visitors to experience the site, partner and stakeholder engagement and cultural resource protection however the strategic directions in this plan focus on areas that are new. The following are the three key strategies developed for this management plan:

### **KEY STRATEGY 1: FROM SETTLING THE MARSHLANDS TO FEELING THE "HEART OF ACADIE"**

The main objective of this key strategy is to enhance the visitor's experience through direct contact with the remains from the past, and interaction with the services and activities of the present site. The intent of this key strategy

<sup>1</sup> Within this plan, Grand-Pré National Historic Site of Canada will be referred to as Grand-Pré NHSC.

is to expand on the experiences available to reach out to a broader audience in ways that stimulate personal connections. The site as a whole will require attention to identify the areas and themes that can offer new opportunities without significant investments in infrastructure. This will be accomplished in collaboration with partners and stakeholders through an increased understanding and identification of the site's markets, and developing opportunities for experiences based on the interests and needs of market segments.

The archaeological remains of the Acadian settlement will be understood, preserved and presented in a way that allows visitors to get a glimpse of the village, the distribution of houses, the mills, and the activities that took place. The Deportation will remain an important element of the site's interpretation, but greater efforts will be invested in presenting life in the Acadian settlement of Grand-Pré before 1755 and the cultural resources that speak to it. This work will be possible in part by building partnering opportunities with universities in Nova Scotia and New Brunswick to research and interpret the resources at Grand-Pré NHSC. Visitors will be able to reflect on the site's meaning, to contemplate its rural setting, and to connect with that setting, for leisure and learning.

The foundation of this key strategy is an understanding of visitors' interests. This information is used to develop new products that will provide the means to connect Canadians with the site's stories and cultural resources on the website, attract more local visitors, promote the site to broader audiences and newly identified markets, develop new products, market the site's offer, encourage repeat visitation and thereby address declining visitation.

#### **KEY STRATEGY 2: SHARED STEWARDSHIP THROUGH PARTNERING OPPORTUNITIES**

The main focus of this key strategy is to enhance the shared stewardship of Grand-Pré NHSC through partnering opportunities. Grand-Pré NHSC is an important landmark in the community of Grand-Pré, the County of Kings, and the Annapolis Valley. It is also, traditionally, a site of great spiritual and

cultural significance for the Acadians, resulting in a unique sense of stewardship. This sense is embodied in the operation of the visitor services by the *Société Promotion Grand-Pré*, an organisation created by the *Société nationale de l'Acadie* and the *Fédération acadienne de la Nouvelle-Écosse*.

With the proposal for the Grand-Pré area to become a World Heritage Site, there is the potential to attract an international audience, beyond the Acadians and their descendants. This key strategy will focus on nurturing or redefining existing partnering arrangements to capitalize on this opportunity. Parks Canada will develop new networks and contacts to reach new audiences and offer a diversified range of visitor experience opportunities. Parks Canada will increase its on-site presence at the national historic site to deliver the Agency's corporate direction in the areas of visitor experience, external relations, public outreach, education and protection of cultural resources in cooperation with the *Société Promotion Grand-Pré*, local communities and other strategic partners.

This key strategy will also focus on strengthening the sense of stewardship on the part of local residents and Nova Scotians living within easy driving distance of the Annapolis Valley which has in part been lost due to the introduction of entry fees. Parks Canada will increase opportunities for stakeholders and partners to influence and contribute to the national historic site by collaborating with community associations to strengthen the bond between the site and the surrounding communities. The *Société Promotion Grand-Pré*, with the assistance of Parks Canada, has taken action to understand their market and has since carried out a market research study that has helped the *Société Promotion Grand-Pré* identify new markets, develop new products and promote the site.

Grand-Pré NHSC has attracted researchers that have studied the archaeological remains, Acadian genealogy, and historical objects and archives. More consistent collaboration between Parks Canada and research organisations, within the framework of research priorities identified for the site, would also build a sense of stewardship by those researchers.

### KEY STRATEGY 3: ANCHORING THE "PARK" IN THE COMMUNITIES

The main objective of this key strategy is to change the perception of what Grand-Pré NHSC is to local communities and the greater Annapolis Valley residents, reconnecting it to their everyday lives and thereby increasing its relevance. Some of the community character that once was at the heart of visiting Grand-Pré NHSC seems to have been lost since the introduction of entry fees. In the past, the site's larger community encompassed a greater percentage of residents of the Annapolis Valley and the Halifax Regional Municipality (HRM) who came to Grand-Pré NHSC simply to enjoy its natural beauty and historic setting. The perception of Grand-Pré NHSC by some market segments has changed – once a place you simply visited to enjoy and appreciate, it is now identified as a "museum type" attraction where "visitors" go. As such, the national historic site has lost some important community support and a valuable market.

This strategy will focus on reconnecting local and Annapolis Valley residents to the national historic site by having the site play a more central role as a valuable community

resource and gathering place for local and regional events. By promoting the site as a destination to "rediscover", Parks Canada will try to reinvigorate visitation by this market. In addition, the UNESCO nomination process has provided greater media exposure for Grand-Pré NHSC, and more importantly, it has been a vehicle for Parks Canada to work collaboratively with the local community to reconnect Grand-Pré NHSC to their everyday lives and thereby increase its relevance to them. Parks Canada will increase its presence at the national historic site to ensure the integrated delivery of its mandate elements.

Parks Canada will enhance its collaboration with the tourism industry and interested local businesses in the region to enter into or strengthen existing markets, and become a key destination in the region. The site is part of the social and economic fabric of the region and the Parks Canada Agency will work with communities to maintain positive relationships. To reach those Canadians who will not have an opportunity to visit the site, Parks Canada will increase awareness of the national historic site and its reasons for designation through various learning opportunities including an improved website presence.

x



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**Acronyms**

ASC	Atlantic Service Centre
CRM	Cultural Resource Management
CTACA	Commission du tourisme acadien du Canada atlantique
DAR	Dominion Atlantic Railway
DMO	Destination Marketing Organization
DSWNA	Destination Southwest Nova Association
EQ	Explorer Quotient
FHBRO	Federal Heritage Building Review Office
HSMBC	Historic Sites and Monuments Board of Canada
NHSC	National Historic Site of Canada
PCA	Parks Canada Agency
SEA	Strategic Environmental Assessment
SoSR	State of the Site Report
UNESCO	United Nations Educational, Scientific and Cultural Organization
VEA	Visitor Experience Assessment
VIP	Visitor Information Program
WHS	World Heritage Site



## 1.0 Introduction



Civita Pearson

### 1.1 PURPOSE OF THE MANAGEMENT PLAN

Parks Canada has the important responsibility of managing Canada's system of national historic sites, national parks and national marine conservation areas – a responsibility to the government and to the people of Canada. Parks Canada's mandate, which underpins all management planning, consists of three elements: protecting heritage resources, facilitating opportunities for visitor experience, and fostering public appreciation and understanding of Parks Canada's heritage places. In order for Canadians to have a strong sense of connection to their heritage places, Parks Canada facilitates opportunities to discover, appreciate and understand these special places in ways that ensure they are available for future generations.

Management plans provide an integrated approach to implementing Parks Canada's mandate. In order to achieve integration within the planning process, each aspect of

the mandate is simultaneously addressed in a holistic fashion and through the engagement of different perspectives.

The purpose of a management plan is to develop clear direction for the management and operations of a park or site for a 10 to 15 year period. These plans reflect the legislation and policies of the Agency, and are developed with public involvement. A management plan is the key instrument to ensure the delivery of commitments communicated through Parks Canada's Corporate Plan and is the key accountability document for the site. They are approved by the Minister and are tabled in Parliament.

Management plans are the main engagement process to ensure that Aboriginal peoples, the public, partners and stakeholders can be involved in meaningful dialogue about the management of the site where each has a voice in shaping the future of our heritage places. These plans set a clear, long-term vision and key strategies that include

achievable objectives and actions to achieve those objectives.

## 1.2 LEGISLATIVE AND POLICY BASIS FOR MANAGEMENT PLANNING

A common legislative and policy context influences the management of all protected heritage places owned and/or administered by Parks Canada.

The *Parks Canada Agency Act* (1998) confers on Parks Canada the responsibility to implement the *Canada National Parks Act* (2000) and ensure the commemorative integrity<sup>2</sup> of national historic sites. In accordance with this Act, a management plan is prepared for national parks and historic sites owned and/or administered by Parks Canada. Such plans are to be reviewed and updated every five years.

The *Parks Canada Guiding Principles and Operational Policies* (1994) provides the broad policy basis for management planning. The *Guide to Management Planning* (2008) outlines Parks Canada's principles of management planning and provides direction on how to prepare a management plan according to the Agency's integrated delivery of the mandate.

The current management plan was approved in 2001 and has been reviewed in accordance with Section 32 of the *Parks Canada Agency Act* (1998). Since the majority of the management actions contained in the plan have been completed, a new management plan was required. This new plan provides important direction for the management of lands acquired at the site since 1999.

Parks Canada has a duty to consult with Aboriginal peoples regarding activities that may adversely affect asserted Aboriginal or Treaty rights. Parks Canada also places a high priority on developing mutually beneficial relationships with Aboriginal peoples. To these ends, Parks Canada entered into a process of consultation on this management plan with representatives of the thirteen Mi'kmaq First Nations in Nova Scotia and the Native Council of Nova Scotia. These consultations provide

a good opportunity to share information and build on the collaborative relationship that exists between Parks Canada and the Mi'kmaq of Nova Scotia.

## 1.3 PLANNING ACCORDING TO PARKS CANADA'S MANDATE

### **Parks Canada's Mandate**

*On behalf of the people of Canada, we protect and present nationally significant examples of Canada's natural and cultural heritage, and foster public understanding, appreciation and enjoyment in ways that ensure the ecological and commemorative integrity of these places for present and future generations.*

(Parks Canada Agency's Charter)

There are three mutually supportive areas within the Parks Canada mandate:

- protection of heritage resources;
- facilitation of opportunities for meaningful visitor experiences; and
- fostering public appreciation and understanding about Canada's heritage places.

### **Protection of Heritage Resources**

Protection of Heritage Resources relates to the principle of commemorative integrity which ensures the health or wholeness of the National Historic Sites of Canada.

### **Meaningful Visitor Experience**

Visitor experience is defined as the sum total of a visitor's personal interaction with protected heritage places and people, an interaction that awakens the senses, affects the emotions, stimulates the mind, and helps the visitor create a sense of connection to these places.

### **Public Appreciation and Understanding**

Parks Canada aims to reach Canadians at home, at leisure, at school and in their communities through communication and education opportunities designed to increase awareness, understanding, appreciation,

<sup>2</sup> See Appendix t – Glossary of Terms for a definition of "Commemorative Integrity".

support and engagement towards the natural and historical heritage of Parks Canada to foster appreciation among Canadians of the significance of the national heritage places protected on their behalf. Parks Canada provides public education outreach opportunities for Canadians to discover and learn about these places while at home, at leisure, at school and in their communities. The Agency also strives to engage stakeholders and partners in the protection and presentation of Parks Canada's administered places.

#### 1.4 REGIONAL CONTEXT AND GEOGRAPHIC LOCATION

Grand-Pré National Historic Site is located in the picturesque Annapolis Valley, in Nova Scotia. The site sits on the edge of the village of Grand-Pré, about 10 km east of Wolfville, within the Municipality of Kings County and is approximately a one hour drive from the city of Halifax (Map 1). The administered area of the Parks Canada property is a small portion of what in the first half of the 18<sup>th</sup> century was a large, widely-dispersed settlement area for the Acadians, but to this day still stands as an iconic location for Acadians around the world and who return to the site year after year.

The overall area in which Grand-Pré NHSC is located is one of intensive agricultural use, as it has been since the late 17<sup>th</sup> and early 18<sup>th</sup> centuries when Acadians first reclaimed the salt marshes from the sea. The most prominent agricultural feature in the area, then as now, is the Grand-Pré marsh, approximately 1,200 hectares that was once wetland, but which was converted to dykeland by the Acadians and later taken over and maintained by the New England Planters. The marsh lies along the entire north boundary of Grand-Pré NHSC. The other three boundaries of the national historic site are on the "uplands". They are characterized by gently rolling hills, farm and residential properties, and vineyards and orchards. The entirety of Grand-Pré NHSC and the adjacent areas of North Grand-Pré/Long

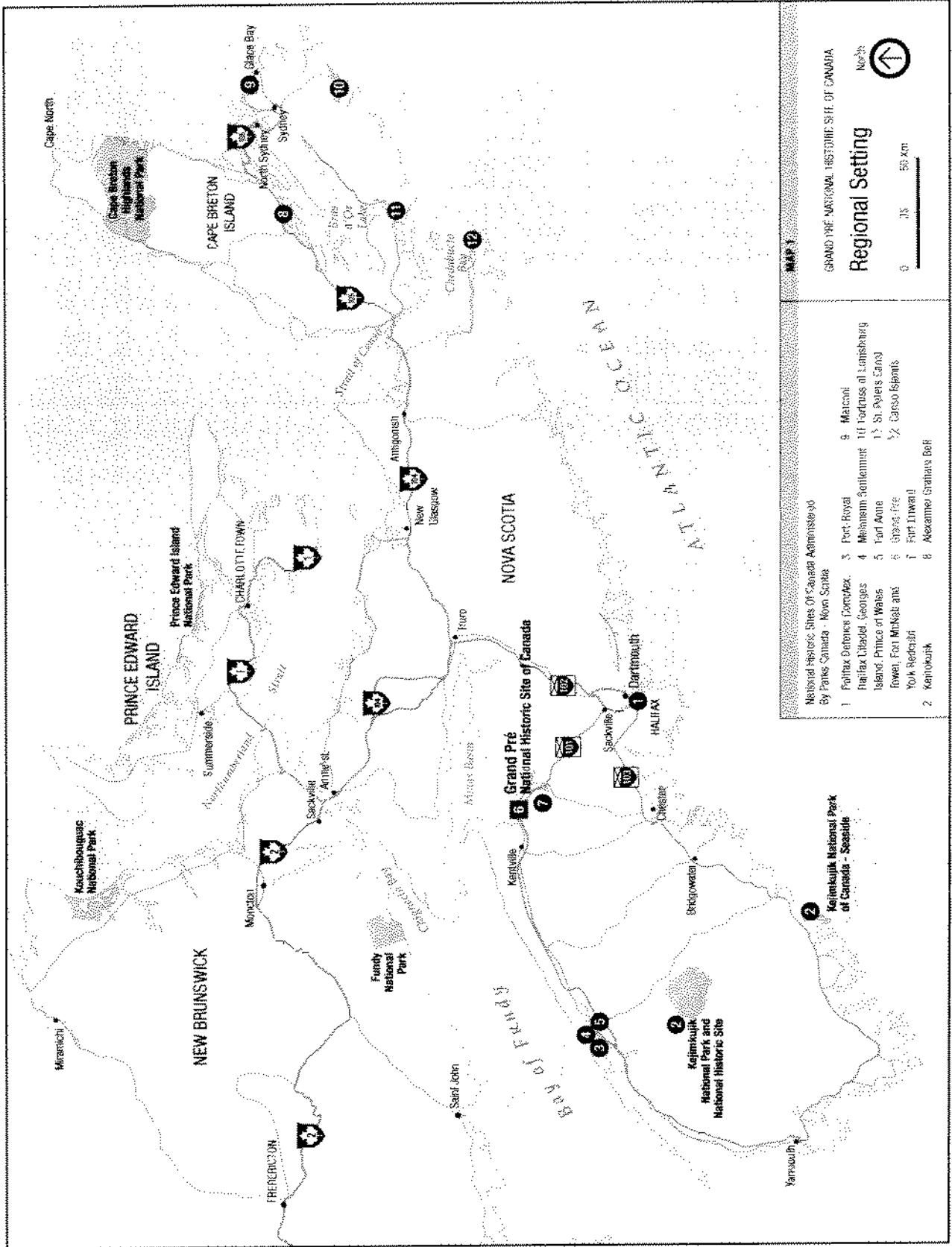
Island, the Grand-Pré marsh, Hortonville, Horton Landing, Grand-Pré village and all the area down to the Gaspereau River all fall within the Grand-Pré Rural Historic District National Historic Site of Canada.

The site, when acquired by Parks Canada in 1957, covered 11.2 hectares. It has since more than doubled in size to cover 24.06 hectares with the acquisition of properties south of the original park. The designation initially included only the property transferred to the Parks Canada Agency in 1957. However a recommendation to the Historic Sites and Monuments Board of Canada (HSMBC) to extend the designated place to the entire administered property (at the time, the administered property included the parcel acquired in 1957 and the parcel acquired in 1999) made in late 2007 was supported by the HSMBC and confirmed by the Minister. This decision was made on the basis that the lands acquired in 1999 included significant cultural resources that were directly related to the reasons for designation. Lands acquired by Parks Canada in 2009, are not included in the designated area, however are part of the overall administered property.

#### 1.5 FORMAL THIRD-PARTY INVOLVEMENT

Though Grand-Pré NHSC is administered by Parks Canada, services to the public are provided under contract by the *Société Promotion Grand-Pré*. The efforts of the *Société Promotion Grand-Pré* have been to promote the site in particular to the Acadian community and to organize cultural events and other activities that enhance the site's use for various occasions. Currently, Parks Canada staff on-site is limited to one permanent and four seasonal maintenance employees.

<sup>2</sup> The name of the present-day village of Grand-Pré does not include a hyphen within the name of the village; however, references to the historic village of "Grand-Pré" and the national historic site include a hyphen in the spelling of the name.



## 1.6 PLANNING PROCESS AND PUBLIC ENGAGEMENT

Management planning occurs on a five-year cycle, starting with an assessment of the state of the site, a review of accomplishments from the last management plan, and casting forward through a vision exercise to develop current management direction for the site.

The State of the Site Report for Grand-Pré NHSC provided a synopsis of the current condition of protection, visitor experience and education at the site and helped to determine the issues and challenges facing the site.

An important aspect of the management plan process is public engagement. During the months of June and July 2009, staff, stakeholders and partners from a cross-section of organizations and interests met through workshops, meetings and an open house to actively contribute to the development of the management plan.

Discussions during the workshops, meetings and open house focused on how Grand-Pré NHSC can actively be part of the life of surrounding communities and how partnering opportunities can enrich the experiences of visitors to the site. Participants gave their time to share their ideas and to help develop a vision for the future. Through these discussions Parks Canada was able to draft a new vision statement, clarify the issues and develop key strategies to achieve Parks Canada's mandate.

The Mi'kmaq of Nova Scotia claim unextinguished Aboriginal title and treaty rights throughout Nova Scotia. The Made-in-Nova Scotia Process is the forum for the Mi'kmaq, Nova Scotia and Canada to resolve issues



*Aerial view of the site. Christophe Rivet*

related to Mi'kmaq treaty rights, Aboriginal rights, including Aboriginal title, and Mi'kmaq governance. The participants are the Mi'kmaq of Nova Scotia as represented by the Assembly of Nova Scotia Mi'kmaq Chiefs, the provincial government and the federal government. Issues of resource harvesting within National Parks and National Historic Sites, and the exercise of other Aboriginal or treaty rights are currently under discussion at the Made-in-Nova Scotia Negotiation Table.

Parks Canada has a duty to consult with Aboriginal peoples regarding matters that may affect asserted Aboriginal or treaty rights. Parks Canada also places a high priority on developing mutually beneficial relationships with Aboriginal people. To these ends, Parks Canada will continue to work with the Mi'kmaq of Nova Scotia on issues related to management planning and other matters of interest to the Mi'kmaq of Nova Scotia.

The Mi'kmaq of Nova Scotia were consulted through a formal process. The accommodations requested during this consultation have been reflected in this management plan.



## 2.0 Importance of the Protected Heritage Place



Artist, Claude Picard

The administered area of the Parks Canada property is a small portion of what in the first half of the 18<sup>th</sup> century was a large, widely-dispersed settlement area for the Acadians. That historical Grand-Pré extended into what today are the separate communities of North Grand Pré (on Long Island), Hortonville, Horton Landing, Lower Wolfville, and the aforementioned village of Grand Pré (Map 2).

There are many national historic designations in Nova Scotia that have close links or associations with Grand-Pré NHSC. They include all the other Acadian history sites in the Maritimes (such as Beaubassin, Fort Beauséjour-Fort Cumberland, the Melanson Settlement, Port-la-Joye-Fort Amherst, and the Monument-Lefebvre) and many of the

predominantly British historic sites (such as Fort Edward, Fort Anne, and the Halifax Defence Complex) that are intimately linked to the Deportation of the Acadians in 1755.

There are three primary reasons why Grand-Pré NHSC is a site of national historic significance in Canada:

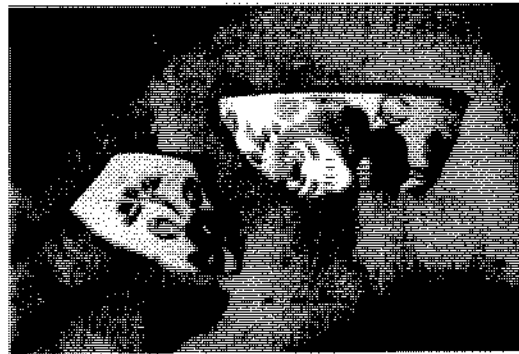
- it was a centre of Acadian activity from 1682 to 1755;
- it commemorates the Deportation of the Acadians, which occurred at Grand-Pré in 1755; and
- it commemorates the strong attachment that remains to this day among Acadians throughout the world to this area, the heart of their ancestral homeland and symbol of the ties which unite them.

Acadians first began to settle at Grand-Pré and in the overall district of *Les Mines* in the early 1680s. They were drawn by the huge 1,200-hectare salt marsh or meadow (*la grand pré*) that over a period of several decades they claimed from the sea by dyking and desalination. Grand-Pré eventually became the most populous settlement in Acadie, extending for several kilometres along the upland bordering the large reclaimed marshland. The spread out community included houses, farm buildings, storehouses, windmills, and the parish church of Saint-Charles-des-Mines.

Though the Treaty of Utrecht (1713) transferred Acadie to Britain, most Acadians stayed in their traditional communities, including those at Grand-Pré. Until the mid-1740s, life there and in other Acadian districts was peaceful; a period sometimes described as a "golden age". The steady growth in the size of the Acadian population in different areas, however, was a worry for the British administration, based at Annapolis Royal until 1749 and at Halifax from mid-1749 onward. British officials feared they could not rely on the neutrality of the Acadians because of their Roman Catholic religion and their ties with nearby French colonies on today's Cape Breton and Prince Edward Islands. The British wanted the "neutral French" to become full British subjects; the Acadians, on the other hand, insisted they were and would remain neutral.

Between 1744 and 1747 there were numerous developments that greatly complicated the situation in the region. In late 1746 the British sent roughly 500 New England soldiers to establish a post at Grand-Pré, with the soldiers taking over 24 Acadian houses. In the middle of a February 1747 night, with a snowstorm raging, a French force from Canada (250 French soldiers and 50 Amerindian warriors) caught the New Englanders totally by surprise. Known to history as the Battle of Grand-Pré, the encounter left at least 80 New Englanders dead, including their commander. In 1924 the HSMBC found the 1747 attack to be an event of national significance. The plaques for that commemoration are located a few hundred metres from Grand-Pré NHSC.

Historians sometimes differ in their interpretations of the Acadian Deportation, which began in 1755 and lasted until 1762. There is no



Rob Ferguson

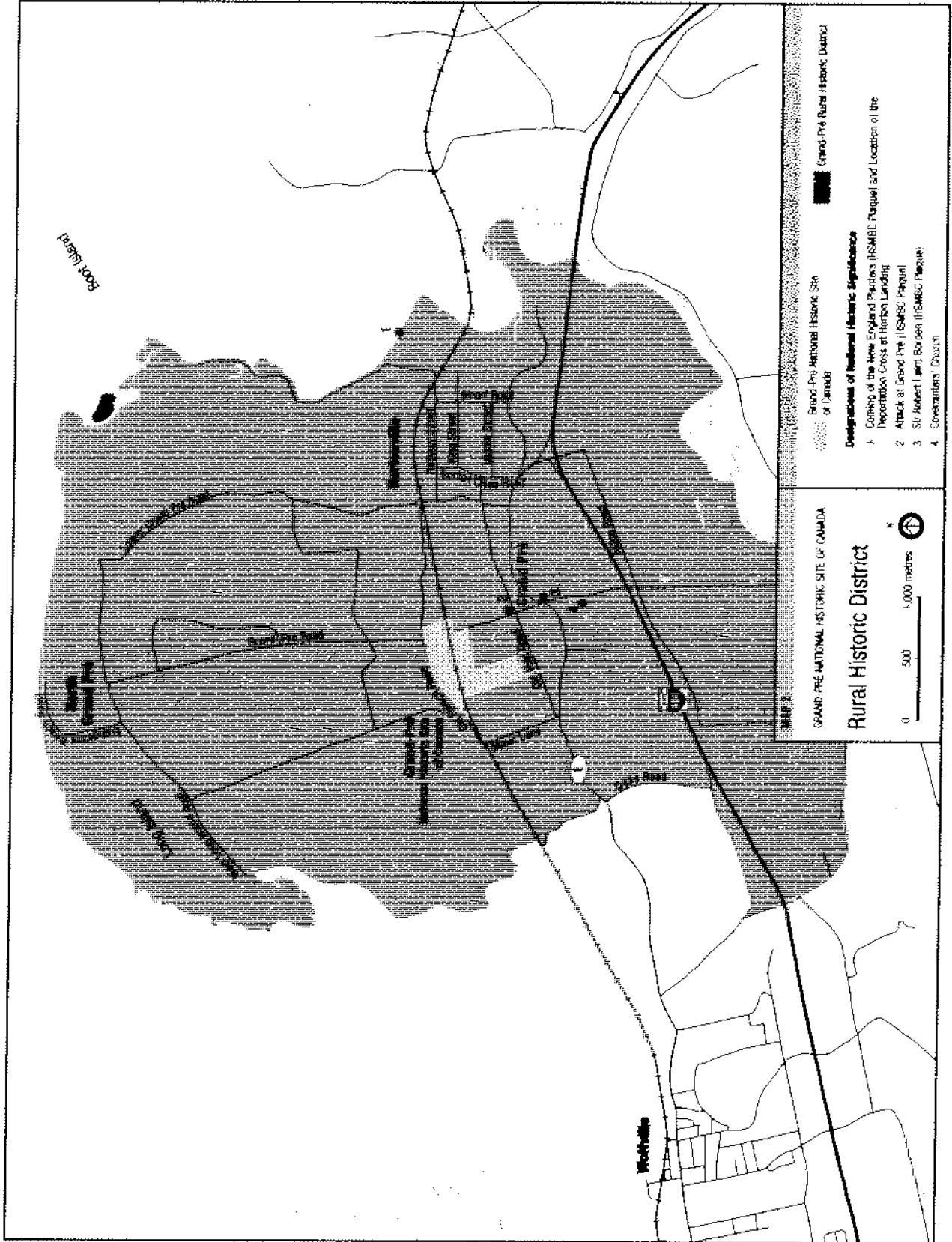
disagreement, however, over the tragic impact that the Deportation had on the Acadians and their communities. The first Acadian area to feel the impact of the removal policy was the Chignecto region, beginning in August 1755. Grand-Pré and Pisiquid (Windsor) were the next to be affected, beginning on September 5, 1755.

The removal of the entire population living at Grand-Pré and in neighbouring villages was not completed until late October 1755, when the local inhabitants were put aboard ships bound for Pennsylvania, Virginia, Maryland, Connecticut, and Massachusetts. In total, approximately 2,200 Acadians were deported from the Minas area in 1755. That was roughly one-third of the 6,000 Acadians deported from Nova Scotia during the first year of forcible removals.

With the removal of the Acadians, British officials expected settlers from New England, referred to as Planters (old word for "settler"), to migrate north. This began in 1760 when the first major wave of settlers from New England arrived in Nova Scotia. Between 1760 and 1768, roughly 8,000 men, women and children from New England came to settle in Nova Scotia. One of the places the Planters settled was Grand-Pré, which they renamed Horton.

The Planters who came to Grand-Pré/Horton turned to some of the displaced Acadians, imprisoned in Halifax and at Fort Edward, to learn about dyke construction and repair. The Planters and their descendants eventually became master dyke builders themselves, maintaining what the Acadians had built and eventually adding new dykes and reclaiming additional marshland from the sea.





In 1847 the American poet Henry Wadsworth Longfellow published *Evangeline: A Tale of Acadie*, a long narrative poem about the Acadian tragedy that became an international bestseller. Grand Pré was the setting for the early parts of the poem, a choice that encouraged many tourists to come to Grand Pré in the late 19<sup>th</sup> century and throughout the 20<sup>th</sup> century. Grand Pré became a major tourist destination and the Annapolis Valley was often described as the "Land of Evangeline". The Dominion Atlantic Railway (DAR) commissioned architect Percy Nobbs to design a park-like landscape at Grand-Pré, where the DAR erected a statue of Evangeline and presented an old Acadian well and other features. The DAR had obtained the land for the park from Wolfville jeweller John Frederic Herbin, who had purchased the land to protect it on behalf of the contemporary and future Acadian community. Soon after, Acadians across the Maritimes undertook a project to build a memorial church on the grounds of the park at Grand-Pré. That church was designed by architect René A. Fréchet and erected in 1922 and since that time, the church has been one of the best illustrations of the Acadians' attachment to the site and a symbol of their identity.

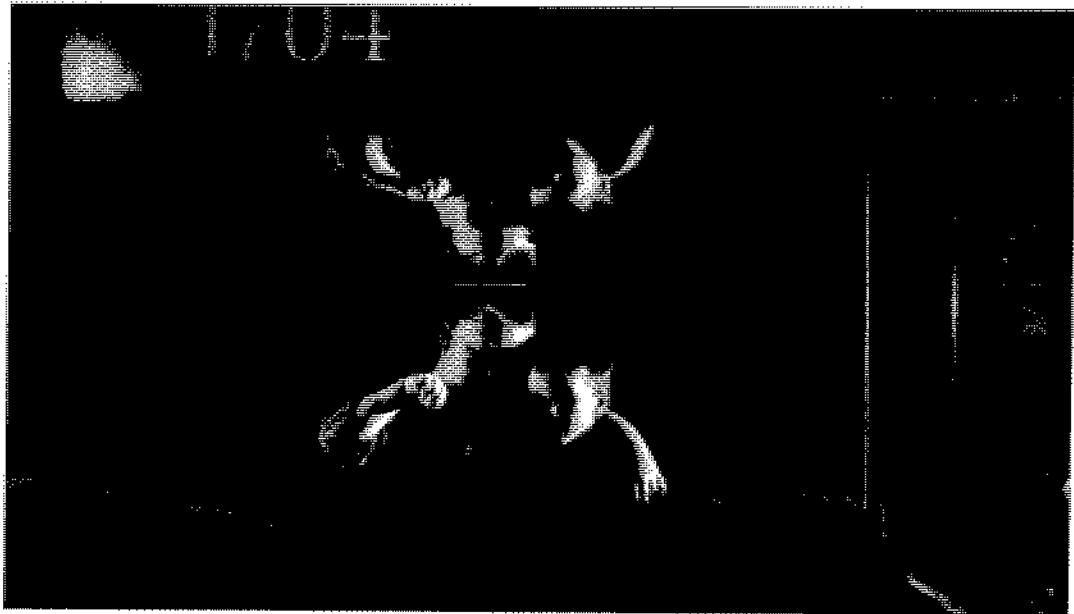


*Statue of Evangeline and Memorial Church. Chris Rawson*

In 1956, an agreement was signed between the federal government and the *Société mutuelle l'Assomption*, acting on behalf of the Acadian people, which acknowledged that "the Grand-Pré Park is considered the most important historic site by the Acadian people, that it recalls their saddest and most heroic moments and must remain for future generations the example of a courageous people whose culture and actions shall enrich more and more the Canadian nation."

The Government of Canada acquired Grand-Pré Memorial Park in 1957 and declared it a national historic site in 1961.

### 3.0 Planning Context/Current Situation



Chris Beaudon

#### 3.1 PLANNING CONTEXT / CURRENT SITUATION

Despite broader reasons for designation, the site has traditionally been associated with the commemoration of the Deportation and with *Évangéline*, the main character in a poem by 19<sup>th</sup> century American author Henry Wadsworth Longfellow. Those traditional associations are cornerstones of the site's branding. The site's offer, until the acquisition of new properties in 1999 and 2009, focused primarily on the commemorative gardens designed for the Dominion Atlantic Railway to enhance the discovery of the *Land of Évangéline*.

The 2001 Grand-Pré National Historic Site management plan focused on its redevelopment and the building of a Visitor Centre. This included completing the acquisition of the land south of the original property in 1999, developing an interpretation plan, and working with the Acadian community, through the *Société Promotion Grand-Pré*, to implement the plan. Its implementation was completed in

2003 with the inauguration of the new Visitor Centre which all but completed the objectives and the major improvements to the visitor facilities at the site, as set out in the 2001 management plan.

The acquisition of properties south of the original park in 1999 and 2009 more than doubled the administered property's size to cover 24.06 hectares (Map 3). The designation initially included only the property transferred to Parks Canada in 1957. However a recommendation to the Historic Sites and Monuments Board of Canada (HSMBC) to extend the designated place to the entire administered property made in late 2007 was supported by the HSMBC and confirmed by the Minister. This decision was made on the basis that the site acquired in 1999 included significant cultural resources that were directly related to the reasons for designation.

In 2009, Parks Canada acquired two additional parcels of land as part of the Agency's efforts to protect significant cultural resources



Visitor centre. Chris Pearson

and viewsapes. The acquisition of these properties will allow the Agency to protect cultural resources, protect the site from potential incompatible development, and offer potential possibilities for future visitor experience opportunities in relation to the national rural historic district and possible future World Heritage Site designation.

In the spring of 2010, the former visitor centre building (located in the original 1957 parcel acquisition to the east of Grand Pré Road) was dismantled and moved off the site. The parking lot associated with the former visitor centre has remained to serve as overflow parking for the national historic site.

Interpretation and visitor services at the site have been delivered under contract by the *Société Promotion Grand-Pré* with whom Parks Canada has collaborated with for over 10 years. The efforts of the *Société Promotion Grand-Pré* have been to promote the site, in particular to the Acadian community, and to organize cultural events and other activities. Parks Canada staff on-site is limited to maintenance activities.

The national historic site is a component of the property that is included on Canada's Tentative List for potential UNESCO World Heritage Site designations. If the designation is successful, Grand-Pré National Historic Site will play a very important role in showcasing

and supporting the UNESCO designation. As the core protected area for an eventual World Heritage site, Grand-Pré NHSC could become the main service point location and staging area for visitors coming to experience the Grand Pré World Heritage Site.

### 3.2 ENGAGEMENT OF THE MI'KMAQ OF NOVA SCOTIA, STAKEHOLDERS, PARTNERS AND LOCAL RESIDENTS

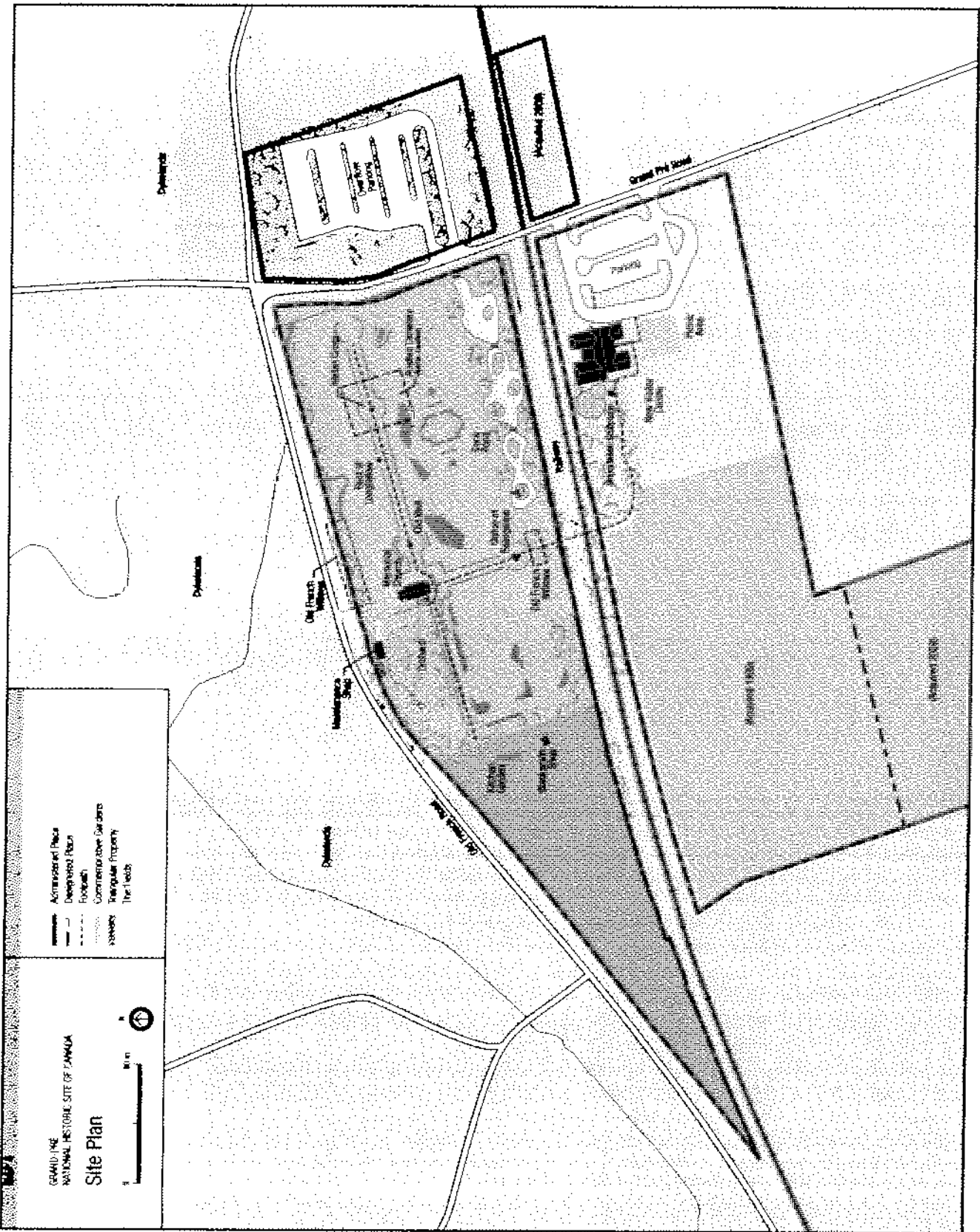
Although local residents have a connection to the site, it has been challenged over the years by actions that some have interpreted as obstacles, notably the moving of the New England Planter and other non-Acadian objects off the site and the introduction of entrance fees. Moreover, for the past ten years there has been reduced Parks Canada presence on site which has, over time, presented a challenge to maintain a level of engagement with the local community.

Stakeholder and partner meetings have revealed that there are a number of opportunities for Parks Canada to collaborate to improve visitor experience opportunities and activities that can reconnect local residents with the site.

In response to stakeholder, partner and local resident feedback during the public engagement process, entry fees are now only being charged for access to the Visitor Centre and the Memorial Church.

Over the years, Parks Canada has developed a very positive and enriching relationship with the Acadian community which has resulted in renewed interest and support for the site. Many events and activities important to the Acadian community have taken place at the national historic site. Most notable was the hosting of the *Congrès mondial acadien* in 2004 and the 250<sup>th</sup> anniversary of the Deportation in 2005, which together attracted large numbers of visitors from Acadian communities throughout the world to events held at Grand-Pré NHSC.

Through the support of the local community and stakeholders, Parks Canada also successfully commemorated the Grand-Pré Rural Historic District National Historic Site of Canada in 2004 and relocated the Deportation



Cross to Horton Landing in 2005. More recently, Parks Canada provided and continues to provide, considerable support for the development of a UNESCO nomination for the Grand Pré area.

The relationship with the local area residents is overall positive, in particular with heritage associations and marketing bodies. The national historic site is recognized for heritage preservation and was called upon to assist in the preservation of artefacts including a sluice “aboiteau” discovered in the dykelands. Parks Canada and the local community have worked collaboratively on a number of initiatives including: the preservation of viewplanes from the site; land-use planning; promoting heritage tourism; marketing; and special events. Parks Canada continues to support the local community by providing a venue to host some local activities at the site.

The national historic site is situated within an area that has traditionally been used by the Mi'kmaq of Nova Scotia. Traditional Mi'kmaq knowledge for the area indicates that the region is of spiritual or sacred significance. Due to their long history in the Grand Pré area, the Mi'kmaq of Nova Scotia have a vested interest in management actions undertaken at the national historic site. The Mi'kmaq have been instrumental in developing the Visitor Centre exhibits and multimedia presentation in a way that reflected their perspective, lending their voices to the accounts from their ancestors that interacted with the Acadians and witnessed the Deportation. This collaboration between Parks Canada and the Mi'kmaq has resulted in enhanced opportunities for visitors and in building a positive relationship.

The Mi'kmaq were invited by Parks Canada and the *Société Promotion Grand-Pré* to the *Congrès mondial acadien* in 2004, and to the commemoration of the Deportation in 2005. The participation of the Mi'kmaq provided an enriching perspective to these events, further strengthening the positive relationship between Parks Canada and the Mi'kmaq of Nova Scotia.

Grand-Pré NHSC has in the past, and continues today, to attract many researchers from the fields of genealogy, history, and archaeology. This has led to the organization of conferences, events, and archaeological field schools in collaboration with associations, universities,



*Saint Mary's University archeology students unearth the foundation of an Acadian house. Rob Ferguson*

and individual researchers that have contributed to the site's visibility and recognition as a unique location to research and discuss Acadian history.

### **3.3 SUMMARY OF KEY ISSUES AND CHALLENGES FACING GRAND-PRÉ NATIONAL HISTORIC SITE**

The following is a summary of the key management issues and challenges which were identified for Grand-Pré NHSC. These key issues identified in the State of the Site Report (2009), combined with the comments and recommendations received during the public engagement and Aboriginal consultation in 2009 and the Parks Canada mandate and corporate priorities, provided the direction for the development of this management plan.

- significant decline in visitation;
- elements of visitor experience such as trip planning, on-site communication of messages, and way finding;
- limited public outreach education activities;
- maintenance of the administered place since the acquisition of additional properties that include significant cultural resources;
- need to increase programming and interpretation of and sense of connection with of the archaeological remains of the 17<sup>th</sup>- and 18<sup>th</sup>- century Acadian settlement;
- increasing disconnect from local residents; and
- contribution to a possible UNESCO World Heritage Site designation.

## 4.0 Vision Statement



Chris Beardon

The vision is a critical component of the management plan, providing a focus for future management directions for the park. This vision articulates the special character of Grand-Pré NHSC and paints a picture of the park 15 years from now, and conveys a sense of place to Canadians who may never be able to visit the site.

*As we approach Grand-Pré NHSC from the Annapolis Valley's Harvest Highway, we can imagine how, under the watchful gaze of the legendary Mi'kmaq figure Kluscap (Glooscap), from his lodge on Cape Blomidon, a thriving Acadian community grew on the shores of the Bassin des Mines. Walking the grounds, we are surrounded by the sights, sounds and smells of a vibrant working*

*agricultural landscape – a centuries-old shared heritage.*

*The essence of this place is revealed in the memorial gardens, where the spirits of Acadie still mourn the loss of their homeland. The sense of connection to Grand-Pré is as strong now as it was when first settled. Parks staff and partners work to reveal snapshots of the past, as the layers of history are peeled back, bringing to light the stories of this special place – remnants of cellars that once stored food during the harsh winters, foundations of homes that housed members of this tight-knit community, roads that connected their expanded settlement, and the cemetery where their relatives are buried.*

*In this serene agricultural setting, one cannot but imagine what the heart of Grand-Pré would have been like in the early 1750s, with its farmers busily harvesting yet another abundant crop while listening to the distant laughter of children playing in the orchards. Ask our knowledgeable and engaging guides to tell you how to build an aboiteau and about the Acadians' large farms with their countless flocks of sheep, dozens of cattle and pigs, as well as horses. Through these rich stories, we learn about the strength and resilience of a people that will forever be close to the hearts of Acadians around the world. A visit to Grand-Pré NHSC inspires Canadians to discover Parks Canada's national network of Canadian treasures.*

*Pause and enjoy the romantic, park-like setting of the gardens in full bloom in the summer. Take in the sweeping views of this picturesque and historic landscape. Experience the dykelands created by the ingenuity and hard labour of 17<sup>th</sup>- and 18<sup>th</sup>-century Acadians, and maintained by the New England Planters and subsequent generations of farmers. The views are breathtaking, and on clear days, one feels a sense of awe admiring the vast dykelands and the beauty of Cape Blomidan rising majestically from the Minas Basin.*

*In the fall, the smell of apples from the orchard fills the crisp air and fruit from the harvest overflows the apple bins, ready for visitors to help themselves. Festivals and events throughout the autumn and winter entice people of the area to take part in activities at Grand-Pré NHSC. In the spring, school children fill the Visitor Centre with their laughter and inquisitive questions about the lives of the Acadians, Mi'kmaq, and New England Planters. They are absorbed by the multi-media presentation that poignantly captures the days leading up to the Deportation – the Acadians' sense of confusion, loss, and anguish as they were removed from their homeland.*

*Grand-Pré NHSC sets the stage for visitors to discover other national historic sites and the rich heritage of the Annapolis Valley. The site invites visitors to make connections between 18<sup>th</sup>-century Acadie and the modern and dynamic Acadie of today. Discover why Grand-Pré NHSC is such an important part of this beautiful and outstanding cultural landscape—a recognized partner who helps maintain the Annapolis Valley as a vibrant destination for visitors, and a place where the community has a strong connection to its valued heritage in their daily lives. Long recognized for the universal appeal of its story, the essence of Grand-Pré NHSC continues to inspire all who journey to this cherished historic place.*



## 5.0 Key Strategies



Chris Pearson

This section provides an outline of the key strategies which will guide the management of Grand-Pré NHSC over the next ten to fifteen years. The key strategies translate the vision into more concrete strategic directions and focuses on the broad management approaches that are needed to address major issues for heritage resource protection, visitor experience, and public outreach education in an integrated fashion. The strategies provide the framework to set objectives, targets and actions for the site as a whole and for specific geographic areas that were identified on-site.

### 5.1 KEY STRATEGY 1: FROM SETTLING THE MARSHLANDS TO FEELING THE "HEART OF ACADIE"

*The main objective of this strategy is to enhance the visitor's experience through direct contact with the remains from the past, and interaction with the services and activities of the present.*

#### **Description of the Key Strategy**

Grand-Pré NHSC stirs strong emotions in visitors. For Acadians, the sense of place is defined by the knowledge that a significant event in their people's history occurred in that location, an event that has been a key element of their identity. For other visitors, the site is a unique opportunity to learn about the way of life of the Acadians, understand the meaning of the Deportation, and witness the strength and vibrancy of the modern Acadian community. For some, Grand-Pré NHSC is still the "Land of Evangeline", where it is an opportunity to walk the grounds and read Henry Wadsworth Longfellow's poem. For the local residents, "Grand-Pré Park" remains an important part of the community, despite the changes in access and use.

The intent of this key strategy is to expand on the experiences available to reach out to broader audiences and in ways that stimulate personal connections. The site as a whole will require attention to identify the areas and themes that can offer new opportunities without significant investments in infrastructure.



Archaeological find during the public archaeology program.  
Rob Ferguson

In order to accomplish this, there is a need to understand and identify our markets, and to develop opportunities for visitor experiences based on interests and needs.

The archaeological remains of the Acadian settlement will be understood, preserved and presented in ways that respond to visitor interests. Visitors can get a glimpse of the village, the distribution of houses, the roads, and the activities that took place (Map 4). The Deportation will remain an important element of the site's interpretation, but greater efforts will be invested in presenting life in the Acadian settlement of Grand-Pré before 1755 and the cultural resources that speak to it. A conservation framework that will identify the state of the resources and the type of activities that will respect their integrity and value is an essential component of a successful key strategy. This work will be possible in part by building partnering opportunities with universities in Nova Scotia and New Brunswick to research and interpret the resources at Grand-Pré NHSC.

The idyllic setting at Grand-Pré NHSC has inspired and attracted countless writers and artists. This aspect will be explored further as an opportunity to allow visitors to reflect on the site's meaning, to contemplate its rural setting, and to connect with that setting, for leisure and learning. Finally, the site embodies stories that are universal in meaning, stories of good times and bad times, of communities and individuals building their own wealth and losing everything to ideologies/visions of empire, and stories of courage, survival, and determination in the face of adversity. These stories are intimately connected to those experienced by many recent immigrants

and presents an opportunity to engage new Canadians.

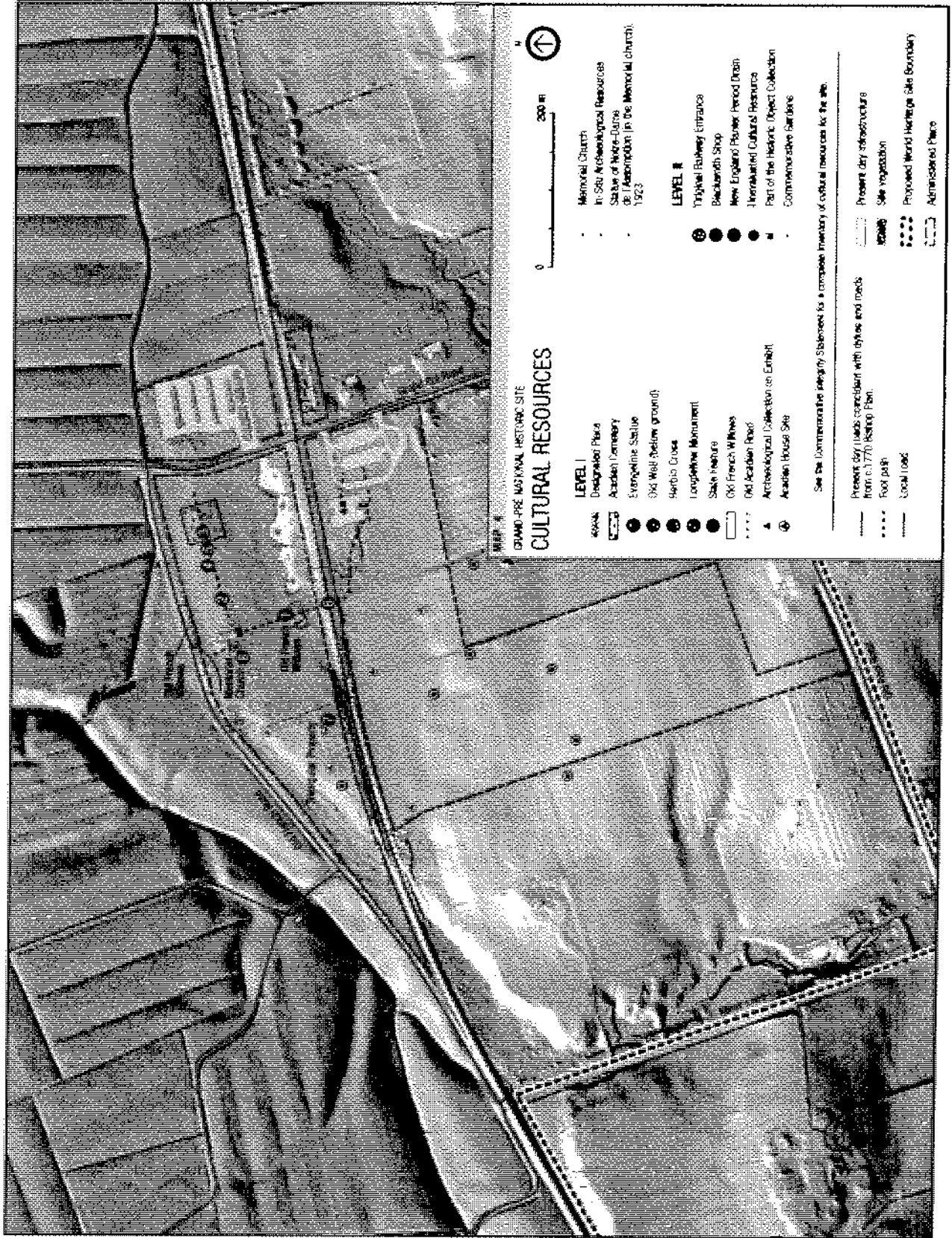
This key strategy will address this situation by enhancing the means to connect with the site's stories and cultural resources on the web-site, and by attracting more local visitors and encouraging repeat visitation. This last point will focus on joining marketing initiatives that invite Haligonians and other markets to visit the Annapolis Valley and partake in such activities as spending the day at the beach, at the farmer's markets, various cultural events either hosted by the site or in the area, or at the wineries.

Visitor experience opportunities will use social science as a foundation to develop new initiatives. The site will offer activities that will satisfy the expectations of those audiences. The *Société Promotion Grand-Pré*, with the assistance of Parks Canada, has taken action to understand their market and has since carried out a market research study that has helped identify new markets, market the site's offer, develop new products and promote the site. The site will develop a visitor experience concept and use the Explorer Quotient to develop new products and enhance existing products.

**Objective 1.1: Opportunities for visitors to enjoy, understand, and appreciate the site in ways that are meaningful to them are provided.**

**Target(s)**

- Maintain or exceed the national target that 90% of visitors surveyed are satisfied overall with the site, and 50% are very satisfied with their visit.
- On average, 85% of visitors surveyed consider Grand-Pré NHSC meaningful to them.
- On average, 90% of visitors surveyed enjoyed their visit.
- Update content on the Parks Canada and the *Société Promotion Grand-Pré* websites by March 2011, and ensure regular maintenance of the sites.



**GRAND-PRÉ NATIONAL HISTORIC SITE**  
**CULTURAL RESOURCES**

- LEVEL I**
- Designated Place
  - Acadian Cemetery
  - Evangeline Statue
  - Old West (wetlow ground)
  - Herbivores
  - Longshore Monument
  - Stain Marker
  - Old French Windows
  - Old Acadian Road
  - Archaeological Collection on Embankment
  - Acadian House Site
- LEVEL II**
- Memorial Church
  - In Situ Archaeological Resources
  - Stable of Nike-Danis de l'Académie (in the Memorial Church), 1923
  - Typical Railway Entrances
  - Blacksmith Shop
  - New England Flower Period Drain
  - Unranked Cultural Resource
  - Part of the Historic Object Collection
  - Commemorative Gardens
- See the Commemorative Integrity Statement for a complete inventory of cultural resources for the site.
- Present day roads consistent with styles and roads from c.1770 (Setting Plan)
  - Foot path
  - Local road
  - Present day infrastructure
  - Site vegetation
  - Proposed World Heritage Site Boundary
  - Administrative Place



Chris Beardon

#### Actions

- Explore creative initiatives such as the use of self-guided visitor tools, improved interpretation of archaeological resources through various techniques, and communication tools to allow visitors the opportunity to touch, feel and interact with the site.
- Develop visitor experience concept which will incorporate Explorer Quotient (EQ) into programming and create a menu of opportunities to best suit the needs and interests of visitors based on EQ profiles.
- Improve way finding (both to the site and on-site), circulation patterns, on-site communication of messages, and incorporate into site programming.
- Work with the *Société Promotion Grand-Pré* to develop a consistent promotional strategy that meets Parks Canada's mandate.
- Explore partnering opportunities with the Province of Nova Scotia and other organizations to facilitate opportunities to display artifacts, including those being stored at the Atlantic Service Centre, to increase public awareness of the rich Acadian, New England Planter and Mi'kmaq heritage.
- Working with the *Société Promotion Grand-Pré*, explore opportunities for Grand-Pré NHSC to host events that are of interest to local communities and would promote the site.
- Together with partners and stakeholders, investigate visitor experience opportunities for the lands acquired in 2009 to the south and east of the designated national historic site.

- Enhance trip planning information on the Parks Canada website and provide a link to the *Société Promotion Grand-Pré* for more detailed site information.
- Develop better connections to Destination Marketing Organization (DMO) websites.

**Objective 1.2: Increase the level of visitation, with an emphasis on Acadians, new Canadians, Halifax Regional Municipality (HRM) residents, local valley residents, Maritime residents, and visitors from outside Nova Scotia already in the province as target audiences.**

#### Target(s)

- Increase visitation of target market segments such as Acadians, new Canadians, Halifax Regional Municipality residents, local valley residents, Maritime residents, visitors from outside of Nova Scotia (who are already in Nova Scotia from other Canadian provinces or from the United States) and local residents over the next 5 years (a target of 40,000 visitors by 2011-2012 has been set).
- Increase the number of on-site activities to two annual events that target new Canadians. Increase by 5% the market share in the following market segments: group tours, van tours, and cruise ship passengers.

#### Actions

- Participate in events and festivals which reach cultural associations and new Canadians.
- Participate in the *Commission du tourisme acadien du Canada atlantique* (CTACA) as an active member.
- Collaborate with provincial and regional DMOs and tourism groups to capture markets related to Acadians, new Canadians, Halifax Regional Municipality (HRM) residents, local valley residents, Maritime residents, and visitors from outside Nova Scotia already in the province.
- Maintain the school market as a priority for Grand-Pré NHSC.

- Convey messages related to the historic Acadian settlement and the subsequent landscape surrounding the site, through engaging public outreach education initiatives in ways that respond to audience interests.
- Work closely with the *Société Promotion Grand-Pré* to revise and establish a marketing plan over a longer five-year period to review market segments, positioning, products and partnering options.
- Position Grand-Pré NHSC as a “must see” destination with universal appeal.
- Showcase Acadian art, music festivals, regular special speaker presentations and the availability of local crafts from Acadian artisans at the gift shop.
- Target cruise ship markets at port destination in Halifax with a focus on smaller group tours and van tours leaving the Halifax port. Have an on-site contact person available at the Halifax port.
- Develop products based on interests and needs of specific market segments using the Explorer Quotient and social science data.
- Evaluate current destination marketing packages that partner with local businesses in order to address the interests and needs of identified market segments.
- Conduct an Explorer Quotient workshop for Parks Canada staff, *Société Promotion Grand-Pré* staff and partners and stakeholders.
- Explore opportunities with genealogical societies that might provide greater links to the Acadian settlers during their time in the area between 1682 and 1755 and the Acadian diaspora.

**Objective 1.3: Visitors are able to experience and appreciate Grand-Pré NHSC within its regional context including the dykelands, Horton Landing and the local agricultural community.**

**Target(s)**

- Increase the number of visitors that visit Horton Landing in conjunction with their visit to Grand-Pré NHSC from 20% to 40% (baseline 2007 VIP).



*Grand-Pré and the marshland beyond. Christophe Paves*

**Actions**

- Improve opportunities to experience the historic landscape from the “triangular property” by managing vegetation to restore sight lines to the dykelands that make connections with the historic landscape and agricultural community and maintain an active maintenance program to preserve the integrity of the archaeological resources.
- Improve the communication of Level II messages to respond to the interests of the local community.
- Develop a site plan to orientate visitors to the full range of opportunities at the site, provide connections to the surrounding landscape including the dykelands and local communities and links to other visitor opportunities in the area.
- Work with local agricultural and preservation groups such as the Grand-Pré Marsh Body to communicate efforts to preserve the marshes and agricultural ways of life in the Grand Pré area through information sessions, presentations and/or displays at the site.
- Develop a working partnership with local groups to create destination experiences and packages to connect to the broader story between Grand-Pré NHSC, the National Rural Historic District and the Acadian experience.
- Continue to provide opportunities for visitors to experience the agricultural setting of the site and experience agricultural practices especially on the land acquired in 2009. Develop goals and objectives for interpreting the stories associated with the lands south of the national historic site acquired in 2009.

- Actively promote Horton Landing at Grand-Pré NHSC, its connection to the national historic site and provide information on the site's website.
- In collaboration with partners and stakeholders, review the needs for way-finding between the national historic site and Horton Landing to guide visitors within the surrounding working landscape.
- Create baselines for the number of visitors that go to Horton Landing in conjunction with their visit to Grand-Pré NHSC.

**Objective 1.4: The effectiveness of public outreach education tools and programs is improved in cooperation with the Société Promotion Grand-Pré and other partners.**

**Target(s)**

- By March 2011, update the Grand-Pré NHSC public website to highlight programming, current projects on-site, links to associated research and Acadian organizations and notifications of special events.
- By 2011, evaluate the effectiveness and gaps of the current public outreach education offers with partners and stakeholders.

**Actions**

- Work with stakeholders and partners to ensure the Grand-Pré NHSC website is relevant to what target audiences want, regularly updated, and creates links to sites of interest that complement the efforts of the *Société Promotion Grand-Pré*.
- In conjunction with the *Société Promotion Grand-Pré*, develop public outreach education materials that can be incorporated into school curriculum.
- Update information regarding each phase of the visitor trip cycle and create links and cross-marketing opportunities to other national historic sites within the area on the Grand-Pré NHSC website.

**Objective 1.5: Develop and promote programming that encourages repeat visitation to the site.**

**Target(s)**

- Increase repeat visitation to the site by 10% [baseline 2007 VIP] over the next 5 years.

- Conduct another Visitor Experience Assessment by 2012.

**Actions**

- Review current programming offers to determine gaps in market segments.
- Work with stakeholders and partners to offer new seasonal programs and/or events for visitors to promote repeat visitation and develop innovative products and programs that respond to visitor interests.
- Promote and encourage the use of the ambassador program both on-site and through the Parks Canada website.
- Maintain a rotating display of current historical and archaeological research occurring at Grand-Pré NHSC that is regularly updated featuring research findings in a prominent location within the Visitor Centre.
- Facilitate public access to the grounds of the site on a year-round basis.
- Maintain active media relations to promote the site.

**Objective 1.6: The property as a whole is effectively managed to protect significant cultural resources and the historic values of the site.**

**Target(s)**

- Improve the Commemorative Integrity rating around cultural resources from yellow to green by 2012.
- Reduce by 75% the garlic mustard plant (*Alliaria petiolata*) infestation on the site by 2011 (using current years as baseline).

**Actions**

- Develop a maintenance plan that is efficient and adequately protects cultural resources on-site, specifically the existing archaeological resources in the "triangular property" and the "fields", and the view planes to the historic landscape beyond the national historic site.
- Continue to collaborate with stakeholders and partners to seek their assistance to eradicate the mustard plant infestation (*Alliaria petiolata*) from the site.

- Reallocate field unit maintenance resources to focus on the maintenance and protection of the existing cultural resources.
- Maintain the lands acquired in 2009 to the south of the designated national historic site property for agricultural purposes in the short-term to protect and to continue to provide opportunities for visitors to experience the agricultural setting of the site.
- Explore innovative, low-cost solutions for maintaining the lands acquired in 2009 to the south of the designated national historic site property that protect cultural resources not yet identified.
- Develop and implement an Environmental Management System Action Plan and an Environmental Emergency Response Plan in accordance with *Parks Canada Environmental Management Directive* (2009).
- Identify, assess and remediate all suspected contaminated sites.

## 5.2 KEY STRATEGY 2: SHARED STEWARDSHIP THROUGH PARTNERING OPPORTUNITIES

*The main objective of this strategy is to enhance the shared stewardship of Grand-Pré NHSC through partnering opportunities.*

Grand-Pré NHSC is an important landmark in the community of Grand Pré, the County of Kings, and the Annapolis Valley. It is also, traditionally, a site of great spiritual and cultural significance for the Acadians, resulting in a unique sense of stewardship. This sense of stewardship is embodied in the operation of the visitor services by the *Société Promotion Grand-Pré*, an organisation created by the *Société nationale de l'Acadie* and the *Fédération acadienne de la Nouvelle-Écosse*. Finally, with the proposal for the Grand Pré area to become a World Heritage Site, there is the potential to attract an international audience, beyond the Acadians and their descendants.

This key strategy will focus on nurturing or redefining existing partnering opportunities, and creating new networks and contacts to reach new audiences and offer a diversity of experiences. Parks Canada will increase its



Clara Pearson

on-site presence at the national historic site to deliver the Agency's corporate direction in the areas of visitor experience, external relations, public outreach education and protection of cultural resources in cooperation with the *Société Promotion Grand-Pré*, local communities and other strategic partners.

The site has, in the past, been a significant driver for the local economy and provincial tourism industry when it was known as the "Land of Evangeline". Currently, it remains an important landmark, but its role is not as prominent as it once was, competing with other important attractions such as the wineries. This is also due to the story of Evangeline not being as popular as it was a few decades ago.

Finally, local residents feel that they should not have to pay for access to the historic site. This perception has led to a change in the sense of stewardship on the part of local residents and Nova Scotians living within easy driving distance of the Annapolis Valley. Collaboration with community associations may lead to opportunities to strengthen the bond. The *Société Promotion Grand-Pré*, with the assistance of Parks Canada, has taken action to understand their market and has since carried out a market research study that has helped the *Société Promotion Grand-Pré* identify new markets, promote the site and develop new products.

Grand-Pré NHSC has attracted researchers who have studied the archaeological remains, Acadian genealogy, and historical objects and archives. Often invited under the auspices of an

Acadian organisation, these researchers have benefited from the opportunity to access the unique resources found at Grand-Pré NHSC. More consistent collaboration between Parks Canada, research organizations, visitors and locals conducting research within the framework of research priorities identified for the site, particularly in cultural resource management activities, would be beneficial in building a sense of stewardship by those researchers.

**Objective 2.1: Partners and stakeholders feel a sense of stewardship and connection with Grand-Pré NHSC that ensures their continued support of the site.**

**Target(s)**

- Stakeholder participation continues to increase at open houses, meetings and workshops.
- 60% of stakeholders and partners see Parks Canada as a receptive and respected partner that facilitates opportunities at the site for new projects, activities and events.
- Our partners and stakeholders hold activities on the site or off-site about Grand-Pré NHSC.

**Actions**

- Review current stakeholder and partner relations to determine gaps and build new partnerships to reach out to a wider range of target audiences.
- Provide opportunities for stakeholders and partners to influence and contribute to the national historic site. Develop relationships with partners and stakeholders that are defined by them and reflect how they would like to contribute and be involved with the site.
- Develop a governance model for Grand-Pré NHSC that delivers Parks Canada's mandate and that of the *Société Promotion Grand-Pré* while providing for the involvement and support of interested stakeholders.
- Foster partnering opportunities, with potential economic benefits, with the Mi'kmaq of Nova Scotia, the community of Grand Pré, and the Annapolis Valley that are mutually beneficial.



Chris Beardon

- Work with local and HRM cultural associations and immigrant serving organizations to gain an understanding of values, needs and interests to successfully reach audiences from diverse backgrounds.
- Develop long-term, strategic research goals and partnering opportunities with research organizations.
- Explore genealogical opportunities at Grand-Pré NHSC for Acadians to reconnect to the site through the Université Saint-Anne and the Université de Moncton genealogical centres.

**Objective 2.2: With our Acadian partners, programming is expanded at Grand-Pré NHSC to reach out beyond the existing target markets and to improve visitation levels.**

**Target(s)**

- By 2011, become an active member in the CTACA.
- By 2011, develop a Stakeholder Advisory Committee.



**Actions**

- Participate actively in cooperative promotional efforts with other Acadian organizations marketing the brand “Acadie” such as the *Commission du tourisme acadien du Canada atlantique* (CTACA) to take advantage of tourism opportunities, create natural links to existing and new markets and develop other partnerships.
- Develop a stakeholder advisory committee and meet regularly to review partnering opportunities with Parks Canada at the site.
- Work with partners to develop new partnership opportunities and promote tourism opportunities which: (1) link historic sites (Parks Canada sites and those administered by others that have an Acadian connection within the area so that visitors can appreciate the settlement patterns of Acadians following the 1755 Deportation) relating to the Acadian history; (2) target new markets; and (3) position Grand-Pré NHSC as a destination for local, regional and international visitors.
- Explore the potential to attract an international audience, beyond the Acadians and their descendants through the opportunity for the Grand-Pré area to become a future World Heritage Site. Work with local communities, regional and international organizations to bring special events to Grand-Pré NHSC to improve its visibility and relevance.
- Provide increased opportunities for Acadian and local artists, artist organizations and musicians to promote their work on-site through “art gallery showings”, guest lectures, and hands-on art sessions.

**Objective 2.3: Achieve a collaborative working relationship with partners and stakeholders to complete and support the UNESCO World Heritage Site nomination proposal for the greater Grand-Pré area.**

**Target(s)**

- Provide a representative on the Nomination Grand-Pré Advisory Board to assist in meeting the submission deadline of February 2011 to UNESCO.

**Actions**

- Work with the Nomination Grand-Pré Advisory Board leading up to the UNESCO World Heritage Site (WHS) nomination.
- Review the current site services to determine the opportunities for the national historic site in the event that Grand-Pré is designated a World Heritage Site.

**Objective 2.4: In the event that Grand-Pré is designated a WHS, Parks Canada to play an active role in the governance structure and supports the interpretation of the Outstanding Universal Value of the site.**

**Target(s)**

- Assist the Nomination Grand-Pré Advisory Board to establish a governance structure by the date of inscription of the site.

**Actions**

- Work with the Nomination Grand-Pré Advisory Board to define the role of Parks Canada in the governance structure of the WHS.
- Work with the body responsible for the governance of the WHS to develop partnering opportunities and a working relationship to contribute to the vision for the WHS.
- Work with the body responsible for the governance of the WHS to support the interpretation of the Outstanding Universal Value of the WHS at Grand-Pré National Historic Site.

**Objective 2.5: Explore partnering and research opportunities to increase our layered understanding of the reasons for national significance that would enrich visitor experiences at Grand-Pré NHSC.**

**Target(s)**

- Set research priorities for Grand-Pré NHSC by 2011 in the area of history, archaeology and social sciences with the assistance of research organizations.
- Obtain a complete archaeological inventory and reports for the archaeological work completed by the field school and Atlantic Service Centre by March 31, 2011.

- Complete an archaeological assessment of the land at Grand-Pré NHSC by 2013.

#### **Actions**

- Hold a workshop with research organizations and interested stakeholders to develop long-term, strategic research and partnership goals for Grand-Pré NHSC.
- Obtain completed archaeological inventory and reports for the archaeological work conducted between 2000 and 2009.
- Work with partners and stakeholders to complete the inventory of archaeological resources.
- Work with partners and stakeholders to determine the most appropriate techniques to facilitate opportunities for visitors to experience the archaeological remains of the 17<sup>th</sup>- and 18<sup>th</sup>-century Acadian settlement on-site – such as the creation of a thematic artifact inventory.
- Create regularly rotating displays of current historical and archaeological research occurring at Grand-Pré NHSC that feature research findings in a prominent location in the Visitor Centre.
- Increase third-party delivery of public outreach education products in cooperation with partners and stakeholders.
- Collaborate with partners and stakeholders to undertake research to improve archaeological knowledge of Acadian, New England Planter and Mi'kmaq of Nova Scotia life within the greater Minas Basin area.
- Explore opportunities for archaeology programs open to public/school group participation to create an authentic hands-on experience at the site in cooperation with partners and stakeholders.
- Work with Saint Mary's University field school to establish a formalized agreement for research goals at the Grand-Pré NHSC.
- Continue to collaborate with research institutions such as Saint Mary's University and Acadia University Planter Studies Department to research and interpret the site and artifacts found at the site and in the surrounding area including Mi'kmaq cultural resources.

**Objective 2.6: Seek further partnering opportunities with the Mi'kmaq of Nova Scotia to increase their involvement as defined by them.**

#### **Target(s)**

- Work collaboratively with the Mi'kmaq of Nova Scotia to establish by 2014 a Parks Canada Aboriginal Advisory Committee for Mainland Nova Scotia.
- Meet annually with the Mi'kmaq of Nova Scotia.

#### **Actions**

- Meet with local Mi'kmaq of Nova Scotia to understand their level of interest in the site and maintain open communication/dialogue.
- Work with the Mi'kmaq to present relevant Mi'kmaq history as it relates to the historic value of the national historic site including the relationship that existed between the Mi'kmaq of Nova Scotia the Acadians.
- Facilitate partnering opportunities including economic opportunities with the Mi'kmaq of Nova Scotia, the community of Grand Pré, and the Annapolis Valley that are mutually beneficial.
- Work with representatives of the Mi'kmaq communities to identify opportunities for Mi'kmaq involvement in advisory committees to provide input and technical advice to Parks Canada on matters related to national parks and national historic sites. This process will respect the Made in Nova Scotia negotiations and the relationship will be defined in collaboration with the Mi'kmaq of Nova Scotia.
- Work collaboratively with the Mi'kmaq of Nova Scotia to create a Parks Canada Aboriginal Advisory Committee for Mainland Nova Scotia to accurately reflect how the Mi'kmaq of Nova Scotia would like to be engaged with Parks Canada.
- Share archaeological information with the Mi'kmaq of Nova Scotia, identify research gaps and carry out additional archaeological surveys, as considered mutually appropriate in collaboration with the archaeologist representing the Mi'kmaq of Nova Scotia.

- Invite the Mi'kmaq of Nova Scotia to participate in Parks Canada initiatives regarding the protection and presentation of archaeological resources in collaboration with stakeholders and partners.

### 5.3 KEY STRATEGY 3: ANCHORING THE "PARK" IN THE COMMUNITIES

*The main objective of this strategy is to change the perception of what Grand-Pré NHSC is to local communities and the greater Annapolis Valley residents, reconnecting it to their everyday lives and thereby increasing its relevance.*

Some of the community character that once was at the heart of visiting Grand-Pré NHSC seems to have been lost since the introduction of entry fees. In the past, the larger community of Grand-Pré NHSC encompassed a greater percentage of residents of the Annapolis Valley and the Halifax Regional Municipality who came to Grand-Pré NHSC to simply enjoy its natural beauty and historic setting. The perception of Grand-Pré NHSC by some market segments has changed—once a place you simply visited to appreciate, it is now identified as a "museum type" attraction where "visitors" go. As such, the national historic site has lost some important community support and a valuable market.

This strategy will focus on reconnecting local and Valley residents to the national historic site by having the site play a more central role as a valuable community resource and gathering place for local and regional events. Marketing the site as a destination to "rediscover" and re-establish a personal sense of connection to the site, may be a way to reinvigorate visitation by this market.

The UNESCO nomination process has provided greater media exposure for Grand-Pré NHSC, but more importantly, it has been a vehicle for Parks Canada to work collaboratively with the local community to reconnect Grand-Pré NHSC to their everyday lives and thereby increase its relevance to them. Parks Canada will increase its presence at the national historic site to ensure the integrated delivery of its mandate elements.



Chris Pearson

The site is part of the attractions of the Annapolis Valley. Along with Fort Anne NHSC and Port Royal NHSC, it is one of the most visited historic and cultural sites in the region. Grand-Pré NHSC is located in the heart of the Valley's wine country, a fact that attracts a new type of visitor that may be interested in the stories and the service offers at Grand-Pré NHSC. Parks Canada will enhance its collaboration with the tourism industry and interested local businesses in the region to enter into or strengthen existing markets, and become a key destination in the region. The site is part of the social and economic fabric of the region and Parks Canada will work with communities to maintain positive relationships. To reach those Canadians who will not have an opportunity to visit the site, Parks Canada will increase awareness of the NHS and its reasons for designation through various learning opportunities including an improved website presence.

#### **Objective 3.1: Re-establish the site in the local community.**

##### **Target(s)**

- Increase the sales of the Parks Canada Ambassador Pass by 10% by 2012.
- Increase by 30%, local visitor numbers by 2011 (baseline VIP 2007).

##### **Actions**

- Allow access to the grounds of Grand-Pré NHSC free of charge to visitors on a year-round basis. Entry fees will only be charged to access the Visitor Centre and Memorial Church at the site.

- Create and participate in opportunities to engage and dialogue with local communities. Hold “community days” at the site which could profile individual communities while offering activities that are relevant and meet their needs and interests. Determine level of interest to hold a “New England Planter Day” celebration, similar to the “Acadian Day” held at the site.
- Depending on the level of interest of local area residents, consider the creation of volunteer programs at Grand-Pré NHSC focusing on such areas as archaeology, traditional agricultural practices, collections, etc.
- Collaborate with local communities and groups on activities that will affect future development in the area.
- Work with local farmers and businesses to promote local products.
- Explore new programming opportunities targeting audiences such as seniors, to provide educational activities on-site in a variety of areas (geology, history, music, life-long learning and language).
- Work with stakeholders and partners to improve the promotion of events at the site within the local community through various communication tools, such as: local newspaper and radio announcements; mailbox solicitation; website updates; and email notification.
- Actively promote the Parks Canada Ambassador Pass and explore an “early bird” pass option for local residents.
- Further develop public outreach education opportunities with institutions especially in the Annapolis Valley (e.g., Acadia University).

**Objective 3.2: Contribute to making the Annapolis Valley a tourism destination.**

**Target(s)**

- Maintain or increase the level of Parks Canada participation in networks with partners and stakeholders [based on 2009 levels].
- Increase partnerships with regional attractions and tourism operations [based on 2009 levels].

**Actions**

- Work with local and regional attractions to explore tourism package opportunities that align with the local and regional tourism directions and supports economic development in the region. Collaborate with Kings County Tourism and Destination Southwest Nova Association (DSWNA).
- Actively participate in the CTACA to take advantage of tourism opportunities and create links to existing and new markets.
- Return Grand-Pré NHSC as an active partner in Acadian tourism initiatives and develop other partnerships such as with the Harvest Festival and various Annapolis Valley historic sites.
- Market to the New Brunswick visitor region, which is within the immediate 300 km to 400 km radius of influence, as a possible market for Grand-Pré NHSC.

**Objective 3.3: Improve shoulder season activities as a way of increasing visitation to the site.**

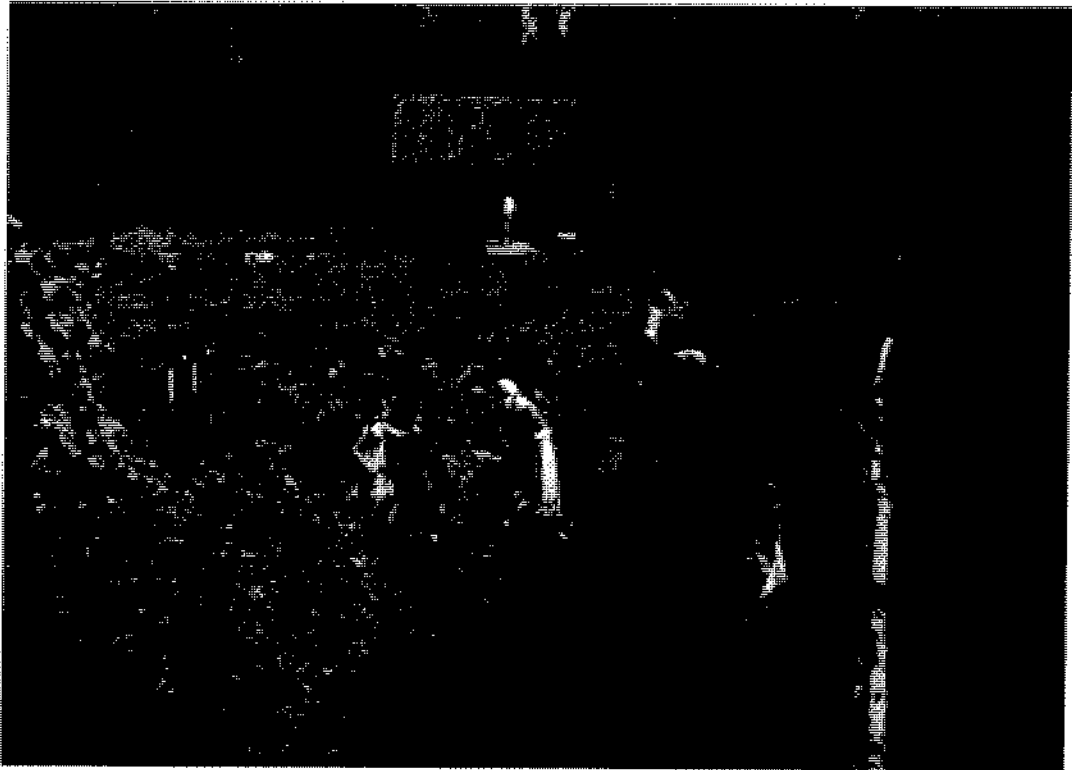
**Target(s)**

- Increase visitation in the shoulder season by 10% [2009 levels].

**Actions**

- Expand educational winter program offers at the site for elementary, high school and post-secondary levels to increase shoulder season use of the site.
- Explore expanding shoulder season activities aimed at local or regional audiences, such as events, fairs, Harvest Festival and Christmas celebrations.
- Research and develop links to institutions outside of the province to connect the site to a more global story.

## 6.0 Area Management Approach

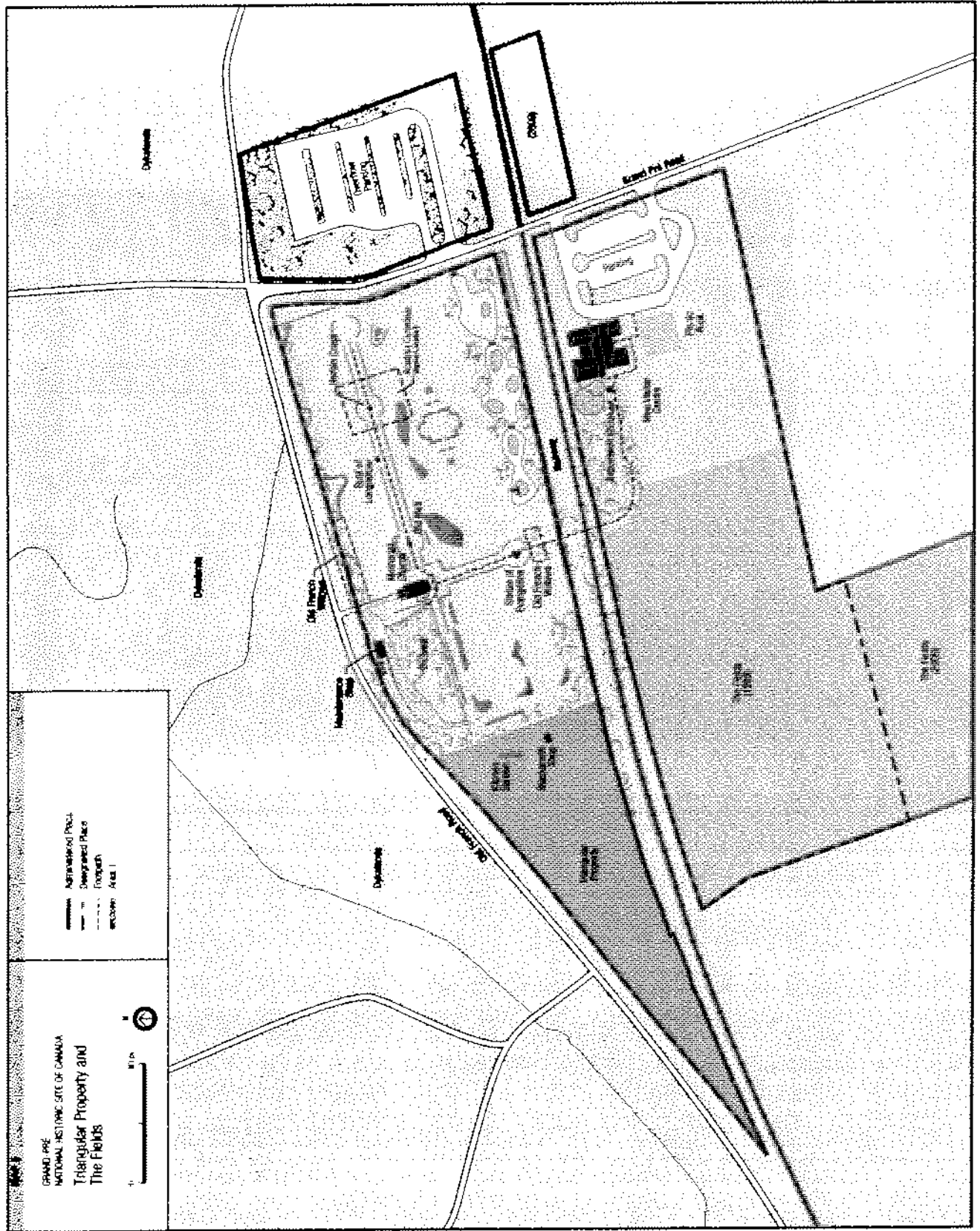


*View of the kitchen garden and blacksmith shop. Chris Reardon*

While the key strategies focus on addressing issues and challenges that affect the site as a whole, certain areas within Grand-Pré NHSC require specific management focus. The area management approaches describe an integrated set of objectives for resource protection, visitor experience opportunities and public outreach education to be achieved over time in two distinct areas: (1) the “Triangular Property”, the lands acquired by Parks Canada in 1999 as well as the large field acquired in 2009, called the “Fields”; and (2) the limits of the commemorative gardens. The small parcel of land acquired by Parks Canada to the east of the designated place in 2009 is not included in this area management approach.

### 6.1 THE TRIANGULAR PROPERTY AND THE FIELDS

The “Triangular Property” was added later in the development of the park and for a time was the location used to interpret life in an Acadian settlement. It currently hosts the blacksmith shop, a vegetable garden, remains of Acadian structures. Until recently this location offered an unimpeded view of the dykelands. Failure to keep vegetation growth in check during the past few years has resulted in much reduced viewplanes. The area requires attention since it is outside of the regular circulation pattern of most visitors and yet offers opportunities for an enhanced experience of the site and its values.





*Blacksmith shop. Chris Reardon*

The “Fields” includes lands acquired by Parks Canada in 1999 and 2009. They consist of an open and un-obstructed area containing remains of historic structures and until recently a statue representing an Acadian family at the time of the Deportation was located there. In the fall of 2009 this structure was moved to its new location behind the Visitor Centre.

Together, the “Triangular Property” and the “Fields” (Map 5) offer opportunities for experiencing the setting of Grand-Pré NHSC as well as learning about Acadian villages, agricultural practices and ways of life in the 18<sup>th</sup> century. The process of unearthing cultural resources on-site offer opportunities for visitors to experience the site in ways which foster a personal sense of connection with this special place. Such opportunities could also foster understanding and appreciation of the greater agricultural setting, and build support for the protection of these resources.

**Objective 6.1.1: increase on-site programming within the “Triangular Property” and the “Fields” with the assistance of partners and stakeholders.**

#### **Target(s)**

- Hold a meeting with partners and stakeholders to review suggestions for new programming provided during the public engagement process by end of March 2011.

#### **Actions**

- Review with archaeology research partners how archaeology work can be further incorporated into the programming for the site.
- Develop and implement a vegetation management plan for the “Triangular Property”.
- Provide a broader contextual interpretation of the cultural landscape from the “Triangular Property” that includes the site’s association with the marsh, encompassing the influences on the marsh by the Acadians, New England Planters and subsequent generations of farmers who have dyked and farmed the marsh.
- Explore opportunities for visitors to safely experience the natural beauty of the area and observe the agricultural practices within the actively farmed lands adjacent to the national historic site.

**Objective 6.1.2: Create opportunities within the “Triangular Property” and the “Fields” for visitors to experience the site as it was prior to the Acadian Deportation and bring them in contact with the landscape and agricultural village that once thrived on the site.**

#### **Target(s)**

- Complete an archaeological assessment of the “Triangular Property” and the “Fields” by 2013.

#### **Actions**

- Collaborate with research partners and stakeholders to develop new programming that has direct links and tangible connections to the Acadian settlement period from the early 1680s to 1755 to facilitate visitor experience opportunities.
- Explore the use of self-guided visitor tools, improved interpretation of archaeological resources through various techniques, and communication tools for visitors to interact with the site.

- Incorporate the Explorer Quotient into programming (on-site and web-based) to create a menu of experiences that will enhance visitor experiences and create opportunities that best suit the needs of visitors.
- Review recommendations from the cultural landscape visitor experience concept plan prepared in 2009 related to way-finding, on-site communication of messages and circulation patterns, and incorporate as appropriate into site programming for the “Triangular Property” and the “Fields”.
- Further test and assess the archaeological features in the “Fields” to identify the time period and function of the cultural resources.
- Continue to use the area of the “Fields” acquired in 2009 for agricultural purposes.
- Review option to return parts of the lands acquired in 1999 to active farming to reduce maintenance costs and provide a direct connection to the agricultural practices that have evolved at Grand Pré for more than three centuries.

**Objective 6.1.3: Access within the “Triangular Property” and the “Fields” is improved.**

**Target(s)**

- By 2011, circulation patterns within the “Triangular Property” and the “Fields” are reviewed.
- Increase visitor participation in interpretive activities at the “Triangular Property” [based on 2007 VIP figures] and the “Fields”.

**Actions**

- Review circulation patterns within the “Triangular Property” and the “Fields” to improve access to these areas and incorporate into an overall vision for the property acquired in 2009 to the south of the national historic site.
- Work with partners and stakeholders to understand potential needs for circulation paths for the site including potential universal access needs.
- Establish baseline for visitor participation in interpretive activities within the “Fields”.



*Visitors enjoying the grounds. Chris Pearson*

## 6.2 THE COMMEMORATIVE GARDENS

The second area corresponds to the original property developed by the Dominion Atlantic Railway and encompasses the gardens, the Memorial Church, Evangeline’s well, the Evangeline statue and a variety of monuments (Map 6). This area has a strong identity resulting from the formal design of the gardens that provides for a contemplative experience, and one based on the story of Evangeline. The area is also considered to be the historic “heart” of the village of Grand-Pré containing the remains of the cemetery, cellars, roads, and the church (although some of these still remain elusive). As this important dimension of the site is not currently fully interpreted, additional opportunities will be explored to enrich the current experience through diverse interpretation tools.

**Objective 6.2.1: The “Commemorative Gardens” area becomes a gathering place for the community to contemplate, relax and experience.**

**Target(s)**

- By 2015, new on-site programming within the “Commemorative Gardens” area is developed to meet the needs and interests of visitors.

**Actions**

- Work with interested partners and stakeholders to develop new on-site programming that maintain the historic value of the “Commemorative Gardens” and protect cultural resources within this area.



- Develop an interpretation node that communicates the historic values of the “Commemorative Gardens”.
- Explore the use of various interpretation tools to enrich the current visitor experience opportunities in the “Commemorative Gardens” area.
- Collaborate with other historic sites in the region that have an Acadian connection, such as Fort-Anne NHS and Acadian cemeteries, to provide greater links to Acadians that settled in the Grand Pré area during 1682 and 1755 and to the Acadian diaspora.

**Objective 6.2.2: The “Commemorative Gardens” protects existing, significant cultural resources, and the historic value and strong identity of the gardens.**

**Target(s)**

- Improve the commemorative integrity rating around cultural resources from yellow to green by 2012.

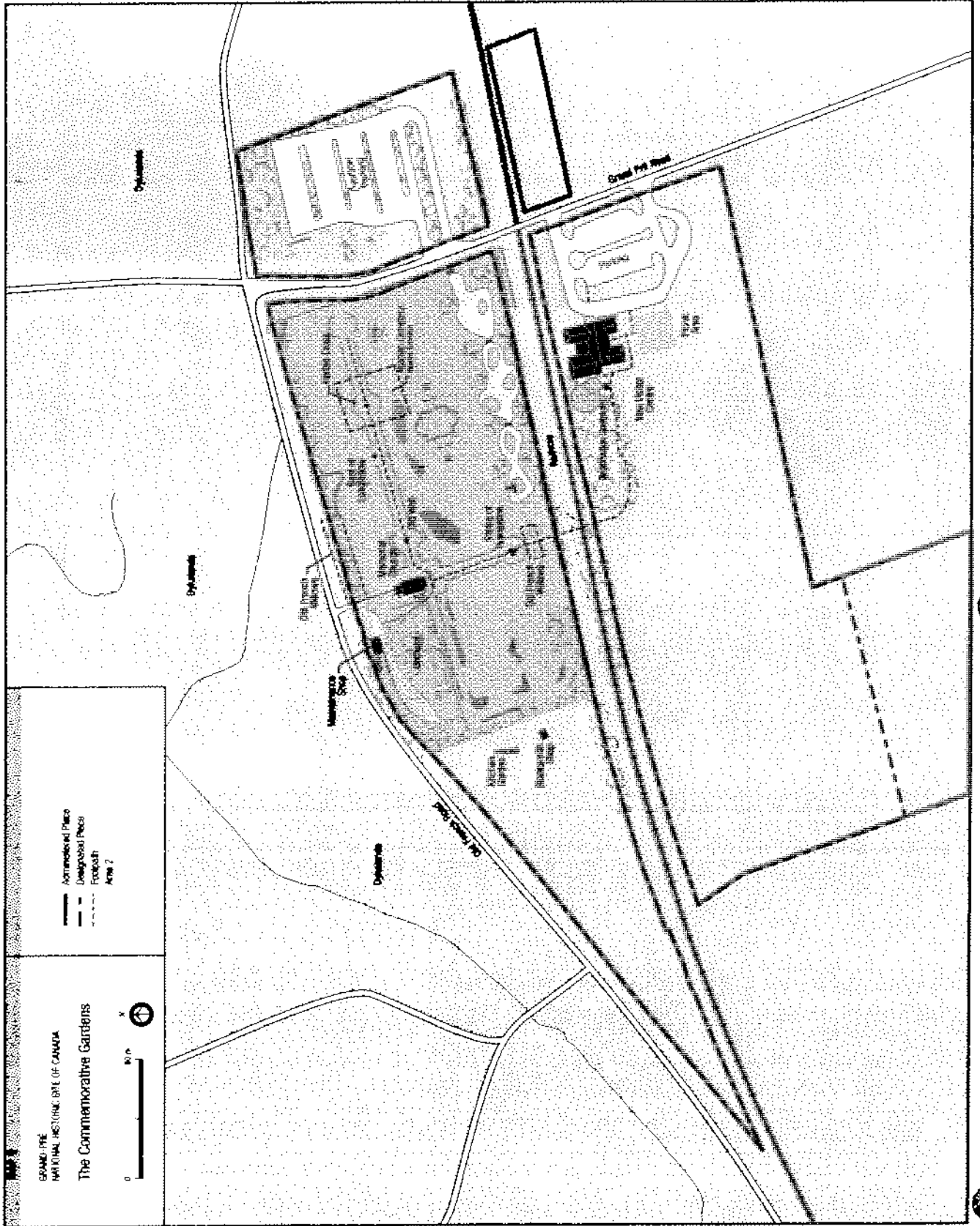
**Actions**

- Relocate the maintenance facility to an appropriate location within the national historic site that increases the efficiencies of maintenance staff and addresses the safety and storage concerns of the current aging facility.
- Continue to collaborate with stakeholders and partners to eradicate the garlic mustard plant (*Alliaria petiolata*) infestation from the site.
- Allow the old French Willow trees (a level one cultural resource), to fall and regenerate. When necessary, Parks Canada will propagate the trees in their traditional area.
- Collaborate with research partners and stakeholders to ensure that activities surrounding the protection of the cultural resources in the “Commemorative Gardens” complement the protection of the historic value and strong identity of the gardens and allow unimpeded access for visitors to enjoy and experience this contemplative area.



*Herbin Cross, Christophe River*

A summary of the planned actions for the Grand-Pré National Historic Site is presented in Appendix 3.



## 7.0 Partnership and Public Engagement



*Ceremony at Horton Landing to mark the relocation of the Deportation Cross on July 28, 2005. François Gaudet*

### 7.1 POSITIVE RELATIONS WITH THE ACADIAN COMMUNITY

Parks Canada has worked very closely with the Acadian community since the establishment of Grand-Pré as a national historic site in 1961 to create a place that Acadians around the world consider an iconic site. This partnership has continued to grow and become stronger with the establishment of the *Société Promotion Grand-Pré* in 1998. Today, Parks Canada considers the Acadian community a privileged partner, essential to achieving the full potential of Grand-Pré NHSC. Working with committed partners such as the *Société Promotion Grand-Pré* has allowed the Agency to achieve a number of successes at the site, including the development of the Visitor Centre which was completed in 2003 and hosting the third *Congrès mondial acadien* events in 2004 which attracted over 15,000 people to the site.

### 7.2 ENCOURAGING PUBLIC PARTICIPATION AT GRAND-PRÉ NHSC

Parks Canada has always benefited from the support and cooperation of Canadians. Grand-Pré NHSC staff have established beneficial cooperative arrangements through which stakeholders and partners contribute to the development of visitor programs and the organization of cultural events or ceremonies. Parks Canada, in partnership with the *Société Promotion Grand-Pré* has enjoyed a very positive relationship with *Les Amis de Grand-Pré* who offer special programs at the site, and the *Conseil culturel acadien*, which in association with the *Fédération acadienne de la Nouvelle-Écosse* is the principal organizer of "La Journée acadienne." Parks Canada will provide opportunities for stakeholders and partners to influence and contribute to Grand-Pré NHSC in ways that are meaningful to them.

Other benefits to the site have included working in association with local stakeholders to control and eradicate the garlic mustard plant (*Alliaria petiolata*) infestation that has been affecting the Grand Pré area.

### 7.3 LIAISING WITH THE COMMUNITY

Over the course of developing this management plan, a stakeholder and partner workshop, various meetings and an open house were held with local and regional stakeholders and partners to actively contribute to the development of the management plan, including: Acadian organizations; community members; businesses; tourism industry representatives; local historical societies; universities and affiliated research groups; municipal government; agricultural groups; and regional immigrant serving organizations.

Parks Canada will continue to develop strong relationships with stakeholders and partners who share a common interest in Grand-Pré NHSC to develop opportunities for improved visitor experience opportunities, integrating into regional tourism offers and reaching Canadians within urban centres.

Parks Canada continues to build on its relationships with the Mi'kmaq of Nova Scotia, who have demonstrated an interest in Grand-Pré NHSC. Regular meetings and dialogue with the Mi'kmaq of Nova Scotia will continue to ensure that there are opportunities to provide meaningful contributions to site management that are beneficial to them.

Parks Canada staff and the *Société Promotion Grand-Pré* will continue to participate in local community activities, particularly in heritage tourism and cultural resource management.



Public archaeology program. Rob Ferguson

### 7.4 COOPERATION WITH RESEARCH INSTITUTIONS

Parks Canada and the *Société Promotion Grand-Pré* have partnered with Saint Mary's University's Department of Anthropology since 2001 to host the department's archaeological field school at Grand-Pré NHSC. This work is initiated each year by the university and has become an established part of its curriculum. A formal agreement between Saint Mary's University and Parks Canada for the continuation and support of the project is under development.

To date, the research has focused on the goal of the field school director to locate the original site of the church of Saint-Charles-des-Mines. This work has contributed significantly to the understanding of the site, uncovering remains of one structure within the gardens, locating other potential building sites, and further defining the limits of the cemetery. It has also allowed the site to begin an inventory of cultural resources in lands acquired to the south of the gardens since 1999. Although primarily focused on offering field experience to student archaeologists, the program attracts attention from visitors and the media.

### 7.5 GRAND PRÉ UNESCO WORLD HERITAGE SITE

Should the Grand Pré UNESCO World Heritage Site (WHS) submission be successful and the site designated, Parks Canada Agency will work with the body responsible for the governance of the World Heritage Site

in support of the designated site. The Agency will work with the governance body to develop partnering opportunities and a working relationship that contributes to the vision for the World Heritage Site while meeting the UNESCO requirements for such a designation.

#### 7.6 INVOLVEMENT WITH TOURISM INDUSTRY

Parks Canada will continue to work closely with the *Société Promotion Grand-Pré* to develop a revised marketing strategy that will identify gaps in market segments and provide direction to increase visitation and play an important role in Nova Scotia's Tourism Industry. Key partnering opportunities with the Province of Nova Scotia, *Commission du tourisme acadien du Canada atlantique*, Kings County Tourism, Destination Southwest Nova Association and regional DMOs, and tourism groups will be pursued to create natural links to existing and new markets. The Agency will partner with regional attractions and tourism operators to contribute to making the Annapolis Valley a "must see" tourism destination.

The Agency will evaluate current destination marketing packages that partner with local businesses in order to address the interests and needs of identified market segments. For example, the cruise ship markets at port in Halifax will be targeted with a focus on smaller group tours to Grand-Pré NHSC and Annapolis Valley attractions such as the growing wine industry. Finally, with the possibility of the Grand Pré area having its own World Heritage Site, Parks Canada will explore the potential to attract an international audience, beyond the Acadians and their descendants.

#### 7.7 STRATEGIES FOR MONITORING THE EFFECTIVENESS OF PARTNERSHIPS AND PUBLIC ENGAGEMENT INITIATIVES

Parks Canada recognizes that its success in ensuring that Canadians are connected to its heritage places, today and in the future is dependent on the working relationships it has with its stakeholders and partners



*Saint Mary's University students excavate a pre-Deportation Acadian building. Jonathan Fowler*

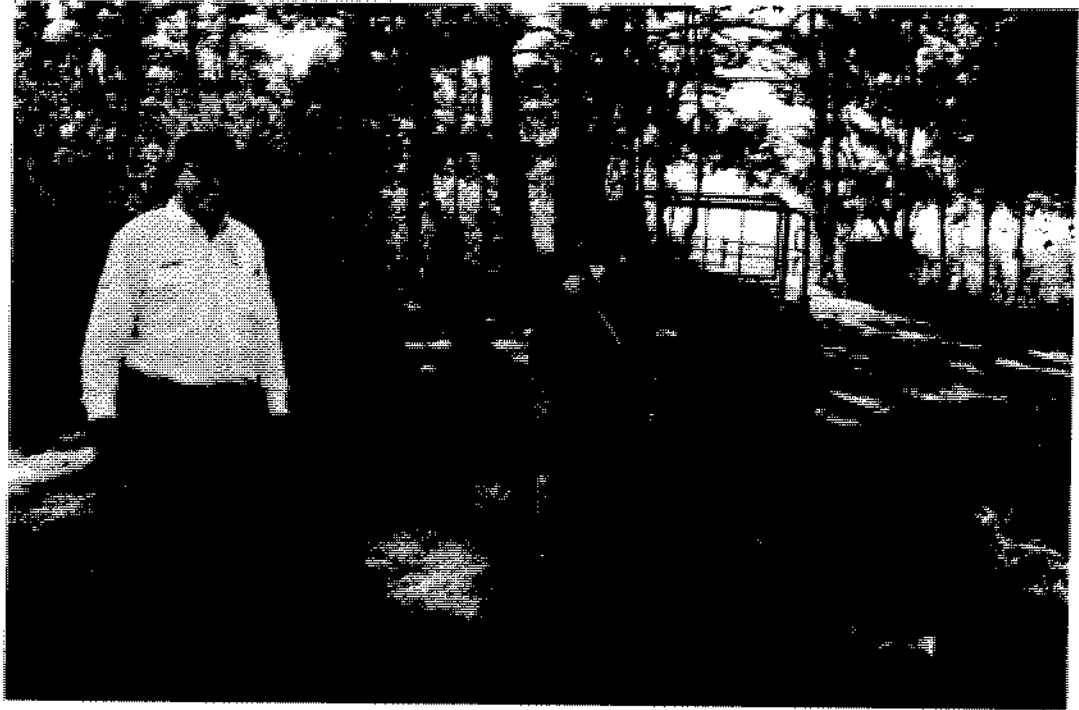
and feedback from them is critical to ensuring healthy and productive relationships. Stakeholder and partner engagement is part of the performance framework for Parks Canada, in line with the Government of Canada's direction on federal accountability and engagement of citizens.

As part of this accountability, Parks Canada has conducted a national study to establish a baseline value with respect to the quality of stakeholder and partner engagement so that the Agency can assess and report on its ongoing performance in this area to measure changes over time. Through this study Parks Canada will be able to gauge the extent to which its stakeholders and partners support its activities, how they perceive the Agency with respect to its engagement practices and opportunities and to develop engagement opportunities that meet their needs.

The results of the stakeholder and partner engagement study will be used by Grand-Pré NHSC to monitor and assess the effectiveness of stakeholder and partner engagement.



## 8.0 Administration and Operations



*Christophe Rivet*

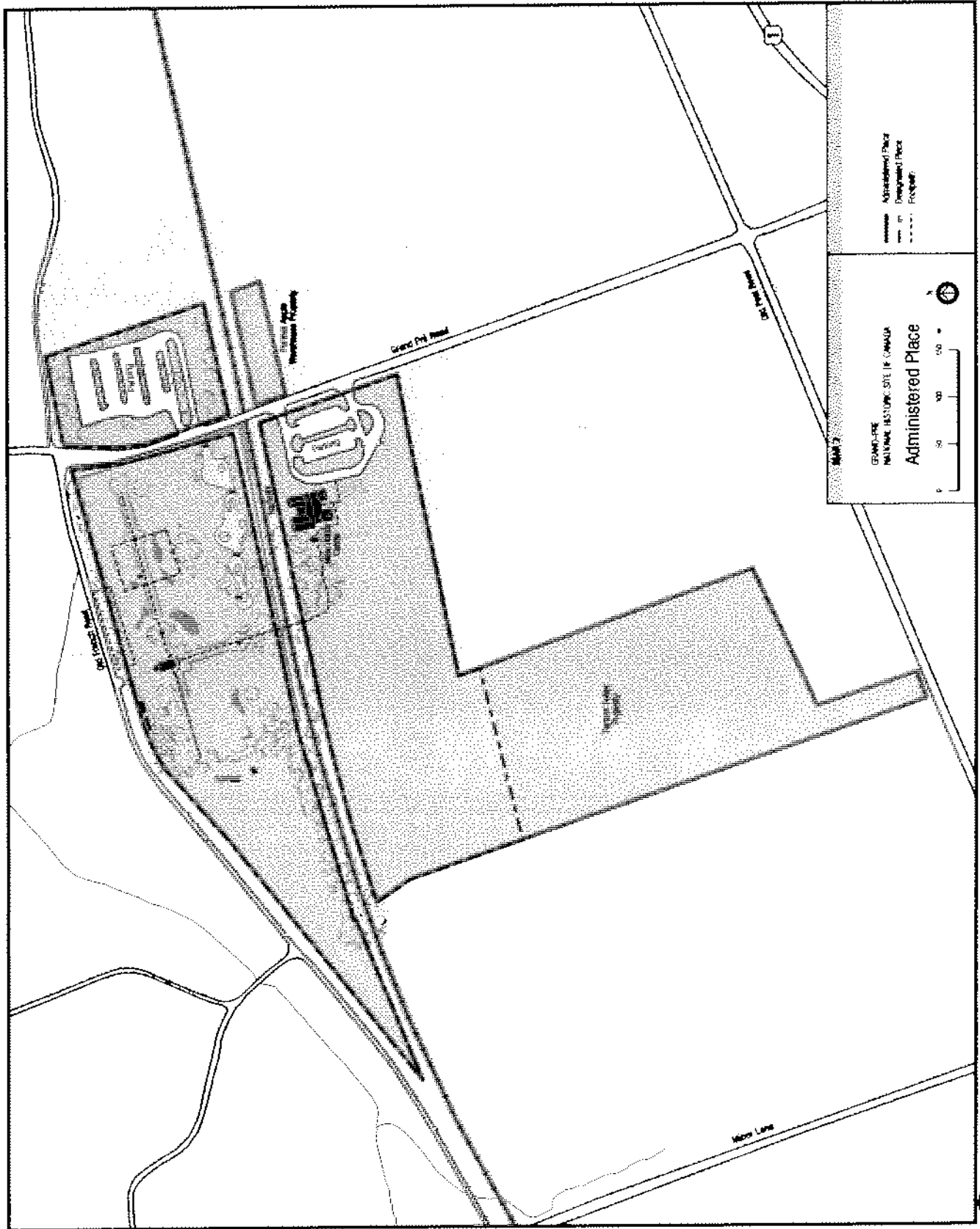
The property administered by Parks Canada is bordered on the north side by a gravel road along the marsh. Agricultural fields and orchards form the boundary along the entire length of its western edges and part of the eastern edge of the newly acquired Fuller property (Map 7). The property is divided by a rail line that runs east-west through the site and the Grand Pré Road forms part of the other eastern boundary. A portion of the property, which includes the parking area of the former visitor centre and a recently acquired parcel of land is located on the east side of Grand Pré Road and is surrounded by fields.

The two parcels of land that Parks Canada acquired in September 2009 as part of the Agency's efforts to protect significant cultural resources and views at Grand-Pré National Historic Site include the 4,037 square metre former apple warehouse property

located directly across from the new Visitor Centre at 2208 Grand Pré Road and the 6.08 hectare Fuller property with access on Old Post Road.

The property acquired in 1999 south of the railway line contains significant archaeological resources and has been a challenge for grounds staff to maintain. The newly acquired parcel to the south of the designated property will be leased and operated as a working agricultural landscape at least over the next two to three years. Parks Canada will also consider returning part of the lands acquired in 1999 to active farming to reduce maintenance costs and, more importantly, to provide a direct connection to the agricultural practices that have evolved at Grand Pré for more than three centuries.

The designated place includes the commemorative gardens designed by Percy Nobbs,





the Memorial Church, the bronze statue of Evangeline that reflects the site's importance as a symbol of Acadian identity, archaeological resources (including three known Acadian cellars and a burial ground), a Visitor Centre built in 2003, a parking lot for that centre, and two HSMBC plaques – one for Grand-Pré Rural Historic District National Historic Site of Canada, designated in 1995, and the other for the Dispersal of the Acadians National Historic Event, designated in 1955.

The *Société Promotion Grand-Pré* has delivered through a contract with Parks Canada, the site's interpretation and visitor services since 1999. The current role of the *Société Promotion Grand-Pré* at Grand-Pré

NHSC has been to promote the site particularly to the Acadian community and to organize cultural events and other activities that enhance the site's use for various occasions. Prior to the expiry of this contract, Parks Canada and the *Société Promotion Grand-Pré* will engage in negotiations to find a mutually beneficial arrangement for providing services on-site.

Within the next planning cycle, the outdated maintenance facilities currently located to the northwest of the Memorial Church will need replacement. Parks Canada is pursuing cost-effective options to find a suitable location and design for an upgraded maintenance facility within the administered site.



## 9.0 Monitoring and Reporting

The Parks Canada Corporate Plan provides the strategic direction for all program activities for the Agency. Management priorities developed by the field units for each protected heritage place reflect the Agency's corporate priorities through the key strategies, objectives and actions, which ensures that the management plan is comprehensive, addresses the Agency's three mandate areas and will meet the corporate targets set out by the Agency.

Monitoring and reporting are important aspects of the overall management planning cycle (Figure 1). Ongoing monitoring provides an evaluation of the field unit's management decisions during the course of the management plan to determine that they are effective in achieving the identified key strategies and in turn, that the key strategies support the achievement of the Agency's corporate performance expectations. The role of the annual implementation report is to record performance and put the management plan into action.

The State of the Site Report (SoSR) is based upon the best available information on the current state and trends of national historic sites and provides an assessment of the site's condition and trends relative to the Agency's three mandate areas and reports on progress to meet corporate performance expectations. "State of" reports also give an account of what has been done to maintain or improve the state of the site, by assessing performance in achieving desired results identified in the management plan. State of the Site Reports form the basis of Grand-Pré National Historic Site's five-year management plan review, and determines major issues and challenges to be addressed in the next management planning cycle.

The 2009 Grand-Pré State of the Site Report provided a snapshot of the long-term trends that served to determine if the site's commemorative integrity, visitor experience offers, public outreach education programs and relationships with stakeholder and

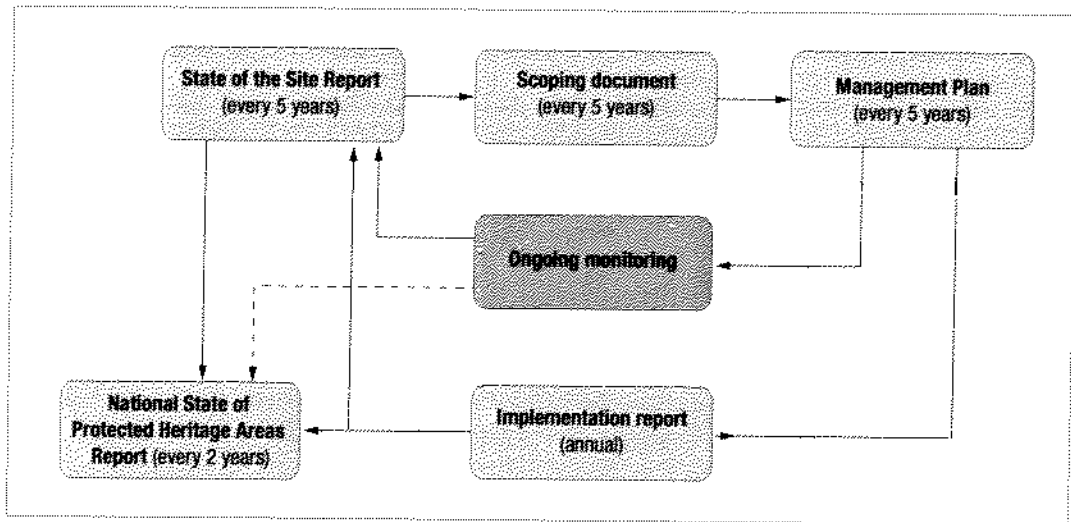


Figure 1: Overall management plan process.

partners are improving, stable or declining. Due to the timing of the SoSR and the new reporting requirements that were developed by the Agency, there were gaps in monitoring information related to visitor experience, public outreach education programs and stakeholder and partner engagement as the targets were not fully developed to meet the new corporate direction. The site will be working to ensure monitoring for these areas will be reported on in the next planning cycle.

Monitoring of the condition and trends of visitor experience for Grand-Pré NHSC will be fulfilled through social science research. Baselines for the site will be developed based on corporate performance expectations for visitor experience and the field unit will use these baselines to improve upon or meet corporate targets. As the corporate performance expectations for public appreciation and understanding are further developed by the Agency, monitoring of condition and trends for this mandate area will be refined.

In addition to the SoSR, a Commemorative Integrity evaluation was conducted in 2007 and

indicated that overall there were opportunities for improvement. There were gaps with the inventory of cultural resources, both of in-situ and moveable resources, a lack of up-to-date records, and challenges in implementing a maintenance program in all areas of the site. Monitoring for these gaps will be better reflected in the next management plan.

The field unit will continue to use other monitoring tools to assist with the monitoring of its programs such as the Visitor Origin Monitoring Program conducted during the summer of 2007 as part of a national initiative to learn more about the site's visitor profile.

The site has also conducted vegetation monitoring as a result of the Commemorative Integrity evaluation and a survey of plant species conducted in 2007. The survey identified the presence of the garlic mustard plant, an invasive species that has the potential of negatively impacting vegetation on and off-site. Park Canada is currently collaborating with partners to contribute to its eradication in the Grand Pré area and to continue to monitor this progress.

## 10.0 Summary of Strategic Environmental Assessment

A Strategic Environmental Assessment (SEA) was completed on this management plan in accordance with the 2004 *Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals*, which requires an environmental assessment of all plans and policies submitted to the federal Cabinet or to a Minister for approval, including management plans for national historic sites. The report documents a Strategic Environmental Assessment of the draft management plan for Grand-Pré National Historic Site that meets the requirements of this cabinet directive.

This SEA identifies both positive and adverse potential environmental effects, including cumulative effects with existing conditions, of the proposed direction in the management plan. The assessment considers current understanding of the stressors affecting the commemorative integrity of the site when coupled with the proposed new strategic direction and the cumulative effects from the management plan. The assessment includes existing and potential impacts from inside and outside the site.

A review of the proposed strategic direction and specific actions proposed in the draft management plan for Grand-Pré National Historic Site indicates that the management plan is fully consistent with federal policy and legislation governing national historic sites administered by Parks Canada. The management plan recognizes Parks Canada's commitment to identifying, protecting and presenting the cultural resources at Grand-Pré NHSC and working with stakeholders, the Acadian community, and the Mi'kmaq of Nova Scotia to protect the cultural heritage of the site.

The SEA reviewed each of the actions proposed, potential interactions between each action and each key component along with comments about the nature of the interaction within the document. The management plan

proposes some management actions that could result in some adverse environmental impact. However, it is expected that these impacts can be mitigated once they are examined more closely during project-specific environmental assessments required under the *Canadian Environmental Assessment Act* or under the Cabinet Directive on the Environmental Assessment of the Policy, Plan and Program Proposals. The following initiatives may be subject to project-specific environmental assessments:

- Management of vegetation at the site to restore and protect historic viewplanes;
- Vegetation removal for the purpose of eradicating the mustard plant infestation on site;
- Vegetation management on the triangular property;
- Implementation of a vegetation plan that includes provisions for public safety;
- Plan for the regeneration of old French Willow trees;
- Vegetation removal for the purposes of rediscovering sight lines;
- Inventory of archaeological resources that involves excavation;
- Archaeology work that involves excavation;
- Testing and assessment of archaeological features in the "Fields";
- Relocation of the maintenance facility; and
- Special events taking place on site.

In addition, a specific strategic environmental assessment may be required for the following plans:

- Vegetation Management Plan; and
- Plan for the regeneration of the old French Willow trees.

Recommendations from the SEA report have been reflected in the management plan as action items.

Collectively, the strategic direction and management actions outlined in the management plan will contribute to an overall improvement in the commemorative integrity of Grand-Pré National Historic Site of Canada.

## References

*Canada National Parks Act*, S.C. 2000, c. 32.

*Parks Canada Agency Act*, S.C. 1998, c. 31.

Parks Canada Agency. *Parks Canada Agency Corporate Plan 2009/10 ~ 2013/14*. Parks Canada, 2009.

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Parks Canada. *Parks Canada Guide to Management Planning*. 2008a.

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*Species at Risk Act*, S.C. 2002, c. 29.





## APPENDIX 1

## Glossary of Terms

**Area Management Approach:** An approach to ensure the integrated delivery of the Agency mandate in a specific geographic area. The area can be based on the complexity of issues; the size of the heritage place; the logical grouping of resources; the special attachment to the area by local residents or visitors; or simply lends itself to a distinct management approach.

**Commemorative Integrity:** A historic place may be said to possess commemorative integrity when the resources that symbolize or represent its importance are not impaired or under threat, when the reasons for its significance are effectively communicated to the public, and when the heritage value of the place is respected.

**Connection to Place:** A concept that reflects the relevance and importance of protected heritage places to Canadians. It expresses the emotional, intellectual, and spiritual attachment Canadians and visitors feel toward natural and cultural heritage places. Parks Canada works to foster this sense of attachment through meaningful opportunities for enjoyment and learning provided on-site and through public outreach education. Respecting, understanding, and facilitating the relationship between heritage places and Canadians, including Aboriginal peoples, visitors, partners and stakeholders help promote a shared sense of responsibility for heritage places and engage minds and hearts to support their protection and presentation now and for future generations.

**Cultural Landscape:** Any geographic area that has been modified, influenced, or given special cultural meaning by people.

**Cultural Resource:** A human work or a place, which gives evidence of human activity or has spiritual or cultural meaning, and which has been determined to have historic value.

**Cultural Resource Management:** Generally accepted practices for the conservation and presentation of cultural resources, founded on principles and carried out in a practice that integrates professional, technical and administrative activities so that the historic value of cultural resources is taken into account in actions that might affect them. In Parks Canada, Cultural Resource Management encompasses the presentation and use, as well as the conservation of cultural resources.

**Explorer Quotient (EQ):** A way to understand and segment travellers based on their social values and travel motivations.

**Exotic Invasive Species:** Introduced, non-indigenous species that can establish and proliferate within natural or semi-natural habitats, successfully competing with and displacing at least some of the native flora and fauna, imparting biodiversity and altering the natural structure and function of the ecosystem.

**Field Unit:** An administrative division developed by Parks Canada, combining the management and administration of one or more national park(s), national historic site(s), marine conservation area(s) or historic canal(s). There are 32 Field Units across Canada.

**Indicator:** A nationally or bio-regionally consistent summary reporting statement that provides a comprehensive synopsis of each component of the Agency's mandate. It is based on a combination of data, measures, and critical success factors that provide a clear message about current conditions and the change since the last measurement.

**Historic Object:** A generic term used to refer to any movable cultural property acquired by Parks Canada curatorial services for interpretive or references purposes. Historic objects are subject to the directive, Management of Historic Objects and Reproductions.

**Historic Value:** Historic value is a value or values assigned to a resource, whereby it is recognized as a cultural resource. These values can be physical and/or associative.

**Key Strategy:** Concrete expression of the vision statement that provides heritage place-wide direction. Must give a clear overview of how the protected heritage place will be managed and how the three mandate elements will be achieved in a mutually supportive manner.

**Level I Cultural Resource:** A cultural resource that is of national historic significance. It directly relates to the reasons for a site's national significance.

**Level II Cultural Resource:** A resource that is not of national historic significance may have historic value and thus be considered a cultural resource.

**National Historic Site:** Any place declared to be of national historic interest or significance by the Minister responsible for Parks Canada. The name is commonly used to refer to the area administered by Parks Canada, or another owner, as a national historic site.

**Partner:** A partner refers to an organization that is in a collaborative working relationship with Parks Canada. This working relationship is based on mutual benefit and a formalized arrangement that sets out shared goals and objectives and the terms of the arrangement. Partners can be from the not-for-profit sector (such as NGOs, academia, cooperative associations etc.), other governmental organizations and the for-profit sector.

**Partnering:** Working relationship between two or more organizations with separate identities and independent accountabilities, based on mutual benefit and a clear agreement that sets out the shared goals and objectives and the terms of the arrangement. At Parks Canada, we refer to partnering with the for-profit sector as Corporate Engagement.

**Public Outreach Education:** Public outreach education is reaching Canadians at home, at leisure, at school and in their communities through effective and relevant learning opportunities designed to increase understanding and appreciation of the natural and historical heritage of Parks Canada places, and to encourage individuals and communities to support and become engaged in their protection and presentation.

**Stakeholder:** Refers to individuals or groups representing all sectors of Canadian society that have an interest in, or influence upon the Agency's actions and directions. Stakeholders self-select their level of involvement. Stakeholders may have a geographic sphere of influence or they may have a virtual constituency, with no actual geographic locations.

**State of the Site Report:** This report provides a synopsis of the current condition of a national historic site and assesses performance in meeting established goals and objectives for indicators associated with the Agency's mandate. These reports are produced on a five-year cycle, and are the basis for the five-year management plan review.

**Target:** Established to facilitate measuring and reporting on progress in achieving results.

**Vision Statement:** A passionate, inspirational, unique, picture of the heritage place at its desired future. It must portray the integrated relationship between the mandate components and be prepared with the involvement of the public, Aboriginal communities, stakeholders and partners.

**Visitor Experience:** Visitor experience is the sum total of a visitor's personal interaction with heritage places and/or people that awakens their senses, affects their emotions, stimulates their mind and leaves them with a sense of attachment to these places.



**APPENDIX 2****Public Engagement – Key Messages**

Valuable input was provided by stakeholders and partners through the public engagement process. Parks Canada staff partners and stakeholders met to discuss the challenges and opportunities related to cultural resource protection, public outreach education, facilitating visitor experiences at the site, and to scope out partnering opportunities for the future management of Grand-Pré NHSC. During the engagement period, a meeting was set up with the Mi'kmaq community of Glooscap First Nation, however, due to unforeseen circumstances this meeting was postponed, and a further meeting could not be scheduled.

Key messages heard from participants during the stakeholder and partner workshop included:

- the site needs to be accessible, inclusive and meaningful to connect to the day-to-day lives of communities;
- participants confirmed that some community members feel a sense of disconnect to the site in part due to the establishment of entrance fees;
- local residents have a long history with Grand-Pré NHSC that is not reflected on the site;
- on-site messaging needs to be more cohesive;
- declining visitation can be addressed through an expanded and innovative suite of programs and by creating new partnering opportunities related to: research (archaeological, historical); tourism; agri-tourism; local businesses; special events promotion such as festivals and exhibits on-site; multicultural activities; hands-on and interactive programming; volunteer opportunities; and greater interpretation of cultural resources;
- Parks Canada is seen as an absentee landlord at the site;
- Parks Canada needs to work with provincial and local organizations to ensure the on-going maintenance of the dykelands and to protect the valuable connection to the surrounding landscape;
- communication needs to improve between Parks Canada and communities when promoting on-site activities, Agency promotions such as the Ambassador Pass, or other opportunities;
- improve website and develop links to educational opportunities to improve public outreach education;
- connect the site to a more global story with institutions outside of the province;
- the site is seen as a “gateway” to Acadian, local community, and hamlet culture;
- Grand-Pré NHSC is seen as a spiritual place;
- additional archaeological research should be carried out at the site to identify significant cultural resources including the church of Saint-Charles-des-Mines;
- artifacts found at Grand-Pré should be displayed at the site;

- the site cannot be everything to everyone – Parks Canada cannot forget its obligations to focus on the reasons for designation; and
- there is a role for Grand-Pré NHSC to play where one can learn about the various cultures of Nova Scotia – may need to partner with the Province of Nova Scotia.

The discussions carried out during the workshops, meetings and open house provided opportunities for partners and stakeholders who have an interest in Grand-Pré NHSC to come together and discuss matters of common interest, and to talk about working collaboratively. They were valuable discussions and they helped guide Parks Canada in its efforts to better connect the national historic site to communities and to develop partnering opportunities to help achieve this goal. It is hoped that these insightful discussions can continue as a way of building on existing relationships and developing new ones to provide local economic opportunities and enrich experiences at Grand-Pré NHSC.

**APPENDIX 3**

Summary of Actions – Implementation Strategy

Implementation of this management plan is the responsibility of the Northern New Brunswick Field Unit Superintendent. The management actions proposed in this plan will be carried out through the Field Unit's annual Sustainable Business Plan, which identifies the management plan actions to be implemented annually along with the costs and specific timing.

A summary of the priority planned actions is presented in the table below. The table does not include ongoing, routine management activities. Priorities have been assigned to

indicate which actions will proceed immediately (by 2011), which will be implemented during the first planning cycle (2010-2015), and which are assigned to the longer term. Some actions will be ongoing and thus implemented in more than one time period.

Reporting on progress will occur through the annual management plan implementation reports and within the State of the Site Report, after which the management plan will be reviewed. Both the State of the Site Report and the management plan review process will occur by 2015.

Heritage Resource Conservation	Immediate: 2010-2011	First Planning Cycle: 2010-2015	Longer Term: 2015-2020
<b>Cultural Resources</b>			
Obtain completed archaeological inventory and reports for the archaeological work conducted between 2000 and 2009.	•		
Create regularly rotating displays of current historical and archaeological research occurring at Grand-Pré NHSC that feature research findings in a prominent location in the Visitor Centre.	•	•	
Explore innovative, low-cost solutions for maintaining the lands acquired in 2009 to the south of the designated NHS property that protect cultural resources not yet identified.	•	•	
Work with partners and stakeholders to determine the most appropriate techniques to increase programming and interpretation of the archaeological remains of the 17 <sup>th</sup> - and 18 <sup>th</sup> -century Acadian settlement on-site for visitor enjoyment and understanding – such as the creation of a thematic artifact inventory.	•	•	
Improve the communication of Level II messages to respond to the Interests of the local community.		•	
Develop a maintenance plan that is efficient and adequately protects cultural resources on site, specifically the existing archaeological resources in the “triangular property” and “the fields”, and the view planes to the historic landscape beyond the national historic site.		•	

Heritage Resource Conservation	Immediate: 2010-2011	First Planning Cycle: 2010-2015	Longer Term: 2015-2020
<b>Cultural Resources</b>			
Further test and assess the archaeological features in the "Fields" to identify the time period and function of the cultural resources.		•	
Continue to use the area of the "Fields" acquired in 2009 for agricultural purposes.		•	
Work with interested partners and stakeholders to develop new on-site programming that maintain the historic value of the "Commemorative Gardens" and protect cultural resources within this area.		•	
Work with partners and stakeholders to complete the inventory of archaeological resources.		•	•
Allow the old French Willow trees (a level one cultural resource), to fall and regenerate. When necessary, Parks Canada will propagate the trees in their traditional area.		•	•
Reallocate field unit maintenance resources to focus on the maintenance and protection of the existing cultural resources.		•	
Collaborate with research partners and stakeholders to ensure that activities surrounding the protection of the cultural resources in the "Commemorative Gardens" complement the protection of the historic value and strong identity of the gardens and allow unimpeded access for visitors to enjoy and experience this contemplative area.		•	
Implement a sustainable vegetation plan that includes provisions for visitor safety.		•	
Develop and implement a vegetation management plan for the "Triangular Property".		•	



Visitor Experience	Immediate: 2010-2011	First Planning Cycle: 2010-2015	Longer Term: 2015-2020
<b>Marketing and Promotion</b>			
Develop visitor experience concept which will incorporate Explorer Quotient into programming and create a menu of opportunities to best suit the needs and interests of visitors based on EQ profiles.	•		
Return Grand-Pré NHSC as an active partner in Acadian tourism initiatives and develop other partnerships such as with the Harvest Festival and various Annapolis Valley area historic sites.	•		
Conduct Explorer Quotient workshop for Parks Canada staff, <i>Société Promotion Grand-Pré</i> staff and partners and stakeholders.	•		
Develop better connections to Destination Marketing Organization (DMO) websites.	•		
Work closely with <i>Société Promotion Grand-Pré</i> to revise and establish a marketing plan over a longer five-year period to review market segments, positioning, products and partnering options.	•	•	
Work with the <i>Société Promotion Grand-Pré</i> to develop a consistent promotional strategy that meets Parks Canada's mandate.	•	•	
Actively promote the Parks Canada Ambassador Pass to local residents and explore an "early bird" pass option for local residents.	•	•	•
Maintain the school market as a priority for Grand-Pré NHSC.	•	•	•
Actively participate in the CTACA to take advantage of tourism opportunities and create links to existing and new markets.	•	•	•
Position Grand-Pré NHSC as a "must see" destination with universal appeal.	•	•	•
Develop products based on interests and needs of specific market segments using the Explorer Quotient and social science data.	•	•	•
Evaluate current destination marketing packages that partner with local businesses in order to address the wants and needs of identified market segments.	•	•	•
Promote and encourage the use of the ambassador program both on-site and through the Parks Canada website.	•	•	•
Maintain active media relations to promote the site.	•	•	•

Visitor Experience	Immediate: 2010-2011	First Planning Cycle: 2010-2015	Longer Term: 2015-2020
<b>Marketing and Promotion</b>			
Work with stakeholders and partners to improve the promotion of events at the site within the local community through various communication tools, such as: local newspaper and radio announcements, mailbox solicitation, website updates, and email notification.	•	•	•
Work with local and regional attractions to explore tourism package opportunities that align with the local and regional tourism directions and supports economic development in the region. Collaborate with Kings County Tourism and Destination Southwest Nova Association (DSWNA).	•	•	•
Develop a working partnership with local groups to create destination experiences and packages to connect to the broader story between Grand-Pré NHSC, the National Rural Historic District and the Acadian experience.	•	•	•
Market to the New Brunswick visitor region, which is within the immediate 300 km to 400 km radius of influence, as a possible market for Grand-Pré NHSC.	•	•	•
Collaborate with provincial and regional DMOs and tourism groups to capture markets related to Acadians, new Canadians, Halifax Regional Municipality (HRM) residents, local valley residents, Maritime residents, and visitors from outside of Nova Scotia already in the province.		•	
Target cruise ship markets at port destination in Halifax with a focus on smaller group tours and van tours leaving the Halifax port. Have an on-site contact person available at the Halifax port.		•	
Participate actively in cooperative promotional efforts with other Acadian organizations marketing the brand "Acadie" such as the <i>Commission du tourisme acadien du Canada atlantique</i> (CTACA) to take advantage of tourism opportunities, create natural links to existing and new markets and develop other partnerships.		•	•
<b>Visitor Service Offer</b>			
Allow access to the grounds of Grand-Pré NHSC free of charge to visitors on a year-round basis. Entry fees will only be charged to access the Visitor Centre and Memorial Church at the site.	•		

Visitor Experience	Immediate: 2010-2011	First Planning Cycle: 2010-2015	Longer Term: 2015-2020
<b>Visitor Service Offer</b>			
Improve opportunities to experience the historic landscape from the "triangular property" by managing vegetation to restore sight lines to the dykelands that make connections with the historic landscape and agricultural community and maintain an active maintenance program to preserve the integrity of the archaeological resources.	•		
Together with partners and stakeholders, investigate visitor experience opportunities for the lands acquired in 2009 to the south and east of the designated NHS	•		
Enhance trip planning information on the Perks Canada website and provide a link to the <i>Société Promotion Grand-Pré</i> for more detailed site information.	•		
Improve way finding (both to the site and on-site), circulation patterns, on-site communication of messages, and incorporate into site programming.	•		
Develop a site plan to orientate visitors to the full range of opportunities at the site, provide connections to the surrounding landscape including the dykelands and local communities and links to other visitor opportunities in the area.	•		
Expand educational winter program offers at the site for elementary, highschool and post-secondary levels to increase shoulder season use of the site.	•		
Continue to provide opportunities for visitors to experience the agricultural setting of the site and experience agricultural practices especially on the lands acquired in 2009. Develop goals and objectives for interpreting the stories associated with the lands south of the national historic site acquired in 2009.	•		
Actively promote Horton Landing at Grand-Pré NHSC, its connection to the NHS and provide information on the site's website.	•		
In collaboration with partners and stakeholders, review the needs for way-finding between the NHS and Horton Landing to guide visitors within the surrounding working landscape.	•		
Create baselines for the number of visitors that go to Horton Landing in conjunction with their visit to Grand-Pré NHSC.	•		
Update information regarding each phase of the visitor trip cycle and create links and cross-marketing opportunities to other national historic sites within the area on the Grand-Pré NHSC website.	•		

Visitor Experience	Immediate: 2010-2011	First Planning Cycle: 2010-2015	Longer Term: 2015-2020
<b>Visitor Service Offer</b>			
Maintain the lands acquired in 2009 to the south of the designated NHS property for agricultural purposes in the short term to protect and continue to provide opportunities for visitors to experience the agricultural setting of the site.	•		
Review the current site services to determine the opportunities for the national historic site in the event that Grand Pré is designated a World Heritage Site.	•		
Hold "community days" at the site which could profile individual communities while offering activities that are relevant and meet their needs and interests. Determine level of interest to hold a "New England Planter Day" celebration, similar to the "Acadian Day" held at the site.	•		
Collaborate with research partners and stakeholders to develop new programming that has direct links and tangible connections to the Acadian settlement period from the early 1680s to 1755 to facilitate opportunities for visitor experience.	•		
Work with partners and stakeholders to understand potential needs for circulation paths for the site including potential universal access needs.	•		
Review recommendations from the cultural landscape visitor experience concept plan prepared in 2009 related to way-finding, on-site communication of messages and circulation patterns, and incorporate as appropriate into site programming for the "Triangular Property" and the "Fields".	•		
Review option to return parts of the lands acquired in 1999 to active farming to reduce maintenance costs and provide a direct connection to the agricultural practices that have evolved at Grand Pré for more than three centuries.	•		
Review circulation patterns within the "Triangular Property" and the "Fields" to improve access to these areas and incorporate into an overall vision for the property acquired in 2009 to the south of the national historic site.	•		
Review current programming offers to determine gaps in market segments.	•	•	
Explore expanding shoulder season activities aimed at local or regional audiences, such as events, fairs, Harvest Festival and Christmas celebrations.	•	•	
Showcase Acadian art, music festivals, regular special speaker presentations and the availability of local crafts from Acadian artisans at the gift shop.		•	•

Visitor Experience	Immediate: 2010-2011	First Planning Cycle: 2010-2015	Longer Term: 2015-2020
<b>Visitor Service Offer</b>			
Explore the use of self-guided visitor tools, improved interpretation of archaeological resources through various techniques, and communication tools for visitors to interact with the site.	•	•	
Explore opportunities for archaeology programs open to public/school group participation to create an authentic hands-on experience at the site in cooperation with partners and stakeholders.	•	•	
Relocate the maintenance facility to an appropriate location within the national historic site that increases the efficiencies of maintenance staff and addresses the safety and storage concerns of the current aging facility.	•	•	
Explore opportunities for visitors to safely experience the natural beauty of the area and observe the agricultural practices within the actively farmed lands adjacent to the NHS.	•	•	
Work with stakeholders and partners to offer new seasonal programs and/or events for visitors to promote repeat visitation and develop innovative products and programs that respond to visitor interests.	•	•	
Working with the <i>Société Promotion Grand-Pré</i> , explore opportunities for Grand-Pré NHSC to host events that are of interest to local communities and would promote the site.	•	•	•
Explore new programming opportunities targeting audiences such as seniors to provide educational activities on-site in a variety of areas (geology, history, music, life-long learning and language).		•	
Explore the use of various interpretation tools to enrich the current visitor experience opportunities in the "Commemorative Gardens" area.		•	
Depending on the level of interest of local area residents, consider the creation of volunteer programs at Grand-Pré NHSC focusing on such areas as archaeology, traditional agricultural practices, collections, etc.		•	
Establish baseline for visitor participation in interpretive activities in the "Fields".		•	
Explore partnering opportunities with the Province of Nova Scotia and other organizations to facilitate opportunities to display artifacts, including those being stored at the Atlantic Service Centre, to increase public awareness of the rich Acadian, New England Planter and Mi'kmaq heritage.		•	•

Visitor Experience	Immediate: 2010-2011	First Planning Cycle: 2010-2015	Longer Term: 2015-2020
<b>National Historic Site Interpretation</b>			
Develop an interpretation node that communicates the historic values of the "Commemorative Gardens".	•		
Review with archaeology research partners how archaeology work can be incorporated into the programming for the site.	•	•	
Provide a broader contextual interpretation of the cultural landscape from the "Triangular Property" that includes the site's association with the marsh, encompassing the influences on the marsh by the Acadians, New England Planters and subsequent generations of farmers who have dyked and farmed the marsh.	•	•	
Work with the Mi'kmaq to present relevant Mi'kmaq history as it relates to the historic value of the national historic site including the relationship that existed between Mi'kmaq of Nova Scotia the Acadians.		•	•
Collaborate with other historic sites in the region that have an Acadian connection, such as Fort-Anne NHS and Acadian cemeteries, to provide greater links to Acadians that settled in the Grand Pré area during 1682 and 1755 and to the Acadian diaspora.		•	•
Public Appreciation and Understanding	Immediate: 2010-2011	First Planning Cycle: 2010-2015	Longer Term: 2015-2020
<b>Outreach Education and External Communications</b>			
In conjunction with the <i>Société Promotion Grand-Pré</i> , develop public outreach educational materials that could be incorporated into school curriculum.	•		
Convey messages related to the historic Acadian settlement and the subsequent landscape surrounding the site, through engaging public outreach education initiatives in ways that respond to audience interests.	•	•	•
Work with stakeholders and partners to ensure the PCA website for Grand-Pré NHSC is relevant to what target audiences want, regularly updated, and creates links to sites of interest that complement the efforts of the <i>Société Promotion Grand-Pré</i> .	•	•	•
Further develop public outreach education opportunities with institutions especially in the Valley (a.g., Acadia University).	•	•	•
Research and develop links to institutions outside of the province to connect the site to a more global story.		•	

Public Appreciation and Understanding	Immediate: 2010-2011	First Planning Cycle: 2010-2015	Longer Term: 2015-2020
<b>Outreach Education and External Communications</b>			
Increase third-party delivery of public outreach education products in cooperation with partners and stakeholders.		•	
Participate in events and festivals which reach cultural associations and new Canadians.		•	•
Collaborate with local communities and groups on activities that will affect future development in the area.		•	•
<b>Stakeholder and Partner Engagement</b>			
Continue to collaborate with stakeholders and partners to eradicate the garlic mustard plant ( <i>Alharia petiolata</i> ) infestation from the site.	•		
Develop long-term, strategic research goals and partnering opportunities with research organizations.	•		
Review current stakeholder and partner relations to determine gaps and build new partnerships to reach out to a wider range of target audiences.	•		
Work with the Nomination Grand Pré Advisory Board leading up to the UNESCO World Heritage Site (WHS) nomination.	•		
Work with the body responsible for the governance of the WHS to develop partnering opportunities and a working relationship to contribute to the vision for the WHS.	•		
Work with the body responsible for the governance of the WHS to support the Interpretation of the Outstanding Universal Value of the WHS at Grand-Pré NHSC.	•		
Develop a stakeholder advisory committee and meet regularly to review partnering opportunities with Parks Canada at the site.	•		
Work with Saint Mary's University field school to establish a formalized agreement for research goals at the Grand-Pré NHSC.	•		
Meet with local Mi'kmaq of Nova Scotia to understand their level of interest in the site and maintain open communication/dialogue.	•		
Explore the potential to attract an international audience, beyond the Acadians and their descendants through the opportunity for the Grand Pré area to become a future World Heritage Site. Work with local communities, regional and international organizations to bring special events to Grand-Pré NHSC to improve its visibility and relevance.	•	•	

Public Appreciation and Understanding	Immediate: 2010-2011	First Planning Cycle: 2010-2015	Longer Term: 2015-2020
<b>Stakeholder and Partner Engagement</b>			
Develop a governance model for Grand-Pré NHSC that delivers Parks Canada's mandate and that of the <i>Société Promotion Grand-Pré</i> while providing for the involvement and support of interested stakeholders.	•	•	
Provide increased opportunities for Acadian and local artists, artist organizations and musicians to promote their work on site through "art gallery showings", guest lectures, and hands-on art sessions.	•	•	
Hold a workshop with research organizations and interested stakeholders to develop long-term, strategic research and partnership goals for Grand-Pré NHSC.	•	•	
Work with representatives of the Mi'kmaq communities to identify opportunities for Mi'kmaq involvement in advisory committees to provide input and technical advice to Parks Canada on matters related to national parks and national historic sites. This process will respect the Made in Nova Scotia negotiations and the relationship will be defined in collaboration with the Mi'kmaq of Nova Scotia.	•	•	
Work with local agricultural and preservation groups such as the Grand-Pré Marsh Body to communicate efforts to preserve the marshes and agricultural ways of life in the Grand Pré area through information sessions, presentations and/or displays at the site.	•	•	•
Provide opportunities for stakeholders and partners to influence and contribute to the National Historic Site. Develop relationships with partners and stakeholders that are defined by them and reflect how they would like to contribute and be involved with the site.	•	•	•
Foster partnering opportunities, with potential economic benefits, with the Mi'kmaq of Nova Scotia, the community of Grand Pré, and the Annapolis Valley that are mutually beneficial.	•	•	•
Work with local and HRM cultural associations and immigrant serving organizations to gain an understanding of values, needs and interests to successfully reach audiences from diverse backgrounds.	•	•	•



Public Appreciation and Understanding	Immediate: 2010-2011	First Planning Cycle: 2010-2015	Longer Term: 2015-2020
<b>Stakeholder and Partner Engagement</b>			
Work with partners to develop new partnership opportunities and promote tourism opportunities which: (1) link historic sites (Parks Canada sites and those administered by others that have an Acadian connection within the area so that visitors can appreciate the settlement patterns of Acadians following the 1755 Deportation) relating to the Acadian history; (2) target new markets; and (3) position Grand-Pré NHSC as a destination for local, regional and international visitors.	•	•	•
Collaborate with partners and stakeholders to undertake research to improve archaeological knowledge of Acadian, New England Planter and Mi'kmaq of Nova Scotia life within the greater Minas Basin area.	•	•	•
Continue to collaborate with research institutions such as Saint Mary's University and Acadia University Planter Studies Department to research and interpret the site and artifacts found at the site and in the surrounding area including Mi'kmaq cultural resources.	•	•	•
Facilitate partnering opportunities with Parks Canada including economic opportunities with the Mi'kmaq of Nova Scotia, the community of Grand Pré, and the Annapolis Valley that are mutually beneficial.	•	•	•
Work collaboratively with the Mi'kmaq of Nova Scotia to create a Parks Canada Aboriginal Advisory Committee for Mainland Nova Scotia to accurately reflect how the Mi'kmaq of Nova Scotia would like to be engaged with Parks Canada.	•	•	•
Share archaeological information with the Mi'kmaq of Nova Scotia, identify research gaps and carry out additional archaeological surveys, as considered mutually appropriate in collaboration with the archaeologist representing the Mi'kmaq of Nova Scotia.	•	•	•
Invite the Mi'kmaq of Nova Scotia to participate in Parks Canada initiatives regarding the protection and presentation of archaeological resources in collaboration with stakeholders and partners.	•	•	•
Create and participate in opportunities to engage and dialogue with local communities.	•	•	•
Work with local farmers and businesses to promote local products.	•	•	•
Work with the Nomination Grand Pré Advisory Board to define the role of Parks Canada in the governance structure of the WHS.		•	

Public Appreciation and Understanding	Immediate: 2010-2011	First Planning Cycle: 2010-2015	Longer Term: 2015-2020
<b>Stakeholder and Partner Engagement</b>			
Explore opportunities with genealogical societies that might provide greater links to the Acadian settlers during their time in the area between 1682 and 1755 and the Acadian diaspora.		•	
Explore genealogical opportunities at Grand-Pré NHSC for Acadians to reconnect to the site through the Université Saint-Anne and the Université de Moncton genealogical centres.		•	
Develop and implement an Environmental Management System Action Plan and an Environmental Emergency Response Plan in accordance with <i>Parks Canada Environmental Management Directive (2009)</i> .		•	
Identify, assess and remediate all suspected contaminated sites.		•	

**APPENDIX 4**

**How the Grand-Pré NHSC Management Plan Supports  
 Parks Canada's Corporate Performance Expectations**

**HERITAGE RESOURCES CONSERVATION**

Corporate Performance Expectations	Objectives that support corporate performance expectation
<b>Cultural Resources</b>	
The condition of level 1 cultural resources administered by Parks Canada in national historic sites is maintained or improved.	<p>Objective 1.6 : The property as a whole is effectively managed to protect significant cultural resources and the historic values of the site.</p> <p>Objective 6.2.1 : The "Commemorative Gardens" area becomes a gathering place for the community to contemplate, relax and experience.</p> <p>Objective 6.2.2 : The "Commemorative Gardens" to protects existing, significant cultural resources, and the historic value and strong identity of the gardens.</p>

**VISTIOR EXPERIENCE**

Corporate Performance Expectations	Objectives that support corporate performance expectation
Visitors at surveyed locations feel a sense of personal connection to the places visited.	<p>Objective 1.1 : Opportunities for visitors to enjoy, understand and appreciate the site in ways that are meaningful to them are provided.</p> <p>Objective 1.3 : Visitors are able to experience and appreciate Grand-Pré NHSC within its regional context including the dykelands, Horton Landing and the local agricultural community.</p> <p>Objective 1.6 : The property as a whole is effectively managed to protect significant cultural resources and the historic values of the site.</p> <p>Objective 2.1 : Partners and stakeholders feel a sense of stewardship and connection with Grand-Pré NHSC that ensures their continued support of the site.</p> <p>Objective 2.5 : Explore partnering and research opportunities to increase our layered understanding of the reasons for national significance that would enrich visitor experiences at Grand-Pré NHSC.</p> <p>Objective 6.1.1 : Increase on-site programming within the "Triangular Property" and the "Fields" with the assistance of partners and stakeholders.</p> <p>Objective 6.1.2 : Create opportunities within the "Triangular Property" and the "Fields" for visitors to experience the site as it was prior to the Acadian Deportation and bring them in context with the landscape and agricultural village that once thrived on the site.</p> <p>Objective 6.2.1 : The "Commemorative Gardens" area becomes a gathering piece for the community to contemplate, relax and experience.</p>

## VISITOR EXPERIENCE

Corporate Performance Expectations	Objectives that support corporate performance expectation
<b>Market Research &amp; Promotion</b>	
<p>Canadians visit Parks Canada administered places.</p>	<p>Objectives 1.2 : Increase the level of visitation, with an emphasis on Acadians, new Canadians, Halifax Regional Municipality (HRM) residents, local valley residents, Maritime residents, and visitors from outside Nova Scotia already in the province as target audiences.</p> <p>Objective 1.5 : Develop and promote programming that encourages repeat visitation to the site.</p> <p>Objective 2.2 : With our Acadian partners, programming is expanded at Grand-Pré NHSC to reach out beyond the existing target markets and to improve visitation levels.</p> <p>Objective 3.2 : Contribute to making the Annapolis Valley a tourism destination.</p> <p>Objective 3.3 : Improve shoulder season activities as a way of increasing visitation to the site.</p>
<b>National Historic Sites Interpretation</b>	
<p>Visitors at surveyed locations learned from experience and active participation.</p>	<p>Objective 1.1 : Provide opportunities for visitors to enjoy, understand and appreciate the site in ways that are meaningful to them.</p> <p>Objective 1.3 : Visitors are able to experience and appreciate Grand-Pré NHSC within its regional context including the dykelands, Horton Landing and the local agricultural community.</p> <p>Objective 2.5 : Explore partnering and research opportunities to increase our layered understanding of the reasons for national significance that would enrich visitor experiences at Grand-Pré NHSC.</p> <p>Objective 6.1.2 : Create opportunities within the "Triangular Property" and the "Fields" for visitors to experience the site as it was prior to the Acadian Deportation and bring them in contact with the landscape and agricultural village that once thrived on the site.</p>

**VISITOR EXPERIENCE**

Corporate Performance Expectations	Objectives that support corporate performance expectation
<p><b>National Historic Sites Service Offer</b></p> <p>Visitors at surveyed locations enjoyed their visit.</p>	<p>Objective 1.1 : Provide opportunities for visitors to enjoy, understand and appreciate the site in ways that are meaningful to them.</p> <p>Objective 1.5 : Develop and promote programming that encourages repeat visitation to the site.</p> <p>Objective 2.2 : With our Acadian partners, programming is expanded at Grand-Pré NHSC to reach out beyond the existing target markets and to improve visitation levels.</p> <p>Objective 2.5 : Explore partnering and research opportunities to increase our layered understanding of the reasons for national significance that would enrich visitor experiences at Grand-Pré NHSC.</p> <p>Objective 3.1 : Re-establish the site in the local community.</p> <p>Objective 3.3 : Improve shoulder season activities as a way of increasing visitation to the site.</p> <p>Objective 6.1.2 : Create opportunities within the "Triangular Property" and the "Fields" for visitors to experience the site as it was prior to the Acadian Deportation and bring them in contact with the landscape and agricultural village that once thrived on the site.</p> <p>Objective 6.1.3 : Improve access within the "Triangular Property" and the "Fields".</p> <p>Objective 6.2.1 : The "Commemorative Gardens" area becomes a gathering place for the community to contemplate, relax and experience.</p>

## PUBLIC APPRECIATION AND UNDERSTANDING

Corporate Performance Expectations	Objectives that support corporate performance expectation
<p>Canadians appreciate the significance of heritage places administered by Parks Canada and support their protection and their presentation.</p>	<p>Objective 1.1 : Provide opportunities for visitors to enjoy, understand and appreciate the site in ways that are meaningful to them.</p> <p>Objective 2.1 : Partners and stakeholders feel a sense of stewardship and connection with Grand-Pré NHSC that ensures their continued support of the site.</p> <p>Objective 2.4 : In the event Grand Pré is designated a WHS, Parks Canada to play an active role in the governance structure and supports the interpretation of the Outstanding Universal Value of the site.</p> <p>Objective 2.5 : Explore partnering and research opportunities to increase our layered understanding of the reasons for national significance that would enrich visitor experiences at Grand-Pré NHSC.</p> <p>Objective 3.1 : Re-establish the site in the local community.</p> <p>Objective 6.2.2 : Maintain the "Commemorative Gardens" to protect existing, significant cultural resources, and the historic value and strong identity of the gardens.</p>
Public Outreach Education and External Communications	
<p>Canadians learn about the heritage of Parks Canada's administered places and understand that these places are protected and presented on their behalf.</p>	<p>Objective 1.4 : The effectiveness of public outreach education tools and programs is improved in cooperation with the <i>Société Promotion Grand-Pré</i> and other partners.</p> <p>Objective 6.2.1 : The "Commemorative Gardens" area becomes a gathering place for the community to contemplate, relax and experience.</p>

**PUBLIC APPRECIATION AND UNDERSTANDING**

Corporate Performance Expectations	Objectives that support corporate performance expectation
<p><b>Stakeholder and Partner Engagement</b></p> <p>Stakeholders and partners are engaged in the protection and presentation of Parks Canada's administered places.</p>	<p>Objective 2.1 : Partners and stakeholders feel a sense of stewardship and connection with Grand-Pré NHSC that ensures their continued support of the site.</p> <p>Objective 2.2 : With our Acadian partners, programming is expanded at Grand-Pré NHSC to reach out beyond the existing target markets and to improve visitation levels.</p> <p>Objective 2.3 : Achieve a collaborative working relationship with partners and stakeholders to complete and support the UNESCO World Heritage Site nomination proposal for the greater Grand Pré area.</p> <p>Objective 2.4 : In the event Grand Pré is designated a WHS, Parks Canada to play an active role in the governance structure and supports the interpretation of the Outstanding Universal Value of the site.</p> <p>Objective 2.6 : Seek further partnering opportunities with the Mi'kmaq of Nova Scotia to increase their involvement as defined by them.</p> <p>Objective 3.1 : Re-establish the site in the local community.</p> <p>Objective 3.2 : Contribute to making the Annapolis Valley a tourism destination.</p> <p>Objective 8.1.1 : Increase on-site programming within the "Triangular Property" and the "Fields" with the assistance of partners and stakeholders.</p> <p>Objective 6.2.1 : The "Commemorative Gardens" area becomes a gathering place for the community to contemplate, relax and experience.</p>





## Acknowledgements

The preparation of this management plan involved many people. The plan was guided by the input from a number of individuals and organizations who contributed to the development of this plan. They include interested members of the general public, partners and stakeholders, local communities and business operators, non-governmental organizations, tourism organizations, heritage groups, educational institutions, government organizations and field unit staff. The input from this diverse group of individuals has resulted in a plan that will guide the management of Grand-Pré National Historic Site for many years.

Parks Canada appreciates and thanks all those who took the time to share their ideas with the planning team through their attendance at the workshop and open house events.

Special thanks are due to the Acadian community especially the *Société Promotion Grand-Pré* and the *Comité Consultatif Acadien*, and the Mi'kmaq of Nova Scotia, represented by the Kwilnu'kw Maw'klusuaq Negotiation Office (KMK), who provided important feedback on the draft management plan.



**APPENDIX 'A'**

**THE MUNICIPALITY OF THE COUNTY OF KINGS**

**AMENDMENTS TO BYLAW 56  
MUNICIPAL PLANNING STRATEGY**

**and**

**AMENDMENTS TO BYLAW 75  
LAND USE BYLAW**

**Grand Pré and Area Community Plan**

**Reading the Amendments**

Directions for inserting, replacing or deleting Municipal Planning Strategy and Land Use Bylaw amendments are highlighted in black.

If applicable, the portions of existing Policies and Land Use Bylaws that are not being changed are temporarily shown in grey text, while new or changed text is shown in black.

**“BE IT RESOLVED that Municipal Council gives Second Reading to amending Bylaw 56, the Municipal Planning Strategy, and Bylaw 75, the Land Use Bylaw for the Municipality of the County of Kings, as attached in APPENDIX “A”:**

# BYLAW 56 – MUNICIPAL PLANNING STRATEGY

## General MPS Amendments

(needed to cross reference and implement policies contained in the Grand Pré and Area Community Plan)

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1. Delete Section 4.4, Heritage and Cultural Preservation and Tourism Development, and replace it with the following.

### 4.4 HERITAGE AND CULTURAL PRESERVATION AND TOURISM DEVELOPMENT

It is fortunate that physical evidence of the many centuries of human heritage can still be found in Kings County. This evidence is reflected in the rural landscape, particularly the reclaimed tidal marshes (the dykelands) which illustrate the beginning of farming activity in Nova Scotia. In addition, many sites and buildings are significant to the history of the peoples of Kings County from the Mi'kmaq, through the times of the Acadians, followed by the New England Planters, and the United Empire Loyalists settlement and development to the present day.

Clearly the presence of heritage sites and buildings and the scenic qualities of the countryside are an asset to the community for its own pleasure and identity as well as a strong attraction to visitors. The aesthetic qualities of the resource areas and the significance of some sites to Nova Scotians, indeed Canadians, suggests that Tourism Development and Historic Preservation must go hand in hand to ensure that the development of the tourism industry is sensitive to the fragile resource upon which it is largely based.

The Grand Pré area includes some of the County's most recognized cultural heritage assets, such as the Grand-Pré National Historic Site. The area is a symbol of hope, perseverance, and pride to Acadians who overcame a forced migration in 1755. The Planters, the people who migrated to the area after the Acadian deportation, also have a special connection to this land as do the Mi'kmaq community who used the area for seasonal camps. North Grand Pré, Hortonville and Grand Pré are also extraordinary for their natural heritage. The Minas Basin has some of the highest recorded tides in the world. Its salt marshes provide important feeding grounds for migrating shorebirds and they have traditionally been converted into highly fertile dykeland for agriculture. The views of the Minas Basin, the dykeland, and Cape Blomidon are spectacular and distinctive. The area is rich in culture and history, an attractive tourist and recreational destination.

Kings County's natural heritage provides additional points of interest to tourists and enhances the scenic quality of the County. Such areas include Blomidon Provincial Park, natural areas such as Cape Split and the Kentville Ravine, the Look Off, Cape Blomidon, the Fundy coastline, the Minas Basin and the Gaspereau Valley. Long traditions such as the Apple Blossom festival and new traditions such as the Valley Pumpkin Festival and tours of local wineries are attracting larger audiences annually. Support for these activities, and the many other community events spread throughout the season will continue.

Council recognizes that adaptive reuse of heritage resources is vital to their continued preservation. Policies for the development of unique historic places possessing heritage value involving the provision for uses not normally permitted in a zone and allowing alternate subdivision and lot standards are contained in Section 5.2.

2. Insert Section 4.4.9, Grand Pré and Area, as follows, and renumber subsequent sections accordingly.

#### **4.4.9 Grand Pré and Area**

Agriculture and agricultural activities have shaped Grand Pré and the surrounding communities over the centuries. While perhaps best known internationally for the 1755 Deportation of the Acadian people through Henry Wadsworth Longfellow's poem of *Evangeline, A Tale of Acadie*, the area also has a rich Planter and Mi'kmaq history. Farming is still the predominant land use. The Grand Pré dykeland contains some of the most fertile and active agriculture in Nova Scotia. As such, Council recognizes the importance of maintaining the strong agricultural land protection measures for this area by limiting non-farm industrial and residential development.

Agriculture not only contributes to the local economy, but also serves as a tourist attraction. The dyke system provides a unique opportunity to see the traditional farming technology of the original Acadian settlers in use today. The area has been a tourist destination for over 100 years due to a number of local attractions including the Grand Pré National Historic Site, Evangeline Beach and all its amenities, the seasonal migratory birds, and the cottages in North Grand Pré. There are also a number of provincially registered heritage properties, the Grand Pré Heritage Conservation District, the Federal Rural Historic District, and many commemorative plaques and monuments throughout the area. Local businesses have capitalized on this tourist traffic and a robust tourist-oriented economy continues to develop with wineries, a motel, bed and breakfasts, a coffee roaster and shop, and other agritourism activities.

Grand Pré and Area consists of four distinct communities. The communities are Grand Pré, Hortonville, North Grand Pré and Lower Wolfville. Grand Pré is the historic hamlet that provides services to the surrounding communities and to tourists visiting the area. Hortonville is to the east of Grand Pré. Its streets were originally designed in a grid pattern in the 1760s. This settlement pattern is still apparent in the small agricultural community. Most of the residences in North Grand Pré are seasonal dwellings but some residents choose to live on Long Island all year. It continues to be called Long Island despite it not being an island since the time of the Acadians. When the Acadians built the dykes to convert salt marsh into dykeland, a land connection was established between the island and

mainland. North Grand Pré is a tourist destination in its own right with impressive views of Cape Blomidon and the Minas Basin and of the National Wildlife Refuge's migrating shorebirds in the months of July and August. Lower Wolfville is an agricultural community located between Grand Pré and Wolfville.

In 2008, the County engaged in a planning exercise to develop a long term plan for these four communities. The Grand Pré and Area Community Plan is a Municipal Planning document intended to promote a vision for these four communities. Council wishes to protect the unique aspects of the area for future generation and to foster tourism development for the entire County. The Community Plan was developed in concert with the UNESCO Nomination Advisory Board's bid for inscription for a part of the Grand Pré area as a World Heritage Site. While the Community Plan's boundaries somewhat differ from the proposed UNESCO World Heritage Site boundaries, the Community Plan is a valuable contribution to the UNESCO Nomination Bid as supporting documentation.

To develop the policies related to Grand Pré and Area, Council consulted widely with local community representatives and the community as a whole to develop the Grand Pré and Area Community Plan that reflects the needs and desires of the community. Council believes that although a part of the community may become an international heritage site, the plan must reflect the needs and desire of local community members throughout Grand Pré, Hortonville, North Grand Pré and Lower Wolfville.

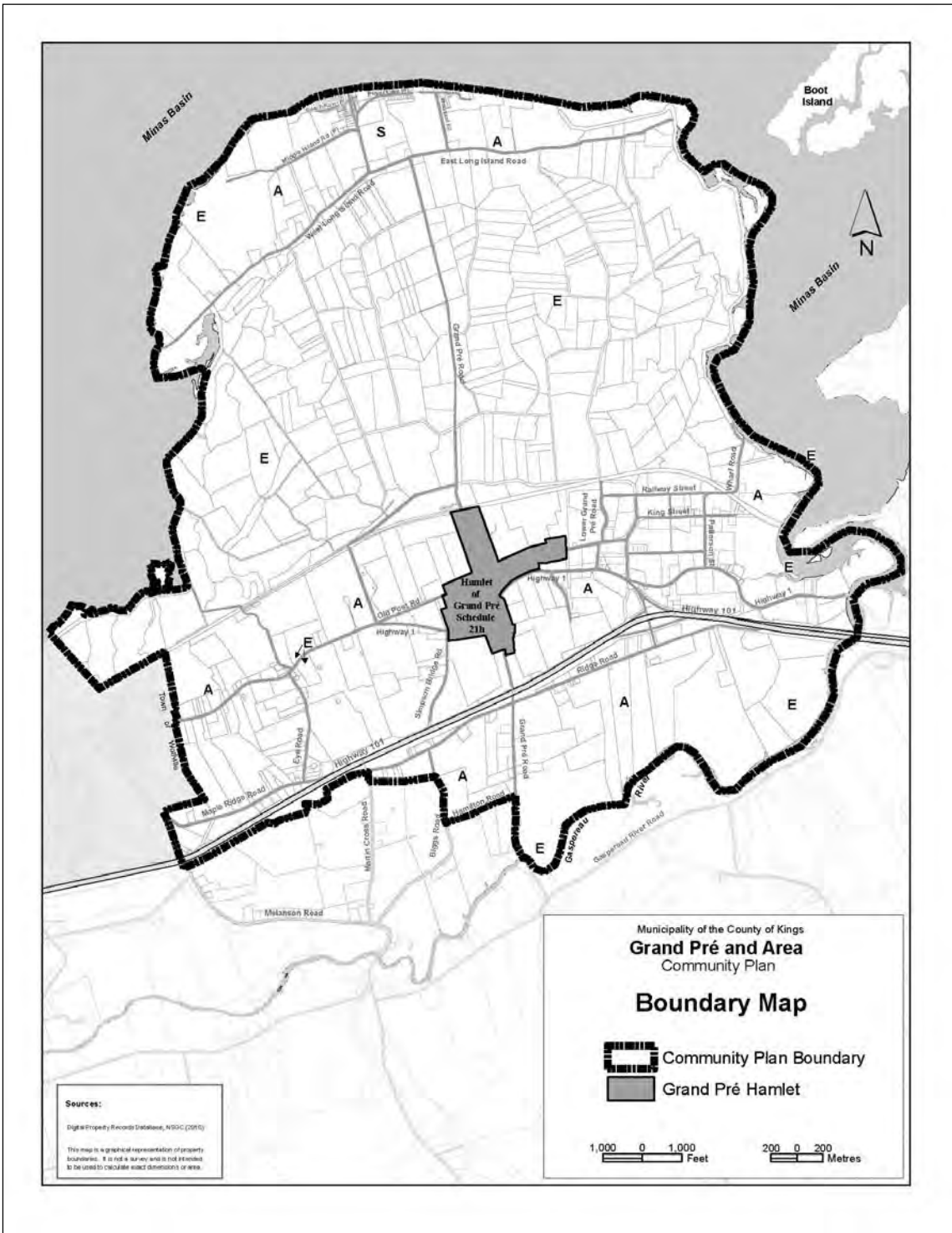


Figure 1: Grand Pré and Area Plan Boundary

#### **4.4.9.1 Grand Pré and Area - Objectives**

- To support the initiatives of the Grand Pré and Area Community Plan, contained in Section 4.4.9.4.
- To support and plan for the protection of Grand Pré and Area as a unique cultural resource.
- To provide opportunities for tourism development in Grand Pré and Area

#### **4.4.9.2 Grand Pré and Area – General Policy**

Council shall have regard to the policies contained in Section 4.4.9.4, the Grand Pré and Area Community Plan, when considering MPS and LUB amendments or any other initiative that may impact the Grand Pré and Area Plan Boundary, identified in Figure 1 in Section 4.4.9. Further, Council shall review the Grand Pré and Area Community Plan every five years so that the Plan may remain current and responsive to the needs of the communities over time.



**4.4.9.3 Grand Pré and Area Community Plan: Grand Pré, Hortonville, North Grand Pré and Lower Wolfville**

**Community Vision Statement**

The vision statement addresses the current issues facing the community and serves to provide direction for the future. It sets the central goal that the community will aspire to reach. The vision statement describes what the community hopes to become.

Council shall have regard to the following community vision statement for the communities in the Grand Pré and Area plan boundary when considering MPS and LUB amendments or any other initiative that may impact the Grand Pré and Area, identified in Figure 1 in Section 4.4.9.

The Grand Pré and Area communities work together with a shared interest in sustaining a healthy rural setting by conserving our culture, environment, and agricultural landscape. In defined areas, the larger community provides opportunities for community growth, agriculture, the recreational use of shared open space, and local business.

## **A - Agriculture**

Grand Pré and Area is an agricultural community. The surrounding agricultural land and the dykeland in the Grand Pré area are some of the most fertile in Nova Scotia. By working the land, farmers support the local economy and maintain the agricultural landscape that is essential to the rural setting of the area. Through their work with the Grand Pré Marsh Body, farmers are also stewards of the dykeland that has become a celebrated cultural artefact and a world-renowned tourist attraction. Farmers must continue to adjust to changes in methods and technology. Local business can provide support to agriculture by accommodating an agritourism industry. Council recognizes that there are non-farm residential and commercial interests in the community that may come into conflict with agricultural practices. One of the goals of this land use planning initiative is to reduce the potential for land use conflicts in the agricultural community.

### **Goal**

To sustain the agricultural community within its rural setting

### **Objectives**

- To recognize the significant role of agriculture and of the Grand Pré Marsh Body in preserving agricultural land in the area
- To reduce land use conflicts by controlling and limiting land uses and establishing requirements for agricultural land within Grand Pré and Area
- To promote the education of the public regarding the functions and ownership of the dykes and dykeland roads and about the effects of accessing them.
- To encourage the agricultural industry and appropriate related business

### **Policies**

- A1 Council shall recognize the importance of existing Agricultural District policies in preserving agricultural land for agricultural use while reducing the potential for land use conflicts with controls on non-farm uses.
- A2 Council shall recognize the Grand Pré Marsh Body as stewards of the dykes and dykeland and inform and consult with them when considering MPS and LUB amendments or any other initiative that may have a significant impact on the dykes and dykeland.
- A3 Council shall provide more stringent lot requirements within the Agricultural District in Grand Pré and Area to preserve a density consistent with the rural character of the area.
- A4 Council shall not rezone to the Agricultural Industrial (M3) Zone within Grand Pré and Area.

- A5 Council shall not consider proposals by development agreement to establish construction and demolition debris disposal sites in the Agricultural District within Grand Pré and Area.
- A6 Council shall encourage the exploration of methods to facilitate access to public spaces that showcase the dyke system and to educate the public on the fragility of the privately owned dykes and dykeland. These public spaces are identified as views on the Historic Sites, Monuments, and Views Map.
- A7 Council shall allow for a tourist centre on lands in the Agriculture (A1) zone within the Grand Pré and Area Plan boundary through the development agreement approval process.

In considering entering into a Development Agreement, Council shall have regard to criteria as set out in Policy 3.6.8.3 (Hamlet Historic Residential policy to allow for a tourist centre on lands in the Hamlet Historic Residential (R9) zone in Grand Pré and Area).

## **R - Residence and Recreation**

Between 1981 and 2001, residential growth had increased by 20 per cent with an average annual trend of four new units built each year. The older population is increasing as the baby boom generation is approaching retirement years. The density of development within the current Historic Hamlet of Grand Pré is quite high, at approximately 2.5 units per acre. A diverse housing base, especially within the Historic Hamlet, can provide options for young families and senior citizens who wish to move to or remain in the community. The Historic Hamlet is surrounded by agricultural lands. These lands with Grand Pré and Area Plan boundary are one of the most productive and actively farmed areas in Kings County. As such, there is less residential development density on the surrounding agricultural land, ranging from 0.2 to 0.5 units per acre.

The Grand Pré area has been an attractive area to live and play for generations. Parks and trails provide opportunities for people to get out and experience their natural and cultural heritage. Views and monuments provide context to the community through leisure activities such as walking and cycling. Scenic views of the surrounding landscape preserve the rural setting and include vistas of Cape Blomidon, Minas Basin, and the dykeland.

### **Goal**

To provide opportunities for recreation and residential growth where appropriate to the needs of each of the four communities

### **Objectives**

- To develop design requirements for an active transportation and recreation trails network that connects with significant views and historic sites and links the community to surrounding trail systems.
- To foster community, County and Provincial partnerships in acquiring, developing and maintaining parks and trails.
- To encourage the provision of suitable housing options within the Historic Hamlet of Grand Pré to encourage young individuals and families to live in the community and to enable senior residents to remain within the community.

### **Policies**

- R1 Council shall seek opportunities to develop County Parks, identified in Section 4.3.6.6, and a public trail network. The following criteria and the Historic Sites and Monuments Map shall provide guidance in the design of County Parks and a trail network.
- a. The design of a trail network shall facilitate access to County Parks, areas zoned as Parkland (P1), and other public places.
  - b. The design of County parks and a trail network shall aid in the interpretation of the natural and cultural heritage of the area by facilitating access to views

and historic monuments.

- c. The design of a trail network shall use existing rights of way and explore the potential of including the railway bed, if available.
- d. The design of a trail network shall explore the potential of including existing rights of way including the entire lengths of Station Street and Middle Street to preserve the historic grid in Hortonville.
- e. The design of a trail network shall facilitate access to community and commercial facilities throughout the area and be in keeping with the Vision and Strategic Plan for Trails for the County of Kings (2009).

Additional policies contained in Section 3.6.8, Hamlet Historic Residential Policies, aim to achieve objectives of the Residence and Recreation goal.

## **H - Heritage**

Grand Pré and Area has a rich heritage. Commemorative monuments are found throughout the area and a number of provincial heritage properties are located within the Hamlet of Grand Pré. Outstanding views of the surrounding landscape reveal the natural heritage and inherent beauty of the area. There are also several layers of formal designation that are particular to Grand Pré and Area.

The Grand Pré Heritage Conservation District encompasses the Hamlet of Grand Pré. The Heritage Conservation District Plan and Bylaw expresses the policies of Council with respect to the architectural heritage conservation and development in the hamlet. The Federal Rural Historic District of Grand Pré was established to commemorate the cultural significance of the landscape. The Grand Pré National Historic Site pays tribute to the Acadian settlers to the area who originally built the dykes to convert marshland into dykeland for agricultural use. There is also a commemorative interest in the cultural landscape of Grand Pré and Area as a proposed World Heritage Site. There is no doubt that the area will change over time; however, land use planning is a tool to manage change with the aim of maintaining the heritage value of the area for past, present, and future generations.

### **Goal**

To celebrate and conserve our local history and built heritage

### **Objectives**

- To continue to support and conserve the local history, cultural landscape, and built heritage
- To endeavour to facilitate the best possible quality of life for residents and manage appropriate development through land use planning that respects the heritage value.
- To provide clear and consistent guidelines in evaluating proposed conservation interventions, alterations or new development within the Grand Pré Heritage Conservation District
- To provide residents and businesses with incentives to join and remain within the Grand Pré Heritage Conservation District.

### **Policies**

- H1 Council shall continue to support the Heritage Advisory Committee in their advisory role and in their efforts to conserve and/or protect the natural, cultural and built heritage value of the Grand Pré area.
- H2 Council shall use the *Standards and Guidelines for the Conservation of Historic Places in Canada* as a guide in the evaluation of proposals or alterations for properties within the Grand Pré Heritage Conservation District in parallel with the applicable provisions of this Municipal Planning Strategy.

- H3 Council shall prepare a Statement of Significance that clearly describes the heritage value and character defining elements of properties in the Grand Pré Heritage Conservation District. With the appropriate approval(s), the Statement of Significance shall be submitted for inclusion on the *Nova Scotia Register of Historic Places* and the *Canadian Register of Historic Places*.
- H4 Council shall create and distribute an educational package on the benefits and responsibilities associated with the proper maintenance of a heritage property and of a property within the area eligible for inclusion in the Grand Pré Heritage Conservation District.
- H5 Council shall aid in the preservation of the historic grid pattern of the streets in Hortonville, identified on the Historic Sites and Monuments Map as the Hortonville Historic Grid.
- H6 Council shall explore the provision of incentives to properties that participate in the Grand Pré Heritage Conservation District
- H7 Council shall work with other governmental agencies and departments and land owners to identify and aid in the protection of archaeological, historical, and palaeontological sites.

Additional policies contained in Section 3.6.8, Hamlet Historic Residential Policies, aim to achieve objectives of the Heritage goal.

## **B - Business**

Grand Pré and Area is a tourist destination as well as a community. It is well situated as the gateway to the neighbouring towns of Wolfville and Kentville and Village of New Minas, which collectively serve as a business and retail centre for the larger area. Council recognizes the business opportunities that the historic rural setting and the key location can afford. Local businesses must operate within the historic rural setting if they are to preserve the unique qualities that make the area so attractive. Council promotes pedestrian safety and street presence in commercial areas in the Historic Hamlet that cater to cars and trucks. Pedestrian links to neighbouring businesses and between businesses and historic monuments can encourage visitors to spend more time exploring the area.

Grand Pré and Area is easily accessible to the travelling public as it is located near a Highway 101 interchange within an hour's commute of Metro Halifax. During the Community Planning process, much careful consideration and thought was given to the impact of commercial development along Highway 1 in the Agricultural District on the community, rural setting and way of life. The Community Planning Committee felt that small scale commercial activity that is in keeping with the area and that does not negatively impact agricultural activities should continue to be permitted. The Community Planning Committee recognized that lands along Highway 1, especially those in close proximity to the Exit 10 interchange, have been and in the future will be under increasing pressure for general and highway commercial type of development. It is important that the Grand Pré and Area Plan affirms agricultural policy that speaks to the protection and preservation of agricultural lands for farming, including the above mentioned area.

### **Goal**

To foster and sustain a business community that complements the rural setting and meets the needs of visitors and the local community

### **Objectives**

- To protect and preserve agricultural lands for farming
- To allow for small-scale commercial uses in the Grand Pré Hamlet
- To ensure that commercial activity serve the local community, as well as visitors to the area

### **Policies**

- B1 Council shall preserve and protect lands within the Agricultural District within the Grand Pré and Area Plan.
- B2 Council shall encourage commercial development that is small in scale and promotes a pedestrian-friendly environment.



- B3 Council shall ensure that community facilities are allowed to operate within commercial areas of the Historic Hamlet.

Additional policies contained in Section 3.6.8, Hamlet Historic Residential Policies, aim to achieve objectives of the Business goal.

## **I - Infrastructure**

The National Historic Site and the Historic Hamlet of Grand Pré are serviced through a sewer line extending from Wolfville. Surrounding properties are serviced through septic systems and wells. Due to the historic development pattern in North Grand Pré, many cottages and residences are located on small lots that may not support existing septic systems.

The Grand Pré area is a tourist destination and Highway 101 Exit 10 at Hortonville is an access point to the Coldbrook –Wolfville Urban Corridor. In the area there is a mix of traffic types including local residents, tourist vehicles and farm machinery. Vehicles often come into conflict with farm vehicles travelling at reduced speeds. Large trucks frequently travel up and down Grand Pré Road to service local farms. Regular road maintenance is critical due to the intensive use. Pedestrians and cyclists also share public roads with traffic due to a lack of public trails and crosswalks. Crosswalks have been identified as a needed addition to any larger trail network and would provide safe access to key locations.

### **Goal**

To ensure that sustainable infrastructure supports the rural context and enhances community health and safety

### **Objectives**

- To ensure a consistent supply and quality of ground water for residents and businesses
- To ensure that there is capacity within the sewerage system to accommodate future growth in the Historic Hamlet for this important tourist destination
- To encourage property owners to ensure that private septic systems function safely and efficiently
- To support the design and management of a safe transportation network for both vehicular traffic and pedestrians.

### **Policies**

- I1 For rezoning and development agreements in the Plan Area, Council may require ground water quality and quantity studies, prepared by a qualified professional, to ensure a sustainable supply and quality of water for future needs throughout Grand Pré and Area.

- I2 Council shall work with the cottage owners and residents in North Grand Pré and NS Environment to research best management practices and make recommendations for environmentally sustainable septic systems in North Grand Pré.
- I3 Council shall work with the Provincial Department of Transportation and Infrastructure Renewal to address specific traffic concerns in consultation with the community.
- I4 Council shall work with the Provincial Department of Transportation and Infrastructure Renewal to help ensure that public roads are maintained throughout the community on a regular basis.
- I5 When considering Municipal investments in transportation infrastructure within and leading to Grand Pré and Area, Council shall have regard to the recreation policies contained in section R of this Community Plan. In particular, crosswalks should facilitate pedestrian access to a trail network.
- I6 Council shall support a signage and way finding study for the Grand Pré and Area Plan area.
- I7 Council shall not allow large scale wind turbine(s) within the Grand Pré and Area Plan boundary.

## **E - Environment and Open Space**

Coastal erosion is a serious concern throughout the province and in North Grand Pré, in particular, due to the dynamic sandstone shoreline of Evangeline Beach where many property owners have built cottages. Sea levels along Nova Scotia have been rising for thousands of years and most shorelines are retreating and migrating landward. Responsible coastal development must account for natural rates and processes of shoreline change to avoid costly damage and adverse alteration to natural shoreline processes. Land owners in North Grand Pré have made significant investments in protecting the coast from erosion by placing and maintaining armour rock. As a result of the private effort of cottage and home owners, erosion along the northern coast has been greatly reduced or even halted in some areas.

The Municipality undertook an analysis of erosion along the coast of North Grand Pré by comparing aerial photographs, from 1961 and 2002, and by using a Geographic Positioning System to mark points along the coast in 2009. Over the forty- year period, erosion has claimed an average of 50 feet of shoreland along the coastline of Evangeline Beach. Some areas experienced 225 feet of erosion in this period. Council recognizes that pursuing a precautionary approach by responding to coastal erosion in the present in an effort to ensure that the coast is intact and accessible for future generations to enjoy. Dykes are also susceptible to erosion. If the dyke system is breached, the dykeland will flood and may cut off access between North Grand Pré and the mainland along Grand Pré Road. Council also recognizes that there is a public interest in mitigating the potential impacts of a flood on human life, property, and services.

Coastal areas include the coastline, dykes, mudflats, and marshes: both freshwater and saltwater. These environmentally sensitive areas along the coast and inland deserve protection. These areas, including the dykeland, provide important habitat for mammals and important winter habitat for the bald eagle. The mudflats of the Minas Basin include large populations of mud shrimp that support large flocks of migrating shorebirds. These migrating shorebirds travel from the arctic to the tropics each year. The consistent food supply in the mudflats along the coast of North Grand Pré is critical to their survival. All three levels of government have a role in the protection of these natural environments and Council shall work with other jurisdictions in preservation and protection efforts. The land owners play the greatest role in North Grand Pré in these efforts. They are true stewards of the land and are active in the protection of migrant shorebirds.

### **Goal**

To ensure a healthy and accessible environment while recognizing and conserving environmentally sensitive areas

### **Municipal Objectives**

- To work with the Province to restrict land uses in an effort to protect human life and to reduce the potential for damage to structures in coastal areas due to erosion.
- To work with the Province to protect the dykes and coastline by monitoring changes along the coast, educating residents and visitors, and transitioning land use.

- To promote the education of land owners with respect to potential flooding and storm surge risks.
- To ensure new development meets or exceeds appropriate drainage standards.
- To protect environmentally sensitive areas throughout the community.
- To preserve wildlife and its habitat.

## **Policies**

- E1 It is the intention of Council to participate in the development and support of an ongoing coastal monitoring program on the conditions of the Grand Pré Area coastline. Information collected, along with coastal management policies, will be reviewed regularly and shared with Provincial government departments.
- E2 Council shall designate as Natural Environment, on the Grand Pré and Area Future Land Use Map, the following lands identified by the Provincial Department of Natural Resources:
- a. freshwater wetland
  - b. saltwater wetland
- E3 Council shall require site plan approval for any new development of seasonal dwellings or single detached dwellings on properties which abut the Minas Basin within the Coastal Shoreland (CS) Zone in Grand Pré and Area.
- E4 Council shall allow for alternate lot standards for any new development subject to Policy E3 on properties which abut the Minas Basin within the Coastal Shoreland (CS) Zone in Grand Pré and Area.
- E5 Council shall work with the Province to undertake a hazard, risk and vulnerability assessment for emergency planning purposes to target appropriate preventative and mitigation work in Grand Pré and Area. The information of this assessment shall be used to make recommendations specific to Grand Pré and Area in the Emergency Management Plan for the Municipality and for wider regional emergency management measures.
- E6 Council shall partner with the Grand Pré Marsh Body, the Province and other organizations to provide educational opportunities and materials on topics relating to agricultural practices, coastal processes, flood risks, and natural and cultural heritage.

3. Delete Map 16a, Grand Pré, and replace it with the attached Map 16a, Grand Pré Hamlet Future Land Use contained in Appendix A.
4. Insert Section 7.4, GRAND PRÉ AND AREA, Map 25 Grand Pré and Area Future Land Use, contained in Appendix B, after Section 7.3 and renumber subsequent sections.
5. Insert in Section 7.4, GRAND PRÉ AND AREA, Map 26 Grand Pré and Area Historic Sites and Monuments, contained in Appendix C
6. Delete Section 3.2.7.2, Non-farm Industrial Uses, and replace it with the following.

### 3.2.7.2 Non-farm Industrial Uses

- 3.2.7.2.1 It shall be the policy of Council to establish an Agricultural Industrial (M3) Zone in the Agricultural District.
- 3.2.7.2.2 Permitted uses in the Agricultural Industrial (M3) Zone shall include businesses that are involved with the processing, grading, packaging, storage, transportation of goods such as farm produce, and composting operations.
- 3.2.7.2.3 It shall be the policy of Council to consider rezoning lands in the Agricultural District to the Agricultural Industrial (M3) Zone, **except in Grand Pré and Area (refer to Map in Section 4.4.9)**, and subject to the conditions in 3.2.14.
- 3.2.7.2.4 As an exception to 3.2.7.2.3, Council shall consider amendments to the Land Use Bylaw to permit composting operations on class 2, 3 or active class 4 soils as identified on the 2001 Generalized Soil Capability and Agricultural Land Use Maps of this Strategy.
- 3.2.7.2.5 It shall be the policy of Council to continue to apply the Agricultural Industrial (M3) Zone to

properties that were under this zone prior to the last Agricultural District Review.

7. Delete Section 3.2.7.3, Non-farm Industrial – Special Uses: Construction and Demolition Debris Disposal Sites, and replace it with the following.

**3.2.7.3 Non-farm Industrial – Special Uses: Construction and Demolition Debris Disposal Sites**

3.2.7.3.1 It shall be the policy of Council to consider proposals to establish construction and demolition debris disposal sites in the Agricultural District by development agreement, **except in Grand Pré and Area and** subject to the following:

- a. the conditions in 3.2.14; and
- b. the conditions in 3.7.12 and 3.7.13 (Rural Common Policies)

8. Delete Section 3.2.11, Grand Pré Heritage Conservation District, and replace it with Section 3.2.11, Grand Pré and Area Views Heritage Conservation, as follows.

### 3.2.11

#### Grand Pré and Area Heritage Conservation

The development density in the agricultural land surrounding Grand Pré, ranges from 0.2 to 0.5 units per acre; however, potential development risks compromising important public views throughout the area. Public views deserve protection from development that may interfere with their enjoyment in this historic rural community and tourist destination.

In 1999, Council adopted the Grand Pré Heritage Conservation District Plan, Bylaw, and Design Guidelines pursuant to the Heritage Property Act, affecting lands in and around the community of Grand Pré. Some properties that are located in the Agricultural District around Grand Pré are included in the Heritage Conservation District and others are eligible to be included.

Policies specific to development in Grand Pré are set out in the Hamlet Historic Residential District section of this Strategy.

##### 3.2.11.1 Policies

It is the policy of Council that when considering policies affecting lands around Grand Pré, to have regard to the goals and policies for Heritage Conservation as outlined in the Heritage Conservation District Plan.

9. Delete Section 3.6.8, Hamlet Historic Residential Policies, and replace it with the following.

#### 3.6.8 Hamlet Historic Residential Policies

- 3.6.8.1 Council shall establish a Hamlet Historic Residential (HH) sub-designation. This designation is intended to provide a planning framework for Hamlets that due to a unique history or development character warrant detailed and tailored planning policy.

Notwithstanding any land use policies in this Strategy pertaining to Hamlet Districts, Council shall not consider rezoning lands zoned Hamlet Historic Residential (R9), to any other zone without an amendment to this Strategy, except rezoning to the Environmental Open Space (O1) Zone may occur within lands designated Hamlet Historic Residential (HH).

- 3.6.8.2 Council shall establish a Hamlet Residential (R9) Zone for application within designated Hamlet Historic Residential Districts. Permitted uses within the R9 Zone shall include, but may not be limited to:

- a. One and two unit residential uses and multi-sectional modular homes
- b. Public parks
- c. Residential care facilities as defined in Urban Policy 2.5.4.2
- d. Tourist commercial facilities for lodging, food services and ancillary uses subject to the provisions of subsection 4.4.8 of this Strategy and subsection 10.1.5 of the Land Use Bylaw
- e. Rural accessory residential uses as described in subsection 3.7.2
- f. Non-profit camps and seasonal dwellings

3.6.8.3 Council shall allow for a tourist centre on lands in the Hamlet Historic Residential (R9) zone within the Grand Pré and Area Plan boundary through the development agreement approval process.

In considering entering into a Development Agreement, Council shall have regard to the following:

- a. the tourist centre will not create compatibility problems with adjacent farming operations and agricultural activities that may be undertaken, such as the spraying of pesticides and the spreading of manure;
- b. the tourist centre must be architecturally compatible with the historical and pastoral setting of the community in terms of design, scale, and building materials and does not interfere with the sunlight received by adjacent dwellings;
- c. the privacy of adjacent dwellings will be maintained through the provision of natural or artificial buffering;
- d. adequate on-site parking can be provided;
- e. signage shall be constructed of wood or metal and no internally illuminated signage will be permitted;
- f. there is an adequate and landscaped amenity area;
- g. the landscaping is sensitive to the site characteristics and surrounding area;
- h. the site must be capable of accommodating on-site sewage disposal and water supply where central services are not available; and
- i. the proposal is consistent with all the applicable policies including those respecting the entering into of Development Agreements contained in Part 6 of this Strategy.

3.6.8.4 Council intends to permit the following additional uses and may include conditions and special site development standards to ensure they are



developed in a manner compatible with the surrounding uses.

a. Livestock operations

b. Farm market outlets

c. Farm tenement and bunkhouse accommodations

3.6.8.5 The Land Use Bylaw may be amended to allow additional uses where such uses are consistent with the policies of this Strategy.

3.6.8.6 Lot size requirements that are intended to maintain a density that is in keeping with the established development character shall be established in the Land Use Bylaw for the R9 Zone.

3.6.8.7 Within areas designated Hamlet Historic Residential (HH), Council may permit the following by Development Agreement subject to the policies of this Strategy and the provisions of the *Municipal Government Act*:

a. tourist oriented commercial in Grand Pré pursuant to clause 3.6.8.7

b. reuse of Heritage Buildings pursuant to subsection 4.4.4

c. expansion of non-conforming uses pursuant to subsection 3.7.9

d. expansion of "existing" uses (other than those permitted uses listed specifically in 14.3.1 of the Land Use Bylaw, in existence prior to August 6, 1992) pursuant to subsection 3.7.9

e. uses permitted under subsection 5.2.3, Unique Structures and Unique Site Characteristics Policies

3.6.8.8 Council shall recognize Grand Pré as a Hamlet Historic Residential District on the Future Land Use Map. Other Hamlet District policies notwithstanding, the following policies will apply to Grand Pré:

a. Council shall provide incentives for properties participating in the Grand Pré Heritage Conservation District (HCD). Incentives shall consist of the following:

i. special provisions for bed and breakfast operations.

ii. special provisions for rural home occupations.

- b. Council shall encourage development of historical sites and historical restoration projects that relate to the cultural heritage of Grand Pré
- c. Council may permit tourist oriented commercial development by Development Agreement pursuant to the *Municipal Government Act*

In considering entering a Development Agreement, Council shall have regard to the following:

- i. the development must be intended to serve primarily tourists visiting Grand Pré on a casual basis
- ii. the development must relate to the cultural, historical or artisan aspects of the community
- iii. the development must be architecturally compatible with the historical and pastoral setting of the community in terms of design, scale, and building materials
- iv. the proposal is consistent with all applicable policies including those respecting the entering of Development Agreements contained in part 6 of this Strategy

**10. Delete Section 3.5, Shoreland Districts, and replace it with the following.**

**3.5 SHORELAND DISTRICTS**

Lakes and coastlines are a natural resource which should be accessible to all residents. Although the Fundy coast offers a cool summer breeze, its rugged shoreline and the cold Fundy tides limit the scope of water recreational activities. Hence the freshwater lakes on the plateau of the South Mountain provide the greatest recreational potential.

Along the Fundy coast and the Minas Basin Council has designated additional seasonal residential areas as Shoreland Districts based on existing development trends. Erosion has reached serious proportions in some coastal Shoreland Districts, especially Kingsport and Evangeline Beach. In these cases only existing seasonal residential areas are designated in recognition of the high risks to development.

Erosion is a serious issue in North Grand Pré where it has claimed an average of 50 feet along the coastline of Evangeline Beach over the past four decades. Development along this coastal area can increase rates of erosion. Council recognizes that there is a public interest to mitigate the impacts of coastal erosion so that the safety of human life and property are not compromised.

Similarly, Council designated the shorelines around many freshwater lakes as Shoreland Districts. The growing demand for seasonal residential development in Kings County is illustrated by the municipal records which show a consistent increase in seasonal residential development since 1963. Between 30 to 40 new lots are being created each year and this is expected to continue, in fact it is expected to increase. As this demand increases, public access to lakes and beach areas may be significantly reduced by the concentration of private development on water frontage. In addition to concerns of public access, the capacity of the inland lakes to sustain development must be addressed.

Along the Fundy coast and the Minas Basin additional cottage areas are designated Shoreland Districts based on existing development trends.

The current approach to shoreland management involves two essential steps. The first step is to identify the high capability recreation lands and designate portions to accommodate public and private development and access. The second step is to recognize the sustainable limits to use and to protect the integrity of the natural features, processes, and wildlife habitats which all contribute to the high capability. The Kings County Lakeshore Capacity Model, completed in 1995 provided Council with a planning tool designed for predicting development impacts on freshwater lakes.

Up to 1996, Shoreland Districts were established around the larger, more accessible lakes on the South Mountain. Council excluded smaller lakes from designation given their physical limitations for both seasonal residential development and recreational activities such as boating, swimming, and fishing. However, the lakeshore capacity model's ability to predict development impact on lake water is dependent on factors related to land uses and resource activities in the entire watershed. We now know that development around upstream lakes and streams, as well as the natural landscape and human settlement contribute to lake water quality. To maintain water quality in those lakes already recognized for high recreation potential, planning efforts need to consider not only the direct impacts on the immediate lakes undergoing development, but the surrounding watershed too.

Prior to opening up additional undeveloped lands for seasonal residential development however, an assessment of the effects of further development should be undertaken. Matters to consider include the effect on existing development in terms of the social, visual, and natural character, lakeshore biophysical capacity, and effects on lake water quality as well as consideration of the maintenance of future public access to the lakes.

For the most part, in terms of residential use, Shoreland Districts are intended for seasonal residential development. However, Council has conceded to permit year round residential development whether on public or private roads. However, in keeping with the general goal of this Strategy to concentrate development in Growth Centres where services can be provided economically, services to remote areas such

as the Shoreland Districts will be limited to basic garbage collection at central locations along public roads.

11. Insert section 3.5.3.4 following 3.5.3.3 within the Section 3.5.3, Shoreland Districts – Coastal Shoreland Policies, as follows.

3.5.3.4 Council shall require that new residential development of seasonal dwellings or single detached dwellings on properties which abut the Minas Basin within the Coastal Shoreland (CS) Zone in Grand Pré and Area obtain site plan approval as described in Policy 3.5.7 of this Strategy. New back-lots without water frontage may continue to be developed as-of-right according to the Land Use Bylaw requirements for the Coastal Shoreland (CS) Zone.

12. Delete Section 3.5.7, Site Plan Bylaw Alternatives, and replace it with the following.

### 3.5.7 Site Plan Bylaw Alternatives

Council recognizes the attraction and demand for residential dwellings around Kings County's lakes on the South Mountain plateau. However, Council also wishes to ensure that new lakefront development does not negatively impact lake water quality or the natural environment.

Coastal erosion is an issue in areas along the east shore. Many areas including Kingsport, Evangeline Beach, and Blue Beach have shown evidence of significant erosion. Council also recognizes that coastal erosion rates are particularly high along the coastline of Evangeline Beach in North Grand Pré. Research carried out by the Municipality in 2009 found that between 1961 and 2002, the coastline retreated an average of 50 feet due to erosion. Council must also balance the demand for seasonal residential development with coastal erosion concerns so that residents can continue to enjoy a coastal recreational lifestyle well into the future.

In order to balance demand for residential development with environmental concerns, Policy 3.5.3.4, 3.5.4.7, and 3.5.4.9 of this Strategy require certain residential development proposals to receive site plan approvals pursuant to the enabling policies specified in Part 6.8 of this Strategy.

Residential development in the S1 and S2 Zones that require site plan approval must meet the site plan requirements contained in the Land Use Bylaw. The site plan requirements shall be geared towards protecting water quality and by restricting development. Vegetation is encouraged along the shorelines in Kings County; however, in Grand Pré the placement of armour rock appears to be the only truly effective measure that owners are able to use to protect their lands along this stretch of coastline.

13. Delete Section 6.8.1.2 and replace it with the following.

6.8.1.2

The following uses shall only be considered subject to site plan approval according to the provisions of 6.8.2 of the Municipal Planning Strategy.

- a. Small-scale towers not regulated by the policies in Section 5.3 proposed within designated Tourist Destination Areas (TDAs) or registered historic sites.
- b. Mini homes, single detached dwellings, or seasonal dwellings within the Seasonal Residential (S1) Zone on lakes where the carrying capacity has been exceeded, as provided for in Policy 3.5.4.7.
- c. Mini homes, single detached dwellings, or seasonal dwellings within the Future Shoreland (S2) Zone on lots created after October 25, 2007 as provided for in Policy 3.5.4.9.
- d. New seasonal dwellings or single detached dwellings on properties which abut the Minas Basin in the Coastal Shoreland (CS) Zone in Grand Pré and Area as provided for in Policy 3.5.3.4.
- e. Non-farm dwellings in the Agricultural (A1) Zone as provided for in Policy 3.2.6.2 and 3.2.6.3.

14. Delete Section 6.3.2, Application of Policies for Development Agreements, and replace it with the following.

**6.3.2 Application of Policies for Development Agreements**

6.3.2.1 The following uses shall only be considered subject to the entering into of a Development Agreement according to the provisions of the *Municipal Government Act*:

- Expansion of Rural Non-Conforming Uses (Subsection 3.7.10)
- Expansion of "existing uses" in Grand Pré, where existing uses are other than those permitted uses listed specifically in 14.3 of the Land Use Bylaw (pursuant to subsection 3.7.9)
- Expansion of Urban Non-Conforming Uses (Subsection 2.7.2)
- Re-use of non-permitted structures and sites with unique post-development characteristics (Subsection 5.2.3)

- Day Care Facilities for more than 14 people in Residential Districts (Subsection 2.5.5)
- Re-use of Heritage Buildings registered under the *Heritage Property Act* (Subsection 4.4.4)
- Tourist Commercial Facilities for Lodging, Food Services and Ancillary Uses (Subsection 4.4.8)
- Tourist Commercial uses in Grand-Pre Hamlet Historic Residential District (Policies 3.6.8.6 and 3.6.8.7)
- Recreational - Commercial uses (Policy 3.7.8.6)
- Commercial uses at Tourist Destination Areas (Subsection 4.4.8)
- Mobile Home Parks in Rural Districts
- Multi-unit residential development in Hamlets
- Rural Day Care Facilities for more than 14 people in Rural Districts (Policy 3.7.2.4)
- Expansion of certain existing hamlet industrial uses beyond their initial zoned area (Policy 3.6.10.5)
- Construction and demolition debris disposal sites in the Forestry and Agricultural Districts (Subsection 3.7.13), except in Grand Pré and Area
- Tourist centres in the Agricultural (A1) zone with the Grand Pré and Area Plan Boundary (Policy 4.4.9 A7) and in the Residential Historic Hamlet (R9) zone of the Grand Pré Historic Hamlet (policy 3.6.8.3).

# BYLAW 75 - LAND USE BYLAW

1. Delete Schedule 21h, Grand Pre Land Use Bylaw, and replace it with Schedule 21h, Grand Pré Hamlet Zoning, contained in Appendix D
2. In Part B Zoning Maps, insert after Schedule 11g, Waterville, title GRAND PRÉ AND AREA and Schedule 1c, Grand Pré, North Grand Pré, Hortonville, Lower Wolfville contained in Appendix E
3. Delete Section 14.3.1, Hamlet Historic Residential (R9) Zone, after section 14.3.5, as follows.

## 14.3 HAMLET HISTORIC RESIDENTIAL (R9) ZONE

### 14.3.1 Permitted Uses

No Development Permit shall be issued in a Hamlet Historic Residential (R9) Zone except for one or more of the following uses and subject to the following requirements:

Agricultural Uses

Commercial Livestock Operations subject to the requirements of the A1 Zone

Duplexes

Farm Market Outlets subject to the requirements of the A1 Zone

Farm Tenement Buildings and Bunkhouses subject to the requirements of the A1 Zone

Multi-Sectional Modular Homes

Non-Profit Camps

Nurseries

Residential Care Facilities

Seasonal Dwellings

Semi-Detached Dwellings

Single Detached Dwellings

### 14.3.2 Uses Subject to Conditions

Bed and Breakfast Operations

Existing Uses other than those specifically permitted uses listed in 14.3.1 may be expanded only by Development Agreement  
Home Day Care  
Rural Home Occupations  
Tourist Commercial Facilities for Lodging, Food Services and Ancillary Uses

4. Insert Section 14.3.7, Incentives for properties that participate in the Grand Pré Heritage Conservation District Boundary, after section 14.3.7, as follows.

14.3.7 **Incentives for properties that participate in the Grand Pré Heritage Conservation District**

Properties that participate in the Grand Pré Heritage Conservation District boundary are eligible for the following incentives.

14.3.7.1 Rural Home Occupations are subject to the general provisions contained in Section 10.1 of this Bylaw. For Rural Home Occupations that participate in the Grand Pré Heritage Conservation District boundary, the following incentives shall apply:

Subsection 10.1.1.2 shall be changed to the following.

Not more than 5 employees who are not residents of the dwelling are employed in the business or profession.

Subsection 10.1.1.5 shall be changed to the following.

A minimum of 1 additional parking space for every 1,000 square feet of commercial floor area is provided in addition to the parking required for the dwelling.

14.3.7.2 Bed and Breakfast Operations are subject to the general provisions contained in Section 10.1 of this Bylaw. For Bed and Breakfast Operations that participate in the Grand Pré Heritage Conservation District boundary, the following incentives shall apply:

Subsection 10.1.3.3 shall be changed to the following.

There is no advertising on the property other than a business identification sign which is no greater than 10 square feet in sign area if a single faced sign or a combined



area of 15 square feet if a double faced sign.

Subsection 10.1.3.6 shall be changed to the following.

No more than 4 rooms are available for overnight accommodation.

**5. Delete Section 10.1.1, Rural Home Occupations, and replace it with the following.**

**10.1.1 Rural Home Occupations**

A home occupation shall be permitted in any dwelling or accessory structure in a rural zone in any of the Hamlets, Country Residential, Shoreland, Forestry and Agricultural Districts provided:

- 10.1.1.1 The external appearance of the dwelling is not changed by the business use.
- 10.1.1.2 Not more than 4 employees who are not residents of the dwelling are employed in the business or profession. No more than 5 employees who are not residents of the dwelling are employed in the business or profession for properties that participate in the Grand Pré Heritage Conservation District boundary.
- 10.1.1.3 There is no advertising other than a business identification sign in compliance with the sign regulations.
- 10.1.1.4 The floor area used for the home occupation is limited to the following sizes:
  - Lot size under 50,000 square feet: up to 750 square feet.
  - Lot size between 50,000 square feet to 100,000 square feet: up to 1,000 square feet.
  - Lot size over 100,000 square feet: up to 2,000 square feet.
- 10.1.1.5 A minimum of 1 additional parking space for every 500 square feet of commercial floor area is provided in addition to the parking required for the dwelling. For properties that participate in the Grand Pré Heritage Conservation District, a minimum of 1 additional parking space for every 1,000 square feet of commercial floor area is required for this provision.

- 10.1.1.6 One off-street parking space, other than that required for the dwelling, is provided for every 100 square feet of total floor space used in conjunction with a medical, dental or other health care related professional use.
- 10.1.1.7 The home occupation does not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, radiation or any other hazard, or nuisance to any greater or more frequent extent than that usually experienced from a residential or farm use under normal circumstances.

**6. Delete Section 10.1.3, Bed and Breakfast Operations, and replace it with the following.**

### **10.1.3 Bed and Breakfast Operations**

Bed and breakfast operations may be conducted provided:

- 10.1.3.1 The use is conducted wholly within the residence of the owner.
- 10.1.3.2 The external appearance of the dwelling is not changed by the use.
- 10.1.3.3 There is no advertising on the property other than business identification sign which is no greater than 6 square feet in sign area if a single faced sign or 12 square feet if a double faced sign. **For properties that participate in the Grand Pré Heritage Conservation District, single faced signs shall be no greater than 10 square feet and double faced sign shall be no greater than 15 square feet.**
- 10.1.3.4 Parking is located in the rear or side yards only and is provided at the rate of 1 space for every bedroom available for overnight accommodation.
- 10.1.3.5 No parking area shall be located within 10 feet of a lot line abutting an R6 Zone unless the abutting yard is fenced or screened so as to reduce visual nuisance.
- 10.1.3.6 No more than 3 rooms are available for overnight accommodation to the public. **No more than 4 rooms are available for overnight accommodation for properties that participate in the Grand Pré Heritage Conservation District boundary.**

**7. Insert Section 11.1.22, Zone Requirements, as follows.**

### **11.1.22 Zone Requirements**

Any permitted use in any Agricultural (A1) Zone must comply with the following regulations:

<b>AGRICULTURAL (A1) ZONE</b>	Farm Dwellings Non-Farm Dwellings Non-Farm Buildings Seasonal Dwellings Farm Market Outlets Permitted Community Facilities, Kennels Homes for Special Care and Residential Care Facilities	Farm Buildings (except Commercial Livestock Buildings), Greenhouses, Nurseries Wildlife Rescue and Rehabilitation Centre	Commercial Livestock Buildings
Minimum Lot Area:			
a) General	20,000 sq ft	20,000 sq ft	200,000 sq ft
b) Seasonal dwellings within 75 ft of shoreline	40,000 sq ft		
c) Semi-detached dwelling	10,000 sq ft/unit		
d) Non-farm residential dwelling in Grand Pré and Area	50,000 sq ft		
Minimum Lot Frontage:			
a) General	100 ft	No Regulation	No Regulation
b) Semi-detached dwellings	50 ft/unit		
c) Seasonal dwellings within 75 ft of shoreline	150 ft		
Minimum Front or Flankage Yard	45 ft	120 ft	150 ft
Minimum Rear Yard:			
a) General	40 ft	40 ft	200 ft
b) Accessory Building	20 ft	40 ft	200 ft
Minimum Side Yard:			
a) General	20 ft	40 ft	200 ft
b) Semi-detached dwellings - common side lot line - other side	0 ft 20 ft		
c) Accessory Buildings	10 ft	40 ft	200 ft
Maximum Height of Main Building	35 ft	55 ft	55 ft
Maximum Height of Accessory Building	20 ft	55 ft	20 ft

8. Delete Section 14.6, Coastal Shoreland (CS) Zone, and replace it with the following.

## 14.6 COASTAL SHORELAND (CS) ZONE

### 14.6.1 Permitted Uses

No Development Permit shall be issued in a Coastal Shoreland (CS) Zone except for one or more of the following uses and subject to the following requirements:

Agricultural Uses

Fish Sheds

Forestry Uses

Parks and Recreation Uses

Seasonal Dwellings

Single Detached Dwellings

Small-Scale Wind Turbines conditional to same height and setback requirements as main building

**Existing commercial uses on PIDs 55220966, 55220891, 55329916, 55220883, 55329353, 55329403 in Grand Pré and Area on DATE (date that Notice of Adoption is advertised)**

### 14.6.2 General Provisions

14.6.2.1 Part 3 of this Bylaw contains provisions which apply to all zones in the Municipality and includes requirements for watercourse setbacks, swimming pools, signs, and accessory buildings.

14.6.2.2 Regulations for tourist commercial facilities for lodging, food services and ancillary uses are set out in section 10.1.5 of this Bylaw.

### 14.6.3 Minimum Building Setback from Shoreline

The minimum rear yard regulations shall be waived for boathouses and fish sheds.

### 14.6.4 Frontage on a Public Road

A development permit may be issued for a seasonal dwelling or single detached dwelling to be located on a lot which does not front on a public road.

#### 14.6.5 **Parking of Commercial Vehicles**

A maximum of 1 commercial vehicles used for business purposes by the owner or occupant of the lot may be kept in a CS Zone.

#### **14.6.6 Special Requirements: Development within the Coastal Shoreland (CS) Zone in Grand Pré and Area**

##### 14.6.6.1 Development Requiring Site Plan Approval within the Coastal Shoreland (CS) Zone in Grand Pré and Area:

New seasonal dwellings or single detached dwellings on properties which abut the Minas Basin are subject to site plan approval.

##### a. Site Plan Content and Criteria

No development permit shall be issued unless a clear and accurately scaled site plan showing the location and size of development on the property. A site plan shall accurately show the following features:

- Property Boundary and any shoreline
- Any watercourses, steep slopes and wetlands
- Driveway
- Building Envelope
- Area that may contain lawns, landscaping and accessory structures
- Location of wells, septic tanks, and septic fields.
- Location of easements
- Accurate measurements showing the locations of the above features on the property.

##### b. Proposed development shown in the site plan shall be in conformance with the following criteria:

- Any steep slopes or wetlands are maintained in a naturally vegetated state
- A minimum setback requirement of 50 feet from the top of the bank.

- Privacy barriers between neighbouring properties, including fences or trees.
- Where possible, septic fields shall be located in an area of the property furthest from the coast.
- Property owners shall supply written confirmation to the development officer stating that they are aware their property is prone to erosion and that they understand the risks associated with development.

14.6.6 **Zone Requirements**

Any permitted use in any Coastal Shoreland (CS) Zone must comply with the following regulations:

<b>COASTAL SHORELAND (CS) ZONE</b>	<b>Permitted CS Zone Uses</b>
Minimum Lot Area	50,000 sq ft
Minimum Lot Frontage	200 ft
Minimum Front or Flankage Yard	45 ft
<b>Properties which abut the Minas Basin in Grand Pré and Area</b>	<b>15 ft</b>
Minimum Building Setback from Road	45 ft
<b>Properties which abut the Minas Basin in Grand Pré and Area</b>	<b>15 ft</b>
Minimum Rear Yard (see special requirements)	
a) General	40 ft
b) Accessory Buildings	20 ft
Minimum Side Yard	
a) General	20 ft
b) Accessory Buildings	10 ft
Maximum Height of Main Building	35 ft
Maximum Number of Seasonal or Single Detached Dwellings Per Lot	1

## **PART 11 – RURAL RESOURCE ZONES**

### **11.1 AGRICULTURAL (A1) ZONE**

#### **11.1.1 Purpose**

The purpose of the Agricultural (A1) Zone is to provide for agriculture as a dominant use which is to have priority over all other uses. Some rural or resource based residential, commercial, industrial, institutional, parkland and open space uses are provided for in the Agricultural (A1) Zone.

#### **11.1.2 Permitted Uses**

No development permit shall be issued in an Agricultural (A1) Zone except for one or more of the following uses and subject to the following requirements:

Agricultural Uses as part of the farm operation excluding commercial livestock operations  
Existing Dwellings  
Farm and Non-Farm Dwellings, including one and two unit dwellings, multi-sectional modular homes, mobile homes, double wide mobile homes, and mini homes – existing  
Farm Supportive Uses including agricultural warehousing, processing, sorting, grading, packaging and transport facilities tied to the farm operation and located on the farm property  
Fishing Uses  
Forestry Uses  
Greenhouses and Nurseries  
Small-Scale Wind Turbines  
Wildlife Rescue and Rehabilitation Centre

#### **11.1.3 Uses Subject to Conditions**

Bed and Breakfast Operations  
Churches  
Commercial Livestock Operations  
Community Centres  
Farm and Non-Farm Dwellings  
Farm Museums  
Farm Tenement and Bunkhouse Accommodations  
Farm Market Outlets  
Fire Stations  
Home Day Care  
Home Occupations

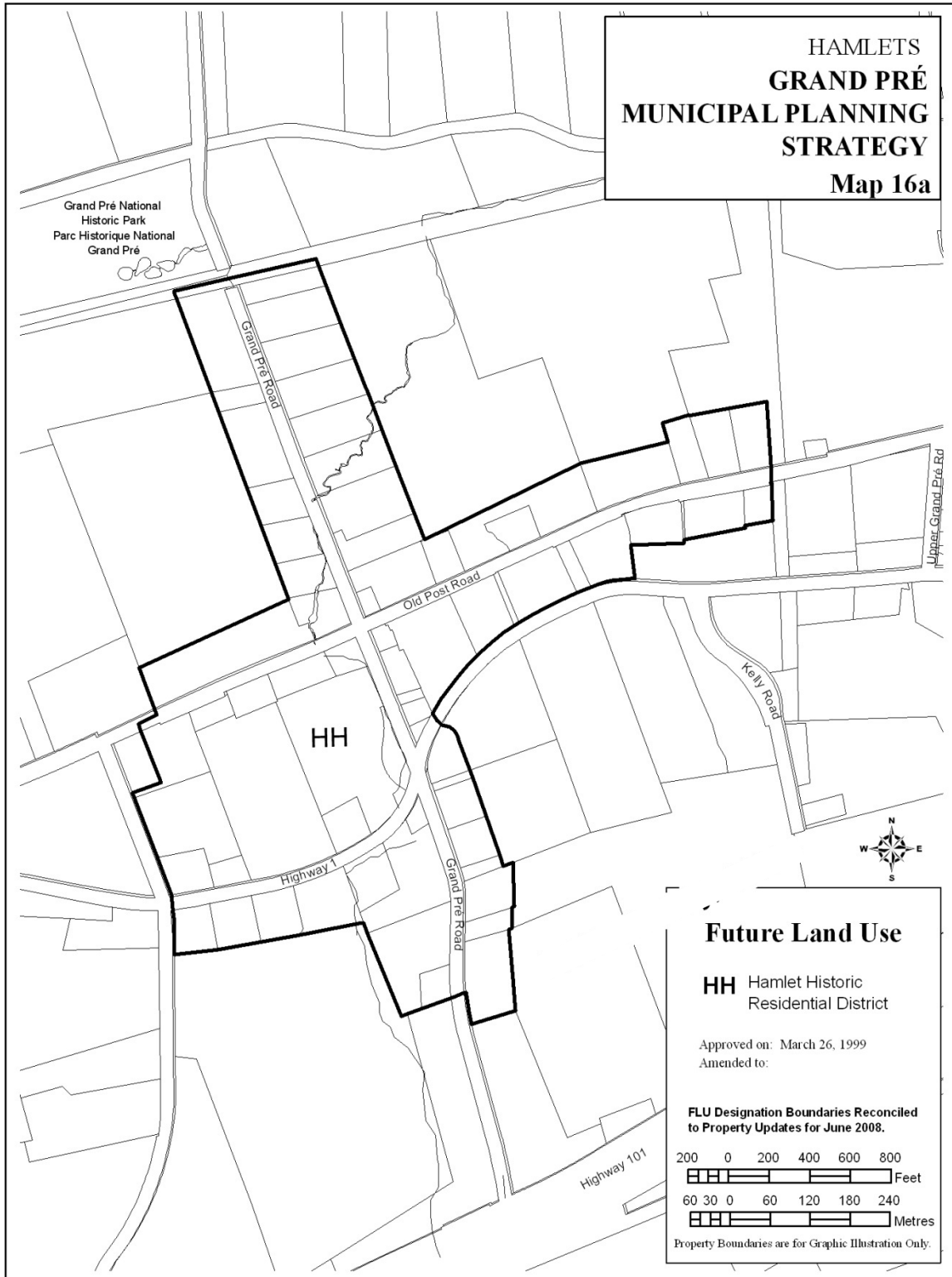
Homes for Special Care  
Kennels  
Radio Controlled Aircraft Fields  
Residential Care Facilities  
Wineries

11.1.4 **General Provisions**

- 11.1.4.1 Part 3 of this Bylaw contains provisions which apply to all zones in the Municipality of the County of Kings, including sign regulations, swimming pools and other uses.
- 11.1.4.2 Regulations for rural home occupations, bed and breakfast operations and home day care, cemeteries and churches, and storage of dangerous goods are set out in Section 10.1 of this Bylaw. **Alternate standards for rural home occupations and bed and breakfast operations within the Grand Pré Heritage Conservation District are set out in Section 10.1.**



APPENDIX A- Map 16a, Grand Pré Hamlet Future Land Use Map



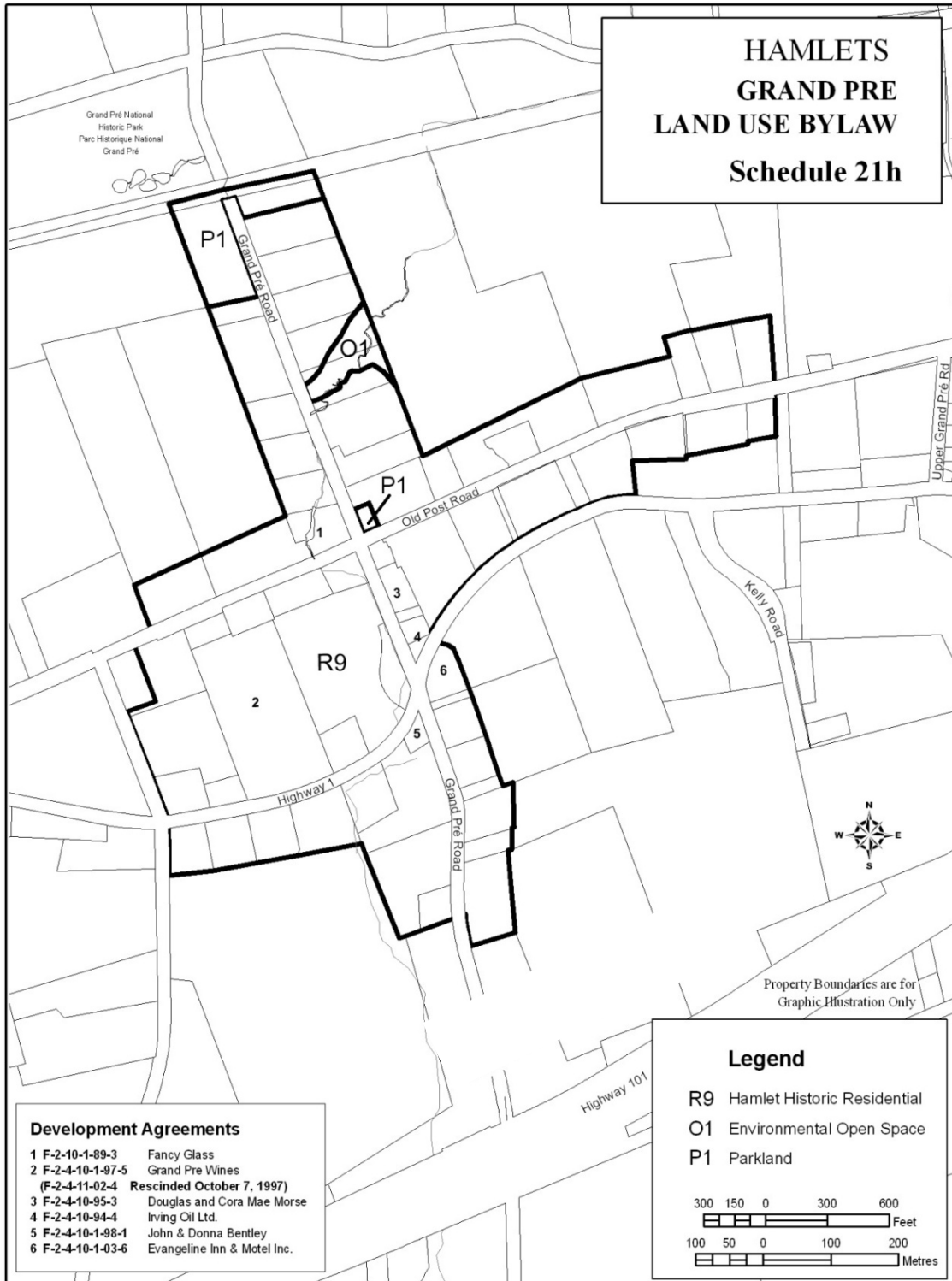
APPENDIX B - Map 25, Grand Pré and Area Future Land Use Map



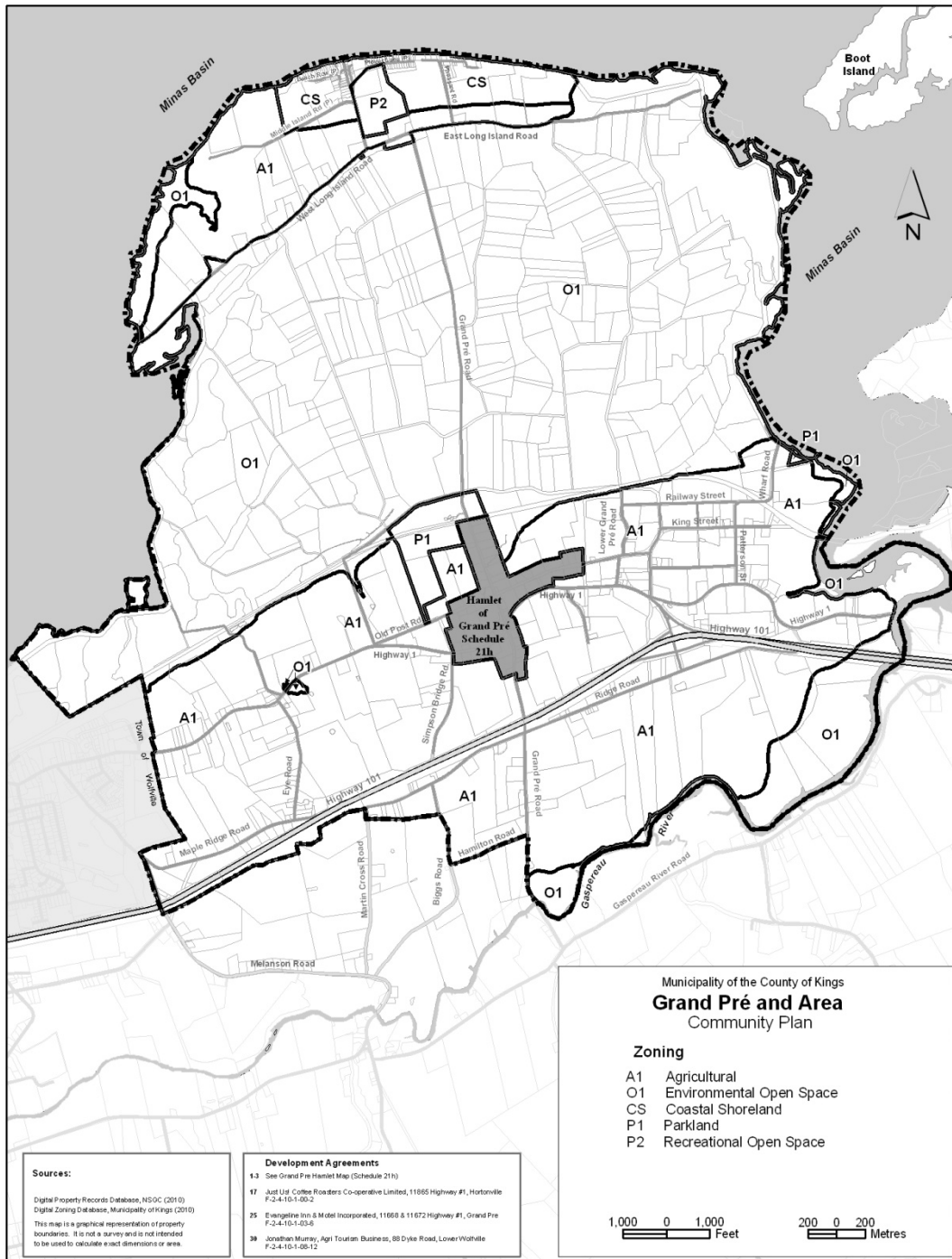
# APPENDIX C - Map 26, Grand Pré and Area Historic Sites and Monuments Map



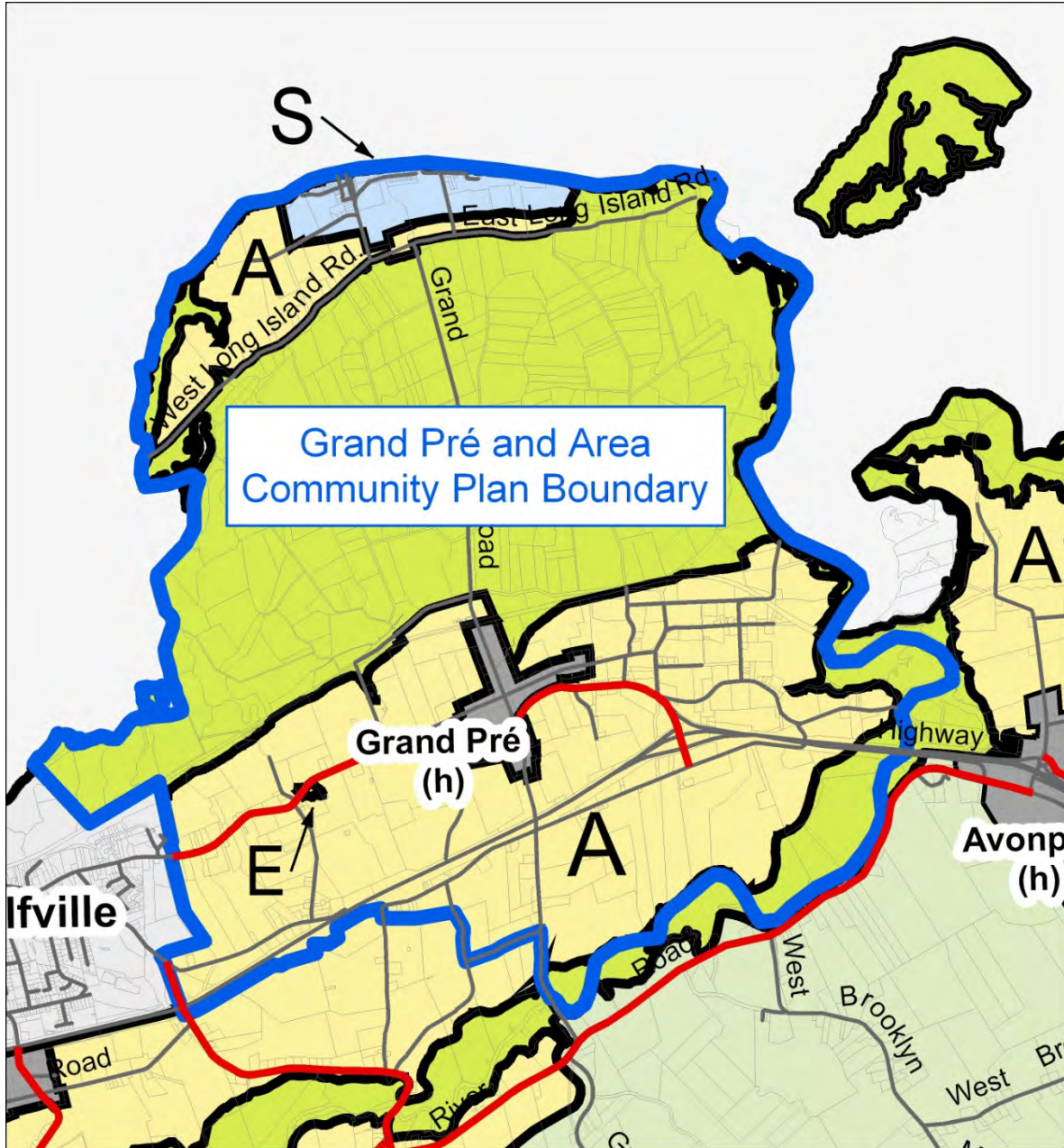
APPENDIX D - Schedule 21h Grand Pré Hamlet Zoning



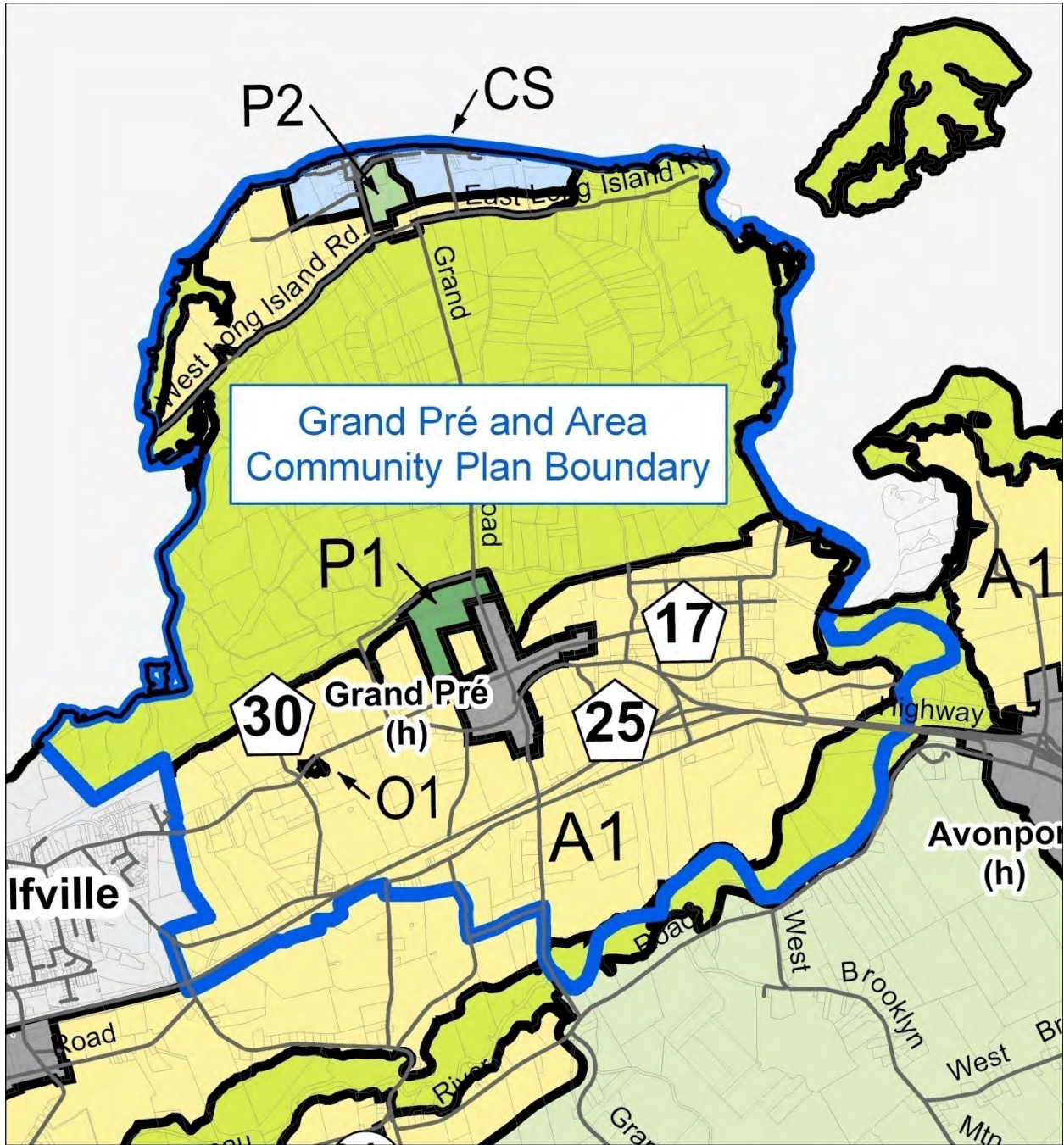
APPENDIX E - Schedule 1c, Grand Pré, North Grand Pré, Hortonville, Lower Wolfville  
(Grand Pré and Area Zoning Map)



APPENDIX F- Map 15, Future Land Use Map



APPENDIX G – Schedule 1m, Rural Zoning Map





**Canada National Parks Act ( 2000, c. 32 )**

Disclaimer: These documents are not the official versions ([more](#)).

Act current to June 2nd, 2007

Attention: See coming into force provision and notes, where applicable.

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## Canada National Parks Act

### 2000, c. 32

N-14.01

[Assented to October 20th, 2000]

An Act respecting the **national parks** of **Canada**

Her Majesty, by and with the advice and consent of the Senate and House of Commons of **Canada**, enacts as follows:

### SHORT TITLE

#### Short title

1. This Act may be cited as the *Canada National Parks Act*.

### INTERPRETATION

#### Definitions

2. (1) The definitions in this subsection apply in this Act. "community plan"  
«*plan communautaire*»

"community plan" means a land use plan for a park community.

"ecological integrity"  
«*intégrité écologique*»

"ecological integrity" means, with respect to a park, a condition that is determined to be characteristic of its natural region and likely to persist, including abiotic components and the composition and abundance of native species and biological communities, rates of change and supporting processes.

"enforcement officer"  
«*agent de l'autorité*»

"enforcement officer" means a person designated under section 19 or belonging to a class of persons so designated.

"Minister"  
«*ministre*»

"Minister" means the Minister responsible for the **Parks Canada** Agency.

"park"  
«*parc*»

"park" means a **national** park of **Canada** named and described in Schedule 1.



"park community"  
«collectivité »

"park community" means any of the following communities:

- (a) the visitor centre of Field in Yoho **National Park of Canada**;
- (b) the town of Banff in Banff **National Park of Canada**;
- (c) the visitor centre of Lake Louise in Banff **National Park of Canada**;
- (d) the visitor centre of Waterton Lakes Park in Waterton Lakes **National Park of Canada**;
- (e) the town of Jasper in Jasper **National Park of Canada**;
- (f) the visitor centre of Waskesiu in Prince Albert **National Park of Canada**; or
- (g) the visitor centre of Wasagaming in Riding Mountain **National Park of Canada**.

"park reserve"  
«réserve »

"park reserve" means a **national park reserve of Canada** named and described in Schedule 2.

"park warden"  
«garde de parc »

"park warden" means a person designated under section 18.

"public lands"  
«terres domaniales »

"public lands" means lands, including submerged lands, that belong to Her Majesty in right of **Canada** or that the Government of **Canada** has the power to dispose of, whether or not such disposal is subject to the terms of any agreement between the Government of **Canada** and the government of a province.

"superintendent"  
«directeur »

"superintendent" means an officer appointed under the *Parks Canada Agency Act* who holds the office of superintendent of a park or of a **national historic site of Canada** to which this **Act** applies, and includes any person appointed under that **Act** who is authorized by such an officer to **act** on the officer's behalf.

### Aboriginal rights

(2) For greater certainty, nothing in this **Act** shall be construed so as to abrogate or derogate from the protection provided for existing aboriginal or treaty rights of the aboriginal peoples of **Canada** by the recognition and affirmation of those rights in section 35 of the *Constitution Act, 1982*.

2000, c. 32, s. 2; 2002, c. 18, s. 30; 2005, c. 2, s. 7.

## HER MAJESTY

### Binding on Her Majesty

3. This Act is binding on Her Majesty in right of Canada or a province.

## NATIONAL PARKS OF CANADA

### Parks dedicated to public

**4.** (1) The **national parks of Canada** are hereby dedicated to the people of **Canada** for their benefit, education and enjoyment, subject to this **Act** and the regulations, and the **parks** shall be maintained and made use of so as to leave them unimpaired for the enjoyment of future generations.

#### Purpose of reserves

(2) Park reserves are established in accordance with this **Act** for the purpose referred to in subsection (1) where an area or a portion of an area proposed for a park is subject to a claim in respect of aboriginal rights that has been accepted for negotiation by the Government of **Canada**.

2000, c. 32, s. 4; 2002, c. 18, s. 31.

#### National parks of Canada

**5.** (1) Subject to section 7, the Governor in Council may, by order, for the purpose of establishing or enlarging a park, amend Schedule 1 by adding the name and a description of the park, or by altering the description of the park, if the Governor in Council is satisfied that

(a) Her Majesty in right of Canada has clear title to or an unencumbered right of ownership in the lands to be included in the park; and

(b) the government of the province in which those lands are situated has agreed to their use for that purpose.

#### Judicial finding as to title

(2) If a court of competent jurisdiction finds that Her Majesty in right of Canada does not have clear title to or an unencumbered right of ownership in lands within a park, the Governor in Council may, by order, amend Schedule 1 by removing the name and description of the park or by altering that description.

#### No reduction of park area

(3) Except as provided by subsection (2), no amendment may be made by the Governor in Council to Schedule 1 for the purpose of removing any portion of a park.

2000, c. 32, s. 5; 2002, c. 18, s. 31.1.

#### Reserves for parks

**6.** (1) Subject to section 7, the Governor in Council may, by order, for the purpose of establishing or enlarging a park reserve, amend Schedule 2 by adding the name and a description of the reserve, or by altering the description of the reserve, if the Governor in Council is satisfied that the government of the province in which the lands to be included in the reserve are situated has agreed to their use for that purpose.

#### Reserve lands becoming park

(2) Where a claim referred to in subsection 4(2) is settled, the Governor in Council may, by order,

(a) amend Schedule 2 by removing the name and description of the park reserve or by altering that description; and

(b) if the settlement provides that the park reserve or part of it is to become a park or part of one, amend Schedule 1 by adding the name and a description of the park or by altering the description of the park, if the Governor in Council is satisfied that Her Majesty in right of Canada has clear title to or an unencumbered right of ownership in the lands to be included in the park.

#### Judicial finding as to title

(3) If a court of competent jurisdiction finds that Her Majesty in right of Canada does not have clear title to or an unencumbered right of ownership in lands within a park reserve, the Governor in Council may, by order, amend Schedule 2 by removing the name and description of the reserve or by altering that description.

#### No reduction of reserve area

(4) Except as provided by subsections (2) and (3), no amendment may be made by the Governor in Council to Schedule 2 for the purpose of removing any portion of a park reserve.

2000, c. 32, s. 6; 2002, c. 18, s. 31.2.

#### Amendment to be tabled and referred

7. (1) Before an amendment is made to Schedule 1 or 2 for a purpose referred to in subsection 5(1) or 6(1), respectively, the proposed amendment shall be tabled in each House of Parliament, together with a report on the proposed park or park reserve that includes information on consultations undertaken and any agreements reached with respect to its establishment, and an amendment so tabled stands referred to the standing committee of each House that normally considers matters relating to parks or to any other committee that that House may designate for the purposes of this section.

#### Disapproval by committee

(2) The committee of each House may, within 30 sitting days after the amendment is tabled, report to the House that it disapproves the amendment, in which case a motion to concur in the report shall be put to the House in accordance with its procedures.

#### Amendment allowed

(3) A proposed amendment to Schedule 1 or 2 may be made if 31 sitting days have elapsed after the tabling of the amendment in both Houses and no motion referred to in subsection (2) has been proposed in either House.

#### Amendment not allowed

(4) A proposed amendment to Schedule 1 or 2 may not be made if either House passes a motion referred to in subsection (2).

## ADMINISTRATION

#### Management by Minister

8. (1) The Minister is responsible for the administration, management and control of parks, including the administration of public lands in parks and, for that purpose, the Minister may use and occupy those lands.

#### Ecological integrity

(2) Maintenance or restoration of ecological integrity, through the protection of natural resources and natural processes, shall be the first priority of the Minister when considering all aspects of the management of parks.

#### Park communities

9. Powers in relation to land use planning and development in park communities may not be exercised by a local government body, except as provided in the agreement referred to in section 35.

#### Agreements — general

10. (1) The Minister may enter into agreements with federal and provincial ministers and agencies, local and aboriginal governments, bodies established under land claims agreements and other persons and organizations for carrying out the purposes of this Act.

#### Agreements — particular

(2) The Minister may enter into agreements

(a) with any person for the development, operation and maintenance in a park of hydro-electric power pursuant to the *Dominion Water Power Act* for use in a park;

(b) with a local or aboriginal government having jurisdiction on lands adjacent to a park for the supply of water from the park to any place on those adjacent lands; and

(c) with any person located on lands in or adjacent to a park for the supply of water from the park to those lands for domestic purposes or for use in establishments providing services to park visitors.

#### Traditional water supply

(2.1) An agreement entered into pursuant to paragraph (2)(b) must take into account any traditional supply of water from the park.

#### Use of land

(3) An agreement entered into by the Minister with a provincial minister or agency may authorize the use of public lands in a park, but the Minister may terminate the agreement if those lands cease to be used as authorized.

#### Management plans

**11.** (1) The Minister shall, within five years after a park is established, prepare a management plan for the park containing a long-term ecological vision for the park, a set of ecological integrity objectives and indicators and provisions for resource protection and restoration, zoning, visitor use, public awareness and performance evaluation, which shall be tabled in each House of Parliament.

#### Review of plans

(2) The Minister shall review the management plan for each park every five years, and any amendments to a plan shall be tabled with the plan in each House of Parliament.

#### Public consultation

**12.** (1) The Minister shall, where applicable, provide opportunities for public participation at the national, regional and local levels, including participation by aboriginal organizations, bodies established under land claims agreements and representatives of park communities, in the development of parks policy and regulations, the establishment of parks, the formulation of management plans, land use planning and development in relation to park communities and any other matters that the Minister considers relevant.

#### Progress reports

(2) At least every two years, the Minister shall cause to be tabled in each House of Parliament a report on the state of the parks and on progress made towards the establishment of new parks.

## PARK LANDS

#### No disposition or use without authority

**13.** Except as permitted by this Act or the regulations,

(a) no public lands or right or interest in public lands in a park may be disposed of; and

(b) no person shall use or occupy public lands in a park.

#### Wilderness areas

**14.** (1) The Governor in Council may, by regulation, declare any area of a park that exists in a natural state or that is capable of returning to a natural state to be a wilderness area.

#### Maintaining character

(2) The Minister may not authorize any activity to be carried on in a wilderness area that is likely to impair the wilderness character of the area.

#### Exceptions

(3) Notwithstanding subsection (2) but subject to any conditions that the Minister considers necessary, the

Minister may authorize activities to be carried on in a wilderness area for purposes of

- (a) park administration;
- (b) public safety;
- (c) the provision of basic user facilities including trails and rudimentary campsites;
- (d) the carrying on of activities in accordance with regulations made under section 17; or
- (e) access by air to remote parts of the wilderness area.

#### Time limit for declaration

(4) Where a new or amended management plan sets out an area of a park for declaration as a wilderness area, the Minister shall recommend such declaration to the Governor in Council within one year after the plan or amendment is tabled under section 11.

#### Disposition of public lands

**15. (1)** The Minister may

- (a) enter into leases of, and easements or servitudes over, public lands in a park that are used for
  - (i) the right-of-way of an existing railway line or the site of a railway station,
  - (ii) the right-of-way of an existing oil or gas pipeline or the site of a tank, reservoir, pump, rack, loading facility or other installation connected with such a pipeline, or
  - (iii) the right-of-way of an existing telecommunication or electrical transmission line or the site of an exchange, office, substation or other installation connected with such a transmission line;
- (b) enter into leases of, and easements or servitudes over, public lands in a park that are required for any alteration to or deviation from a right-of-way referred to in paragraph (a) or for the relocation of any station or installation referred to in that paragraph; or
- (c) enter into leases or licences of occupation of, and easements or servitudes over, public lands in a park for the installation and operation of radio and television repeater stations, microwave towers, weather and telemetry stations and cosmic ray and other scientific monitoring stations.

#### Use of lands

(2) Public lands in a park in which a right or interest is held for any purpose under this section remain part of the park and, if those lands cease to be used for that purpose, the right or interest reverts to the Crown.

#### Termination, etc.

(3) The Minister may terminate, or accept the surrender or resiliation of, a lease of public lands in a park and may terminate, or accept the relinquishment of, a licence of occupation of such lands or an easement or servitude over such lands.

#### Expropriation if interests

(4) The *Expropriation Act* applies in respect of the taking or acquisition of an interest in public lands in a park for the purposes of this Act where the holder of the interest does not consent and there is no cause for termination under subsection (3).

#### Meaning of terms

(5) For the purposes of subsection (4), the Minister is deemed to be a minister referred to in paragraph (b) of the definition "Minister" in section 2 of that Act and the Parks Canada Agency is deemed to be a department named in Schedule I to the *Financial Administration Act*.

#### No other expropriation

(6) Notwithstanding the *Expropriation Act*, Her Majesty in right of Canada may not acquire any interest in land by expropriation for the purpose of enlarging a park or establishing a new park.

## REGULATIONS

### Regulations

**16. (1)** The Governor in Council may make regulations respecting

(a) the preservation, control and management of parks;

(b) the protection of flora, soil, waters, fossils, natural features, air quality, and cultural, historical and archaeological resources;

(c) the protection of fauna, the taking of specimens of fauna for scientific or propagation purposes, and the destruction or removal of dangerous or superabundant fauna;

(d) the management and regulation of fishing;

(e) the prevention and remedying of any obstruction or pollution of waterways;

(f) the prevention and extinguishment of fire on park lands or threatening park lands;

(g) the issuance, amendment and termination of leases, licences of occupation and easements or servitudes, and the acceptance of the surrender or resiliation of leases and the relinquishment of licences of occupation and easements or servitudes, of or over public lands

(i) in park communities, for the purposes of residence, schools, churches, hospitals, trade, tourism and places of recreation or entertainment,

(ii) in existing resort subdivisions, for the purpose of residence,

(iii) outside park communities and existing resort subdivisions, for the purposes of schools, churches, hospitals, service stations, tourism and places for the accommodation, recreation or education of visitors to parks, and

(iv) in the town of Banff, for the purpose of the exercise by a local government body of functions specified in the agreement referred to in section 35;

(h) the restriction or prohibition of activities and the control of the use of park resources and facilities;

(i) the establishment, operation, maintenance and administration of works and services of a public character, such as water, sewage, electricity, telephone, gas, fire protection, garbage removal and disposal and cemeteries, including the designation, granting and maintenance of plots in cemeteries, and respecting the use of those works and services;

(j) the establishment, maintenance, administration and use of roads, streets, highways, parking areas, sidewalks, streetworks, trails, wharves, docks, bridges and other improvements, and the circumstances under which they must be open or may be closed to public traffic or use;

(k) the control of traffic on roads, streets and highways and elsewhere in parks, including the regulation of the speed, operation and parking of vehicles;

(l) the surveying of public lands, the making of plans of surveyed lands, the delimitation in such plans of the boundaries of park communities, existing resort subdivisions and cemeteries, their designation as towns, visitor centres, resort subdivisions or cemeteries and the subdividing of lands so designated;

(m) the control of the location, standards, design, materials, construction, maintenance, removal and demolition of buildings, structures, facilities, signs and other improvements and the establishment of zones governing uses of land and buildings;

(n) the control of businesses, trades, occupations, amusements, sports and other activities or undertakings,

including activities related to commercial ski facilities referred to in section 36, and the places where such activities and undertakings may be carried on;

(o) the preservation of public health and the prevention of disease;

(p) the inspection of buildings, structures, facilities and other improvements for the purpose of the enforcement of regulations made under paragraphs (m), (n) and (o);

(q) the abatement and prevention of nuisances;

(r) the determination of fees, rates, rents and other charges for the use of park resources and facilities, the provision of works and services referred to in paragraph (i) and improvements referred to in paragraph (j), and the issuance and amendment of permits, licences and other authorizing instruments pursuant to subsection (3);

(s) public safety, including the control of firearms;

(t) the use, transportation and temporary storage of pesticides and other toxic substances;

(u) the control of domestic animals, including the impounding or destruction of such animals found at large;

(v) the acquisition or disposition of prehistoric and historic objects and reproductions of them and the sale of souvenirs, consumer articles and publications;

(w) the authorization of the use of park lands, and the use or removal of flora and other natural objects, by aboriginal people for traditional spiritual and ceremonial purposes;

(x) the control of access to parks by air;

(y) maximum amounts of fines in respect of contraventions of provisions of the regulations or of permits, licences or other authorizing instruments issued pursuant to the regulations, for the purposes of paragraphs 24(3)(a) and (b); and

(z) the summary removal from a park, by park wardens or enforcement officers, of persons found contravening specified provisions of this Act, the regulations or the *Criminal Code*, and the exclusion from a park for prescribed periods of those persons or persons convicted of offences under those provisions.

### Roads and other improvements

(2) The establishment or use of any improvement referred to in paragraph (1)(j) does not operate to withdraw lands from a park.

### Powers of superintendents

(3) Regulations made under this section may authorize the superintendent of a park, in the circumstances and subject to the limits that may be specified in the regulations,

(a) to vary any requirement of the regulations for purposes of public safety or the conservation of natural resources in the park;

(b) to issue, amend, suspend and revoke permits, licences and other authorizations in relation to any matter that is the subject of regulations and to set their terms and conditions; and

(c) to order the taking of any action to counter any threat to public health or to remedy the consequences of any breach of the regulations in the park.

### No new establishments

(4) No lease, licence of occupation, easement or servitude may be issued or amended pursuant to regulations made under subparagraph (1)(g)(iii) for the purpose of the establishment of a new park community,

resort subdivision, school, church or hospital.

### Resource harvesting in certain parks

**17.** (1) The Governor in Council may make regulations respecting the exercise of traditional renewable resource harvesting activities in

- (a) Wood Buffalo **National Park of Canada**;
- (b) Wapusk **National Park of Canada**;
- (c) Gros Morne **National Park of Canada**;
- (d) any **national park of Canada** established in the District of Thunder Bay in the Province of Ontario;
- (e) Mingan Archipelago **National Park Reserve of Canada**; and
- (f) any **national park of Canada** established in an area where the continuation of such activities is provided for by an agreement between the Government of **Canada** and the government of a province respecting the establishment of the park.

### Land claims agreements

(2) Where an agreement for the settlement of an aboriginal land claim that is given effect by an **Act of Parliament** makes provision for traditional renewable resource harvesting activities or stone removal activities for carving purposes within any area of a park, or where aboriginal people have existing aboriginal or treaty rights to traditional renewable resource harvesting activities within any area of a park, the Governor in Council may make regulations respecting the carrying on of those activities in that area.

### Regulations respecting resource harvesting

- (3) Regulations made under subsection (1) or (2) may
  - (a) specify what are traditional renewable resource harvesting activities;
  - (b) designate categories of persons authorized to engage in those activities and prescribe the conditions under which they may engage in them;
  - (c) prohibit the use of renewable resources harvested in **parks** for other than traditional purposes;
  - (d) control traditional renewable resource harvesting activities;
  - (e) authorize the removal and disposal of any equipment or harvested resources left in a park in contravention of the regulations, and provide for the recovery of expenses incurred in their removal and disposal; and
  - (f) notwithstanding anything in this subsection, authorize the superintendent of a park
    - (i) to close areas of the park to traditional renewable resource harvesting activities for purposes of park management, public safety or the conservation of natural resources,
    - (ii) to establish limits on the renewable resources that may be harvested in any period, or to vary any such limits established by the regulations, for purposes of conservation, and
    - (iii) to prohibit or restrict the use of equipment in the park for the purpose of protecting natural resources.

### Removal of carving stone

(4) In regulations made under subsection (2), subsection (3) may be applied to the removal of stone for carving purposes.

### Variations by superintendent



(5) Regulations made under this section may authorize the superintendent of a park, in the circumstances described and to the extent provided in the regulations, to vary any requirement of the regulations for purposes of public safety or the conservation of natural resources in the park.

## ENFORCEMENT

### Designation of park wardens

**18.** The Minister may designate persons appointed under the *Parks Canada Agency Act*, whose duties include the enforcement of this Act, to be park wardens for the enforcement of this Act and the regulations in any part of Canada and for the preservation and maintenance of the public peace in parks, and for those purposes park wardens are peace officers within the meaning of the *Criminal Code*.

### Designation of enforcement officers

**19.** The Minister may designate persons or classes of persons employed in the federal public administration or by a provincial, municipal or local authority or an aboriginal government, whose duties include law enforcement, to be enforcement officers for the purpose of the enforcement of specified provisions of this Act or the regulations in relation to specified parks, and for that purpose enforcement officers have the powers and are entitled to the protection provided by law to peace officers within the meaning of the *Criminal Code*.

2000, c. 32, s. 19; 2002, c. 18, s. 31.3; 2003, c. 22, s. 224(E).

### Certificate of designation and oath

**20.** (1) Every park warden and enforcement officer shall be provided with a certificate of designation in a form approved by the Minister and shall take and subscribe an oath prescribed by the Minister.

### Limitation of powers

(2) A certificate of designation provided to an enforcement officer shall specify the provisions of this Act or the regulations that the enforcement officer has the power to enforce and the parks in which that power applies.

### Crossing private property

(3) In the discharge of their duties, park wardens, enforcement officers and persons accompanying them may enter on and pass through or over private property.

### Arrest by warden or officer

**21.** (1) A park warden or enforcement officer may, in accordance with and subject to the *Criminal Code*, arrest without warrant

(a) any person whom the warden or officer finds committing an offence under this Act; or

(b) any person who, on reasonable grounds, the warden or officer believes has committed or is about to commit an offence under section 26.

### Arrest by warden

(2) A park warden may, in accordance with and subject to the *Criminal Code*, arrest without warrant any person whom the warden finds committing an offence under any other Act in a park.

### Search and seizure

**22.** (1) A park warden or enforcement officer may

(a) enter and search any place and open and examine any package or receptacle in accordance with a warrant issued under subsection (2) at any time during the day or, if so specified in the warrant, during the night; and

(b) seize any thing that the warden or officer believes on reasonable grounds is a thing described in subsection (2).

### Authority to issue warrant

(2) If a justice of the peace, on *ex parte* application, is satisfied by information on oath that there are reasonable grounds to believe that there is in any place, including any building or any vehicle, vessel or other conveyance, or in any package or receptacle,

(a) any thing in relation to which there are reasonable grounds to believe an offence under this Act or the regulations has been committed, or

(b) any thing that there are reasonable grounds to believe will afford evidence with respect to the commission of such an offence,

the justice of the peace may issue a warrant authorizing a park warden or enforcement officer named in the warrant to enter and search the place or to open and examine the package or receptacle, subject to any conditions specified in the warrant.

### Where warrant not necessary

(3) A park warden or enforcement officer may exercise any powers under subsection (1) without a warrant if the conditions for obtaining a warrant exist but by reason of exigent circumstances it would not be practical to obtain one.

### Custody of things seized

**23.** (1) Subject to subsections (2) and (3) and sections 28 and 29, where a park warden or enforcement officer seizes a thing under this Act or under a warrant issued pursuant to the *Criminal Code*,

(a) sections 489.1 and 490 of the *Criminal Code* apply; and

(b) the warden or officer, or any person that the warden or officer may designate, shall retain custody of the thing, subject to any order made under section 490 of the *Criminal Code*.

### Forfeiture where ownership not ascertainable

(2) If the lawful ownership of or entitlement to a seized thing cannot be ascertained within 30 days after its seizure, the thing or any proceeds of its disposition are forfeited to Her Majesty in right of Canada, if the thing was seized by a park warden or by an enforcement officer employed in the federal public administration, or to Her Majesty in right of a province, if the thing was seized by an enforcement officer employed by a provincial, municipal or local authority or an aboriginal government.

### Perishable things

(3) If a seized thing is perishable, the park warden or enforcement officer may dispose of it or destroy it, and any proceeds of its disposition shall be paid to the lawful owner or person lawfully entitled to possession of the thing, unless proceedings under this Act are commenced within 90 days after its seizure, or shall be retained by the warden or officer pending the outcome of those proceedings.

2000, c. 32, s. 23; 2002, c. 18, s. 31.4; 2003, c. 22, s. 224(E).

## OFFENCES AND PUNISHMENT

### Contravention of section 13

**24.** (1) Every person who contravenes section 13 is guilty of an offence and liable

(a) on summary conviction, to a fine not exceeding \$2,000; or

(b) on conviction on indictment, to a fine not exceeding \$5,000.

### Contravention of subsection 32(1)

(2) Every person who contravenes subsection 32(1) is guilty of an offence and liable

- (a) on summary conviction,
  - (i) in the case of a corporation, to a fine not exceeding \$10,000, and
  - (ii) in the case of an individual, to a fine not exceeding \$2,000; or
- (b) on conviction on indictment,
  - (i) in the case of a corporation, to a fine not exceeding \$50,000, and
  - (ii) in the case of an individual, to a fine not exceeding \$5,000.

### Contravention of regulations

(3) Every person who contravenes a provision of the regulations, or a condition of a permit, licence or other authorizing instrument issued under the regulations, is guilty of an offence and liable

- (a) on summary conviction, to a fine not exceeding \$2,000, or
- (b) on conviction on indictment, to a fine not exceeding \$5,000,

or any lesser maximum amount that may be prescribed by the regulations in respect of that provision or in respect of that permit, licence or authorizing instrument.

### Trafficking in wildlife, etc.

**25.** (1) Except as permitted by the regulations, no person shall traffic in any wild mammal, amphibian, reptile, bird, fish or invertebrate, any part or an egg or embryo thereof, any plant or part of a plant, or any other naturally occurring object or product of natural phenomena, taken in or from a park.

### Offence

- (2) Every person who contravenes subsection (1) is guilty of an offence and liable
  - (a) on summary conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding six months or to both; or
  - (b) on conviction on indictment, to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year or to both.

### Definition of "traffic"

(3) In this section and section 26, "traffic" means to sell, offer for sale, expose for sale, buy, offer to buy, solicit, barter, exchange, give, send, transport or deliver.

### Poaching and trafficking

**26.** (1) Except as permitted by the regulations, no person shall hunt, traffic in or possess, in a park, any wildlife of a species named in Part 1 of Schedule 3, or traffic in or possess such wildlife taken from a park.

### Offence

- (2) Every person who contravenes subsection (1) is guilty of an offence and liable
  - (a) on summary conviction, to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding six months or to both; or
  - (b) on conviction on indictment, to a fine not exceeding \$250,000 or to imprisonment for a term not exceeding five years or to both.

### Poaching and trafficking

(3) Except as permitted by the regulations, no person shall hunt, traffic in or possess, in a park, any wildlife of a species named in Part 2 of Schedule 3, or traffic in or possess such wildlife taken from a park.

## Offence

(4) Every person who contravenes subsection (3) is guilty of an offence and liable

(a) on summary conviction, to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding six months or to both; or

(b) on conviction on indictment, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding five years or to both.

## Definitions

(5) The definitions in this subsection apply in this section. "hunt"  
«*chasser* »

"hunt" means to kill, injure, seize, capture or trap, or to attempt to do so, and includes to pursue, stalk, track, search for, lie in wait for or shoot at for any of those purposes.

"possess"  
«*possession* »

"possess" , in relation to any person, includes knowingly having any thing in any place, whether or not that place belongs to or is occupied by the person, for his or her own use or benefit or for that of another person.

"wildlife"  
«*animal sauvage* »

"wildlife" , in relation to any species named in Schedule 3, includes any part of an individual of the species, and their eggs and embryos.

## Amendments to Schedule 3

(6) The Governor in Council may, by regulation, amend Part 1 or 2 of Schedule 3 by adding the name of any species of wild mammal, amphibian, reptile, bird, fish or invertebrate or by deleting the name of any species.

## Fines cumulative

**27.** (1) A fine imposed for an offence involving more than one animal, plant or object may be calculated in respect of each one as though it had been the subject of a separate information and the fine then imposed is the total of that calculation.

## Continuing offences

(2) If a contravention of this Act or the regulations is committed or continued on more than one day, it constitutes a separate offence for each day on which it is committed or continued.

## Subsequent offence

(3) Where a person is convicted of an offence under this Act a second or subsequent time, the amount of the fine for the subsequent offence may, notwithstanding subsection 24(1), (2) or (3), 25(2) or 26(2) or (4), be double the amount set out in that subsection.

## Forfeiture

**28.** (1) When a person is convicted of an offence, the court may, in addition to any punishment imposed, order that any seized thing by means of or in relation to which the offence was committed, or any proceeds of its disposition, be forfeited to Her Majesty in right of Canada.

## Return where no forfeiture ordered

(2) If the court does not order the forfeiture, the seized thing or the proceeds of its disposition shall be returned or paid to its lawful owner or the person lawfully entitled to it.

## Retention or sale

(3) Where a fine is imposed on a person convicted of an offence, any seized thing, or any proceeds of its disposition, may be retained until the fine is paid or the thing may be sold in satisfaction of the fine and the proceeds applied, in whole or in part, in payment of the fine.

#### Disposition by Minister

**29.** Any seized thing that has been forfeited under this Act to Her Majesty in right of Canada or abandoned by its owner may be dealt with and disposed of as the Minister may direct.

#### Orders of court

**30.** (1) When a person is convicted of an offence under this Act, the court may, in addition to any punishment imposed and having regard to the nature of the offence and the circumstances surrounding its commission, make an order

(a) prohibiting the person from doing any act or engaging in any activity that may, in the opinion of the court, result in the continuation or repetition of the offence;

(b) directing the person to take any action that the court considers appropriate to remedy or avoid any harm to any resources of a park that resulted or may result from the commission of the offence;

(c) directing the person to pay the Minister an amount of money as compensation, in whole or in part, for the cost of any remedial or preventive action taken by the Minister as a result of the commission of the offence;

(d) directing the person to post a bond or pay into court an amount of money that the court considers appropriate for the purpose of ensuring compliance with any prohibition, direction or requirement mentioned in this section; or

(e) requiring the person to comply with any other conditions that the court considers appropriate.

#### Suspended sentence

(2) Where a person is convicted of an offence under this Act and the court suspends the passing of sentence under paragraph 731(1)(a) of the *Criminal Code*, the court may, in addition to any probation order made under that paragraph, make an order referred to in subsection (1).

#### Imposition of sentence

(3) If a person does not comply with an order made under subsection (2) or is convicted of another offence, the court may, within three years after the order was made, on the application of the prosecution, impose any sentence that could have been imposed if the passing of sentence had not been suspended.

#### Limitation or prescription

**31.** (1) Proceedings by way of summary conviction may be commenced not later than two years after the day on which the subject-matter of the proceedings becomes known to the Minister.

#### Minister's certificate

(2) A document purporting to have been issued by the Minister, certifying the day on which the subject-matter of any proceedings became known to the Minister, is admissible in evidence without proof of the signature or official character of the person appearing to have signed the document and is evidence of the matters asserted in it.

## MITIGATION OF ENVIRONMENTAL DAMAGE

#### Pollution clean-up

**32.** (1) Where a substance that is capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health is discharged or deposited in a park, any person who has charge, management or control of the substance shall take reasonable measures to prevent any degradation of the natural environment and any danger to the fauna, flora or cultural resources or to persons that may result from the discharge or deposit.

### Powers of superintendent and Minister

(2) If the superintendent of a park is of the opinion that a person is not taking the measures required by subsection (1), the superintendent may direct the person to take those measures and, if the person fails to do so, the Minister may direct those measures to be taken on behalf of Her Majesty in right of Canada.

### Expenses of clean-up

(3) A person who fails to comply with a direction given by a superintendent under subsection (2) is liable for the expenses reasonably incurred by Her Majesty in right of Canada in taking the measures directed, and those expenses may be recovered from that person, with costs, in proceedings brought in the name of Her Majesty in any court of competent jurisdiction.

## PARK COMMUNITIES

### Preparation of community plan

**\*33.** (1) A community plan for each park community shall be tabled in each House of Parliament as soon as possible after this section comes into force, accompanied in the case of the town of Banff by any zoning by-laws made under the agreement referred to in section 35.

\* [Note: Section 33 in force February 19, 2001, see SI/2001-29.]

### Contents of community plan

(2) A community plan for a park community must

(a) be consistent with the management plan for the park in which the park community is located;

(b) accord with any guidelines established by the Minister for appropriate activities within the park community;

(c) provide a strategy for the management of growth within the park community; and

(d) be consistent with principles of

(i) no net negative environmental impact, and

(ii) responsible environmental stewardship and heritage conservation.

### Elements to be included

(3) A community plan, or the zoning by-laws referred to in subsection (1) and tabled with it, must include

(a) a description of the lands comprising the park community;

(b) a description of the lands comprising the commercial zones of the park community; and

(c) a measure of the maximum floor area permitted within the commercial zones of the park community.

### Amendment of Schedule 4

(4) Subject to section 34, the Governor in Council may, by order, add the description of a park community, the description of its commercial zones and a measure of their maximum floor area referred to in subsection (3) to columns 2, 3 and 4, respectively, of Schedule 4, opposite the name of the community set out in column 1 of that Schedule, but any description or measure so added is not subject to amendment by the Governor in Council.

### Leases, licences, etc.

(5) No lease or licence of occupation may be granted, and no permit, licence or other authorization may be issued, authorizing a commercial use of lands within a commercial zone of a park community if the maximum

floor area for commercial zones specified for that park community in Schedule 4 would be exceeded as a result of that use.

#### Additions to be tabled and referred

**34.** (1) Before additions are made to Schedule 4 under subsection 33(4), the proposed additions shall be tabled in each House of Parliament, and on tabling they stand referred to the standing committee of each House that normally considers matters relating to parks or to any other committee that that House may designate for the purposes of this section.

#### Disapproval by committee

(2) The committee of each House may, within 30 sitting days after the proposed additions to Schedule 4 are tabled, report to the House that it disapproves the additions, in which case a motion to concur in the report shall be put to the House in accordance with its procedures.

#### Disposition of motion for concurrence

(3) The motion shall be debated for not more than three hours and disposed of in accordance with the procedures of the House.

#### Additions allowed

(4) Proposed additions to Schedule 4 may be made if 31 sitting days have elapsed after the tabling of the additions in both Houses and no motion referred to in subsection (2) has been proposed in either House.

#### Additions not allowed

(5) Proposed additions to Schedule 4 may not be made if either House passes a motion referred to in subsection (2).

## PROVISIONS FOR PARTICULAR PARKS

#### Banff local government

**35.** The Governor in Council, having authorized the Minister to enter into the Town of Banff Incorporation Agreement dated December 12, 1989, being an agreement for the establishment of a local government body for the town of Banff in Banff National Park of Canada, and to entrust to that body the local government functions specified in the Agreement, may authorize the Minister to further amend the Agreement.

#### Lands for ski facilities

**36.** (1) No lease or licence of occupation may be granted for the purpose of commercial ski facilities on public lands in a park except within a commercial ski area described in Schedule 5.

#### Designation of ski areas

(2) The Governor in Council may, by order, add to Schedule 5 the name and a description of a commercial ski area in the vicinity of Sunshine Village in Banff National Park of Canada, but that Schedule is not otherwise subject to amendment by the Governor in Council.

#### Wildlife Advisory Board

**37.** (1) The Governor in Council may, by order, constitute a Wildlife Advisory Board for the traditional hunting grounds of Wood Buffalo National Park of Canada.

#### Hunting, trapping and fishing permits

(2) Notwithstanding any regulations made under section 17, permits for hunting, trapping and fishing by members of the Cree Band of Fort Chipewyan in the traditional hunting grounds of Wood Buffalo National Park of Canada shall be issued in accordance with regulations of the Wildlife Advisory Board.

#### Regulations

(3) The Wildlife Advisory Board may, subject to the approval of the Governor in Council, make regulations

respecting

- (a) the issuance, amendment and revocation, by the superintendent of the Park, of permits for hunting, trapping and fishing by members of the Cree Band of Fort Chipewyan in the traditional hunting grounds of the Park;
- (b) the qualifications for such permits; and
- (c) the number of such permits that may be issued.

#### Traditional hunting grounds

(4) For the purposes of this section, the traditional hunting grounds of Wood Buffalo National Park of Canada consist of the lands shown on Plan 72702 in the Canada Lands Surveys Records at Ottawa, a copy of which is filed in the Land Titles Office at Edmonton under number 902-0325, which lands contain 8869 square kilometres (886 894 hectares).

#### Amendment of park descriptions

**38.** (1) Notwithstanding subsection 5(2) and section 13, the Governor in Council may, by order,

(a) amend or replace the description of Wood Buffalo National Park of Canada in Schedule 1 for the purpose of withdrawing from that Park any lands in the vicinity of Garden River in the province of Alberta that may be required for the establishment of an Indian reserve;

(b) amend or replace the description of Wood Buffalo National Park of Canada in Schedule 1, in accordance with an agreement between Canada and the Salt River First Nation or with any first nation formed from the division of that First Nation, for the purpose of withdrawing from that Park any lands that may be required for purposes of entitlement to land under Treaty Number Eight between Her Majesty the Queen and the Cree, Beaver, Chipewyan and other Indians;

(c) amend or replace the description of Riding Mountain National Park of Canada in Schedule 1 for the purpose of withdrawing from that Park the east half of Section 8 in Township 20, Range 19, for purposes of settling a claim of the Keeseekoowenin Band; or

(d) amend or replace the description of Wapusk National Park of Canada in Schedule 1, in accordance with the agreement between Canada and Manitoba respecting the establishment of that Park, for the purpose of withdrawing from the Park any lands that may be required for purposes of entitlement to land under

(i) Treaty Number Five between Her Majesty the Queen and the Saulteaux and Swampy Cree Tribes of Indians at Berens River, or

(ii) the Northern Flood Agreement concluded on December 16, 1977 between Canada, Manitoba, the Manitoba Hydro-Electric Board and the Northern Flood Committee, Inc.

#### Lands not required

(2) Lands withdrawn from Wood Buffalo National Park of Canada or Wapusk National Park of Canada pursuant to subsection (1) are declared to be no longer required for park purposes.

## PARK RESERVES

#### Application of Act to reserves

**39.** Subject to sections 40 and 41, this Act applies to a park reserve as if it were a park.

#### Aboriginal resource harvesting

**40.** The application of this Act to a park reserve is subject to the carrying on of traditional renewable resource harvesting activities by aboriginal persons.

#### Agreement re Gwaii Haanas



41. (1) The Governor in Council may authorize the Minister to enter into an agreement with the Council of the Haida Nation respecting the management and operation of Gwaii Haanas **National Park Reserve of Canada**.

#### Resource harvesting and cultural activities

(2) For the purpose of implementing an agreement referred to in subsection (1), the Governor in Council may make regulations, applicable in the Gwaii Haanas **National Park Reserve of Canada**, respecting the continuance of traditional renewable resource harvesting activities and Haida cultural activities by people of the Haida Nation to whom subsection 35(1) of the *Constitution Act, 1982* applies.

#### Additions to reserve

(3) Pending the resolution of the disputes outstanding between the Haida Nation and the Government of **Canada** respecting their rights, titles and interests in or to the Gwaii Haanas Archipelago, the Governor in Council may, by order, alter the description of Gwaii Haanas **National Park Reserve of Canada** in Schedule 2 for the purpose of adding to the Reserve any portion of the Gwaii Haanas Archipelago as described in Schedule VI to the *National Parks Act*, chapter N-14 of the Revised Statutes of **Canada**, 1985, as that **Act** read immediately before its repeal.

#### Non-application of section 7

(4) Section 7 does not apply in relation to the enlargement of Gwaii Haanas **National Park Reserve of Canada** in accordance with subsection (3).

## NATIONAL HISTORIC SITES OF CANADA

#### Lands set apart

42. (1) The Governor in Council may set apart any land, the title to which is vested in Her Majesty in right of Canada, as a national historic site of Canada to which this Act applies in order to

(a) commemorate a historic event of national importance; or

(b) preserve a historic landmark, or any object of historic, prehistoric or scientific interest, that is of national importance.

#### Changes to boundaries

(2) The Governor in Council may make any changes that the Governor in Council considers appropriate in areas set apart under subsection (1).

#### Application of this Act

(3) The Governor in Council may, by order, extend the application of subsection 8(1), section 11, except as it relates to zoning, and sections 12 and 16 to 32 to national historic sites of Canada.

## REPEALS

43. to 46. [Repeals]

## CONSEQUENTIAL AMENDMENTS

47. to 56. [Amendments]

57. [Repealed, 2001, c. 34, s. 24. Repeal is deemed to have come into force on February 18, 2001.]

58. to 67. [Amendments]

## CONDITIONAL AMENDMENTS

**68. to 70.1 [Amendments]**

## COMING INTO FORCE

### Coming into force

\*71. (1) Subject to subsections (2) to (4), this Act, other than sections 68 to 70.1, comes into force on a day to be fixed by order of the Governor in Council.

### Coming into force

(2) Paragraph 17(1)( *b*) and the description of Wapusk National Park of Canada in Part 4 of Schedule 1 come into force on a day to be fixed by order of the Governor in Council.

### Coming into force

(3) Paragraph 17(1)( *c*) and the description of Gros Morne National Park of Canada in Part 10 of Schedule 1 come into force on a day to be fixed by order of the Governor in Council.

### Coming into force

(4) The description of Aulavik National Park of Canada in Part 12 of Schedule 1 comes into force on a day to be fixed by order of the Governor in Council.

\* [Note: Sections 68 to 70.1 in force on assent October 20, 2000; sections 1 to 16, section 17, other than paragraphs (1)( *b*) and ( *c*), sections 18 to 67, Schedule 1, including the description of Aulavik National Park of Canada in Part 12, but excluding the descriptions of Wapusk National Park of Canada in Part 4 and Gros Morne National Park of Canada in Part 10 of Schedule 1, and Schedules 2 to 5 in force February 19, 2001, see SI/2001-29; paragraph 17(1)(*c*) and the description of Gros Morne National Park of Canada in Part 10 of Schedule 1 in force October 1, 2005, see SI/2005-63.]

## SCHEDULE 1 (Sections 2, 5, 6, 7 and 38)

### NATIONAL PARKS OF CANADA

## PART 1 — BRITISH COLUMBIA

### (1) GLACIER NATIONAL PARK OF CANADA

All latitudes and longitudes hereinafter are referred to the North American Datum of 1927; all topographic features hereinafter are according to Edition 1 of Map Compilation and Reproduction map sheet MCR 219 (Mount Revelstoke and Glacier **National Parks**) compiled from 1:50,000 **National** Topographic System Maps 82N/3, 82N/4, 82N/5, 82N/6, 82L/16 and 82M/1 and information supplied by Environment **Canada Parks**; said MCR map sheet produced at a scale of 1:70,000 by the Surveys and Mapping Branch, Energy, Mines and Resources **Canada**, 1987;

In the Province of British Columbia;

In Kootenay District;

All that parcel of land more particularly described as follows:

Commencing at the summit of Mount McNicoll at approximate latitude 51°27' and approximate longitude 117°35';

Thence northeasterly along the watershed boundary separating the watershed area of Alder Creek from that of Mountain Creek, to the D.L.S. rock post marked N.P.1 (at the end of the ridge); said post as shown on Plan 43227 recorded in the **Canada** Lands Surveys Records at Ottawa, a copy of which is filed in the Land Title Office at Nelson as D.F. 23534;

Thence on an approximate bearing of  $84^{\circ}18'18''$ , a distance of about 8494.6 metres (27,869.4 feet) along the consecutive courses of part of the boundary of Glacier National Park to D.L.S. old pattern iron post marked N.P.4 as shown on said Plan 43227 in said records; said post being at the northerly extremity of Prairie Hills;

Thence southerly, southeasterly, southerly and westerly along the sinuosities of the easterly boundary of the watershed area of Beaver River through the summits of Heather Mountain, Dauntless Mountain, Dawn Mountain and Moonraker Peak to Standard B.C. pipe post #1 at the summit of Copperstain Mountain as shown on Plan 76890 in said records, a copy of which is filed in said office as NEP 21973;

Thence generally westerly along the consecutive courses of part of the boundary of said park to Standard B.C. pipe post #43 at Busstop Ridge as shown on said Plan 76890 in said records;

Thence generally southerly along the consecutive courses of part of the boundary of said park as shown on Plans 76891, 76892, 76893, 76894, 76895 and 76896 respectively in said records, to Standard B.C. pipe post #290 at the summit of Caribou Peak as shown on Plan 76896 in said records, a copy of each of which plan is filed in said office as NEP 21974, NEP 21975, NEP 21976, NEP 21977, NEP 21978 and NEP 21979 respectively;

Thence southerly and westerly along the sinuosities of the boundary of the watershed area of Beaver River and through monuments placed on said boundary at stations 557, 534, 518, 508, 502, 580 and 593, to a Standard B.C. rock post at station 593; said stations as shown on Plan 66542 in said records, a copy of which is filed in said office as B101;

Thence continuing westerly and northerly along the sinuosities of the boundary of the watershed area of Beaver River around the head of said watershed area through the summits of Mount Duncan, Beaver Mountain, Sugarloaf Mountain and Grand Mountain to the summit of Mount Wheeler at approximate latitude  $51^{\circ}06'$  and approximate longitude  $117^{\circ}23'$ ;

Thence generally westerly along the sinuosities of the summit of the ridge running through the summits of Mount Kilpatrick, Pristine Mountain and Vestal Mountain to the summit of Purity Mountain at approximate latitude  $51^{\circ}06'$  and approximate longitude  $117^{\circ}28'$ ;

Thence continuing generally southerly, westerly and northwesterly along the sinuosities of the summit of the ridge leading to and along Van Horne N  v   and through the summits of Findhorn Peak and Mount McBean to the Standard B.C. rock post at the summit of Tomatin Peak; said post as shown on Plan 74513 in said records, a copy of which is filed in said office as F383;

Thence on an approximate bearing of  $252^{\circ}27'00''$  along the consecutive courses of part of the boundary of said park to the Standard B.C. rock post at the summit of Hope Peak as shown on said Plan 74513 in said records;

Thence westerly along the summit of the ridge running from Hope Peak to its intersection with the westerly boundary of the watershed area of Incomappleux River; said intersection situated at the summit of Charity Peak at approximate latitude  $51^{\circ}04'$  and approximate longitude  $117^{\circ}39'$ ;

Thence westerly and northerly along the sinuosities of the westerly boundary of the watershed area of Incomappleux River running through the summits of Faith Peak, Virtue Mountain, Patience Mountain and Fortitude Mountain to its intersection with the boundary separating the watershed area of Illecillewaet River from that of Incomappleux River; said intersection shown as "Summit 7631 Glacier Park Map 1923, 7641 Glacier Park Map 1934" on Plan 39230 in said records;

Thence on an approximate bearing of  $353^{\circ}24'27''$  along the consecutive courses of part of the boundary of said park to the point shown as "Summit 7434 Donald Sheet, 7424 Glacier Park Map 1923" on said Plan 39230 in said records;

Thence generally northerly and northwesterly along the sinuosities of the easterly boundary of the watershed area of Tangier River running through the summits of Fidelity Mountain and Mount Carson to the summit of Sorcerer Mountain at approximate latitude  $51^{\circ}27'$  and approximate longitude  $117^{\circ}55'$ ;

Thence generally northeasterly, southeasterly and easterly along the sinuosities of the westerly and northerly boundaries of the watershed area of Mountain Creek running through the summit of Nordic Mountain to the point of commencement;

Said parcel containing about 1349 square kilometres.

## (2) YOHO NATIONAL PARK OF CANADA

All that parcel of land in the Province of British Columbia more particularly described as follows:

Commencing at the summit of Neptuak Mountain in approximate latitude 51°18'29" and approximate longitude 116°15'25", said summit being on the easterly boundary of the Province of British Columbia;

Thence westerly in a straight line across the valley of Tokumm Creek to the summit of a peak in approximate latitude 51°18'02" and approximate longitude 116°17'22";

Thence southwesterly in a straight line across the valley of Misko Creek to the summit of a peak in approximate latitude 51°16'36" and approximate longitude 116°20'43";

Thence southerly in a straight line across the valley of Ottetail River to the summit of a peak in approximate latitude 51°14'37" and approximate longitude 116°21'30";

Thence southerly in a straight line to the summit of a peak in approximate latitude 51°12'49" and approximate longitude 116°21'36";

Thence southerly in a straight line to the summit of a peak on the height of land which divides the watershed area of Kicking Horse River from that of Vermilion River, the last aforesaid summit being in approximate latitude 51°12'10" and approximate longitude 116°21'27" as said summits and lines are shown on the Lake Louise and Mount Goodsire map sheets, numbers 82N/8W and 82N/1W respectively, of the **National** Topographical System, copies of which are of record numbers 51112 and 51113 respectively in the **Canada** Lands Surveys Records at Ottawa;

Thence in a general southwesterly direction and following the crest of the spur ridge which divides the watershed of Moose Creek from that of Ice River throughout all its sinuosities to the summit of a peak marked 9687;

Thence in a straight line to a point on the right bank of Ice River opposite the point at which the most southerly tributary shown on said map enters Ice River from the east side;

Thence following said right bank of Ice River downstream to its confluence with Beaverfoot River;

Thence following the right bank of said Beaverfoot River downstream to its intersection with the north boundary of Township twenty-five, Range nineteen West of the fifth Meridian or said boundary produced easterly;

Thence west along said north boundary and the production thereof to the southeast corner of Section four in Township twenty-six, Range nineteen;

Thence north along the east boundary of said Section four to its intersection with the left bank of Kicking Horse River;

Thence in a general northwesterly direction and following throughout the left bank of Kicking Horse River to its intersection with the east boundary of Township twenty-six, Range twenty, West of the fifth Meridian;

Thence north along said east boundary of Township twenty-six to its intersection with the summit of a well defined ridge dividing the watershed of Porcupine Creek from that part of Kicking Horse River which lies west of

said east boundary;

Thence in a general northerly direction along the summit of the height of land which forms the westerly boundary of the watershed area of that part of Kicking Horse River which lies upstream from the east boundary of said Township twenty-six, and following all the sinuosities of said height of land to its intersection with the summit of Mount Rhondda which mountain is also a point of the summit of the Rocky Mountains forming the easterly boundary of the Province of British Columbia;

Thence in a general southeasterly direction and following the said summit of the Rocky Mountains throughout all its sinuosities to the point of commencement;

Said parcel containing an area of approximately 131 312.0685 hectares.

### (3) MOUNT REVELSTOKE NATIONAL PARK OF CANADA

In British Columbia;

In Kootenay District;

In the former Railway Belt;

That parcel of land more particularly described as follows:

Firstly,

In accordance with a plan recorded in the **Canada** Lands Surveys Records at Ottawa under number 43402, a copy of which has been filed in the Land Title Office at Kamloops under number D.F. 23953:

Commencing at the northwest corner of Legal Subdivision 8, Section 34, Township 23, Range 2, West of the 6th Meridian;

Thence easterly following the northerly boundaries of the south halves of Sections 34, 35 and 36 in said Township 23 and Section 31, Township 23, Range 1, West of the 6th Meridian, to the northeast corner of the south half of said Section 31;

Thence northerly following the east boundaries of said Section 31 and Section 6, in Township 24, in said Range 1, to the northwest corner of Section 5, in said Township 24;

Thence easterly following the north boundaries of Sections 5, 4 and 3 in said Township 24, to the northeast corner of said Section 3;

Thence northerly following the west boundary of Section 11, in said Township 24 to the northwest corner of said Section 11;

Thence easterly following the north boundary of said Section 11 to the northeast corner of said Section;

Secondly,

In accordance with Plan of Lot 3643, recorded under number 63656 in said Records, being a copy of the Official Plan confirmed under Section 63, Land **Act**, at Victoria, B.C., November 30, 1977 and numbered as F.B. 18077:

Continuing from the northeast corner of said Section 11;

Thence easterly following the northerly boundaries of Legal Subdivisions 13, 14, 15 and 16 of Section 12 in said Township 24, to the northeast corner of said Section 12;

Thence easterly along said north boundary of Legal Subdivision 16 and its easterly production to its

intersection with the right bank of Clachnacudainn Creek;

Thirdly,

In accordance with said Plan 43402 in said Records:

Continuing from said intersection;

Thence southerly following the right bank of said Clachnacudainn Creek to the right bank of Illecillewaet River;

Thence northeasterly following the right bank of Illecillewaet River to the right bank of Woolsey Creek, formerly Silver Creek;

Thence northwesterly following the right bank of Woolsey Creek to the right bank of Maunder Creek;

Thence westerly and southwesterly following the right bank of Maunder Creek and its southwesterly production to the easterly limit of the watershed of La Forme Creek;

Thence southerly and westerly along the easterly and southerly limits of the watershed of La Forme Creek to and along the southerly limit of the watershed of Martha Creek to the north boundary of Section 13, Township 25, Range 2, West of the 6th Meridian;

Thence westerly following the north boundary of said Section 13 to its northwest corner;

Thence southerly following the west boundaries of Sections 13, 12 and 1 in said Township 25 and Section 36, 25 and 24, Township 24, in said Range 2 to the southwest corner of said Section 24;

Thence westerly following the north boundary of Section 14 in said Township 24 to the northwest corner of the northeast quarter of said Section 14;

Thence southerly following the west boundary of said northeast quarter Section to the southwest corner of said northeast quarter of said Section 14;

Fourthly,

In accordance with Plans 63417 and 67619 in said Records:

Continuing from the southwest corner of said northeast quarter of Section 14;

Thence on a bearing S45°13'10"W a distance of 1,149.83 metres to the southwest corner of said Section 14;

Thence on a bearing S45°13'50"W a distance of 1,148.94 metres to the southeast corner of Legal Subdivision 11 of Section 10, in said Township 24;

Thence on a bearing S45°23'30"W a distance of 575.98 metres to the northwest corner of Legal Subdivision 3 of said Section 10;

Fifthly,

In accordance with Plan 29235 in said records, being a copy of the plan of the southeast quarter Township 24, Range 2, West of the 6th Meridian:

Continuing from the northwest corner of said Legal Subdivision 3 of Section 10;

Thence southerly following the west boundary of said Legal Subdivision 3, and the west boundary of Legal Subdivision 14 of Section 3, to a point on said west boundary of Legal Subdivision 14 being the southeast

corner of the north half of Legal Subdivision 13 of Section 3;

Thence on a bearing of 270°01'20" following the southerly boundary of said north half of Legal Subdivision 13, for a distance of about 254.69 metres to the northeast corner of Parcel A as shown on Plan 63325 in said records, a copy of which is deposited under number 10887 in said office;

Thence on a bearing of 200°58'45" following the easterly boundary of said Parcel A, for a distance of about 51.55 metres to a point of deflection on said easterly boundary;

Thence on a bearing of 192°17'15" following the easterly boundary of said Parcel A, for a distance of about 133.06 metres to a point of deflection on said easterly boundary;

Thence on a bearing of 203°48'30" following the easterly boundary of said Parcel A, for a distance of about 137.24 metres to a point of deflection on said easterly boundary;

Thence on a bearing of 183°40'25" following the easterly boundary of said Parcel A, for a distance of about 101.03 metres to a point of deflection on said easterly boundary;

Thence on a bearing of 179°50'40" following the easterly boundary of said Parcel A, for a distance of about 101.40 metres to the southeast corner of said Parcel A, being a point on the southerly boundary of the north half of the south half of Legal Subdivision 12 of Section 3 as shown on said Plan 63325;

Thence on a bearing of 90°09'55" following said southerly boundary of the north half of the south half of Legal Subdivision 12, for a distance of about 151.63 metres to a point on said southerly boundary being the northwest corner of the south half of the southeast quarter of said Legal Subdivision 12;

Thence on a bearing of 181°13'30" following the westerly boundary of said south half of the southeast quarter of Legal Subdivision 12, for a distance of about 101.47 metres to the southwest corner of said south half of the southeast quarter of Legal Subdivision 12, as shown on Plan 41266 in said records, a copy of which is deposited under number DF20351 in said office;

Thence on a bearing of 90°12'30" following the southerly boundary of said south half of the southeast quarter of Legal Subdivision 12, for a distance of about 33.63 metres, as shown on said Plan 41266, to a point being the northwest corner of part of the southwest quarter of Section 3 as shown on Plan 41269 in said records, a copy of which is deposited under number DF20353 in said office;

Thence on a bearing of 180°00'00" following the westerly boundary of said part of the southwest quarter of Section 3, for a distance of about 204.95 metres to the southwest corner of said part of the southwest quarter of Section 3, as shown on said Plan 41269;

Thence on a bearing of 89°58'00" following the southerly boundary of said part of the southwest quarter of Section 3, for a distance of about 162.31 metres to a point on said southerly boundary as shown on Plan 43402 in said records, a copy of which is deposited under number DF23953 in said office;

Thence on a bearing of 177°40'00", for a distance of about 604.02 metres to the southeasterly corner of Legal Subdivision 4 of Section 3, as shown on said Plan 43402;

Thence on a bearing of 270°04'00" following the southerly boundary of Legal Subdivision 4, for a distance of about 151.24 metres to the northeasterly corner of Parcel B as shown on Plan 63326 in said records, a copy of which is deposited under number 10888 in said office;

Thence on a bearing of 169°30'10" following the easterly boundary of said Parcel B, for a distance of about 128.02 metres, to a point of deflection in said easterly boundary;

Thence on a bearing of 111°20'00" following the easterly boundary of said Parcel B, for a distance of about 124.97 metres to a point of deflection in said easterly boundary;

Thence on a bearing of 190°55'20" following the easterly boundary of said Parcel B, for a distance of about 30.48 metres to the southeasterly corner of said Parcel B, said point being on a curve of radius 695.25 metres as shown on said Plan 63326;

Thence southeasterly following said curve of radius 695.25 metres, to the right, a distance along the curve of about 100.88 metres to a point on the curve as shown on said Plan 63326;

Thence continuing southeasterly following said curve of radius 695.25 metres, to the right, a distance along the curve of about 128.29 metres to the tangential end of curve as shown on Plan 43405 in said records;

Thence on a bearing of 133°36'30", for a distance of about 397.85 metres as shown on said plan 43405, to the most northerly corner of Lot 100, as shown on Plan 765 deposited in said office, a copy of which is recorded as Plan 43208 in said records;

Thence on a bearing of 223°36'30" following the northwesterly boundary of said Lot 100, for a distance of about 70.71 metres to the most westerly corner of said Lot 100, as shown on said Plan 43405;

Thence on a bearing of 133°36'30" following the southwesterly boundary of said Lot 100 and the southwesterly boundary of Lot 99 on said Plan 43208, for a distance of about 99.06 metres to a point on said southwesterly boundary of Lot 99 being the most northerly corner of Lot 102 on said Plan 43208, as shown on said Plan 43405;

Thence on a bearing of 223°36'30" following the northwesterly boundary of said Lot 102, for a distance of about 11.01 metres to the most northerly corner of Parcel A as shown on Plan 67155 in said records, a copy of which is deposited as Plan P24400 in said office;

Thence on a bearing of 132°01'50" following the northeasterly boundary of said Parcel A to its intersection with the westerly production of the northerly boundaries of Lots 86 and 87 on said Plan 43208;

Thence easterly on the westerly production of the northerly boundaries of said Lots 86 and 87 to the most westerly corner of said Lot 86;

Thence southeasterly following the southwesterly boundaries of said Lots 86 and 87 as shown on said Plan 43208 to the most southerly corner of said Lot 87;

Thence northeasterly following the southeasterly boundary of said Lot 87 to the most easterly corner of Lot 87, said corner being on the northerly boundary of Lot 88 on said Plan 43208;

Thence on a bearing of 99°30'00" following the northerly boundary of said Lot 88, for a distance of about 9.94 metres to the northeasterly corner of said Lot 88, being a point on the easterly boundary of Legal Subdivision 7 of Section 34, Township 23, Range 2, West of the 6th Meridian as shown on Plan 43015 in said records;

Thence on a bearing of 0°35'00" following the easterly boundary of said Legal Subdivision 7, for a distance of about 136.12 metres, as shown on said Plan 43015, to the northeast corner of said Legal Subdivision 7, being the point of commencement.

#### (4) KOOTENAY NATIONAL PARK OF CANADA

All that parcel of land in the Province of British Columbia more particularly described as follows:

Commencing at the summit of Neptuak Mountain in approximate latitude 51°18'29" and approximate longitude 116°15'25", said summit being on the easterly boundary of the Province of British Columbia;

Thence southerly along the said Interprovincial boundary to monument numbered 14-C;



Thence in a general south-southeasterly direction along the height of land which divides the watershed area of Simpson River and Verdant Creek to the summit of Monarch Mountain;

Thence in a general southerly direction and following the sinuosities of the above described height of land to an outlying peak of Monarch Mountain distant approximately 1.609 kilometres from the summit of said Mountain;

Thence westerly along a sharply defined ridge an estimated distance of 502.92 metres to a stone cairn;

Thence in a straight line across the valley of Verdant Creek a distance of 2187.762 metres more or less on a bearing of  $199^{\circ}06'$  to a stone cairn;

Thence in a general southwesterly direction along the line of local watershed to the summit of Mount Shanks on Hawk Ridge;

Thence in a general southeasterly direction along the crest of Hawk Ridge to a stone cairn;

Thence in a straight line a distance of 1214.793 metres more or less on a bearing of  $191^{\circ}20'$  to a stone cairn on the right bank of Simpson River;

Thence in a straight line a distance of 1575.407 metres more or less on a bearing of  $160^{\circ}35'$  to a stone cairn;

Thence southerly along a sharply defined line of watershed division to a camera station marked 8032 on the map of Kootenay Park, which camera station is on the point of a long ridge leading northwesterly from Octopus Mountain;

Thence in a straight line across the valley of Lachine Creek on a bearing of  $229^{\circ}34'$  to a stone cairn, said cairn being about 891.174 metres west of Lachine Creek measured along said straight line;

Thence in a general southwesterly direction along a well-defined line of watershed division to intersect the crest of Mitchell Range;

Thence in a general southerly direction along the crest of Mitchell Range to its intersection with the production of a straight line as the same is surveyed part way across the valley of Daer Creek, said straight line being marked on the ground by three stone cairns and having a southerly bearing of  $150^{\circ}14'$ ;

Thence in a straight line across the valley of Daer Creek on said bearing of  $150^{\circ}14'$  and on said line produced to its intersection with the crest of Mitchell Range;

Thence in a general south-southeasterly direction along the crest of Mitchell Range and following always that ridge of said Range from which there is direct westerly drainage into Kootenay River to a point on the north boundary of Group Lot 12064, said point being distant 629.857 metres more or less west from the northeast corner of said Lot;

Thence easterly along the north boundary of said Lot to the northeast corner thereof;

Thence southerly along the east boundaries of Group Lots 12064, 12062 and 12061 to the southeast corner of said Lot 12061;

Thence westerly and following the south boundary of said Lot 12061 and said south boundary produced to the left, or easterly, bank of Kootenay River;

Thence southerly along the easterly bank of Kootenay River to its intersection with the north boundary of the south half of Group Lot 11837 produced easterly across Kootenay River;

Thence westerly in a straight line to the easterly extremity of the north boundary of the south half of Group

Lot 11837;

Thence continuing westerly in the same straight line and following the north boundaries of the south halves of Group Lots 11837 and 11838 respectively to the west boundary of said Lot 11838;

Thence southerly along said west boundary of Group Lot 11838 319.877 metres more or less to an iron bar in an earth mound;

Thence in a general westerly direction along a well-defined line of local watershed to a peak on the crest of Stanford Range, said peak being marked 8609 on the map of Kootenay Park;

Thence southwesterly across the summit of Kimpton Pass along the line of watershed between Kimpton and Shuswap Creek to a camera station marked 8335 on the map of Kootenay Park;

Thence southerly and westerly along the line of watershed between Stoddart and Shuswap Creeks to a wooden post in an earth mound planted at the intersection of said line of watershed with the north boundary of District Lot numbered 4596;

Thence west along the north boundary of said Lot 4596 to a stone cairn built at its intersection with the east boundary of Group Lot 9248, said point of intersection being distant 284.673 metres more or less north from the southeast corner of said Lot 9248;

Thence northerly along the east boundary of said Lot 9248 to the northeast corner of said Lot;

Thence westerly along the north boundary of said Lot 9248 to the southeast corner of Group Lot 8996;

Thence northerly along the east boundary of said Lot 8996 to the northeast corner of said Lot;

Thence westerly along the north boundary of said Lot 8996 to the northwest corner of said Lot;

Thence westerly along the north boundary of Group Lot 8208 to the southeast corner of Group Lot 8207;

Thence northerly along the east boundary of said Lot 8207 to the southwest corner of Group Lot 10114;

Thence easterly along the south boundary of said Lot 10114 to the southeast corner of said Lot;

Thence northerly along the east boundary of said Lot 10114 to the northwest corner of said Lot;

Thence westerly along the north boundary of said Lot 10114 to the northwest corner of said Lot, which point is also the southeast corner of Group Lot 9010;

Thence northerly along the east boundaries of Group Lots 9010 and 9560 to the northeast corner of said Lot 9560;

Thence westerly along the north boundary of said Lot 9560 to the northwest corner of said Lot, which point is also a point on the south boundary of Group Lot 9011;

Thence continuing westerly along the south boundary of said Lot 9011 to the southwest corner of said Lot;

Thence northerly along the west boundary of said Lot 9011 and said west boundary produced to its intersection with the south boundary of Group Lot 10112;

Thence easterly along the south boundary of said Lot 10112 to the southeast corner of said Lot;

Thence northerly along the east boundary of said Lot 10112 to the southwest corner of Group Lot 9577;

Thence easterly along the south boundary of said Lot 9577 to the southeast corner of said Lot;

Thence northerly along the east boundary of said Lot 9577 to the northeast corner of said Lot, which corner is a point on the south boundary of Group Lot 10720;

Thence easterly along the south boundary of said Lot 10720 to the southeast corner of said Lot;

Thence northerly along the east boundary of said Lot 10720 to the northeast corner of said Lot;

Thence westerly along the north boundary of said Lot 10720 to the northwest corner of said Lot, which corner is a point on the east boundary of Group Lot 9042;

Thence northerly along the east boundaries of Group Lots 9042 and 9043 to the northeast corner of said Lot 9043;

Thence westerly along the north boundary of said Lots 9043 to a point which is the southeast corner of Group Lot 9044;

Thence northerly 640.921 metres more or less to the northerly extremity of the most easterly boundary of said Lot 9044;

Thence westerly along the boundary of said Lot 9044 to the interior corner of said Lot;

Thence northerly along the boundary of said Lot 9044 to the easterly extremity of the most northerly boundary of said Lot 9044;

Thence in a general northeasterly direction and following the line of local watershed to a camera station marked 8170 on the map of Kootenay Park;

Thence in a general east-northeasterly direction and following the height of land which divides the watershed areas of Sinclair and Kindersley Creeks to a camera station marked 8807 on the map of Kootenay Park, which camera station is a point on the crest of the Brisco Range;

Thence in a general north-northwesterly direction and following the crest of said Brisco Range to a camera station marked 8640 on the map of Kootenay Park;

Thence northerly and easterly along a well-defined ridge forming the southerly confine of the Boyce Creek watershed area to the point of intersection of said ridge with the southerly production of a straight line having a bearing of 218°49' more or less from a stone cairn erected at a point on the west boundary of Group Lot 12053 distant 743.094 metres more or less south from the northwest corner of said Lot to a stone cairn distant 1102.22 metres more or less on said bearing from the first above mentioned cairn;

Thence in a straight line to said stone cairn on the west boundary of said Lot 12053;

Thence northerly along the west boundaries of Group Lots 12053 and 11165 to a point on the west boundary of said Lot 11165 which is also the southwest corner of Group 11187;

Thence easterly along the south boundary of said Lot 11187 to the southeast corner of said Lot;

Thence northerly along the east boundaries of Group Lots 11187, 11659 and 11390 to the northeast corner of said Lot 11390, which said corner is a point on the south boundary of Group Lot 11389;

Thence easterly along the south boundary of said Lot 11389 to the southeast corner of said Lot;

Thence northerly along the east boundary of said Lot 11389 to the northeast corner of said Lot;

Thence in a straight line on an approximate bearing of 33°01' to a stone cairn on the north side of Whitetail Creek 746.132 metres more or less from said northeast corner of Lot 11389;

Thence continuing in the same straight line to intersect the crest of the height of land between the right and left forks of Whitetail Creek;

Thence in a general northeasterly direction and following along the crest of the above described height of land to the summit of Mount Verendrye which is a peak of Vermilion Range;

Thence in a general northwesterly direction along the crest of the Vermilion Range to the summit of a peak on the height of land which divides the watershed area of Kicking Horse River from that of Vermilion River, at approximate latitude 51°12'10" and longitude 116°21'27", the last aforementioned summit, and all summits hereinafter, being on the southeasterly boundary of Yoho **National** Park and being shown on map sheets 82N/8W and 82N/1W of the **National** Topographical System, copies of which are of record numbers 51112 and 51113 respectively in the **Canada** Lands Surveys Records at Ottawa;

Thence northerly in a straight line to the summit of a peak at approximate latitude 51°12'49" and longitude 116°21'36";

Thence northerly in a straight line to the summit of a peak at approximate latitude 51°14'37" and longitude 116°21'30";

Thence northerly in a straight line across the Valley of Ottetail River to the summit of a peak at an approximate latitude 51°16'36" and longitude 116°20'43";

Thence northeasterly in a straight line across the Valley of Misko Creek to the summit of a peak at an approximate latitude 51°18'02" and longitude 116°17'22";

Thence easterly in a straight line across the Valley of Tokumm Creek to the summit of Neptuak Mountain in approximate latitude 51°18'29" and longitude 116°15'25", the last aforesaid summit being the point of commencement.

The said parcel comprising an area of 140 636 hectares.

## PART 2 — ALBERTA

### (1) BANFF NATIONAL PARK OF CANADA

All and singular that certain parcel or tract of land situate, lying and being in the Province of Alberta and being more particularly described as follows:

Commencing at the point of junction of the Interprovincial Boundary between Alberta and British Columbia and the height of land that divides the watershed area of Spray River from that of Kananaskis River which said point occurs on Mount Sir Douglas in latitude 50°43', and longitude 115°20';

Thence in a general northerly direction and following throughout the said height of land to Mount Birdwood;

Thence continuing northerly along the height of land between the valley of Spray River and the valley of Smuts Creek through Mount Smuts and Mount Shark to a stone cairn on the summit of an isolated hill in latitude 50°51'30", and longitude 115°25', as said cairn is shown on Plan 42979 in the **Canada** Lands Surveys Records at Ottawa;

Thence on an astronomic bearing of 332°14' to a point on the natural contour at elevation of 1707 metres above sea level, as said contour is shown on said plan;

Thence southwesterly following the said natural contour a distance of 2408 metres, more or less, to its intersection with the right bank of the Spray River;

Thence across Spray River and northerly following the said natural contour a distance 1100 metres, more or

less, to its intersection with the right bank of Bryant Creek;

Thence across Bryant Creek and northeasterly following the said natural contour a distance of 4900 metres approximately, to its intersection with a line having a bearing designated  $9^{\circ}48'$  and passing through a standards survey post numbered 3 and stone mound, as said line and post are shown on said plan;

Thence northerly along said line a distance of 2988.17 metres to a standard survey post numbered 4, cairn and park standard, situated northerly from the right bank of Spray River, as the last aforesaid post is shown on said plan;

Thence easterly and southerly, at a constant distance from and following the sinuosities of the right bank of Spray River, a distance of 1400 metres approximately, to a point on a line having a bearing designated  $279^{\circ}14'$  and passing through a cairn and park standard on the left canyon bank of Spray River, as the last aforesaid line cairn and standard are shown on said plan;

Thence easterly along the last aforesaid line to the most easterly cairn thereon, located on the crest of a sharply defined ridge of Mount Nestor, as the last aforesaid cairn is shown on said plan;

Thence northerly and following said crest to Mount Nestor;

Thence northerly and northwesterly following the crest of Goat Range to its intersection with a line having a bearing designated  $197^{\circ}24.5'$  from the southernmost summit of Mount Rundle in latitude  $51^{\circ}04'50''$  and longitude  $115^{\circ}25'15''$ , as the last aforesaid line is shown on Plan 42980 in said records;

Thence northerly along the last aforesaid line a distance of 6366.4 metres, more or less, to said southernmost summit which is on the height of land that divides the watershed area of Spray River from that of Bow River;

Thence northwesterly following the height of land that divides the watershed area of Spray River from that of Bow River to the summit of Mount Rundle in latitude  $51^{\circ}07'20''$  and longitude  $115^{\circ}28'$ ;

Thence toward the summit of Mount Charles Stewart on a line having a bearing designated  $69^{\circ}48.8'$  to a standard post and stone mound on the south boundary of the northeast quarter of section 14 in township 25, range 11, west of the 5th Meridian, as the last aforesaid line and post are shown on Plan 38147 in said records;

Thence easterly along the south boundary of said quarter and the south boundaries of the northwest and northeast quarters of section 13, in said township, to a point on the east boundary of said section 13;

Thence northerly along said east boundary to a standard post, pits and mound on the last aforesaid line and 7.93 metres, more or less, south of the northeast corner of said section 13;

Thence northeasterly along the last aforesaid line to the summit of Mount Charles Stewart;

Thence northeasterly following the height of land which bounds the watershed area of Carrot Creek to the point at which it becomes the height of land that divides the watershed area of Lake Minnewanka from that of the South Fork of Ghost River;

Thence continuing along the last aforesaid height of land through Orient Point to a cairn in latitude  $51^{\circ}15'53''$  and longitude  $115^{\circ}09'50''$  as the last aforesaid cairn is shown on Plan 39223 in said records;

Thence northwesterly on a line having a bearing designated  $347^{\circ}37.8'$  to Devil's Fang Mountain on the height of land that forms part of the southerly limit of the watershed area of Ghost River, as the last aforesaid line is shown on the last aforesaid plan;

Thence westerly and northerly along the last aforesaid height of land through all its sinuosities to Mount Oliver;

Thence northerly along the height of land that forms the easterly limit of the watershed area of Dormer River to its intersection with a line having a bearing designated  $135^{\circ}00.7'$  from a cairn and park standard on the apparent summit of Dormer Mountain, as the last aforesaid line, cairn and standard are shown on Plan 39225 in said records;

Thence northwesterly along the last aforesaid line a distance of 6612.94 metres, more or less, to the last aforesaid cairn on said Dormer Mountain;

Thence in a straight line to an auxiliary cairn near the summit of Dormer Mountain, as said auxiliary cairn is shown on Plan 39226 in said records;

Thence on a line having a bearing designated  $326^{\circ}05'$  from said auxiliary cairn, to a cairn on Barrier Mountain, as the last aforesaid line and cairn are shown on the last aforesaid plan;

Thence northwesterly along a well defined height of land to a cairn and park standard on the summit of Warden Rock, as the last aforesaid cairn and standard are shown on Plan 39227 in said records;

Thence along a line having a bearing designated as  $289^{\circ}13.1'$  a distance of 2728.7 metres, more or less, to a cairn and park standard, as the last aforesaid cairn and standard are shown on the last aforesaid plan;

Thence continuing westerly along the last aforesaid line to the summit of a mountain in latitude  $51^{\circ}42.5'$  and longitude  $115^{\circ}44'$ , said line being shown on said Plan 39227;

Thence northwesterly following the height of land that forms the easterly and northerly limit of the watershed of Tyrrell Creek, the northerly limit of the watershed of Divide Creek and the easterly limit of the watershed of Peters Creek to the summit of Condor Peak;

Thence northerly along a well defined ridge to the junction of a creek with Peters Creek in latitude  $51^{\circ}49'$  and longitude  $115^{\circ}57'$ ;

Thence northerly along the right bank of Peters Creek to its confluence with Clearwater River;

Thence crossing Clearwater River to its left bank and following the said bank upstream to its intersection with a line having a bearing designated  $329^{\circ}23'$  and passing through a cairn and park standard in latitude  $51^{\circ}50'48.2''$  and longitude  $115^{\circ}59'00.8''$ , as the last aforesaid line, cairn and standard are shown on Plan 39228 in said records;

Thence northwesterly along the last aforesaid line to the last aforesaid cairn;

Thence continuing approximately on the last aforesaid bearing along a line to a camera station numbered 265A, said station being a point on the height of land forming the easterly limit of the watershed area of Indianhead Creek, as said station and the last aforesaid line are shown on the last aforesaid plan;

Thence northwesterly along the last aforesaid height of land to its junction with the height of land between the watershed area of Clearwater River and the watershed areas of Ram and Siffleur Rivers;

Thence southwesterly along the last aforesaid height of land to the summit of Mount Kentigern;

Thence northwesterly along a sharply defined ridge between Siffleur River and one of its tributaries through a camera station numbered 300 to its intersection with a line having a bearing designated  $261^{\circ}18.7'$  and passing through a cairn and park standard on the east side of Siffleur River, as the last aforesaid station, line, cairn and standard are shown on Plan 39229 in said records;

Thence westerly along the last aforesaid line to a camera station numbered 305, as the last aforesaid station is shown on the last aforesaid plan;

Thence westerly following a high rocky height of land through camera stations 306, 303 and 304 to camera station 308, the last aforesaid station being on the height of land forming the easterly limit of the watershed area of Mistaya River;

Thence northwesterly along the last aforesaid height of land to camera station 425 situate at the junction to the last aforesaid height of land with the height of land enclosing the watershed area of Murchison Creek;

Thence following the last aforesaid height of land through camera stations 426, 422, 421 and 420 and along the crest of a precipitous rock escarpment to a point on a line having a bearing designated  $334^{\circ}57'30''$  and passing through a cairn and park standard in latitude  $51^{\circ}59'21.8''$  and longitude  $116^{\circ}39'35.4''$ , as the last aforesaid line, cairn and park standard are shown on Plan 39224 in said records, and as said stations 306, 303, 304, 308, 425, 426, 422, 421 and 420 are shown on a map of Banff Park certified by A.O. Gorman for B.W. Waugh, Surveyor General of Dominion Lands, on February 9, 1949, and of record number 40427 in said records;

Thence along said line having a bearing of  $334^{\circ}57'30''$  a distance of 2878.5 metres, more or less, to a cairn and park standard on the height of land forming the easterly limit of the watershed of Owen Creek, as the last aforesaid line, cairn and standard are shown on the last aforesaid plan;

Thence northerly following the last aforesaid height of land to its junction with the height of land forming the easterly limit of the watershed of North Saskatchewan River;

Thence northwesterly along the last aforesaid height of land to its junction with the heights of land between the headwaters of the Brazeau River and Cline River and between the Cline River and North Saskatchewan River, said junction being in the vicinity of Cataract Pass;

Thence southwesterly and northwesterly and continuing along the height of land forming the easterly limit of the watershed area of the North Saskatchewan River to a stone cairn erected by H.F. Lambert, Dominion Land Surveyor, in 1935, at the summit of Nigel Pass, as the last aforesaid cairn is shown on Plan 39221 in said records;

Thence westerly, southeasterly and southwesterly along the height of land between the watershed areas of North Saskatchewan and Athabasca Rivers to a cairn and park standard marking the northeasterly extremity of a line having a bearing designated as  $58^{\circ}42.2'$ , as the last aforesaid line, cairn and standard are shown on Plan 39222 in said records, the last aforesaid cairn and standard being on a well defined ridge overlooking Sunwapta Pass;

Thence southwesterly along the last aforesaid line a distance of 1130.7 metres, more or less, to a cairn and park standard, as the last aforesaid cairn and standard are shown on the last aforesaid plan;

Thence southwesterly along a line having a bearing designated as  $218^{\circ}48'$  a distance of 654.5 metres, more or less, to a cairn and park standard, as the last aforesaid line, cairn and standard are shown on the last aforesaid plan;

Thence southwesterly along a line having a bearing designated as  $235^{\circ}06'$  a distance of 813.2 metres, more or less, to a cairn and park standard, as the last aforesaid line, cairn and standard are shown on the last aforesaid Plan 39222, the last aforesaid cairn and standard being on a well defined ridge of said height of land between the watershed areas of North Saskatchewan and Athabasca Rivers on the westerly side of Sunwapta Pass;

Thence continuing southwesterly and northwesterly along the last aforesaid height of land to the Snow Dome being a point on the Interprovincial Boundary between Alberta and British Columbia;

Thence southerly following the Interprovincial Boundary to the point of commencement;

Said parcel containing an area of approximately 6641 square kilometres, the boundaries herein described being shown on said map 40427 in said records.

## (2) WATERTON LAKES NATIONAL PARK OF CANADA

In the Province of Alberta, all those parcels of land more particularly described under Firstly and Secondly, as follows:

Firstly, commencing at the northeast corner of Blood Indian Reserve 148A (formerly Blood Indian Reserve Timber Limit A) according to plan no. 4513 in the **Canada** Lands Surveys Records at Ottawa, a copy of which has been deposited in the Land Titles Office for the South Alberta Land Registration District at Calgary under no. 1714 H.I., said corner being at the intersection of the northerly boundary of section 28, township 1, range 28, west of the 4th Meridian and the left bank of Belly River according to said plan;

Thence easterly along the northerly boundaries of sections 28 and 27, including the road allowance, in said township to the northeast corner of said section 27;

Thence southerly along the easterly boundaries of sections 27, 22, 15, 10 and 3, including the road allowances, in said township to the International boundary between **Canada** and the United States;

Thence westerly along said International boundary to its intersection with the Interprovincial boundary between Alberta and British Columbia;

Thence northerly along said Interprovincial boundary to its intersection with the height of land known as Avion Ridge which separates the waters flowing into Bauerman Brook from the waters flowing into Castle River according to the map of Waterton Lakes Park filed in said office under no. 7673 Book E.X. Folio 203, a copy of which has been recorded in said Records under no. 40398;

Thence generally easterly along said Avion Ridge, on which are located Newman Peak and Mount Glendowan, to its intersection with Cloudy Ridge according to said map;

Thence generally northeasterly along said Cloudy Ridge to the headwaters of an unnamed small creek that flows into Yarrow Creek immediately west of Yarrow Cabin according to said map;

Thence generally northerly along the right banks of said creeks to the easterly boundary of section 16, township 3, range 30, west of the 4th Meridian;

Thence southerly along the easterly boundary of said section 16 and across the road allowance to the northeast corner of section 9, in said township 3;

Thence easterly across the road allowance and along the northerly boundary of section 10, in said township 3, to the northeast corner of said section 10;

Thence southerly along the easterly boundary of said section 10 to its southeast corner;

Thence easterly across the road allowance and along the northerly boundary of section 2 in said township 3 to the northeast corner of the northwest quarter of said section 2;

Thence southerly along the easterly boundary of the west half of said section 2 to the southeast corner of said west half;

Thence on a bearing of  $180^{\circ}07'$ , a distance of 20.117 metres to a standard post on the northerly boundary of section 34, township 2, in said range 30;

Thence easterly along the northerly boundaries of sections 34, 35 and 36, including the road allowances, to the northeast corner of said section 36, in said township 2;

Thence southerly along the easterly boundaries of sections 36, 25 and 24, including the road allowance, to the southeast corner of section 24, in said township 2;

Thence easterly along the northerly boundaries of sections 18, 17 and 16, including the road allowances, to



the northeast corner of section 16, township 2, range 29;

Thence southerly along the easterly boundaries of sections 16, 9 and 4, including the road allowance, to the southeast corner of section 4, township 2, range 29;

Thence southerly across the road allowance to the northeast corner of section 33, township 1, in said range 29;

Thence easterly across the road allowance and along the northerly boundary of section 34, in said township 1, to its northeast corner;

Thence southerly along the easterly boundary of said section 34 to its southeast corner;

Thence easterly along the northerly boundaries of sections 26 and 25, including the road allowances, to the northeast corner of said section 25 in said township 1;

Thence easterly across the road allowance and along the northerly boundary of section 30, township 1, range 28, to the northwest corner of said Indian Reserve;

Thence southerly along the westerly boundary of said Indian Reserve to its southwest corner;

Thence easterly along the southerly boundary of said Indian Reserve to its southeast corner, said corner being at the intersection of said limit and the left bank of said Belly River according to said plan no. 4513;

Thence generally northerly along said left bank, according to said plan no. 4513 in said Records and to plan 55466 in said Records, a copy of which is registered as 6508 J.K. in said Office, to the point of commencement; as said parcel is shown on plan 50467 in said Records, a copy of which has been deposited under no. 171 J.K. in said Office;

Secondly, the whole of Parcel X and that part of Chief Mountain Highway right-of-way lying within the limits of said Indian Reserve according to plan RD 3817 in said Records, a copy of which has been filed under no. 2184 G.U. in said Office;

Said parcels containing together about 505 square kilometres (195 square miles).

### (3) JASPER NATIONAL PARK OF CANADA

All and singular that certain parcel or tract of land situate, lying and being in the Province of Alberta and being more particularly described as follows:

Commencing at the Snow Dome, being a point at the intersection of the Interprovincial Boundary between Alberta and British Columbia and the height of land between the watershed areas of the North Saskatchewan and Athabasca Rivers, in latitude 52°11' and longitude 117°19';

Thence southeasterly and northeasterly along said height of land to a cairn and park standard being on a well defined ridge on the westerly side of Sunwapta Pass and marking the southwesterly extremity of a line having a bearing designated as 235°06' as said line, cairn and standard are shown on a plan by H.F. Lambert, Dominion Land Surveyor, dated 1935 and of record number 39222 in the **Canada** Lands Surveys Records at Ottawa;

Thence northeasterly along said line a distance of 813.2 metres, more or less, to a cairn and park standard, as the last aforesaid cairn and standard are shown on said plan;

Thence northeasterly along a line having a bearing designated as 218°48' a distance of 654.05 metres, more or less, to a cairn and park standard, as the last aforesaid line, cairn and standard are shown on said plan;

Thence northeasterly along a line having a bearing designated as 58°42.2' a distance of 1130.7 metres,

more or less, to a cairn and park standard, as the last aforesaid line, cairn and standard are shown on said plan, the last aforesaid cairn and standard being on a well defined ridge of said height of land between the watershed areas of the North Saskatchewan and Athabasca Rivers, overlooking Sunwapta Pass;

Thence continuing northeasterly, northwesterly and easterly along said height of land to a stone cairn erected by H.F. Lambert, D.L.S., in 1935 at the summit of Nigel Pass, as the last aforesaid cairn is shown on a plan of record number 39221 in said Records;

Thence southeasterly and northeasterly along the height of land forming the easterly limit of the watershed area of the North Saskatchewan River to the junction of the last aforesaid height of land with the heights of land between the headwaters of the Brazeau River and Cline River and between the Cline River and North Saskatchewan River, said junction being in the vicinity of Cataract Pass;

Thence northerly along the height of land forming the easterly limit of the watershed area of the headwaters of the Brazeau River to a point distant 0.8 kilometre from the most easterly branch of the Brazeau River, said distance being measured at right angles to the general direction of said branch;

Thence in a general northeasterly direction and following a line drawn parallel to and being distant 0.8 kilometre in a perpendicular direction from the most easterly branch of the Brazeau River to the point at which the last aforesaid line intersects a straight line drawn on an azimuth of  $135^{\circ}$  from a point on the right bank of the Brazeau River immediately opposite the junction of the left bank of the stream which flows from Brazeau Lake with the left bank of the Brazeau River;

Thence northwesterly along the last aforesaid straight line to the last aforesaid point;

Thence in a general northeasterly direction and following the right bank of the Brazeau River to a point opposite the junction of the left bank of the Southesk River with the left bank of the Brazeau River;

Thence in a straight line across the Brazeau River to the last aforesaid junction;

Thence in a general southwesterly direction following the left bank of the Southesk River to the mouth of an unnamed creek flowing from Mount Dalhousie and joining the Southesk River at approximate latitude  $52^{\circ}39'$  and longitude  $116^{\circ}54'$ ;

Thence northwesterly across the Southesk River and along the crest of a well defined ridge to the summit of Saracen Head, which is a prominent landmark in latitude  $52^{\circ}41'$  and longitude  $116^{\circ}56'$ ;

Thence in a general northwesterly direction following the height of land forming the easterly limit of the watershed areas of the Cairn and Rocky Rivers to its junction with the height of land which enclosed the watershed area of Fiddle River;

Thence northeasterly and northwesterly following the last aforesaid height of land to the summit of Roche à Perdrix in latitude  $53^{\circ}13'$  and longitude  $117^{\circ}48'$ ;

Thence in a general northwesterly direction following a sharply defined ridge to a standard post, pits and mound marking the easterly extremity of a part of the boundary of Jasper Park, said part being surveyed by K.F. McCusker, D.L.S., in 1931, according to plan 38673 in said records;

Thence on a bearing of  $281^{\circ}58'$  along the last aforesaid part of the boundary a distance of 2623.9 metres, more or less, to a stone mound on a rock point through which the Canadian **National** Railway passes in a tunnel, as said stone mound is shown on the last aforesaid plan;

Thence in a general northwesterly direction following the edge of a sharply defined escarpment to Ogre Canyon and continuing across the said canyon along an escarpment to Boule Roche which is a peak at the southeasterly extremity of Boule Range in latitude  $53^{\circ}17'$  and longitude  $117^{\circ}54'$ ;

Thence in a general northwesterly direction following the height of land which forms the northeasterly limit of the watershed areas of Ogre and Moosehorn Creeks along the Boule Range to the summit of Mount Kephala, which is a peak at the northwesterly extremity to Boule Range;

Thence in a general westerly direction following the height of land which forms the northerly limit of the watershed area of Moosehorn Creek to a standard post and stone mound marking the northeasterly extremity of a part of the northerly boundary of Jasper Park, the last aforesaid part being surveyed by said K.F. McCusker, D.L.S., in 1931, according to plan 43560 in said Records, a copy of which is entered in the Land Titles Offices for the North Alberta Land Registration District at Edmonton under number T470;

Thence southwesterly along the last aforesaid part of the northerly boundary a distance of 4021.7 metres, more or less, to a cairn at Triangulation Station No. 90 (Lambert 1927), as the last aforesaid cairn is shown on the last aforesaid plan;

Thence southwesterly, northwesterly, northeasterly and northwesterly along that height of land which divides the watershed areas of Moosehorn Creek, Snake Indian River and an unnamed creek flowing into Rock Creek from the southeast at approximate latitude  $53^{\circ}26'$  and longitude  $118^{\circ}19'$ , from the watershed areas of those tributaries of the Wildhay River and Rock Creek northeasterly of said unnamed creek, to a stone mound and flag marking the southeasterly extremity of a part of the northerly boundary of Jasper Park, according to the last aforesaid plan;

Thence on a bearing of  $322^{\circ}42'$  along the last aforesaid part of the northerly boundary a distance of 4746.7 metres, more or less, to a stone cairn at Triangulation Station No. 68 (Lambert 1927) which is a point on the height of land dividing the watershed area of Rock Creek from that of Wildhay River in latitude  $53^{\circ}27'$  and longitude  $118^{\circ}21'$ ;

Thence in a general westerly direction along the last aforesaid height of land to its point of intersection with a straight line on an azimuth of  $45^{\circ}$  from Triangulation Station No. 5 (Lambert 1927), of record in field book number 21691 in said Records, which is a point on the height of land dividing the watershed area of Rock Creek from that of Mowitch Creek;

Thence southwesterly along the last aforesaid straight line across the valley of Rock Creek to said Triangulation Station No. 5;

Thence in a general westerly direction along the last aforesaid height of land dividing the watershed area of Rock Creek from that of Mowitch Creek to its intersection with the height of land which divides the watershed area of Snake Indian River from that of Smoky River;

Thence generally southeasterly and northwesterly following the last aforesaid height of land to a point on the summit of the westerly extension of Sunset Peak, on the summit of which peak is situated Triangulation Station No. 33 (Lambert 1927), a record in said field book, the last aforesaid point being at the intersection of the last aforesaid height of land and a straight line on an azimuth of  $329^{\circ}28.8'$  from a stone cairn on the crest of the height of land forming the southerly limit of the watershed area of Blue Lake, as the last aforesaid cairn is shown on plan 38704 in said Records;

Thence southeasterly along the last aforesaid straight line, across Blue Lake, to the last aforesaid cairn;

Thence in a general westerly direction along the height of land forming the southerly limit of the watershed area of Blue Lake to its intersection with the height of land dividing the watershed area of Twintree Creek from that of Rockslide Creek, both of which creeks are tributaries of Smoky River;

Thence in a general westerly direction along the last aforesaid height of land to its intersection with a straight line on an azimuth of  $92^{\circ}21.2'$  from a post in a stone mound on the left bank of Smoky River, the last aforesaid post being in latitude  $53^{\circ}29'$  and longitude  $119^{\circ}15'$  as shown on plan 38705 in said Records;

Thence westerly along the last aforesaid straight line to the last aforesaid post and continuing in the same straight line produced westerly across the valley of Smoky River to intersect the height of land forming the northwesterly limit of the watershed area of those tributaries of the Smoky River flowing into said Smoky River south of said Rockslide Creek;

Thence in a general westerly direction along the last aforesaid height of land through the summit of Mount Resthaven to the summit of Mount Lucifer in latitude  $53^{\circ}26'$  and longitude  $119^{\circ}33'$ ;

Thence in a general southeasterly direction following the height of land which bounds the watershed area of Jackpine River through Barricade Mountain, to the point at which it intersects the Interprovincial Boundary between Alberta and British Columbia in latitude 53°22' and longitude 119°24.7';

Thence southerly following said Interprovincial Boundary to the point of commencement;

Said parcel containing about 10 878 square kilometres;

The natural features and boundaries herein described being shown on the north and south sheets of the map of Jasper Park, certified by Frederic Hathaway Peters, Surveyor General of Dominion Lands, on January 13, 1948, said map being approved on behalf of the Dominion of **Canada** by the Honourable J. Allison Glen, Minister of Mines and Resources, and on behalf of the Province of Alberta by the Honourable N.E. Tanner, Minister of Lands and Mines, and filed on February 14, 1948, in the Land Titles Office for the North Alberta Land Registration District at Edmonton under numbers 3974 and 3975 in book E.U., folio 192, copies of which are of record in the **Canada** Lands Surveys Records at Ottawa under numbers 40396 and 40397 respectively.

#### (4) ELK ISLAND NATIONAL PARK OF CANADA

In the Province of Alberta:

In township 54, range 19, and in townships 52, 53 and 54, range 20, all west of the 4th Meridian;

All that parcel of land more particularly described as follows:

Commencing at the northwest corner of section 34, in said township 54, range 20;

Thence southerly along the east boundary of the statutory road allowance to the northwest corner of section 10, in said township 54, range 20;

Thence westerly along the south boundary of the statutory road allowance to the northwest corner of section 9, in said township 54, range 20;

Thence southerly along the east boundary of the statutory road allowance to the northwest corner of section 4, in said township 54, range 20;

Thence westerly in a straight line a distance of 20.1168 metres, more or less, to the northeast corner of section 5, in said township 54, range 20;

Thence continuing westerly along the north boundary of said section 5 to the northwest corner thereof;

Thence southerly along the east boundary of the statutory road allowance to the northwest corner of section 32, in said township 53;

Thence westerly along the south boundary of the statutory road allowance to the northwest corner of section 31, in said township 53;

Thence southerly along the east boundary of the statutory road allowance to its intersection in section 30, in said township 52, with the northerly limit of the surveyed Beaver Lake — Edmonton Trail, as said trail is shown on Plan 10065 in the **Canada** Lands Survey Records at Ottawa;

Thence easterly along said northerly limit of said trail to the east boundary of section 25, in said township 52;

Thence northerly along the west boundary of the statutory road allowance to the southeast corner of section 1, in said township 54, range 20;

Thence easterly along the north boundary of the statutory road allowance to the southeast corner of section 6, in said township 54, range 19;

Thence northerly along the west boundary of the statutory road allowance to the northeast corner of section 31, in said township 54, range 19;

Thence westerly along the south boundary of the statutory road allowance to the point of commencement;

Saving and excepting thereout and therefrom,

Firstly: all those parts lying within the main limits of a road through said township 53, according to plan number 55576 in the **Canada** Lands Surveys Records at Ottawa, a copy of which is filed in the Land Titles Office for the North Alberta Land Registration District, at Edmonton, under number 2194 R.S.;

Secondly: the mines and minerals within section 13, township 53, range 20, west of the 4th Meridian as described on the certificate of the title number 1364, book K.Q., folio 43, registered on January 29, 1957, in the North Alberta Land Registration District.

The remainder containing about 194 square kilometres;

The boundaries herein described being shown on a plan of Elk Island Park, certified by A.O. Gorman for the Surveyor General of Dominion Lands, on February 10, 1949, recorded as plan number 40428 in the **Canada** Lands Surveys Records at Ottawa; and also a plan showing the northerly and part of the westerly boundaries confirmed by R. Thistlethwaite, Surveyor General, on March 30, 1966, recorded as plan number 52860 in said Records, a copy of which is of record in the Land Titles Office for the North Alberta Land Registration District, at Edmonton, under number 3542 N.Y.

## (5) WOOD BUFFALO NATIONAL PARK OF CANADA

All and singular that certain parcel or tract of land lying and being partly in the Northwest Territories and partly in the Province of Alberta, and more particularly described, as follows:

Commencing at the intersection of the boundary between the Province of Alberta and the Northwest Territories as surveyed and shown on sheet five of the twenty map-sheets entitled "Boundary between Alberta and Northwest Territories", which map-sheets are on record as 42955 in the **Canada** Lands Surveys Records at Ottawa, with the centre of the main channel of Salt River;

Thence westerly along said boundary between the Province of Alberta and the Northwest Territories to its intersection with the centre of the main channel of Little Buffalo River;

Thence following downstream the centre of the main channel of the said Little Buffalo River to its junction with the centre of the main channel of Nyarling River;

Thence following upstream the centre of the main channel of the said Nyarling River to its intersection with the thirty-fourth (34) base line of the Dominion Lands Survey system, being the north boundary of township one hundred and thirty-two (132);

Thence westerly along the said thirty-fourth (34) base line to its intersection with the east boundary of range ten (10) west of the fifth (5) initial meridian of the Dominion Lands Survey system;

Thence southerly along the said east boundary of range ten (10) west of the said fifth (5) meridian to its intersection with the thirty-first (31) base line of the Dominion Lands Survey system, being the north boundary of township one hundred and twenty (120);

Thence easterly along the said thirty-first (31) base line to its intersection with the said fifth (5) meridian of the Dominion Lands Survey system;

Thence southerly along the said fifth (5) meridian to its intersection with the twenty-seventh (27) base line of the Dominion Lands Survey system, being the north boundary of township one hundred and four (104);

Thence easterly along the said twenty-seventh (27) base line to its intersection with the centre of the main channel of Athabaska River;

Thence following downstream the said centre of the main channel of Athabaska River to a point nearest the beginning or southern end of the main channel of Embarras River;

Thence in a direct line to the centre of the said main channel of Embarras River at its southern end;

Thence following downstream the centre of the main channel of the said Embarras River to its outlet into Lake Athabaska;

Thence westerly by a direct line to the nearest point on low water mark on the southerly or westerly shore of said Lake Athabaska;

Thence westerly and northerly following the said low water mark of the southerly and westerly shore of Lake Athabaska to a point nearest the beginning or southern end of the main channel of the stream known as Rivière des Rochers;

Thence easterly in a direct line of the centre of the said main channel of Rivière des Rochers at its southern end;

Thence following downstream the centre of the said main channel of Rivière des Rochers to a point nearest the centre of the main channel of Slave River;

Thence westerly in a direct line to the centre of the said main channel of Slave River;

Thence following downstream the said centre of the main channel of Slave River to its intersection with the thirty-second (32) base line of the Dominion Lands Survey system being the north boundary of township one hundred and twenty-four (124);

Thence westerly along the said thirty-second (32) base line to its intersection with the centre of the main channel of Salt River;

Thence following downstream the said centre of the main channel of Salt River to the point of commencement;

Excluding thereout and therefrom all islands in the Slave River within the above described boundary;

The whole containing by admeasurement an area of approximately 44 807 square kilometres, be the same more or less, and as the boundaries described herein are shown hachured in black upon the map of Wood Buffalo Park and which are subject to the "note" therein relating to the boundaries in certain rivers; which said map was issued by the Hydrographic and Map Service, Department of Mines and Resources at Ottawa in 1947, and whereof a copy is on record as 40393 in the **Canada** Lands Surveys Records at Ottawa;

Saving and excepting thereout and therefrom,

Firstly: all those lands lying within Peace Point Indian Reserve No. 222 as shown on Plan 71277 recorded in the **Canada** Lands Surveys Records at Ottawa, a copy of which is filed in the Land Titles Office at Edmonton under number 882-0308, said reserve containing 5.18 square kilometres (518 hectares), more or less, together with all mines and minerals;

Secondly: in Township 124, Range 10, west of the 4th Meridian, all those portions comprising Lot 6 (part of Thebathi Indian Reserve No. 196) as shown on a plan of survey recorded in the **Canada** Lands Surveys Records in Ottawa under number 85625 and registered at the Land Titles Office in Edmonton under number 0126326, the lands containing 1.81 square kilometres (181 hectares), more or less, together with all mines and minerals;

Thirdly: in Theoretical Township 121, Range 9, west of the 4th Meridian, all those portions comprising the Exterior Boundaries of Survey of Eejeré K'elni Kue Indian Reserve No. 196I (Hay Camp Site) as shown on a plan of survey recorded in the **Canada** Lands Surveys Records in Ottawa under number 84988 and registered at the Land Titles Office in Edmonton under number 0123033, the lands containing 2.13 square kilometres (213 hectares), more or less, together with all mines and minerals;

Fourthly: in Theoretical Township 121, Range 14 and Theoretical Township 122, Ranges 13 and 14, west of the 4th Meridian, all those portions comprising the Exterior Boundaries of Survey of Tsu Nedehe Tue Indian Reserve No. 196H (Pine Lake Site) as shown on a plan of survey recorded in the **Canada** Lands Surveys Records in Ottawa under number 85626 and registered at the Land Titles Office in Edmonton under number 0126334, the lands containing 5.86 square kilometres (586 hectares), more or less, together with all mines and minerals.

The remainder containing about 44 792 square kilometres (4,479,200 hectares).

## **PART 3 — SASKATCHEWAN**

### **(1) PRINCE ALBERT NATIONAL PARK OF CANADA**

All and singular that certain parcel or tract of land situated, lying and being in the Province of Saskatchewan which may be more particularly described as follows:

Section thirteen, the north halves of sections fourteen and fifteen, sections nineteen to thirty-six inclusive, all in township fifty-three, range one; all of townships fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty and sixty-one, range one; the north half of township fifty-three, range two; townships fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty and sixty-one, range two; the north half of township fifty-three, range three; townships fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty and sixty-one, range three; the north half of township fifty-three, range four; lying east of the east bank of the Sturgeon River; that part of township fifty-four, range four, lying east of the east bank of Sturgeon River; townships fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty and sixty-one, range four, and all that portion of township sixty-two, range four, covered by Lavallée Lake; that part of township fifty-four, range five, lying east of the east bank of Sturgeon River; that part of township fifty-five, range five, lying east of the east bank of Sturgeon River; townships fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty and sixty-one, range five; those parts of sections twenty-four, twenty-five, twenty-six, thirty-five and thirty-six, township fifty-five, range six, lying east of the east bank of the Sturgeon River; those parts of sections one and twelve, township fifty-six, range six, lying east of the east bank of Sturgeon River, all west of the third meridian; said park containing an area of approximately one thousand four hundred and ninety-six square miles.

### **(2) GRASSLANDS NATIONAL PARK OF CANADA**

In the Province of Saskatchewan;

All those lands more particularly described as follows:

#### **EAST BLOCK**

In Township 1, Range 4, West 3rd Meridian:

Legal Subdivisions 12 and 13 in Section 17;

The north half of Section 18;

Section 19, excepting out of the northwest quarter, all those lands covered by the waters of Rock Creek as shown on Township Plan dated October 31, 1990;

Legal Subdivisions 4, 5, 12 and 13 in Section 20;

Legal Subdivisions 4 and 5 in Section 29;

Section 30, excepting out of the northeast, northwest and southwest quarters, all those lands covered by the waters of Rock Creek and Hellfire Creek as shown on said township plan;

Section 31, excepting thereout all those lands covered by the waters of Rock Creek as shown on said township plan;

The north-south road allowances lying adjacent to and west of the west limits of the northwest quarter of Section 17, Sections 20, 30 and 31, and the southwest quarter of Section 29, including the intervening intersections, excepting out of the road allowance to and west of Section 30, the lands covered by Rock Creek as shown on said township plan;

The east-west road allowances lying adjacent to and north of the north limits of Section 19, Legal Subdivision 13 of Section 20, and Section 31, excepting thereout all those lands covered by the waters of Rock Creek as shown on said township plan.

In Township 1, Range 5, West 3rd Meridian:

Section 25, excepting out of the northeast, northwest, and southeast quarters, all those lands covered by the waters of Hellfire Creek as shown on Township Plan dated October 31, 1990;

Section 36, excepting out of the southwest quarter, all those lands covered by the waters of Hellfire Creek as shown on said township plan.

In Township 1, Range 6, West 3rd Meridian:

Section 1, excepting out of the northeast, northwest and southeast quarters, all those lands covered by the waters of Rock Creek as shown on Township Plan dated October 31, 1990.

Section 2, excepting out of the north half, all those lands covered by the waters of Rock Creek as shown on said township plan;

Section 3, excepting out of the northeast, northwest and southwest quarters, all those lands covered by the waters of Rock Creek as shown said township plan;

Section 4, excepting thereout all those lands covered by the waters of Rock Creek and Wetherall Creek as shown on said township plan;

Section 5, excepting thereout all those lands covered by the waters of Rock Creek as shown on said township plan;

Section 6;

Section 7, excepting out of the northwest quarter, all those lands covered by the waters of Horse Creek as shown on said township plan;

Section 8;

Section 9, excepting thereout all those lands covered by the waters of Wetherall Creek as shown on said township plan;

Section 10;

Section 11, excepting out of the southeast and southwest quarters, all those lands covered by the waters of Rock Creek as shown on said township plan;

Section 12, excepting thereout all those lands covered by the waters of Rock Creek and Butte Creek as shown on said township plan;

Sections 13 and 14;

The south half of Section 15, excepting out of the southwest quarter, all those lands covered by the waters of Wetherall Creek as shown on said township plan;

Section 16, excepting out of the southeast quarter, all those lands covered by the waters of Wetherall Creek



as shown on said township plan;

Section 17;

Section 18, excepting out of the northeast, northwest and southwest quarters, all those lands covered by the waters of Horse Creek as shown on said township plan;

Section 19, excepting out of the northeast, southeast and southwest quarters, all those lands covered by the waters of Horse Creek as shown on said township plan;

Sections 20 and 21;

Section 22, excepting out of the northeast, northwest and southwest quarters, all those lands covered by the waters of Wetherall Creek as shown on said township plan;

Section 27, excepting out of the northeast, southeast and southwest quarters, all those lands covered by the waters of Wetherall Creek as shown on said township plan;

Sections 28 and 29;

Section 32, excepting out of the northwest quarter, all those lands covered by the waters of Horse Creek as shown on said township plan;

Section 33;

Section 34, excepting thereout all those lands covered by the waters of Wetherall Creek as shown on said township plan;

The north-south road allowances lying adjacent to and west of the west limits of Sections 1, 12 and 13, Sections 2, 11 and the southwest quarter of Sections 14, Sections 3, 10, southwest quarter of Section 15, Sections 22, 27 and 34, Sections 4, 9, 16, 21, 28 and 33, Sections 5, 8, 17 and 20, and Sections 6, 7, 18 and 19, including the intervening intersections excepting thereout all those lands covered by the waters of Rock Creek, Wetherall Creek and Horse Creek as shown on said township plan;

The east-west road allowances lying adjacent to and north of the north limits of Sections 7 to 12 inclusive, Sections 20 to 22 inclusive, and 32 to 34 inclusive, including all intervening intersections excepting thereout all those lands covered by the waters of Wetherall Creek and Horse Creek as shown on said township plan.

In Township 1, Range 7, West 3rd Meridian:

Section 1, excepting out of the north half, all those lands covered by the waters of Horse Creek as shown on Township Plan dated October 31, 1990.

Section 12, excepting out of the northeast, southeast and southwest quarters, all those lands covered by the waters of Horse Creek as shown on said township plan;

Sections 13 and 24;

The east-west road allowances lying adjacent to and north of the north limit of Section 12.

In Township 2, Range 4, West 3rd Meridian:

The southwest quarter of Section 5;

The south half of Section 6, excepting thereout all those lands covered by the waters of Rock Creek as shown on Township Plan dated October 31, 1990;

The north-south road allowances lying adjacent to and west of the west limit of the southwest quarter of

Section 5.

In Township 2, Range 5, West 3rd Meridian:

Sections 4, 5, 6, 7, 8 and 9;

The north-south road allowances lying adjacent to and west of the west limits of Sections 4 and 9, and Sections 5 and 8.

In Township 2, Range 6, West 3rd Meridian:

The south half of Section 3;

Sections 4 and 5;

The southeast quarter of Section 6;

Sections 8, 9 and 30;

The north-south road allowances lying adjacent to and west of the west limits of the southwest quarter of Section 3, Sections 4 and 9, the southwest quarter of Section 5, and Section 30, including the intervening intersections.

In Township 2, Range 7, West 3rd Meridian:

Section 25.

In Township 3, Range 6, West 3rd Meridian:

The northeast quarter of Section 3;

Section 5, 8, 9, 10 and 11;

The north-south road allowances lying adjacent to and west of the west limits of Sections 9, 10 and 11.

## WEST BLOCK

In Township 1, Range 10, West 3rd Meridian:

Sections 1 and 2;

Section 3, excepting out of the west half, all those lands covered by the waters of the Frenchman River as shown on Township Plan dated October 31, 1990;

Section 4, excepting out of the northwest, northeast and southeast quarters, all those lands covered by the waters of the Frenchman River as shown on said township plan, and excepting out of the southwest quarter, all those lands covered by the waters of the Frenchman River as shown on Township Plan dated February 15, 1918;

The northeast, northwest and southwest quarters of Section 9, excepting thereout all those lands covered by the waters of the Frenchman River as shown on Township Plan dated October 31, 1990;

That portion of the southeast quarter of Section 9 described as follows: Commencing at the northeast corner of said quarter section; thence southerly along the east limit to the south limit; thence westerly along the south limit to its intersection with the left bank of the Frenchman River; thence northeasterly and westerly following the sinuosities of the left bank to its intersection with the west limit; thence northerly along the west limit to its intersection with the left bank; thence northeasterly following the sinuosities of the left bank to its intersection with the north limit of the quarter section; thence easterly along the north limit to the point of commencement as

shown on Township Plan dated February 15, 1918. Also in the southeast quarter of Section 9, all those lands lying westerly of the right bank of the Frenchman River as shown on Township Plan dated February 15, 1918;

Sections 10, 11, 12, 13 and 14;

The north-south road allowances lying adjacent to and west of the west limits of Section 1, 12 and 13, Sections 2 and 11, and Sections 3 and 10, including the intervening intersections, excepting thereout all those lands covered by the waters of the Frenchman River as shown on Township Plan dated October 31, 1990;

The east-west road allowances lying adjacent to and north of the north limits of Sections 11 and 12.

In Township 2, Range 9, West 3rd Meridian:

Sections 6, 7 and 18.

In Township 2, Range 10, West 3rd Meridian:

Sections 1, 2, 3 and 4;

The east half of Section 8, excepting out of the northeast quarter, all those lands covered by the waters of Little Breed Creek as shown on Township Plan dated October 31, 1990;

Section 9, 10, 11, 12 and 13;

The south half of Section 14;

Section 15;

Section 16, excepting out of the west half, all those lands covered by the waters of Little Breed Creek as shown on said township plan;

The east half of Section 17, excepting out of the southeast quarter, all those lands covered by the waters of Little Breed Creek as shown on said township plan;

The north-south road allowances lying adjacent to and west of the west limits of Sections 1, 2, 11 and the southwest quarter of Section 14, Sections 3, 10 and 15, Sections 9 and 16, including the intervening intersections, excepting thereout all those lands covered by the waters of Little Breed Creek as shown on said township plan;

The east-west road allowances lying adjacent to and north of the north limits of the northeast quarter of Section 8, Sections 9, 10 and 11, excepting thereout all those lands covered by the waters of Little Breed Creek as shown on said township plan.

In Township 2, Range 11, West 3rd Meridian:

The north half of Section 19, excepting out of the northwest quarter, all those lands covered by the Frenchman River as shown on Township Plan dated August 16, 1918;

The northwest quarter of Section 20;

Sections 28 and 29;

Section 30, excepting out of the southwest quarter, all those lands covered by the waters of the Frenchman River as shown on said township plan;

Section 31, 32 and 33;

The northwest quarter of Section 34;

The north-south road allowances lying adjacent to and west of the west limits of the northwest quarter of Section 20 and Sections 29 and 32, the northwest quarter of Section 19 and Sections 30 and 31, Sections 28 and 33, the northwest quarter of Section 34, including the intervening intersections, excepting thereout all those lands covered by the waters of the Frenchman River as shown on Township Plan dated October 31, 1990;

The east-west road allowances lying adjacent to and north of the north limits of Section 19 and the northwest quarter of Section 20, all of Sections 31, 32 and 33, excepting thereout all those lands covered by the waters of the Frenchman River as shown on Township Plan dated October 31, 1990.

In Township 2, Range 12, West 3rd Meridian:

The north half of Section 1;

The northeast quarter of Section 2;

The northeast quarter of Section 9;

The north half of Section 10;

Sections 11, 12, 13, 14 and 15;

The east half Section 16;

The north half of Section 18;

Sections 19, 20, 21, 22 and 23;

Section 24, excepting out of the southwest quarter, about 1.23 acres (0.50 hectare), for Roadway as shown on Plan 66SC08847 and out of the northeast, northwest and southeast quarters, all those lands covered by the waters of the Frenchman River as shown on Township Plan dated December 23, 1918;

Section 25, excepting out of the northwest quarter, about 1.12 acres (0.45 hectare), and out of the southwest quarter, about 4.30 acres (1.74 hectares), for Roadway as shown on Plan 66SC08847 and excepting out of the northwest, southeast and southwest quarters, all those lands covered by the waters of the Frenchman River as shown on said township plan;

Section 26, excepting thereout all those lands covered by the waters of the Frenchman River;

Section 27, excepting out of the northeast quarter, about 2.54 acres (1.03 hectares), out of the northwest quarter, about 1.62 acres (0.66 hectare), and out of the southeast quarter, all that portion, for Roadway as shown on Plan AU 1365, and excepting all those lands covered by the waters of the Frenchman River as shown on said township plan;

Section 28, excepting out of the northwest quarter, all those lands covered by the waters of the Frenchman River as shown on said township plan;

Sections 29 and 30;

Section 31, excepting out of the northeast and northwest quarters, all those lands covered by the waters of the Frenchman River as shown on said township plan;

Section 32, excepting thereout, all those lands covered by the waters of the Frenchman River as shown on said township plan;

Section 33, excepting out of the northeast quarter, about 4.54 acres (1.84 hectares), and out of the northwest quarter, about 0.98 acre (0.40 hectare), for Roadway as shown on Plan AU 1365 and excepting out

of the southeast and southwest quarters, all those lands covered by the waters of the Frenchman River as shown on said township plan;

Section 34, excepting out of the northwest quarter, about 2.23 acres (0.90 hectare), out of the southeast quarter, about 1.42 acres (0.57 hectare), and out of the southwest quarter, about 4.06 acres (1.64 hectares), for Roadway as shown on Plan AU 1365;

Section 35;

Section 36, excepting out of the southwest quarter, all those lands covered by the waters of the Frenchman River;

The north-south road allowances lying adjacent to and west of the west limits of the northwest quarter of Section 1 and Sections 12, 13, 24, 25 and 36, the northwest quarter of Section 11 and Sections 14, 23, 26 and 35, the northwest quarter of Section 10 and Sections 15, 22, 27 and 34, Sections 21, 28 and 33, Sections 20, 29 and 32, the northwest quarter of Section 18 and Sections 19, 30 and 31, including the intervening intersections excepting thereout all those lands covered by the waters of the Frenchman River as shown on Township Plan dated October 31, 1990;

The east-west road allowances lying adjacent to and north of the north limits of the northeast quarter of Section 9 and Sections 10, 11 and 12, Sections 19 to 24 inclusive, Sections 31 to 36 inclusive excepting thereout all those lands covered by the waters of the Frenchman River as shown on Township Plan dated 31 October, 1990.

In Township 2, Range 13, West 3rd Meridian:

Section 13, excepting thereout of the southeast quarter about 1.581 acres (0.64 hectare), and out of the southwest quarter about 2.619 acres (1.06 hectares), both taken for roadway as shown on a Plan of Record in the Land Titles Office for the Swift Current Land Registration District as No. 91SC00331;

The northeast quarter of Section 23;

Sections 24 and 25;

The northeast quarter and south half of Section 26, excepting out of the northeast quarter, all those lands covered by the waters of the Frenchman River as shown on Township Plan dated January 2, 1918;

Section 28;

The southeast quarter and north half of Section 32, excepting out of the northwest quarter about 1.779 acres (0.720 hectare), taken for roadway as shown on a Plan of Record in the Land Titles Office for the Swift Current Land Registration District as No. 91SC00331;

The west half and southeast quarter of Section 33, excepting out of the southeast quarter, all those lands covered by the waters of the Frenchman River;

Section 34, excepting out of the northwest, southwest and southeast quarters, all those lands covered by the waters of the Frenchman River as shown on Township Plan dated January 2, 1918;

Section 35, excepting out of the northeast, southeast and southwest quarters, all those lands covered by the waters of the Frenchman River as shown on said township plan;

Section 36, excepting out of the northeast and northwest quarters, all those lands covered by the waters of the Frenchman River as shown on said township plan;

The north-south road allowances lying adjacent to and west of the west limits of Sections 25 and 36, Section 35, the southwest quarter of Section 34 and Section 33, including the intervening intersections, excepting thereout all those lands covered by the waters of the Frenchman River as shown on Township Plan dated October 31, 1990;

The east-west road allowances lying adjacent to and north of the north limits of the northeast quarter of Section 23, Sections 24 and 32, the northwest quarter of Section 33 and Sections 34, 35 and 36, excepting thereout all those lands covered by the waters of the Frenchman River as shown on Township Plan dated October 31, 1990.

In Township 3, Range 11, West 3rd Meridian:

Legal Subdivisions 4 and 5 of the southwest quarter of Section 3;

Section 4, excepting out of the northeast quarter, about 3.77 acres (1.53 hectares), and out of the southeast quarter about 4.68 acres (1.89 hectares), for Roadway as shown on Plan CN 7048;

Sections 5, 6, 7 and 8;

Section 9, excepting out of the northeast quarter, about 4.48 acres (1.81 hectares), and out of the southeast quarter about 0.41 acre (0.17 hectare), for Roadway as shown on Plan CN 7048;

The south half of Section 16, excepting out of the southeast quarter, about 3.99 acres (1.61 hectares), for Roadway as shown on Plan CN 1001;

The south half of Section 17;

Section 18;

The north-south road allowances lying adjacent to and west of the west limits of the southwest quarter of Section 3, Sections 4 and 9, Sections 5 and 8, Sections 6, 7 and 18, including the intervening intersections;

The east-west road allowances lying adjacent to and north of the north limit of Sections 7, 8 and 9;

That portion of the original road allowance lying south from and adjacent to Section 6, lying between the northerly productions of the east limit of Section 36, Township 2, Range 12, West of the Third Meridian and the west limit of Section 31, Township 2, Range 11, West of the Third Meridian.

In Township 3, Range 12, West 3rd Meridian:

Sections 1, 2 and 3;

Section 4, excepting out of the northeast quarter, about 3.77 acres (1.53 hectares), out of the northwest quarter, about 0.67 acre (0.27 hectare), and out of the southeast quarter, about 4.27 acres (1.73 hectares), for Roadway as shown on Plan AU 1365;

Section 5;

Section 6, excepting out of the southeast and southwest quarters, all those lands covered by the waters of the Frenchman River as shown on Township Plan dated December 28, 1918;

Sections 7 and 8;

Section 9, excepting out of the northeast quarter, about 4.07 acres (1.65 hectares), out of the southeast quarter, about 1.61 acres (0.65 hectare), and out of the southwest quarter, about 2.49 acres (1.01 hectares), for Roadway as shown on Plan AU 1365;

Sections 10, 11, 12, 13, 14 and 15;

Section 16, excepting out of the northeast quarter, about 4.05 acres (1.64 hectares), and out of the southeast quarter, about 4.03 acres (1.63 hectares), for Roadway as shown on Plan AU 1365;

Section 17;

The east half of Section 18;

The north-south road allowances lying adjacent to and west of the west limits of Sections 1, 12 and 13, Sections 2, 11 and 14, Sections 3, 10 and 15, Sections 4, 9 and 16, Sections 5, 8 and 17, and Sections 6 and 7, including the intervening intersections, excepting thereout all those lands covered by the waters of the Frenchman River as shown on Township Plan dated October 31, 1990;

The east-west road allowances lying adjacent to and north of the north limits of the northeast quarter of Section 7 and Sections 8 to 12 inclusive;

That portion of the original road allowance lying south from and adjacent to Section 6, lying between the northerly productions of the east limit of Sections 36, Township 2, Range 13, West of the Third Meridian and the west limit of Sections 31, Township 2, Range 12, West of the Third Meridian.

In Township 3, Range 13, West 3rd Meridian:

Section 1, excepting out of the southeast quarter, all those lands covered by the waters of the Frenchman River as shown on the Township Plan dated December 19, 1917;

Section 2;

Section 3, excepting thereout all those lands covered by the waters of the Frenchman River as shown on said township plan;

The west half, southeast quarter and Legal Subdivisions 9, 10 and 15 of the northeast quarter of Section 4, excepting out of the southwest quarter, about 4.0 acres (1.62 hectares), and out of the southeast quarter, about 2.47 acres (1.00 hectare), as Parcel A, taken for roadway as shown on a Plan of Record in the Land Titles Office for the Swift Current Land Registration District as No. CG 5365;

The northeast quarter of Section 4, excepting thereout:

a) about 2.88 acres (1.17 hectares) for Roadway as shown on a Plan of Record in the Land Titles Office for the Swift Current Land Registration District as No. CG 5365;

b) That portion commencing at the northeast corner of said quarter section; thence southerly along the east limit 1320 feet (402.34 metres); thence westerly and parallel with the north limit 1320 feet (402.34 metres); thence northerly and parallel with the east limit to the north limit; thence easterly along the north limit to the point of commencement;

Section 5, excepting out of the northwest quarter about 1.30 acres (0.53 hectare), and out of the southwest quarter about 3.62 acres (1.47 hectares), both taken for roadway as shown on a Plan of Record in the Land Titles Office for the Swift Current Land Registration District as No. 71SC08602;

The southeast quarter of Section 8;

The southwest quarter of Section 9, excepting thereout about 0.07 hectares, for the Val Marie Irrigation Project as shown on Plan 77SC13199;

Sections 11, 12, 13 and 14;

The north-south road allowances lying adjacent to and west of the west limits of Sections 1, 2, 3 and 4, southwest quarter of Section 9, Sections 12 and 13, including the intervening intersections;

The east-west road allowances lying adjacent to and north of the north limits of Sections 11 and 12.

All lands described in the East and West blocks above include all mines and minerals.

## (1) RIDING MOUNTAIN NATIONAL PARK OF CANADA

In the Province of Manitoba;

West of the Principal Meridian;

All those lands more particularly described as follows:

(1) in Township 18, Range 16, all sections;

(2) in Township 18, Range 17, sections 1, 13, 24, 25, 26, 35, 36 and the east half of Section 12;

(3) in Township 19, Range 16, all sections;

(4) in Township 19, Range 17, all sections;

(5) in Township 19, Range 18:

(a) the northwest quarter of Section 19; excepting all that portion taken for a public road as shown on Plan 2642 filed in the Land Titles Office at Neepawa, a copy of which is recorded in the **Canada** Lands Surveys Records at Ottawa as 43180;

(b) sections 25, 26, 27, legal subdivisions 13 and 14 of Section 28, sections 29 to 36 inclusive;

(c) all that portion of the original Dominion Government Road Allowance adjoining the north boundary of Section 19, described as follows: commencing at a point on the north boundary of Section 19, a distance of 34 feet (10.36 metres) easterly from the northwest corner of Section 19; thence easterly along said north boundary 400 feet (121.92 metres); thence northerly at right angles with said north boundary 66 feet (20.12 metres) to the northerly limit of said original Dominion Government Road Allowance; thence westerly along the northerly limit of said road allowance 382 feet (116.43 metres); thence southwesterly in a straight line to the point of commencement;

(d) all that portion of the original Dominion Government Road Allowance between sections 29 and 30, lying north of the westerly production of the south boundary of southwest quarter Section 29;

(e) all that portion of the original Dominion Government Road Allowance between sections 31 and 32, lying south of the southerly shoreline of Clear Lake;

the last two mentioned road allowances are as shown on Plan 30750 in said records;

(6) in Township 19, Range 19, sections 25, 26, 34, 35 and 36, the east half of Section 33, the northeast quarter of Section 24 and legal subdivisions 13, 14, 15 and 16 of Section 27;

(7) in Township 20, Range 16, all sections; excepting the east half of section 25 and the north half and the southeast quarter of section 36;

(8) in Township 20, Range 17, all sections;

(9) in Township 20, Range 18, all sections;

(10) in Township 20, Range 19, all sections; excepting

(a) sections 5, 6, 7 and 8, the west half of section 4, the portion of the east half of section 4 lying west of Clear Lake Indian Reserve No. 61A and the southwest quarter of section 18;

(b) Clear Lake Indian Reserve No. 61A, comprising:

part fractional east half Section 4; fractional Section 9; fractional Section 10; fractional southwest quarter Section 15 and fractional southeast quarter Section 16;

said indian reserve as shown on Plan 76982 in said records, a copy of which is filed in the Land Titles Office at Neepawa as 32044;

(11) in Township 20, Range 20, sections 13 to 36 inclusive;

(12) in Township 20, Range 21, all sections; excepting sections 6, 7 and 18;



(13) in Township 20, Range 22, sections 19 to 36 inclusive;  
(14) in Township 21, Range 16, all sections; excepting  
(a) sections 1, 12, 13, 22, 23, 24, 25, 26, 27, 32, 33, 34, 35 and 36;  
(b) the south half and northeast quarter of Section 14 and the northeast quarters of sections 11, 28 and 31;  
(15) in Township 21, Range 17, all sections;  
(16) in Township 21, Range 18, all sections;  
(17) in Township 21, Range 19, all sections;  
(18) in Township 21, Range 20, all sections;  
(19) in Township 21, Range 21, all sections;  
(20) in Township 21, Range 22, all sections;  
(21) in Township 21, Range 23, all sections;  
(22) in Township 22, Range 17, sections 2 to 11 inclusive, 16, 17 and 18, the west halves of sections 1 and 12, the south halves of sections 14 and 15, and the southwest quarter of Section 13;  
(23) in Township 22, Range 18, all sections;  
(24) in Township 22, Range 19, all sections;  
(25) in Township 22, Range 20, all sections;  
(26) in Township 22, Range 21, all sections;  
(27) in Township 22, Range 22, all sections;  
(28) in Township 22, Range 23, all sections;  
(29) in Township 22, Range 24, all sections;  
(30) in Township 22, Range 25, all sections;  
(31) in Township 22, Range 26, all sections; excepting the west halves of sections 6 and 7;  
(32) in Township 23, Range 18, all sections; excepting sections 13, 21 to 28 inclusive, 31 to 36 inclusive, the north half and southeast quarter of Section 12 and the northeast quarter of Section 1;  
(33) in Township 23, Range 19, all sections; excepting sections 31 to 36 inclusive;  
(34) in Township 23, Range 20, all sections and fractional sections lying east and south of the Vermilion River; excepting the west half of Section 25 and sections 26, 35 and 36;  
(35) in Township 23, Range 21, all sections; excepting sections 12, 13, 23 to 36 inclusive, and the north halves of sections 1 and 22;  
(36) in Township 23, Range 22, all sections; excepting sections 25 to 36 inclusive;  
(37) in Township 23, Range 23, all sections; excepting sections 25, and 31 to 36 inclusive;  
(38) in the south half of Township 23, Range 24, all sections;  
(39) in the south half of Township 23, Range 25, all sections;  
(40) in Township 23, Range 26, sections 1 to 5 inclusive, and 8 to 17 inclusive;  
Said lands containing together about 2,969 square kilometres.

## (2) WAPUSK NATIONAL PARK OF CANADA

All theoretical section and township corners hereinafter are based on the North American Datum of 1927. All bearings are grid and are referred to Zone 15 of the Universal Transverse Mercator Grid System.

In the Province of Manitoba;

East of the Second Meridian East;

All that parcel of land shown as Parcel A on a plan filed in the office of the Director of Surveys at Winnipeg

as Plan No. 19701, including the foreshore along the North East Coast of Manitoba, the lakes, the rivers, the islands, the streams, all mines and minerals, and all other estates, rights and interests normally reserved to the Crown (Manitoba) under *The Crown Lands Act* (Manitoba), C.C.S.M., c. C340 and, all theoretical Government Road Allowances that lie within the boundaries more particularly described as follows:

Commencing at the theoretical North East corner of Township 94, Range 6;

Thence westerly in a straight line to the theoretical North East corner of Section 33 in Township 94, Range 1;

Thence northerly in a straight line to the theoretical North East corner of Section 33 in Township 104, Range 1;

Thence easterly in a straight line to the theoretical North East corner of Township 104, Range 1;

Thence northerly in a straight line to the theoretical North East corner of Township 107, Range 1;

Thence easterly in a straight line to the theoretical North East corner of Township 107, Range 2;

Thence northerly in a straight line to the theoretical North East corner of Township 109, Range 2;

Thence easterly in a straight line to the theoretical North East corner of Township 109, Range 3;

Thence northerly in a straight line to the theoretical North East corner of Township 111, Range 3;

Thence northerly in a straight line along the production of the last above described course to its first intersection with the Mean High Tide Line of Hudson Bay;

Thence on a bearing of 50°00'00" to its first intersection with the Ordinary Low Water Mark of Hudson Bay;

Thence easterly and southeasterly following the Ordinary Low Water Mark of Hudson Bay to its intersection with a line having a bearing of 115°00'00" drawn through the intersection of the right bank of Black Bear Creek with the Mean High Tide Line of Hudson Bay;

Thence on a bearing of 295°00'00" along the aforesaid line to the intersection of said bank with the Mean High Tide Line of Hudson Bay;

Thence generally westerly following the sinuosities of said right bank of Black Bear Creek to the Ordinary High Water Mark of Black Bear Lake;

Thence westerly along the Ordinary High Water Mark of Black Bear Lake to its intersection with a line drawn southerly and at right angles to the first above described course;

Thence northerly in a straight line to the point of commencement.

Said parcel containing an area of about 11 475 square kilometres.

## PART 5 — ONTARIO

### (1) ST. LAWRENCE ISLANDS NATIONAL PARK OF CANADA

In the Province of Ontario;

In the counties of Leeds and Frontenac;

All those parcels of land being more particularly described under Firstly to Twelfthly as follows:

Firstly

The following 17 islands as shown on plans 50113, 50114, 50115 and 50116 in the **Canada** Lands Surveys Records at Ottawa:

In the Township of Pittsburgh:

Whiskey Island,

containing about 0.32 hectare;

Cedar Island,

containing about 9.31 hectares;

Milton (Pitcairn) (Amazon) Island,

containing about 3.24 hectares;

In the Township of Front of Leeds and Lansdowne:

Aubrey Island,

containing about 5.79 hectares;

Mermaid Island,

containing about 1.54 hectares;

Red Horse (7A) Island,

containing about 0.21 hectare;

Beaurivage Island,

containing about 4.17 hectares;

Leek (Thwartway) Island,

containing about 36.71 hectares;

Camelot Island,

containing about 9.47 hectares;

Endymion Island,

containing about 4.41 hectares;

Gordon Island,

containing about 6.27 hectares;

Mulcaster (Sugar) Island,

containing about 5.38 hectares;

Lyndoe (79) Island,

containing about 0.57 hectare;

Georgina Island,

containing about 9.43 hectares;

Constance Island,

containing about 2.95 hectares;

In the Township of Front of Yonge:

Adelaide (116) Island,

containing about 5.30 hectares;

In the Township of Elizabethtown:

Stovin Island,

containing about 4.13 hectares.

Secondly

The following 88 islands as shown on plans 61449, 61450, 61451 and 61452 in the **Canada** Lands Surveys Records at Ottawa, copies of which are filed in the Registry Office at Brockville as LE 338, LE 339, LE 340 and LE 341 respectively;

In the Township of Front of Leeds and Lansdowne:

Islands 04, 7C, 8C, 10A, 18B, 27D, 31C, 31D, 32A, 32B, 33B, 33J, 34A, 34G, 34H, 34M, 34N, 35B, 35C, 39B, 40B, 41B, 41C, 41D, 41E, 41G, 41H, 46B, 48E, 48F, 49A, 49B, 50B, 50C, 51A, 51C, 51E, 51F, 52E, 54A, 57B, 57D, 57F, 58A, 58B, 59A, 59C, 59D, 59E, 62A, 64C, 64D, 66A, 66B, 66C, 67B, 67C, 67E, 68C, 68D, 70B, 73C, 73D, 77F, 80A, 81C, 82D, 91B, 93A, 93B, Bass and Bass A islands, containing together about 1.24 hectares;

In the Township of Front of Escott:

Islands 106B, 106C, 107A, 108A, 108B, 112D, 112E, 113A, 113B, 113K and 113L, containing together about 0.18 hectare;

In the Township of Front of Yonge:

Islands 115F, 115G, 115I, 116C and 116N, containing together about 0.01 hectare.

Thirdly

In the Township of Front of Escott:

Squaw, Car and Shoe Islands as shown on Plan 57151 in the **Canada** Lands Surveys Records at Ottawa, a copy of which is filed in the Registry Office at Brockville as LE 327, containing together about 3.05 hectares.

Fourthly

In the Township of Lansdowne;

In the Municipality of Front of Leeds and Lansdowne;

Those portions of Hill (Leroux) Island being the whole of lot 5 and parts of Lot 6 on Registered Plan 163, shown as Parts 1 and 2 on a plan deposited in the Registry Office at Brockville as 28R-1962, a copy of which is recorded in the **Canada** Lands Surveys Records at Ottawa as 61190;

Together with a Right-of-Way over those parts of Lot 1 on Registered Plan 120, shown as Parts 6, 9, 10 and 11 on said Plan 28R-1962, containing together about 2.13 hectares;

Island 89C on Registered Plan 120, shown as Part 29 on a plan deposited in said office as 28R-1962, a copy of which is recorded in said records as 61190, said island containing about 0.16 hectare.

Fifthly

In the Municipality of the Township of Front of Escott;

Those portions of Grenadier (Bathurst) Island described as follows:

The whole of the Dominion Park lot and Lighthouse Site lot as shown on Plan 681 in the **Canada** Lands Surveys Records at Ottawa;

EXCEPT a parcel of land 50 feet (15.24 metres) square comprising the site of Grenadier Light LL 331 as described in Order-in-Council P.C. 1965-1692 dated September 15, 1965; the remainder containing about 4.39 hectares;

That part of Lot 4 on Registered Plan 120, described in a deed between G.R. Latimer and H. Latimer and Her Majesty the Queen in right of **Canada**, registered in the Registry Office at Brockville as 39049 on December 14, 1970, shown on a Plan of Survey by K.M. Wiseman, O.L.S., dated August 8, 1967, attached to Instrument registered as 7367 in said office, said part containing about 0.09 hectare;

That part of Lot 5 on Registered Plan 120, as shown on Plan 53064 in said records, a copy of which is deposited in said office as instrument 5774, said part containing about 85.4 hectares;

That part of Lot 5 on Registered Plan 120, described in a deed between Hubert L. Mallory and Gordon H. Hunt, Trustees of the Public School Board of the Township School Area of Front of Escott and Her Majesty the Queen in right of **Canada**, registered in said office as 7439 on April 2, 1968, said part containing about 0.2 hectare;

That part of Lot 6 on Registered Plan 120, described in a deed between Franz Benedek and Her Majesty the Queen in right of **Canada**, registered in said office as 35119 on May 25, 1970, said part containing about 39 hectares;

Lot 8 on Registered Plan 120, shown as Part 1, parts of the bed of the St. Lawrence River adjacent to Lots 8 and 9 shown as Parts 2 and 9, and Part 6, all shown on a plan deposited in said office as 28R-4854, a copy of which is recorded as 70113 in said records, containing together about 22.38 hectares;

That part of Lot 10 on Registered Plan 120, and parts of the bed of the St. Lawrence River adjacent to Lot 10, shown as Parts 1 to 5 inclusive on a plan deposited in said office as 28R-4005, a copy of which is recorded as 68276 in said records, containing together about 32.38 hectares;

That part of Lot 10 on Registered Plan 120, and parts of the bed of the St. Lawrence River adjacent to Lot 10, shown as Parts 1 to 5 inclusive on a plan deposited in said office as 28R-4140, a copy of which is recorded as 68554 in said records, containing together about 2.63 hectares;

The whole of Lot 12 as shown on Plan 56630 in said records, a copy of which is deposited in said office as 42324, said lot containing about 30 hectares.

Sixthly

In the Municipality of the Township of Front of Leeds and Lansdowne;

That part of Hay (Melville) Island on Registered Plan 313, described in a deed between C. Carpenter and Her Majesty the Queen in right of **Canada**, registered in the Registry Office at Brockville as 82282 on August 16, 1976; said part containing about 24.42 hectares.

Seventhly

In the Municipality of the Township of Front of Leeds and Lansdowne;

That part of McDonald (Hog) (Cow) (Georgiana) Island on Registered Plan 120, described in a deed between M.M. Caird and Her Majesty the Queen in right of **Canada**, registered in the Registry Office at Brockville as 28990 on May 25, 1969; said part containing about 11.63 hectares;

Islands 12B and 12C (Leeward Islands) and that part of said McDonald Island on Registered Plan 120, described in a deed between H.S. Fuller and R.S. Fuller, and Her Majesty the Queen in right of **Canada**, registered in said office as 80855 on June 21, 1976; containing together about 0.49 hectare.

Eighthly

In the Municipality of the Township of Front of Leeds and Lansdowne;

That part of Joel (Lindsay) (Crocker) Island described in a deed between S.H. Manson and Her Majesty the Queen in right of **Canada**, registered in the Registry Office at Brockville as 68820 on December 19, 1974; said part containing about 4.05 hectares.

Ninthly

In the Township of Front of Yonge;

In the Broken Front Concession;

In Lot 22;

The whole of Parcels A and B as shown on Plan 42935 in the **Canada** Lands Surveys Records at Ottawa, a copy of which is deposited in the Registry Office at Brockville as 2734; containing together about 4.14 hectares.

Tenthly

In the Township of Front of Yonge;

In the Broken Front Concession;

In Lots 22 and 23;

The whole of Parcel C as shown on Plan 43518 in the **Canada** Lands Surveys Records at Ottawa, a copy of which is deposited in the Registry Office at Brockville as 3380; said parcel containing about 33.82 hectares.

Eleventhly

In the Township of Front of Yonge;

In the Broken Front Concession;

That part of Lot 22 as shown on Plan 57594 in the **Canada** Lands Surveys Records at Ottawa, said part

containing about 0.40 hectare.

Twelfthly

In the Township of Lansdowne;

In the Municipality of the Township of Front of Leeds and Lansdowne;

Those portions of Hill (Leroux) Island described as follows:

Those parts of Lots 2 and 4 on Registered Plan 163, the whole of Block P on Registered Plan 273 and those parts of Lots 1 and 5 on Registered Plan 120, shown as Parts 3 to 24 inclusive and Part 28 on Plan 28R-1962 deposited in the Registry Office at Brockville, a copy of which is recorded as 61190 in the **Canada** Lands Surveys Records at Ottawa; and Parts 1 to 5 inclusive and Parts 7 to 57 inclusive on Plan 28R-1961 deposited in said office, a copy of which is recorded as 61192 in said records; and Parts 1 to 8 inclusive on Plan 28R-1963 deposited in said office, a copy of which is recorded as 61191 in said records, containing together about 150.7 hectares;

Those parts of Lots 2, 3 and 4 on Registered Plan 120, shown as Parts 1, 2, 3, 4 and 5 on Plan 28R-3747 deposited in said office, a copy of which is recorded as 67675 in said records, containing together about 115.8 hectares;

Those parts of Lots 6 and 7 on Registered Plan 120, shown as Parts 7 to 17 inclusive on Plan 28R-3786 deposited in said office, a copy of which is recorded as 67731 in said records;

Together with a Right-of-Way over Parts 1 and 3 as shown on said Plan 28R-3786, containing together about 105 hectares;

That part of Lot 8 on Registered Plan 120, now re-subdivided and described as Block 6 on Registered Plan 389, shown as Part 1 on Plan 28R-562 deposited in said office, a copy of which is recorded as 73572 in said records, said part containing about 7.5 hectares;

Those parts of Lot 8 on Registered Plan 120, shown as Parts 1 to 7 inclusive on Plan 28R-6405 deposited in said office, a copy of which is recorded as 73164 in said records, containing together about 33 hectares;

Those parts of Lot 8 on Registered Plan 120, shown as Parts 1, 2 and 3 on Plan 28R-7831 deposited in said office, containing together about 6.2 hectares;

The whole from Firstly to Twelfthly containing about 829.6 hectares (8.30 square kilometres).

## (2) POINT PELEE NATIONAL PARK OF CANADA

In Ontario;

In the County of Essex;

In the Townships of Mersea and Pelee;

All those parcels of land being more particularly described under Firstly and Secondly as follows:

Firstly, all that parcel of land known as Point Pelee, and being comprised of the Naval Reserve at said Point Pelee as shown on a plan of said Naval Reserve, signed by Alexander Baird, Provincial Land Surveyor, at Leamington on February 17, 1883, a copy of which is recorded as Plan 52325 in the **Canada** Lands Surveys Records at Ottawa;

Said parcel containing about 1, 500 hectares.

Secondly, all that parcel of land being Middle Island in Lake Erie;

SAVING AND EXCEPTING that part of Middle Island conveyed to Her Majesty the Queen in right of **Canada**, by Quit Claim Deed dated January 6, 1958, registered in the Registry Office for the Registry Division of the County of Essex on March 9, 1960, as instrument 215703, containing by ad-measurement an area of 0.3 hectares (0.75 acres), more or less and being more particularly described as follows:

PREMISING that the bearings mentioned are magnetic and are referred to the year 1889 at which time the variation was 1 degree 20 minutes West;

COMMENCING at a point distant One Hundred and Fifty feet (150') measured South, magnetically (South 1 degree 20 minutes West, astronomically) from a red cedar post planted on the North shore of the said Island by the Department of Marine and Fisheries of **Canada**;

Thence South, magnetically (South 1 degree 20 minutes West astronomically) a distance of Two Hundred and Seventeen feet (217');

Thence East, magnetically, (South 88 degrees 40 minutes East astronomically) a distance of One Hundred and Fifty feet (150');

Thence North, magnetically, (North 1 degree 20 minutes East astronomically) a distance of Two Hundred and Seventeen feet (217');

Thence West, magnetically, (North 88 degrees 40 minutes West astronomically) a distance of One Hundred and Fifty feet (150'), more or less, to the point of commencement.

Together with a right-of-way, 25 feet in perpendicular width, lying East of and adjacent to a line drawn North, magnetically, (North 1 degree 20 minutes East astronomically) from the point of commencement of the above described parcel, the said strip of land extending Northerly from the Northern boundary of the above described parcel to the natural High Water Mark of Lake Erie, which said parcel is shown on a plan of survey dated October 1889, of record in the Department of Transport, at Ottawa, a copy of which plan is attached to an instrument between Elizabeth Bender and Her Majesty the Queen in right of **Canada**, dated January 6, 1958, registered March 9, 1960 as Instrument 215703.

The remainder of Middle Island containing about 19.7 hectares (48.7 acres).

Said parcels described under Firstly and Secondly containing together about 1, 520 hectares.

### (3) GEORGIAN BAY ISLANDS NATIONAL PARK OF CANADA

All those islands or parts of islands in Georgian Bay, Province of Ontario, as follows:

(a) Islands or parts of islands opposite Baxter Township, now Township of Georgian Bay, in the District Municipality of Muskoka.

Beausoleil Island according to plan 789 in the **Canada** Lands Surveys Records at Ottawa, being a plan of said Island, by W. Galbraith, Ontario Land Surveyor, dated August 10, 1907;

Beausoleil Island containing about 1098 hectares.

The following 6 islands according to plan 385 in said Records, being a plan of Islands in Georgian Bay, by C.E. Fitton, Ontario Land Surveyor, dated January 4, 1897:

Island 92, containing about 11.36 hectares

Island 92H, containing about 0.10 hectare

Island 92I, containing about 0.11 hectare



Island 92M, containing about 0.08 hectare

Island 93, containing about 3.65 hectares

Island 118A, containing about 0.02 hectare

The following 4 islands according to plan 380 in said Records, being a map of certain islands in Georgian Bay, by J.G. Sing, Dominion and Ontario Land Surveyor, dated April 16, 1900:

Island 147K, containing about 0.36 hectare

Island 147L, containing about 0.01 hectare

Island 183 (Gin Rock), containing about 1.30 hectares

Island 184 (McCrosson's Island), containing about 1.40 hectares

The following 11 islands according to plan 381 in said Records, being a map of Certain Islands in Georgian Bay, by J.G. Sing, Dominion and Ontario Land Surveyor, dated April 16, 1900:

Island 147A, containing about 0.04 hectare

Island 147-O, containing about 0.61 hectare

Island 147U, containing about 0.03 hectare

Island 147V, containing about 0.04 hectare

Island 154, containing about 0.53 hectare

Island 163A, containing about 0.02 hectare

Island 163B, containing about 0.01 hectare

Island 176, containing about 0.38 hectare

Island 189, containing about 0.22 hectare

Island 190, containing about 0.18 hectare

Island 194, containing about 0.20 hectare

Lot B, Island No. 95, according to plan 43498, in said Records, a copy of which is registered in the Land Registry Office at Bracebridge under number 24562;

Lot B, containing about 17.85 hectares

(b) Islands or parts of islands opposite Gibson Township, now Township of Georgian Bay, in the District Municipality of Muskoka.

Lots E, F and M, Bone Island (No. 75) according to plan 50222 in said Records, a copy of which is deposited in said Office under number 28622;

Lot E, containing about 12.34 hectares

Lot F, containing about 6.19 hectares

Lot M, containing about 4.03 hectares

Lot D, Portage Island (No. 139) according to plan 43499 in said Records, a copy of which is registered in said Office under number 24563;

Lot D, containing about 7.53 hectares

Island 200 (Gray Island) according to plan 399 in said Records, being a plan of Certain Islands in Georgian Bay, by J.G. Sing, Dominion and Ontario Land Surveyor, dated April 20, 1901;

Island 200, containing about 5.06 hectares

(c) Island opposite Freeman Township, now Township of Georgian Bay, in the District Municipality of Muskoka.

The following 3 islands according to said plan 399;

Island 220, containing about 0.49 hectare

Island 221, containing about 0.93 hectare

Island 226, containing about 0.53 hectare

The following 11 islands according to plan 409 in said Records, being a plan of certain islands in Georgian Bay, by J.G. Sing, Dominion and Ontario Land Surveyor, dated June 12, 1902;

Island 355, containing about 0.75 hectare

Island 356, containing about 1.21 hectares

Island 358, containing about 1.98 hectares

Island 359, containing about 1.50 hectares

Island 371, containing about 0.89 hectare

Island 371A (Gilford Rocks), containing about 0.71 hectare

Island 372, containing about 0.81 hectare

Island 373, containing about 0.45 hectare

Island 374, containing about 0.40 hectare

Island 383, containing about 1.17 hectares

Island 397, containing about 19.32 hectares

Island 400, containing about 0.40 hectare, according to plan 407 in said Records, being a plan of certain islands in Georgian Bay, by J.G. Sing, Dominion and Ontario Land Surveyor, dated June 12, 1902.

Island 402, containing about 1.01 hectares, according to plan 405 in said Records, being a plan of certain islands in Georgian Bay, by J.G. Sing, Dominion and Ontario Land Surveyor, dated June 12, 1902.

(d) Islands opposite Conger Township, now Township of the Archipelago, in the District of Parry Sound.

The following 3 islands according to said plan 409;

Island 473, containing about 0.51 hectare

Island 497, containing about 1.32 hectares

Island 504 (McQuade Island), containing about 1.96 hectares

(e) Islands opposite St. Edmunds Township, north of Saugeen Peninsula in the County of Bruce;

The following 18 islands or parts thereof according to plan 2693 in said Records, being a plan showing Cape Hurd Islands compiled from surveys made by W.R. White, O.L.S., in 1936 and from information supplied by the Department of Marine, approved July 30, 1942:

Island 1, containing about 1.20 hectares

Island 2, containing about 0.20 hectare

Island 3, containing about 0.10 hectare

Island 5, containing about 0.40 hectare

Island 5A, containing about 0.10 hectare

Island 11, containing about 0.13 hectare

Island 12, containing about 0.60 hectare

Island 15, containing about 0.61 hectare

Island 16, containing about 0.10 hectare

Island 17, containing about 0.13 hectare

Cove Island saving and excepting 12.97 hectares off the north end thereof under instrument number 554;

The remainder of Cove Island containing about 887 hectares.

Big or North Otter Island, containing about 32.40 hectares

Little or South Otter Island, containing about 12.96 hectares

Williscroft Island, containing about 25.20 hectares

Turning Island, containing about 2 hectares

Bear's Rump Island, containing about 88 hectares

Russell Island or Rabbit Island, containing about 81.36 hectares

Flowerpot Island saving and excepting thereout and therefrom land required for Lighthouse Reserve on Flowerpot Island as shown on a plan by W.P. Anderson, Chief Engineer, Department of Marine and Fisheries, dated May 6, 1899, recorded as Plan 51964 in said Records;

The remainder of Flowerpot Island containing about 188 hectares

Harbour Island containing about 3.6 hectares

Said Islands and parts of islands containing together about 25.64 square kilometres.

## PART 6 — QUEBEC

### (1) FORILLON NATIONAL PARK OF CANADA

Starting from a point on the southeast right of way of highway No. 6A located 40 chains from the intersection of the northeast side of highway No. 6 with the extension of the southeast side of highway 6A; thence, successively the following lines and demarcations; a straight line southeasterly to a point on the dividing line between lots 29A and 28G in the 1st Range of the Township of Gaspé Bay-North located 77 chains from the dividing line between the 1st and 2nd Ranges of the said township, such distance measured along the dividing line between lots 28G and 29A; southwesterly, the dividing line between lots 29A and 28G and its extension to the southwest side of highway No. 6; the southwest side of highway No. 6 northwesterly to the dividing line between lots 34B and 34C in the 1st Range of the township of Gaspé Bay-North; the dividing line between lots 34B and 34C southwesterly to the average low water mark; in Gaspé Bay, a line running parallel to and 500 feet from the average low water mark, following the west and south coasts of Pénouil peninsula and the shore of the said bay to its meeting point with the extension of the dividing line between lots 15A and 14B in the 1st Range of the township of Gaspé Bay-North; the said extension and the dividing line between lots 15A and 14B to the northeast side of highway No. 6 (between the line dividing lots 29A and 28G and the line dividing lots 15A and 14B in the 1st Range of the township of Gaspé Bay-North, such line following the northeast and southwest sides of highway No. 6); the dividing line between lots 15A and 14B northeasterly to a point located 67 chains from the dividing line between the 1st and 2nd Ranges of the township of Gaspé Bay-North, such distance measured along the dividing line between lots 15A and 14B; a straight line southeasterly to a point on the dividing line between lots 9 and 8A in the 1st Range of the township of Gaspé Bay-North located 72 chains from the dividing line between the 1st and 2nd Ranges of the said township, such distance measured along the dividing line between lots 9 and 8A; a straight line southeasterly to a point on the dividing line between lots 3A and 2A in the 1st Range of the township of Gaspé Bay-North located 90 chains from the dividing line between the 1st and 2nd Ranges of the said township, such distance measured along the dividing line between lots 3A and 2A; a straight line southeasterly to a point on the boundary between the townships of Gaspé Bay-North and Cap-des-Rosiers located 20 chains from the northeast side of highway No. 6, such distance measured along the boundary between the said townships; a straight line southeasterly to a point on the dividing line between lots 3C and 4A in the 1st Range South of the township of Cap-des-Rosiers located 58 chains from the dividing line between the 1st Range South and the 2nd Range South of the said township, such distance measured along the dividing line between lots 3C and 4A; a straight line southeasterly to a point on the dividing line between lots 8B and 9A in the 1st Range South of the township of Cap-des-Rosiers located 77 chains from the dividing line between the 1st Range South and the 2nd Range South of the said township, such distance measured along the dividing line between lots 8B and 9A; a straight line southeasterly to a point on the dividing line between lots 10I and 11A in the 1st Range South of the township of Cap-des-Rosiers located 79 chains from the dividing line between the 1st Range South and the 2nd Range South of the said township, such distance measured along the dividing line between lots 10I and 11A; a straight line southeasterly to a point on the east line of lot 19B in the 1st Range South of the township of Cap-des-Rosiers located 20 chains from the northeast side of highway No. 6, such distance measured along the east line of lot 19B; southerly the east line of lot 19B and its extension to a line parallel to and 152.4 metres from the average low water mark; in Gaspé Bay and the Gulf of St. Lawrence along a line parallel to and 152.4 metres from the average low water mark to the extension of the dividing line between lots B-56 and B-13 in the 1st Range East of the township of Cap-des-Rosiers; northwesterly, the said extension and the dividing line between lots B-56 and B-13 to the southeast side of highway No. 6; the southeast side of highway No. 6 southwesterly to the extension of the dividing line between lots B-18 and B-55 in the 1st Range East of the township of Cap-des-Rosiers; the said extension and the south line of lot B-18 to a point located 60 chains from the northwest side of highway No. 6, such distance measured along the south line of lot B-18; a straight line northwesterly to a point on the dividing line between lots 28-4 and 29-1 in the 1st Range North of the township of Cap-des-Rosiers located 63 chains from the limit between the 1st Range North and the 2nd Range North of the said township, such distance measured along the dividing line between lots 28-4 and 29-1; a straight line, northwesterly to the intersection of the dividing line between lots 60-5 and 61-1 in the 1st Range South of L'Anse-aux-Griffons in the township of Cap-des-Rosiers with the north line of lot 57-4 in the 1st Range North of the said township; a straight line, northwesterly to a point on the dividing line between lots 65-5 and 66-1 in the 1st Range South of L'Anse-aux-Griffons in the township of Cap-des-Rosiers located 45 chains from the dividing line between the 1st Range South of L'Anse-aux-Griffons and the 1st Range North of the said township, such distance measured along the dividing line between lots 65-5 and 66-1; a straight line westerly to a point on the dividing line between lots 73-2 and 74-1 in the 1st Range South of L'Anse-aux-Griffons in the township of Cap-des-Rosiers located 95 chains from the limit between the 1st Range South of L'Anse-aux-Griffons and the 2nd Range North of the said township, such distance measured along the dividing line between lots 73-2 and 74-1; northerly the dividing line between lots 73-2 and 74-1 and its extension to the north bank of the L'Anse-aux-Griffons river; northeasterly, the north bank of the said river to the dividing line between lots 11-4 and 12-1 in the 1st Range North of L'Anse-aux-Griffons in the township of Cap-des-Rosiers; northwesterly, the dividing line between lots 12-1 and 11-4 to a point located 82 chains from the dividing line between the 1st Range North of L'Anse-aux-Griffons and the 2nd Range North of

L'Anse-aux-Griffons in the township of Cap-des-Rosiers, such distance measured along the dividing line between lots 11-4 and 12-1; a straight line northeasterly to a point on the dividing line between lots 4-2 and 5-1 in the 1st Range North of L'Anse-aux-Griffons in the township of Cap-des-Rosiers located 69 chains from the dividing line between the 1st Range North of L'Anse-aux-Griffons and the 2nd Range North of L'Anse-aux-Griffons in the said township, such distance measured along the dividing line between lots 5-1 and 4-2; northwesterly the dividing line between lots 5-1 and 4-2 to the northwest boundary of the 1st Range North of L'Anse-aux-Griffons in the township of Cap-des-Rosiers; northeasterly, the northwest side of the 1st Range North of L'Anse-aux-Griffons in the township of Cap-des-Rosiers to the southwest side of highway No. 6; the southwest side of the highway No. 6 to the dividing line between lots 4-2 and 5-1 in the 1st Range East of the township of Fox; southerly, the dividing line between lots 4-2 and 5-1 to the dividing line between the 1st Range East and the 2nd Range East of the township of Fox; northwesterly, the dividing line between the 1st Range East and the 2nd Range East of the township of Fox to the intersection of the dividing line between lots 520-3 and 520-4 in the 2nd Range East of the township of Fox; a straight line, northwesterly to the point of the intersection of the dividing line between lots 510 and 509-1 in the 2nd Range East of the township of Fox with the dividing line between the south range of the river and the 2nd Range East of the said township; westerly, the dividing line between the south range of the river and the 2nd Range East of the township of Fox to the dividing line between lots 127-1 and 129-1 in the south range of the river in the said township; northwesterly, the dividing line between lots 127-1 and 129-1 to a point located 64 chains from the dividing line between the south range of the river and the 2nd Range East in the township of Fox, such distance measured along the dividing line between lots 127-1 and 129-1; a straight line westerly to a point on the dividing line between lots 151-1 and 152 in the south range of the river in the township of Fox located 64 chains from the dividing line between the south range of the river and the 2nd Range East of the said township, such distance measured along the northeast line of lot 152; northwesterly, the dividing line between lots 151-1 and 152 to the south bank of the Rivière au Renard; northwesterly, the southwest bank of the Rivière au Renard to the southeast line of the side of highway No. 6A; southwesterly, the southeast side of highway No. 6A to the northeast bank of the Rivière au Renard; southwesterly, the northeast bank of the said river to the northeast line of lot 547-1 in the south range of the Fox township road; northwesterly, the northeast line of lot 547-1 to the southeast side of highway No. 6A; southwesterly, the southeast side of highway No. 6A to the southwest line of lot 562 in the north range of the Fox township road; southeasterly, the southwest line of lot 562 in the north range of the road and 559-1 in the south range of the road to a point located 49 chains from the dividing line between the south range of the road and the 5th Range East of the township of Fox, such distance measured along the northeast line of lot 560-1 in the south range of the Fox township road; a straight line, southwesterly to a point on the southwest line of lot 560-2 in the south range of the Fox township road located 41 chains from the dividing line between the south range of the road and the 5th Range East of the township of Fox, such distance measured along the southwest line of lot 560-2; northwesterly, the northeast line of lot 19 of the east range of the Gaspé Bay-North township road to the southeast side of highway No. 6A; southwesterly, the southeast side of highway No. 6A to the dividing line between lots 11 and 12 of the east range of the Gaspé Bay-North township road; southeasterly, the dividing line between lots 11 and 12 to the southeast boundary of the east range of the Gaspé Bay-North township road; southwesterly, the southeast boundary of the east range of the Gaspé Bay-North township road to the southwest line of lot 1 of the east range of the Gaspé Bay-North township road; northwesterly, the southwest line of lot 1 to the southeast side of highway No. 6A; finally, southwesterly, the southeast side of highway No. 6A to the starting point.

The area of the territory comprised within the limits above described is 21 696 hectares.

## (2) LA MAURICIE NATIONAL PARK OF CANADA

In the county municipalities of Champlain and St-Maurice, in the Seigniories of Bastican and Cap de la Madeleine and the townships at Allard, Belleau, Desaulniers, Matawin and Radnor: all that land bordered by a heavy line and dealt with as La Mauricie National Park on Canada Lands Surveys Records at Ottawa Plan 61255, containing 53 613 hectares, more or less.

## PART 7 — NEW BRUNSWICK

### (1) FUNDY NATIONAL PARK OF CANADA

All and singular that certain parcel or tract of land situated, lying and being in the Province of New Brunswick which may be more particularly described as follows:

Beginning at the Southeast corner of the breakwater situated on the West side of the outlet of the Upper Salmon (Alma) River; thence in a Northwesterly direction following the Easterly side of said breakwater and the Westerly shore at low tide of the said river for approximately three miles upstream to a point opposite the outlet of Lake Brook, a tributary of aforesaid river flowing from the East; thence across said river to the point of intersection between the East bank or shore of said Upper Salmon (Alma) River and the Northwest bank or

shore of said Lake Brook; thence in a Northeasterly direction following the various courses of said bank or shore of said brook upstream to a point where the same intersects the East limit of the Highway Road leading from Alma and Hebron vicinity to the Old Shepody Road; thence in a Northerly direction following said limit of said Highway Road to its intersection with the Northern limit of the aforementioned Old Shepody Road; thence in a Westerly direction following said limit of said Old Shepody Road (a portion of which is now Highway Number Fourteen) to its intersection with the West limit of Lot Number Four, granted to Isaiah Wallace; thence in a Southerly direction along said limit of said lot and the Southern prolongation of same South four degrees and fifty-seven minutes West by the Magnet of the year 1947, a distance of eighty-three chains and ninety-nine links to a Beech post standing in the South limit of Lot Number Sixty-eight, granted to W.A. McManus; thence South eighty-six degrees and forty-eight minutes East along the said limit of said lot, a distance of twenty-seven chains and eighty-six links to a Spruce post standing in the West limit of Lot Letter V, granted to J. Vernon; thence along said limit of said lot South four degrees and forty-four minutes West, a distance of twelve chains and forty-two links to another Spruce post standing in the Southwest angle of said lot; thence along the South limit of said lot South eighty-six degrees and twenty-five minutes East, a distance of nine chains and eighty-seven links to a point in the Eastern bank or shore of Drummond Stream (the outlet of Point Wolfe Lake); thence in a Southerly direction along said bank or shore of said Stream to the Northeasterly bank or shore of Point Wolfe River; thence in a Southeasterly direction along said bank or shore of said River to a point opposite a tributary of said River flowing from Keyhole Lake, said outlet being approximately thirty chains below the outlet of Drummond Stream; thence across said River to the point of intersection between the Eastern bank or shore of said tributary and the Southwestern bank or shore of said River; thence in a Southerly direction following said bank or shore of said tributary and said bank or shore of Keyhole Lake to a Spruce post standing in the Southern bank or shore of said Lake; thence by the Magnet of the aforesaid year South twenty-one degrees East, a distance of twenty-four chains and twenty-nine links to another Spruce post standing in the Northern bank or shore of Meadow Lake, said lake situated on the West branch of Goose River approximately one mile above the outlet of said branch; thence in a Southerly direction following the Western bank or shore of said lake to a point in the Eastern bank or shore of the aforesaid West branch; thence in a Southerly direction following said bank or shore of said branch and said bank or shore of Goose River to the shore of the Bay of Fundy; thence in a general Easterly direction along said shore of said Bay to the Western side of the aforesaid breakwater; and thence in a Southerly and Easterly direction along said breakwater to the place of beginning.

Containing seventy-nine and one-half square miles, more or less, and situated in the Parish of Alma, County of Albert, Parishes of Waterford and Hammond, County of Kings, and Parish of St. Martins, County of Saint John.

## (2) KOUCHIBOUGUAC NATIONAL PARK OF CANADA

In the Province of New Brunswick;

In the County of Kent;

All those parcels described under Firstly and Secondly as follows:

Firstly:

All that parcel according to a plan recorded in the **Canada** Lands Surveys Records at Ottawa as 61463;

said parcel containing about 23 882 hectares.

Secondly:

All that parcel designated as "Remainder of 73" on a plan recorded in the **Canada** Lands Surveys Records at Ottawa as 59734, a copy of which is filed in the Registry Office at Richibucto as 2724A;

said parcel containing about 40.9 hectares.

Said parcels containing together about 23 922.9 hectares.

## PART 8 — NOVA SCOTIA

### (1) CAPE BRETON HIGHLANDS NATIONAL PARK OF CANADA

In the Province of Nova Scotia;

In the Counties of Inverness and Victoria;

The whole of Cape Breton Highlands **National** Park shown bordered red on Plan 53565 in the **Canada** Lands Surveys Records at Ottawa, copies of which are registered in the Registries of Deeds at Port Hood and at Baddeck as 124-1967 and 995-A, respectively;

Saving and excepting, that parcel at Ingonish, being a part of Crown Grant No. 5219 made to Honourable T.D. Archibald, September 20, 1860, and being more particularly described as follows:

Beginning at a point on the southeastern boundary of lands conveyed by the said T.D. Archibald to the Trustees of the Roman Catholic Church at Ingonish, at a distance of 388.01 metres from the intersection of said boundary with the line of high water mark on the shore of North Bay Ingonish, said point being marked by an iron bar stamped with the letter "R";

Thence southwesterly along the said boundary a distance of 291.694 metres;

Thence northwesterly at right angles to said southeastern boundary, following a blazed line passing approximately 2 metres south of the well on the Church property, a distance of 100.58 metres, more or less, to the northwestern boundary of the lands conveyed as aforesaid to the said Trustees;

Thence northeasterly along the said northwestern boundary a distance of 291.69 metres, more or less, to an iron bar stamped with the letter "T", said iron bars being shown on plan 53859 in the **Canada** Lands Surveys Records at Ottawa;

Thence at right angles to the said northwestern boundary in a southeasterly direction a distance of 100.58 metres, more or less, to the point of beginning;

Also saving and excepting, that strip of land, 6.096 metres wide, adjoining the northwestern boundary of the parcel described above, and extending from the Cabot Trail to the northwesterly extension of the line joining said iron bars "R" and "T";

Also saving and excepting, that parcel at Ingonish designated CB-9 according to a plan recorded in the **Canada** Lands Surveys Records at Ottawa as 65443, a copy of which is registered in the Registry of Deeds at Baddeck as P-60;

Also saving and excepting, those parcels of land at Neils Harbour designated CB-11 and CB-12 on plan No. 69189 recorded in the **Canada** Lands Surveys Records at Ottawa a copy of which is recorded in the Registry of Deeds Office in Baddeck as Plan No. P-759.

The above described lands contain an area of 948 square kilometres, more or less.

## (2) KEJIMKUJIK NATIONAL PARK OF CANADA

In the Province of Nova Scotia;

All those parcels more particularly described under Firstly and Secondly as follows:

Firstly:

All that parcel in the counties of Annapolis, Digby and Queens, as shown on Plan 55629 recorded in the **Canada** Lands Surveys Records at Ottawa, copies of which are registered in the Registrar of Deeds Offices at Bridgetown, Weymouth and Liverpool as 74238, 1215 and 6496 respectively;

said parcel containing about 38 145.7 hectares (94,260 acres).

Secondly:

All that parcel at South West Port Mouton, Queens County, as shown on a plan of survey by David L. Crooker, N.S.L.S., a copy of which is recorded in the **Canada** Lands Surveys Records at Ottawa under number 70492;

said parcel containing about 2218 hectares (5,480 acres).

Said parcels containing together about 40 363.7 hectares (99,740 acres).

## PART 9 — PRINCE EDWARD ISLAND

### PRINCE EDWARD ISLAND NATIONAL PARK OF CANADA

All those parcels along the northerly coast of Prince Edward Island, described under Parcel 1 to Parcel 5 as follows:

#### Parcel No. 1

Commencing at the most easterly intersection of the line of mean high tide along the northerly side of an indentation of New London Bay with the most westerly of the rectilinear boundaries of Parcel 1, as said intersection, indentation and boundaries are shown on Plan 51557 in the **Canada** Lands Surveys Records at Ottawa, a copy of which has been registered in the Office of the Registrar of Deeds for the county of Queens at Charlottetown under number 1304;

Thence westerly along said line of mean high tide and the line of mean high tide along the northerly side of New London Bay to the line of mean high tide of the Gulf of St. Lawrence, at the easterly side of the entrance to New London Bay;

Thence easterly and southeasterly along the last aforesaid line of mean high tide to its intersection with the most easterly of said rectilinear boundaries, near the westerly side of the entrance to Rustico Harbour;

Thence in a general northwesterly direction along said rectilinear boundaries to a legal survey marker on the easterly limit of a road right-of-way, commonly referred to as the Cawnpore Lane, as said marker and easterly limit of the Cawnpore Lane are shown on Plan 55710 recorded in said records, a copy of which is filed in said office under number 661;

Thence southerly along said easterly limit of the Cawnpore Lane to a legal survey marker on the north limit of the Cavendish Road, as said marker and road are shown on the last aforementioned plan;

Thence in a westerly direction along the projected north limit of the Cavendish Road to a point 20.12 metres from the last aforesaid survey marker, as said point is witnessed by standard post N.P. 12 shown on the last mentioned plan;

Thence continuing along the said rectilinear boundaries, being, in part, the westerly boundary of Lot A and the southerly boundary of Lot C, as said lots and rectilinear boundaries are shown on said plan 51557 to the point of commencement;

EXCEPT those parcels described as follows:

All that parcel lying easterly of and adjoining the easterly boundary of the Gulf Shore Road, as said parcel is shown bordered red in Detail B on last aforesaid plan;

All that parcel of land southerly of the Cavendish Cemetery as said parcel containing 0.32 hectare is shown on plan 62872 in said records, a copy of which is filed under number 3594 in said office;

Parcels 1-4-1, 1-5 and 1-6 as shown on Plan 77754 in said records, a copy of which is filed in said office under number 9246.

Parcels No. 2 & 3



Commencing at the intersection of the line of mean high tide along the easterly side of Rustico Bay with the southerly boundary of Parcel 3, as the said boundary is shown on Plan 43502 in the **Canada** Lands Surveys Records at Ottawa a copy of which is registered in the Office of the Registrar of Deeds for the County of Queens at Charlottetown under number 1005;

Thence easterly along said southerly boundary to an iron post marked XLIII, the last aforesaid post being shown on a compiled plan approved and confirmed by Bruce Wallace Waugh, Surveyor General at Ottawa, on March 18, 1953, the last aforesaid plan being recorded as 41714 in said records, a copy of which was registered on May 4, 1953, in the said office;

Thence southeasterly in a straight line to an iron post marked XLIV according to the last aforesaid plan;

Thence continuing southeasterly along the production of the last aforesaid line to the line of mean high tide along the northerly side of Brackley Bay;

Thence easterly along the line of mean high tide of Brackley Bay and Covehead Bay to the line of mean high tide of the Gulf of St. Lawrence, at the westerly side of the entrance to Covehead Bay;

Thence westerly along the last aforesaid line of mean high tide, past the causeway to Rustico Island to the line of mean high tide along the easterly side of the entrance to Rustico Harbour;

Thence southerly and easterly along the last aforesaid line of mean high tide and the line of mean high tide along the northerly and easterly sides of Rustico Bay to the point of commencement.

Parcel No. 4

Commencing at the intersection of the line of mean high tide along the easterly side of Covehead Harbour with the most westerly of the landward boundaries of Parcel 4, as the last aforesaid intersection and boundaries are shown on Plan 42611 in the **Canada** Lands Surveys Records at Ottawa, a copy of which has been filed in the Office of the Registrar of Deeds for the county of Queens at Charlottetown under number 1804;

Thence in a general easterly direction along said landward boundaries to the line of mean high tide along the westerly side of Tracadie Harbour;

Thence northwesterly, westerly and southwesterly along the lines of mean high tide of Tracadie Harbour, the Gulf of St. Lawrence and Covehead Harbour respectively to the point of commencement.

Parcel No. 5

Commencing at the most northerly intersection of the line of mean high tide along the easterly side of Tracadie Bay with the east boundary of Parcel 5 distant 166.12 metres, more or less, north from a standard concrete post numbered 132-11-L, as said intersection, east boundary and post are shown on Plan 42612 in the **Canada** Lands Surveys Records at Ottawa, a copy of which has been filed in the Office of the Registrar of Deeds for the county of Queens at Charlottetown under number 1805;

Thence westerly, northerly and easterly along the lines of mean high tide of Tracadie Bay, Tracadie Harbour and the Gulf of St. Lawrence respectively, to said east boundary;

Thence south along said east boundary to the point of commencement.

Said parcels 1 to 5 containing together about 2 149.8 hectares (21.5 square kilometres).

## PART 10 — NEWFOUNDLAND

### (1) TERRA NOVA NATIONAL PARK OF CANADA

Firstly:

All that certain tract or parcel of land situate, lying, and being in the former districts of Bonavista North and

South, in the Province of Newfoundland, as the same is shown on a plan recorded in the **Canada** Lands Surveys Records at Ottawa under number 50066, a copy of said plan is also registered in the Registry of Deeds in St. John's, Newfoundland in volume 455, folio 44; said parcel or tract contains an area of 39 627 hectares.

Secondly:

All that certain tract or parcel of land, situate, lying, and being in the District of Terra Nova, in the Province of Newfoundland, as the same is shown as Parcel A on a plan recorded in the **Canada** Lands Surveys Records in Ottawa under number 69827; a copy of said plan is also filed in the Registry of Deeds in St. John's, Newfoundland, under number 1407; said parcel or tract contains an area of 365 hectares.

## (2) GROS MORNE NATIONAL PARK OF CANADA

All that certain tract of land, situate, lying and being in the District of St. Barbe (formerly St. Barbe South and St. Barbe North) and Bay of Islands (formerly Humber West) in the Province of Newfoundland, shown as "Proposed Gros Morne **National** Park" on a plan of survey recorded in the **Canada** Lands Surveys Records at Ottawa under Number 69288. A copy of said plan is also filed in the Registry of Deeds Office in St. John's, Newfoundland, under Number 1209;

Said tract or tracts contains an area of approximately 1805 square kilometres and includes the White Rock Islets and Stearing Island and excludes Parcel 4.

## PART 11 — YUKON

### (1) IVVAVIK NATIONAL PARK OF CANADA

All latitudes and longitudes hereinafter are referred to the North American Datum of 1927; all topographic features hereinafter are according to Editions 1 of **National** Topographic Series Maps 117B/9, 117A/12 Cottonwood Creek, 117A/11 Welcome Mountain, 117D/3E and 3W Crow River, 117D/6E and 6W Kay Point, 117D/5E Loney Creek, 117D/11W & 117D/12E Herschel Island, 117D/12W Herschel Island, and 117C/9E and 9W Clarence Lagoon, and Edition 2 of N.T.S. Map 117A/14 Babbage River, all produced at a scale of 1:50,000 by the Department of Energy, Mines and Resources at Ottawa, and a part of the Canada-United States International Boundary Atlas;

In Yukon;

That certain parcel of land more particularly described as follows:

Commencing at the point of intersection of the Canada-United States International Boundary, near monument number 26 of said boundary, with a line of watershed separating the streams flowing into the Porcupine River System from those flowing into the Beaufort Sea, at approximate latitude 68°33'25";

Thence generally easterly following said line of watershed to its intersection with the longitude passing through Geodetic Surveys of **Canada** triangulation station Pete 51-A number 568051 at approximate latitude 68°37'17"; said station being on record in the Geodetic Data Bank of the Department of Energy, Mines and Resources at Ottawa, having published geographic coordinate values of latitude 68°37'17.08385" and longitude 139°44'37.86856";

Thence north along said longitude to its intersection with the right bank of Babbage River at approximate latitude 68°38'12";

Thence generally easterly and northerly along the sinuosities of the right bank of said river to a point on the low water mark of Phillips Bay in the Beaufort Sea, at approximate latitude 69°14'55" and approximate longitude 138°26'20";

Thence southwesterly and generally northwesterly along the low water mark of said bay to a point being at the most northerly extremity of Catton Point, at approximate latitude 69°30'14" and approximate longitude 139°06'37";

Thence northwesterly in a straight line, in Workboat Passage between Herschel Island and the mainland, to a point on the low water mark, at the most easterly extremity of an unnamed island south of Avadlek Spit, said point being at approximate latitude 69°32'20" and approximate longitude 139°18'40";

Thence westerly along said low water mark on the north side of said unnamed island and continuing westerly across the waters and along the low water mark on the north side of a series of unnamed islands to the easterly extremity of Nunaluk Spit at approximate latitude 69°33'17" and approximate longitude 139°31'16" (The north boundary of Ivvavik **National** Park between said series of islands is defined as being a straight line running westerly from the most northwesterly point of an island to the most northeasterly point of the next island);

Thence generally westerly along the low water mark on the north side of Nunaluk Spit and the coast of the Beaufort Sea to its intersection with the Canada-United States International Boundary at approximate latitude 69°39'00";

Thence south along said international boundary to the point of commencement;

Said parcel including all shoals, islands, sandbars and spits that may be periodically exposed at low tide within 3.5 kilometres of the shore and all islands, sandbars and spits lying within Phillips Bay, but not including Herschel Island and its sandbars spits and immediately adjoining islets;

Said parcel containing about 9750 square kilometres.

## (2) VUNTUT NATIONAL PARK OF CANADA

All latitudes and longitudes hereinafter described are referred to the North American Datum of 1927; all topographic features hereinafter referred to being according to Edition 1 of the **National** Topographic Series Maps 117A/3, 117A/4, 117A/5, 117A/6, 117A/11, 117A/12, 117B/1, 117B/8 and 117B/9 produced at a scale of 1:50,000 by the Department of Energy, Mines and Resources at Ottawa, and a part of the Canada-United States International Boundary Atlas;

In Yukon;

That parcel of land more particularly described as follows:

Commencing at the point on the Canada-United States International Boundary near monument number 26 of said boundary and a line of watershed separating the streams flowing into the Porcupine River System from those flowing into the Beaufort Sea, at approximate latitude 68°33'25";

Thence generally easterly following said line of watershed to the northeasterly production of the right bank of an unnamed tributary of Black Fox Creek at approximate latitude 68°29'52" and approximate longitude 138°22'31";

Thence southwesterly along said northeasterly production, and generally southwesterly along the right bank of said tributary to the right bank of Black Fox Creek;

Thence generally southwesterly along the right bank of Black Fox Creek to the left bank of the Old Crow River;

Thence generally northwesterly, southwesterly and northwesterly along the left bank of the Old Crow River to said International Boundary;

Thence north along said International Boundary to the point of commencement;

Said parcel containing about 4345 square kilometres.

### (3) KLUANE NATIONAL PARK OF CANADA

In Yukon;

Such portion of the Kluane **National** Park Reserve of **Canada** described in Schedule 2 as is identified as lands for a **national** park in the Champagne and Aishihik First Nations Final Agreement, given effect by the *Yukon First Nations Land Claims Settlement Act*.

And such other portions of the said reserve as are identified as lands for a **national** park in final agreements with other first nations that are given effect under the *Yukon First Nations Land Claims Settlement Act*.

## PART 12 — NORTHWEST TERRITORIES

### (1) AULAVIK NATIONAL PARK OF CANADA

In the Northwest Territories;

On Banks Island;

All that parcel being more particularly described as follows; all topographic features hereinafter referred to being according to the First Edition of the Cape M'Clure map sheet, and the Second Edition of the Mercy Bay, White Sand Creek, Deans Dundas Bay, Jesse Harbour and Bernard River map sheets, 98E, 88F, 88C, 88B, 98A and 98D and C of the **National** Topographic System, produced at a scale of 1:250,000 by the Department of Energy, Mines and Resources at Ottawa (map sheets 98E, 88B and 88C being produced by the Army Survey Establishment, R.C.E.). All co-ordinates are derived from the above mentioned map sheet series being referred to the North American Datum of 1927.

Commencing at a point on the ordinary low water mark of M'Clure Strait at the mouth of an unnamed creek at approximate latitude 74°16'37" north and approximate longitude 117°58'44" west;

Thence southeasterly in a straight line an approximate distance of 28 kilometres to a point at latitude 74°02'51" north and longitude 117°38'20" west;

Thence southerly in a straight line an approximate distance of 24 kilometres to a point at latitude 73°50'00" north and longitude 117°38'00" west;

Thence west in a straight line an approximate distance of 11 kilometres to a point at latitude 73°50'00" north and longitude 118°00'00" west;

Thence south in a straight line an approximate distance of 48 kilometres to a point at latitude 73°24'00" north and longitude 118°00'00" west;

Thence southwesterly in a straight line an approximate distance of 23 kilometres to a point at latitude 73°16'00" north and longitude 118°32'00" west;

Thence west in a straight line an approximate distance of 21 kilometres to a point at latitude 73°16'00" north and longitude 119°12'00" west;

Thence south in a straight line an approximate distance of 35 kilometres to a point at latitude 72°57'00" north and longitude 119°12'00" west;

Thence west in a straight line an approximate distance of 32 kilometres to a point at latitude 72°57'00" north and longitude 120°10'00" west;

Thence north in a straight line an approximate distance of 47 kilometres to a point at latitude 73°22'00" north and longitude 120°10'00" west;

Thence northwesterly in a straight line an approximate distance of 30 kilometres to a point at latitude 73°30'00" north and longitude 121°00'00" west;

Thence north in a straight line an approximate distance of 6 kilometres to a point at latitude 73°33'00" north and longitude 121°00'00" west;

Thence west in a straight line an approximate distance of 8 kilometres to a point at latitude 73°33'00" north and longitude 121°15'00" west;

Thence north in a straight line an approximate distance of 4 kilometres to a point at latitude 73°35'00" north and longitude 121°15'00" west;

Thence west in a straight line an approximate distance of 10 kilometres to a point at latitude 73°35'00" north and longitude 121°35'00" west;

Thence north in a straight line an approximate distance of 13 kilometres to a point at latitude 73°42'00" north and longitude 121°35'00" west;

Thence east in a straight line an approximate distance of 11 kilometres to a point at latitude 73°42'00" north and longitude 121°14'00" west;

Thence north in a straight line an approximate distance of 86 kilometres to a point at latitude 74°28'00" north and longitude 121°14'00" west;

Thence northeasterly in a straight line an approximate distance of 6 kilometres to the point of intersection of the ordinary low water mark on the south side of M'Clure Strait with latitude 74°29'00" north at approximate longitude 121°02'56" west;

Thence southeasterly following the ordinary low water mark of the south side of M'Clure Strait to the western end of the sand or gravel bar located at the mouth of Castel Bay, at approximate latitude 74°14'29" north and approximate longitude 119°40'00" west;

Thence easterly along the northerly side of said sand or gravel bar extending across the mouth of Castel Bay and the ordinary low water mark of M'Clure Strait to the most northerly tip of Mahogany Point;

Thence easterly, southerly, easterly, northerly and northeasterly following the ordinary low water mark of the south side of M'Clure Strait and the westerly, southerly and easterly sides of Mercy Bay and the said south side of M'Clure Strait to the point of commencement.

Containing approximately 12 200 square kilometres.

## (2) TUKTUT NOGAI NATIONAL PARK OF CANADA

In the Northwest Territories;

In the Inuvialuit Settlement Region;

All that parcel being more particularly described as follows: (Geographic coordinates are North American

Datum of 1927):

Commencing at a point being the intersection of the shoreline of Amundsen Gulf and the mouth of the Outwash River at approximate latitude 69°33' north and approximate longitude 120°40'51" west, the said point being a corner of the Inuvialuit Settlement Region as described in Annex A-1 of the Agreement referred to in the *Western Arctic (Inuvialuit) Claims Settlement Act* (S.C. 1984, c. 24);

Thence south in a straight line along the limit of the Inuvialuit Settlement Region to a point at latitude 68°00' north and approximate longitude 120°40'51" west (said point being a corner of the Inuvialuit Settlement Region);

Thence west along latitude 68°00' north, also being the limit of the Inuvialuit Settlement Region, to its intersection with longitude 122°05' west;

Thence northwesterly in a straight line to a point having a latitude of 68°30' north and longitude 123°20' west;

Thence north along longitude 123°20' west to its intersection with the surveyed boundary of the Paulatuk 7(1)(b) lands at approximate latitude 69°00' north;

Thence easterly along the surveyed boundary of the Paulatuk lands to the surveyed corner at approximate latitude 69°00' north and approximate longitude 123°10' west;

Thence northerly along the surveyed boundary of the Paulatuk 7(1)(b) and 7(1)(a) lands to the surveyed corner of the 7(1)(b) lands at approximate latitude 69°19' north and approximate longitude 123°10' west;

Thence easterly, northerly, northeasterly, easterly and southeasterly along the surveyed boundary of Paulatuk 7(1)(b) lands to its intersection with the middle thread of the Outwash River at approximate latitude 69°27'46" north and approximate longitude 120°51'51" west;

Thence northerly and easterly along the middle thread of the Outwash River to the point of commencement.

Said parcel containing about 16 340 square kilometres.

## PART 13 — NUNAVUT

### (1) SIRMILIK NATIONAL PARK OF CANADA

In Nunavut;

All those parcels described as Parts I to IV as follows:

#### PART I

On Baffin Island;

All that parcel being more particularly described as follows: All topographic features hereinafter referred to being according to the first edition of the Pond Inlet and Icebound Lakes map sheets, 38B and 37G of the **National** Topographic System, as shown on sheets 13 and 10 of 237 respectively of maps recorded in the Land Titles Office at Yellowknife as 2405-13 and 2405-10 respectively, copies of which are recorded in the **Canada** Lands Surveys Records at Ottawa as 77288. All co-ordinates are derived from the above mentioned map sheets and are referred to the 1927 North American Datum.

Commencing at boundary monument 177PI as shown on Plan of Parcel PI-24 recorded in said records as 82874, a copy of which is filed in said office as 3405;

Thence on a bearing of  $114^{\circ}10'31''$ , a distance of 27 201.56 metres to boundary monument 176PI as shown on said plan;

Thence southeasterly to a height of land at approximate latitude  $72^{\circ}14'30''$  and approximate longitude  $77^{\circ}11'00''$ ;

Thence southeasterly to a height of land at approximate latitude  $72^{\circ}11'00''$  and approximate longitude  $76^{\circ}26'00''$ ;

Thence southwesterly to a height of land at approximate latitude  $71^{\circ}46'20''$  and approximate longitude  $76^{\circ}52'00''$ ;

Thence westerly to boundary monument 66PI as shown on Plan of Parcel PI-12 recorded in said records as 82872, a copy of which is filed in said office as 3408;

Thence on a bearing of  $9^{\circ}49'13''$ , a distance of 3 294.30 metres to boundary monument 75PI as shown on said plan;

Thence on a bearing of  $275^{\circ}21'29''$ , a distance of 5 412.98 metres to boundary monument 74PI as shown on said plan;

Thence on a bearing of  $336^{\circ}45'38''$ , a distance of 7 679.00 metres to boundary monument 73PI as shown on said plan;

Thence on a bearing of  $73^{\circ}57'32''$ , a distance of 6 381.74 metres to boundary monument 72PI as shown on said plan;

Thence on a bearing of  $319^{\circ}32'01''$ , a distance of 4 199.38 metres to boundary monument 71PI as shown on said plan;

Thence on a bearing of  $256^{\circ}10'48''$ , a distance of 12 526.34 metres to boundary monument 70PI as shown on said plan;

Thence on a bearing of  $168^{\circ}47'25''$ , a distance of 6 127.41 metres to boundary monument 69PI as shown on said plan;

Thence northwesterly along the sinuosity of the ordinary high water mark of Paquet Bay and northerly along the sinuosity of the ordinary high water mark of the easterly coast of Tay Sound to boundary monument 162PI as shown on Plan of Parcel PI-22 recorded in said records as 82873, a copy of which is filed in said office as 3409;

Thence on a bearing of  $77^{\circ}20'14''$ , a distance of 2 062.04 metres to boundary monument 161PI being at the intersection of the ordinary high water mark of an unnamed lake and the ordinary high water mark of the left bank of an unnamed stream at the southerly extremity of said unnamed lake as shown on said plan;

Thence northerly along the ordinary high water mark of the western shore of said lake to its intersection with the ordinary high water mark of the left bank of an unnamed stream, and continuing northerly along the ordinary high water mark of the left bank of said stream to point 220028LWM as shown on sheet 8 of 13 of a Descriptive Map Plan registered in said office as 2690, a copy of which is recorded in said records as 77971, said point being further described as the intersection of the ordinary high water mark of the left bank of said stream with the ordinary high water mark of Tay Sound at approximate latitude  $72^{\circ}19'55''$  and approximate longitude  $78^{\circ}43'50''$ ;

Thence northeasterly along the sinuosity of the ordinary high water mark of Tay Sound to the northerly

extremity of the promontory known as Oorbignaluk Headland at approximate latitude 72°22'00" and approximate longitude 78°36'15";

Thence northeasterly across Oliver Sound to boundary monument 177PI being the point of commencement as shown on said Plan of Parcel PI-24.

Said parcel described under Part I containing about 3 144 square kilometres.

## PART II

On Bylot Island;

All that parcel being more particularly described as follows:

All topographic features hereinafter referred to being according to the first editions of the Pond Inlet and Milne Inlet map sheets 38B and 48A and the second edition of the Navy Board Inlet map sheet 48D of the **National** Topographic System, as shown on sheets 13, 27 and 30 of 237 respectively of maps recorded in the Land Titles Office at Yellowknife as 2405-13, 2405-27 and 2405-30 respectively, copies of which are recorded in the **Canada** Lands Surveys Records at Ottawa as 77288, as well as the second edition of Bylot Island map sheet 38C of the **National** Topographic System, produced at a scale of 1:250,000 by the Department of Energy, Mines and Resources (formerly Department of Mines and Technical Surveys) at Ottawa. All co-ordinates are derived from the above mentioned map sheets and are referred to the 1927 North American Datum.

Commencing at boundary monument 179PI as shown on Plan of Parcel PI-28 recorded in said records as 82875, a copy of which is filed in said office as 3407;

Thence westerly, northwesterly, northerly, easterly and southeasterly along the sinuosity of the ordinary high water mark of Eclipse Sound, Navy Board Inlet and Baffin Bay to boundary monument 36PI as shown on Plan of Parcel PI-29 recorded in said records as 82871, a copy of which is filed in said office as 3406;

Thence on a bearing of 210°17'11", a distance of 8 786.12 metres to boundary monument 35PI as shown on said plan;

Thence on a bearing of 249°38'15", a distance of 7 882.77 metres to boundary monument 34PI as shown on said plan;

Thence on a bearing of 200°27'17", a distance of 3 248.81 metres to boundary monument 33PI as shown on said plan;

Thence westerly along the ordinary high water mark of Pond Inlet and the northerly coast of Eclipse Sound to boundary monument 183PI as shown on said Plan of Parcel PI-28 recorded in said records as 82875, a copy of which is filed in said office as 3407;

Thence on a bearing of 6°14'21", a distance of 6 754.00 metres to boundary monument 182PI as shown on said plan;

Thence on a bearing of 258°41'12", a distance of 12 600.00 metres to boundary monument 181PI as shown on said plan;

Thence on a bearing of 220°58'27", a distance of 7 475.51 metres to boundary monument 180PI as shown on said plan;

Thence on a bearing of 26°14'23", a distance of 13 892.64 metres to boundary monument 179PI as shown on said plan, being the point of commencement.

SAVING AND EXCEPTING a parcel of land known as Polar Sport Hunt Camp situated in the vicinity of Cape Walter Bathurst, in accordance with article 14.3.1 of An Inuit Impact and Benefit Agreement between the Inuit of



the Nunavut Settlement Area and Her Majesty the Queen in Right of **Canada**, signed in Pond Inlet on the 12<sup>th</sup> day of August, 1999, said parcel being more particularly described as follows:

Commencing at the intersection of longitude 76°48'00" and the ordinary high water mark of Baffin Bay at approximate latitude 73°19'30";

Thence south in a straight line to the intersection of said longitude with latitude 73°18'00";

Thence west in a straight line to the intersection of said latitude with the ordinary high water mark of the right bank of an unnamed stream at approximate longitude 76°57'30";

Thence northeasterly along the ordinary high water mark of the right bank of said unnamed stream to its intersection with the ordinary high water mark of Bathurst Bay at approximate latitude 73°19'00" and approximate longitude 76°56'00";

Thence easterly along the sinuosity of the ordinary high water mark of Bathurst Bay and Baffin Bay to the point of commencement.

Said parcel containing about 11 square kilometres.

The remainder of the parcel described under Part II containing about 10 858 square kilometres.

### PART III

On Baffin Island;

All that parcel being more particularly described as follows: All topographic features hereinafter referred to being according to the first edition of the Milne Inlet map sheet 48A and the second edition of the Navy Board Inlet map sheet 48D of the **National** Topographic System, as shown on sheets 27 and 30 of 237 respectively of maps recorded in the Land Titles Office at Yellowknife as 2405-27 and 2405-30 respectively, copies of which are recorded in the **Canada** Lands Surveys Records at Ottawa as 77288. All co-ordinates are derived from the above mentioned map sheets and are referred to the 1927 North American Datum.

Commencing at boundary monument 233PI as shown on Plan of Parcel PI-37 recorded in said records as 82243, a copy of which is filed in said office as 3382;

Thence on a bearing of 190°09'21", a distance of 15 449.93 metres to boundary monument 232PI as shown on said plan 82243;

Thence on a bearing of 132°49'06", a distance of 6 249.07 metres to boundary monument 231PI as shown on said plan;

Thence southerly along the sinuosity of the ordinary high water mark of the westerly coast of Navy Board Inlet to its intersection with the ordinary high water mark of the right bank of an unnamed stream at approximate latitude 72°50'20" and approximate longitude 80°30'25";

Thence westerly to a height of land at approximate latitude 72°47'25" and approximate longitude 81°05'55";

Thence southwesterly to a height of land at approximate latitude 72°44'50" and approximate longitude 81°17'15";

Thence southerly to a height of land at approximate latitude 72°37'35" and approximate longitude 81°26'00";

Thence southwesterly to a height of land at approximate latitude 72°33'45" and approximate longitude 81°

40'45";

Thence northwesterly to boundary monument 236PI as shown on Plan of Parcel PI-38 recorded in said records as 82190, a copy of which is filed in said office as 3373;

Thence on a bearing of 288°11'00", a distance of 15 138.35 metres to boundary monument 235PI as shown on said Plan 82190;

Thence northwesterly to a height of land at approximate latitude 72°41'35" and approximate longitude 82°32'15";

Thence northwesterly to a height of land at approximate latitude 72°50'35" and approximate longitude 82°53'40";

Thence northerly to a height of land at approximate latitude 72°59'00" and approximate longitude 82°50'10";

Thence northwesterly to boundary monument 50AB as shown on Plan of Parcel AB-07 recorded in said records as 82170, a copy of which is filed in said office as 3369;

Thence on a bearing of 329°30'48", a distance of 3 944.92 metres to boundary monument 49AB as shown on said plan;

Thence on a bearing of 313°44'26", a distance of 10 583.47 metres to boundary monument 48AB as shown on said plan;

Thence on a bearing of 54°52'23", a distance of 6 908.85 metres to boundary monument 47AB as shown on said plan;

Thence on a bearing of 79°50'50", a distance of 5 757.86 metres to boundary monument 46AB as shown on said plan;

Thence on a bearing of 340°19'51", a distance of 6 498.32 metres to boundary monument 45AB as shown on said plan;

Thence on a bearing of 268°38'30", a distance of 6 114.03 metres to boundary monument 44AB as shown on said plan;

Thence on a bearing of 224°25'02", a distance of 4 032.53 to boundary monument 43AB as shown on said plan;

Thence on bearing of 251°44'36", a distance of 5 093.84 metres to boundary monument 42AB as shown on said plan;

Thence northerly and northwesterly along the sinuosity of the ordinary high water mark of Elwin Inlet to its intersection with the southwesterly production of the southeasterly boundary of Parcel AB-08 between boundary monuments 54AB and 55AB as shown on Plan of said parcel recorded in said records as 82171, a copy of which is filed in said office as 3377;

Thence northeasterly along said production to boundary monument 55AB as shown on said plan;

Thence on a bearing of 49°54'41", a distance of 17 629.52 metres to boundary monument 54AB as shown on said plan;

Thence northeasterly along the ordinary high water mark of Admiralty Inlet to boundary monument 59AB as

shown on Plan of Parcel AB-09 recorded in said records as 82172, a copy of which is filed in said office as 3362;

Thence on a bearing of  $112^{\circ}53'16''$ , a distance of 8 947.05 metres to boundary monument 58AB as shown on said plan;

Thence on a bearing of  $22^{\circ}54'26''$ , a distance of 14 326.67 metres to boundary monument 57AB as shown on said plan;

Thence easterly along the ordinary high water mark of Lancaster Sound to boundary monument 248PI as shown on Plan of Parcel PI-40 recorded in said records as 82244, a copy of which is filed in said office as 3381;

Thence on a bearing of  $168^{\circ}17'55''$ , a distance of 11 388.34 metres to boundary monument 247PI as shown on said plan;

Thence on a bearing of  $149^{\circ}04'08''$ , a distance of 8 452.73 metres to boundary monument 246PI as shown on said plan;

Thence on a bearing of  $104^{\circ}40'01''$ , a distance of 5 426.72 metres to boundary monument 245PI as shown on said plan;

Thence southerly along the ordinary high water mark of Navy Board Inlet to boundary monument 244PI as shown on Plan of Parcel PI-39 recorded in said records as 82191, a copy of which is filed in said office as 3370;

Thence on a bearing of  $287^{\circ}33'31''$ , a distance of 1 381.24 metres to boundary monument 243PI as shown on said plan;

Thence on a bearing of  $250^{\circ}07'54''$ , a distance of 6 296.69 metres to boundary monument 242PI as shown on said plan;

Thence on a bearing of  $174^{\circ}19'10''$ , a distance of 8 672.30 metres to boundary monument 241PI as shown on said plan;

Thence on a bearing of  $147^{\circ}14'04''$ , a distance of 2 882.61 metres to boundary monument 240PI as shown on said plan;

Thence on a bearing of  $166^{\circ}48'38''$ , a distance of 3 785.15 metres to boundary monument 239PI as shown on said plan;

Thence on a bearing of  $105^{\circ}46'59''$ , a distance of 1 405.05 metres to boundary monument 238PI as shown on said plan;

Thence on a bearing of  $53^{\circ}38'52''$ , a distance of 2 027.07 metres to boundary monument 237PI as shown on said plan;

Thence southeasterly along the ordinary high water mark of Navy Board Inlet to the point of commencement.

Said parcel described under Part III containing about 8 031 square kilometres.

## PART IV

On Baffin Island;

All that parcel being more particularly described as follows: All topographic features hereinafter referred to being according to the second edition of the Arctic Bay and Navy Board Inlet map sheets, 48C and 48D of the

**National** Topographic System, as shown on sheets 29 and 30 of 237 respectively of maps recorded in the Land Titles Office at Yellowknife as 2405-29 and 2405-30 respectively, copies of which are recorded in the **Canada** Lands Surveys Records at Ottawa as 77288. All co-ordinates are derived from the above mentioned map sheets and are referred to 1927 North American Datum.

Commencing at point 226017RWM as shown on sheet 2 of 15 of a Descriptive Map Plan registered in said office as 2686, a copy of which is recorded in said records as 77419, said point being further described as the intersection of the ordinary high water mark of the west coast of Elwin Inlet and the ordinary high water mark of the right bank of an unnamed stream at approximate latitude 73°18'45" and approximate longitude 83°39'50";

Thence southwesterly to point 226016HL as shown on said sheet 2 of 15, said point being further described as a height of land at approximate latitude 73°17'55" and approximate longitude 83°41'05";

Thence westerly to a height of land at approximate latitude 73°18'20" and approximate longitude 83°45'30";

Thence northerly to a height of land at approximate latitude 73°23'00" and approximate longitude 83°47'35";

Thence northwesterly to the summit of Nautilus Mountain at approximate latitude 73°25'50" and approximate longitude 84°08'25";

Thence westerly in a straight line passing through a height of land at approximate latitude 73°23'25" and approximate longitude 84°33'00" to the ordinary high water mark of the northeast coast of Baillarge Bay;

Thence northerly, northeasterly and southeasterly along the sinuosity of the ordinary high water mark of the easterly coast of Baillarge Bay, the southeasterly coast of Admiralty Inlet, and the southwesterly coast of Elwin Inlet to the point of commencement.

Said parcel described under Part IV containing about 167 square kilometres.

Said parcels described under Parts I, II, III and IV containing together about 22 200 square kilometres.

## (2) AUYUITTUQ NATIONAL PARK OF CANADA

In Nunavut;

On, and adjacent to, Cumberland Peninsula of Baffin Island;

All that parcel being more particularly described as follows: all topographic features hereinafter referred to being according to the first editions of the Pangnirtung, Clearwater Fiord, Nedlukseak Fiord, Ekalugad Fiord, Home Bay, Okoa Bay, Padloping Island and Cape Dyer map sheets 26I, 26J, 26O, 27B, 27A, 26P, 16M & N, and 16L & K respectively of the **National** Topographic System, as shown on sheets 83, 84, 88, 91, 90, 89, 65 and 64 of 237 respectively of maps recorded in the Land Titles Office at Yellowknife as 2405-83, 2405-84, 2405-88, 2405-91, 2405-90, 2405-89, 2405-65 and 2405-64 respectively, copies of which are recorded in the **Canada** Lands Surveys Records at Ottawa as 77288, as well as the first edition of Isurtuq River map sheet 26N of the **National** Topographic System, produced at a scale of 1:250 000 by the Department of Energy, Mines and Resources (formerly Department of Mines and Technical Surveys) at Ottawa. All co-ordinates are derived from the above mentioned map sheets and are referred to the 1927 North American Datum.

Commencing at the summit of Overlord Peak, located at the northeasterly end of Pangnirtung Fiord, at approximate latitude 66°22'40" and approximate longitude 65°26'20";

Thence northwesterly to a peak having an elevation of about 1 372 metres, at approximate latitude 66°24'00" and approximate longitude 65°33'20";

Thence northerly to the summit of Aegir Peak, at approximate latitude 66°24'50" and approximate longitude 65°33'40";

Thence northerly to the summit of Niord Peak, at approximate latitude 66°26'20" and approximate longitude 65°34'00";

Thence northerly to a peak having an elevation of about 1 219 metres, at approximate latitude 66°29'30" and approximate longitude 65°33'30";

Thence northeasterly to the summit of Mount Odin, at approximate latitude 66°32'40" and approximate longitude 65°25'30";

Thence northeasterly to a peak having an elevation of about 1 676 metres, at approximate latitude 66°34'00" and approximate longitude 65°22'00";

Thence northeasterly to the summit of Freya Peak, at approximate latitude 66°38'40" and approximate longitude 65°15'20";

Thence westerly to a peak having an elevation of about 1 981 metres, at approximate latitude 66°38'50" and approximate longitude 65°27'40";

Thence northwesterly to a peak having an elevation of about 1 524 metres, at approximate latitude 66°42'20" and approximate longitude 65°43'00";

Thence southwesterly to a peak having an elevation of about 853 metres, at approximate latitude 66°39'00" and approximate longitude 66°01'20";

Thence southwesterly to a peak having an elevation of about 549 metres, at approximate latitude 66°35'30" and approximate longitude 66°08'00";

Thence northwesterly to a peak having an elevation of about 427 metres, at approximate latitude 66°38'20" and approximate longitude 66°23'20";

Thence northerly to a peak having an elevation of about 853 metres, at approximate latitude 66°44'30" and approximate longitude 66°22'40";

Thence northwesterly to a peak having an elevation of about 1 158 metres, at approximate latitude 66°55'10" and approximate longitude 66°34'30";

Thence northwesterly to a peak having an elevation of about 1 067 metres, at approximate latitude 67°02'00" and approximate longitude 66°39'40";

Thence westerly to a peak having an elevation of about 1 067 metres, at approximate latitude 67°01'30" and approximate longitude 66°54'00";

Thence northwesterly to a peak having an elevation of about 914 metres, at approximate latitude 67°08'50" and approximate longitude 67°11'20";

Thence westerly to a peak having an elevation of about 610 metres, at approximate latitude 67°09'10" and approximate longitude 67°21'40";

Thence northwesterly to a peak having an elevation of about 762 metres, at approximate latitude 67°17'50" and approximate longitude 67°30'20";

Thence northwesterly to a peak having an elevation of about 762 metres, at approximate latitude 67°25'30" and approximate longitude 67°40'40";

Thence northwesterly to a peak having an elevation of about 792 metres, at approximate latitude 67°35'30" and approximate longitude 68°03'00";

Thence northwesterly to a peak having an elevation of about 732 metres, at approximate latitude 67°46'00" and approximate longitude 68°14'00";

Thence northerly to a peak having an elevation of about 975 metres, at approximate latitude 67°57'00" and approximate longitude 68°12'30";

Thence northerly to a peak having an elevation of about 914 metres, at approximate latitude 68°05'00" and approximate longitude 68°06'30";

Thence northeasterly to a peak at approximate latitude 68°12'00" and approximate longitude 67°50'40", the last aforesaid peak being approximately at the position indicated by the spot elevation 1 590 feet shown on said Home Bay map sheet;

Thence northeasterly to a peak having an elevation of about 792 metres, at approximate latitude 68°14'00" and approximate longitude 67°40'00";

Thence northeasterly to a peak having an elevation of about 1 036 metres, at approximate latitude 68°17'20" and approximate longitude 67°23'00";

Thence northeasterly to a peak having an elevation of about 792 metres, at approximate latitude 68°19'00" and approximate longitude 67°15'00";

Thence easterly to the ordinary low water mark at the easterly extremity of a point of land at the northerly coast of the entrance to Confederation Fiord, said extremity being at approximate latitude 68°19'40" and approximate longitude 67°01'00";

Thence due south to a point on the ordinary low water mark along the southerly coast of the entrance to said Confederation Fiord, the last aforesaid point being at approximate latitude 68°17'30" and approximate longitude 67°01'00";

Thence first easterly, then southeasterly, then southerly along the sinuosity of the ordinary low water mark of the southwesterly coast of Home Bay to its intersection with latitude 68°09'30", at approximate longitude 66°50'30";

Thence southeasterly to the ordinary low water mark at the westerly extremity of a point of land at the easterly coast of the entrance to an unnamed fiord, said extremity being at approximate latitude 68°08'20" and approximate longitude 66°37'00";

Thence in general northeasterly and southeasterly directions, along the last aforesaid low water mark, to the easterly extremity of a point of land at approximate latitude 68°07'20" and approximate longitude 66°18'40";

Thence southeasterly to the intersection of longitude 66°17'00" with the ordinary low water mark along the southerly coast of the entrance to an unnamed fiord, at approximate latitude 68°05'10";

Thence in general easterly and southerly directions, along the last aforesaid low water mark, to the easterly extremity of a point of land along the westerly coast of Nedlukseak Fiord, at approximate latitude 68°00'50" and approximate longitude 66°11'00";

Thence easterly across the entrance to Nedlukseak Fiord, to the ordinary low water mark at the westerly extremity of a point of land at approximate latitude 68°01'20" and approximate longitude 66°03'00";

Thence in general easterly, northeasterly and southerly directions, along the last aforesaid low water mark, to the easterly extremity of a point of land at approximate latitude 67°59'30" and approximate longitude 65°58'40";

Thence southerly to the intersection of latitude 67°56'30" with the ordinary low water mark of Okoa Bay, at approximate longitude 66°00'00";

Thence easterly to the point where said latitude 67°56'30" intersects the ordinary low water mark along the easterly coast of Okoa Bay at approximate longitude 65°46'00";

Thence in general northerly, easterly, southeasterly, northeasterly, easterly and southeasterly directions, along the ordinary low water marks of Okoa Bay and Davis Strait, to the easterly extremity of a point of land at approximate latitude 67°58'30" and approximate longitude 65°27'00";

Thence southeasterly to the ordinary low water mark at the westerly extremity of Nunatsiaq island, at approximate latitude 67°57'50" and approximate longitude 65°26'00";

Thence in general southeasterly, northerly, easterly, southerly, easterly and northeasterly directions, along the last aforesaid low water mark, to the easterly extremity of said island at approximate latitude 67°59'30" and approximate longitude 65°12'00";

Thence easterly to the ordinary low water mark at the southerly extremity of a point of land, at approximate latitude 67°59'20" and approximate longitude 65°09'20";

Thence in general northwesterly, northerly, northeasterly, southerly, easterly, northerly, easterly and southeasterly directions, along the last aforesaid low water mark, to the easterly extremity of Kangeek Point at approximate latitude 67°58'30" and approximate longitude 64°42'40";

Thence continuing along the last aforesaid low water mark in general southwesterly and westerly directions to its intersection with longitude 64°55'00", at approximate latitude 67°55'40";

Thence southerly to the ordinary low water mark at the easterly extremity of a point of land, at approximate latitude 67°55'10" and approximate longitude 64°55'30";

Thence in a general southwesterly direction along the last aforesaid low water mark to its intersection with latitude 67°51'00" at approximate longitude 65°03'00";

Thence southeasterly to the ordinary low water mark at the northerly extremity of a point of land at the easterly coast of the entrance to Quajon Fiord, the last aforesaid extremity being at approximate latitude 67°47'20" and approximate longitude 64°55'00";

Thence in general easterly and southerly directions along the last aforesaid low water mark to a point at

approximate longitude 64°49'20", the last aforesaid point being due east of a peak having an elevation of about 762 metres and being located at approximate latitude 67°44'30" and approximate longitude 64°51'30";

Thence due west to the last aforesaid peak;

Thence southwesterly to a peak having an elevation of about 1 372 metres, at approximate latitude 67°39'20" and approximate longitude 65°01'00";

Thence southeasterly to a peak having an elevation of about 1 219 metres, at approximate latitude 67°29'00" and approximate longitude 64°42'30";

Thence southeasterly to a peak at approximate latitude 67°22'00" and approximate longitude 64°29'00", the last aforesaid peak being approximately at the position indicated by the spot elevation 4 525 feet shown on said Okoa Bay map sheet and being on the height of land forming the northerly limit of the watershed area of Maktak Fiord;

Thence in a general easterly direction along the last aforesaid height of land to a peak having an elevation of about 762 metres, at approximate latitude 67°20'00" and approximate longitude 64°03'20";

Thence southeasterly to the ordinary low water mark at the easterly extremity of a point of land at the northerly coast of the entrance to North Pangnirtung Fiord, the last aforesaid extremity being at approximate latitude 67°16'00" and approximate longitude 63°57'20";

Thence southerly, across North Pangnirtung Fiord, to a peak having an elevation of about 610 metres, at approximate latitude 67°11'00" and approximate longitude 63°55'20";

Thence southeasterly to a peak having an elevation of about 762 metres, at approximate latitude 67°07'20" and approximate longitude 63°48'40";

Thence southerly to a peak at approximate latitude 67°02'20" and approximate longitude 63°52'20", the last aforesaid peak being approximately at the position indicated by the spot elevation 4,364 feet shown on said Padloping Island map sheet;

Thence southerly to a peak having an elevation of about 1 219 metres, at approximate latitude 66°55'00" and approximate longitude 63°56'00";

Thence southwesterly to a peak having an elevation of about 1 067 metres, at approximate latitude 66°50'40" and approximate longitude 64°08'40";

Thence southwesterly to a peak having an elevation of about 1 524 metres, at approximate latitude 66°42'40" and approximate longitude 64°35'00";

Thence southwesterly to the summit of Mount Fleming, at approximate latitude 66°41'00" and approximate longitude 64°41'00";

Thence southwesterly to a peak having an elevation of about 1 981 metres, at approximate latitude 66°34'20" and approximate longitude 65°04'30";

Thence southwesterly to a peak having an elevation of about 1 676 metres, at approximate latitude 66°29'40" and approximate longitude 65°10'30";



Thence westerly to a peak having an elevation of about 1 829 metres, at approximate latitude 66°28'40" and approximate longitude 65°19'30";

Thence southwesterly to a peak having an elevation of about 1 219 metres, at approximate latitude 66°26'40" and approximate longitude 65°26'00";

Thence southerly to the point of commencement;

Saving and excepting those parcels described in Schedule 8-1 of the Nunavut Land Claims Agreement, said parcels being more particularly described as follows:

Narpaing and Quajon Fiords, the inlet between Quajon Fiord and Inuit Owned Lands Parcel BI-38/26P, the islands in those fiords and inlet, Kivitoo Harbour and Kivitoo DEW Line Site; and

Inuit Owned Land Parcels:

BI-20/26P,27A

BI-23/26O,27A

BI-24/26O,27A

BI-25/26O27A

BI-38/26P

Said Auyuittuq **National** Park of **Canada** containing about 13 089 square kilometres.

### (3) QUTTINIRPAAQ **NATIONAL** PARK OF **CANADA**

In Nunavut;

On Ellesmere Island;

All topographic features being according to the Gazetteer of **Canada** (Northwest Territories) First Edition, Ottawa 1980 and to **National** Topographic Series Maps, (120 C&D Lady Franklin Bay), (120 E Robeson Channel), (120 F&G Clements Markham Inlet), (340 E&H M'Clintock Inlet) and (340 D Tanquary Fiord) produced at a scale of 1:250,000 by the Department of Energy, Mines and Resources at Ottawa;

All that part of said Ellesmere Island, including a part of the Arctic Ocean, the bays, the fiords, Discovery Harbour, the inlets, the rivers, the lakes, the islands and all the streams that lie within the boundaries which may be more particularly described as follows:

Commencing at the summit of Mount Thompson located at approximate latitude 81°15' and approximate longitude 76°57';

Thence southeasterly to the summit of Mount Koch at approximate latitude 81°11' and approximate longitude 75°20';

Thence easterly to the summit of Mount Neville at approximate latitude 81°10' and approximate longitude 70°33';

Thence easterly to a point on the ordinary low water mark of Beatrix Bay at the mouth of an unnamed stream that flows into Beatrix Bay at approximate latitude 81°11' and approximate longitude 70°12';

Thence generally northeasterly following the ordinary low water mark along the north side of Beatrix Bay and Archer Fiord to the most easterly point of the promontory on the southwest side of Simmonds Bay at approximate latitude 81°14' and approximate longitude 69°18';

Thence northeasterly across Simmonds Bay to the most southerly point on the ordinary low water mark on the north side of Archer Fiord at approximate latitude 81°15' and approximate longitude 69°09';

Thence generally northeasterly following the ordinary low water mark along the northern side of Archer Fiord to its most northeasterly point at Keppel Head at approximate latitude 81°31' and approximate longitude 66°37';

Thence northeasterly across Lady Franklin Bay to the most southerly point on the ordinary low water mark at Distant Cape at approximate latitude 81°43' and approximate longitude 64°27';

Thence generally northeasterly following the ordinary low water mark along Watercourse Bay on the northern side of Robeson Channel to its most easterly point at Cape Murchison at approximate latitude 81°46' and approximate longitude 64°06';

Thence northeasterly across St. Patrick Bay to the most southerly point on the ordinary low water mark near Cartmel Point at approximate latitude 81°47' and approximate longitude 64°02';

Thence generally northeasterly following the ordinary low water mark along the northern side of Robeson Channel to a point at the entrance of Wrangel Bay at approximate latitude 81°58'30" and approximate longitude 62°32';

Thence northwesterly to a point at latitude 82°03'00" and longitude 63°01'00" being approximately 990.5 metres on an approximate azimuth of 231°14'31" from an unnamed peak having an elevation of about 655 metres at approximate latitude 82°03' and approximate longitude 62°58';

Thence northwesterly to an unnamed peak having an elevation of about 732 metres at approximate latitude 82°09' and approximate longitude 63°35';

Thence northwesterly to the summit of Mount Eugene at approximate latitude 82°25' and approximate longitude 66°47';

Thence northwesterly to a point on the ordinary low water mark on the south side of Clements Markham Inlet at longitude 68°00'00" and approximate latitude 82°39';

Thence due north along said longitude 68°00'00" and across Clements Markham Inlet to a point on the ordinary low water mark on the north side of Clements Markham Inlet at approximate latitude 82°42';

Thence generally northeasterly following the ordinary low water mark along the northern side of Clements Markham Inlet to its most northerly point at Cape Colan at approximate latitude 82°55' and approximate longitude 66°20';

Thence northwesterly in the Arctic Ocean to the intersection of latitude 83°09'00" and longitude 70°00'00";

Thence westerly in the Arctic Ocean to the intersection of latitude 83°09'00" and longitude 74°20'00";

Thence southwesterly in the Arctic Ocean to the intersection of latitude 83°05'00" and longitude 77°10'00";

Thence southwesterly to the most northerly point on the ordinary low water mark at the entrance of

M'Clintock Inlet near Borup Point at approximate latitude 82°56' and approximate longitude 77°47';

Thence southerly to the summit of Mount Ayles at approximate latitude 82°43' and approximate longitude 77°18';

Thence southerly to an unnamed peak having an elevation of about 1,829 metres at approximate latitude 82°31' and approximate longitude 77°04';

Thence due south to an unnamed peak having an elevation of about 1,676 metres at approximate latitude 81°49' and approximate longitude 77°04';

Thence southwesterly to an unnamed peak having an elevation of about 1,524 metres at approximate latitude 81°34' and approximate longitude 79°03';

Thence southeasterly to triangulation station number 629232 (established by the Geodetic Survey Division of the Earth Sciences Sector, Natural Resources **Canada** at Ottawa, the geographic coordinates of said station being at latitude 81°18'38.8738" and longitude 78°07'09.4867" according to the 1975 Arctic Islands Adjustment, North American Datum of 1927);

Thence southeasterly along the production of the last aforesaid mentioned line to its intersection with the ordinary low water mark on the northwest side of Tanquary Fiord at approximate latitude 81°18' and approximate longitude 78°07';

Thence easterly across Tanquary Fiord to its intersection with a point on the ordinary low water mark on the southeast side of Tanquary Fiord near Fishhook Point at approximate longitude 77°37'00" and approximate latitude 81°19';

Thence southeasterly to the point of commencement;

Excluding thereout and therefrom the whole of Ward Hunt Island together with a right of access to Ward Hunt Island from the part of the Arctic Ocean included within the boundaries described above.

The above described lands containing about 37 775 square kilometres.

2000, c. 32, Sch. 1; 2001, c. 34, s. 25(F); 2002, c. 7, s. 106; SOR/2003-345; 2004, c. 20, s. 1; SOR/2004-300.

**SCHEDULE 2**  
*(Sections 2, 6, 7 and 41)*

**NATIONAL PARK RESERVES OF CANADA**

**KLUANE NATIONAL PARK RESERVE OF CANADA**

In Yukon;

Adjoining the westerly and southerly boundaries of said territory;

All that parcel being more particularly described as follows, all topographic features hereinafter referred to, except where otherwise stated, being according to the first edition of the Dezadeash map sheet number 115A, produced at a scale of 1:250,000 by the Army Survey Establishment, R.C.E., at Ottawa, and to the second edition of the Mount St. Elias map sheet number 115B & 115C and the first edition of the Kluane Lake map sheet number 115G & 115F, produced at a scale of 1:250,000 by the Department of Energy, Mines and Resources (formerly Department of Mines and Technical Surveys) at Ottawa:

Commencing on latitude 60°00'00" at the point where the British Columbia-Yukon Boundary meets the

International Boundary between Alaska and Yukon, at approximate longitude 139°03'30";

Thence easterly along the British Columbia-Yukon Boundary to its most westerly intersection with the right bank of Tatshenshini River, at approximate longitude 137°12'45";

Thence in a general northerly direction along the right banks of the Tatshenshini River and Silver Creek to a point on the southerly bank of a small unnamed lake, at approximate latitude 60°08'00" and longitude 137°21'20", the last aforesaid point being described with reference to the first edition of the Dalton Post map sheet number 115A/3 West, produced at a scale of 1:50,000 by the Army Survey Establishment, R.C.E., at Ottawa;

Thence northerly in a straight line to a peak having an elevation of about 1828.8 metres, at approximate latitude 60°11'00" and longitude 137°22'20", as shown on the last aforesaid map;

Thence northeasterly in a straight line to a peak at approximate latitude 60°16'45" and longitude 137°09'40", the last aforesaid peak being approximately at the position indicated by the spot elevation 2180.8 metres shown on the first edition of the Mush Lake map sheet number 115A/6 East, produced at a scale of 1:50,000 by the Army Survey Establishment, R.C.E., at Ottawa;

Thence easterly in a straight line to a peak having an elevation of about 1920.2 metres, at approximate latitude 60°16'45" and longitude 137°06'10", as shown on the last aforesaid map;

Thence easterly in a straight line to a standard post, pits and mound numbered H158, marking the southwesterly limit of the right-of-way of the Haines Cut-Off Road, according to Plan 42121 in the **Canada** Lands Surveys Records at Ottawa, said post being at approximate latitude 60°17'25" and longitude 137°00'30";

Thence in a general northwesterly direction, along said limit, according to plans 42121, 42120, 42119, 42118 and 41519 in said Records, to the southerly limit of the Alaska Highway, at Haines Junction, as the last aforesaid limit is shown on said plan 41519;

Thence westerly along said southerly limit to the westerly limit of Buno Street, as the last aforesaid limit is shown on said plan 41519;

Thence southerly along said westerly limit, 15.2 metres, more or less, to the southerly limit of the Alaska Highway as widened, as the last aforesaid limit is shown on plan 40905 in said Records;

Thence in a general northwesterly direction along the last aforesaid limit, according to plans 40905 and 40906 in said Records, to the angle in the last aforesaid limit opposite a standard post, pits and mound numbered H1863, the last aforesaid post, being located at approximate latitude 60°46'50" and longitude 137°38'00";

Thence westerly in a straight line to a peak at approximate latitude 60°45'30" and longitude 137°47'40", the last aforesaid peak being approximately at the position indicated by the spot elevation 2249.4 metres shown on said Dezadeash map sheet 115A;

Thence northwesterly in a straight line to the summit of Mount Archibald, at approximate latitude 60°47'10" and longitude 137°52'20";

Thence northwesterly in a straight line to the summit of Mount Cairnes, at approximate latitude 60°52'00" and longitude 138°16'30";

Thence westerly in a straight line to the summit of Vulcan Mountain, at approximate latitude 60°53'00" and longitude 138°28'00";

Thence northerly in a straight line to the angle in the southerly limit of the Alaska Highway opposite a standard post, pits and mound numbered H2034, the last aforesaid post being shown on plan 40911 in said

Records and being located at approximate latitude 60°59'30" and longitude 138°28'00";

Thence in general westerly and northerly directions along the last aforesaid limit, according to plans 40911 and 40912 in said Records, to its most northerly intersection with the right bank of Congdon Creek, at approximate latitude 61°08'50" and longitude 138°33'30";

Thence in a general southwesterly direction along the last aforesaid bank to its most easterly intersection with the straight line joining a peak having an elevation of about 2225 metres, at approximate latitude 61°05'10" and longitude 138°42'40", and the most easterly of two peaks having an elevation of about 2346.9 metres, at approximate latitude 61°05'10" and longitude 138°47'15", the last aforesaid intersection being described with reference to the second edition of the Destruction Bay map sheet number 115G/2, produced at a scale of 1:50,000 by the Army Survey Establishment, R.C.E., at Ottawa:

Thence westerly in a straight line to the last aforesaid peak;

Thence northwesterly in a straight line to a peak having an elevation of about 2286 metres, at approximate latitude 61°09'30" and longitude 138°55'45";

Thence northwesterly in a straight line to a peak having an elevation of about 2133.6 metres, at approximate latitude 61°14'00" and longitude 139°05'30";

Thence northwesterly in a straight line to Topographic Survey Monument 66-A-19, being a brass plug at approximate elevation 1932.1 metres and located at approximate latitude 61°16'16" and longitude 139°13'11";

Thence northwesterly in a straight line to Topographic Survey Monument 66-A-37, being a brass plug at approximate elevation 2278.4 metres and located at approximate latitude 61°20'05" and longitude 139°35'06";

Thence westerly in a straight line to a peak at approximate elevation 2895.6 metres and located at approximate latitude 61°19'00" and longitude 140°06'30";

Thence southwesterly in a straight line to the summit of

Mount Wood, at approximate latitude 61°14'00" and longitude 140°30'30";

Thence westerly in a straight line to the summit of

Mount Craig, at approximate latitude 61°16'00" and longitude 140°53'00";

Thence due west to said International Boundary between Alaska and Yukon;

Thence southerly along the last aforesaid boundary to the point of commencement;

Saving and excepting, those parts of said parcel lying within 304.8 metres of said limit of the Haines Cut-off Road and within 304.8 metres of said limit of the Alaska Highway;

Also saving and excepting, those portions of said parcel transferred to Kluane National Park of Canada, as referred to in the description thereof in Part 11 of Schedule 1.

## **NAHANNI NATIONAL PARK RESERVE OF CANADA**

In the Northwest Territories:

Along the South Nahanni River:

All that parcel being more particularly described as follows, all topographic features hereinafter referred to being according to the first edition of The Twisted Mountain map sheet number 95 G/4 of the **National** Topographic System, produced at a scale of 1:50,000 by the Department of Energy, Mines and Resources at Ottawa and according to the second editions of the Flat River, Virginia Falls and Sibbeston Lake map sheets and the first edition of the Glacier Lake Map sheet, numbers 95E, 95F, 95G and 95L respectively of the **National** Topographic System, produced at a scale of 1:250,000, by the Army Survey Establishment, R.C.E., at Ottawa:

Commencing at **National** Topographic Survey Monument 63-A-152 being a brass plug located on Yohin Ridge, at approximate latitude  $61^{\circ}12'07''$  and approximate longitude  $123^{\circ}50'51''$ ;

Thence southeasterly in a straight line to the more southwesterly of two peaks having an elevation of about 1432.6 metres, at approximate latitude  $61^{\circ}06'55''$  and approximate longitude  $123^{\circ}44'55''$ ;

Thence southeasterly in a straight line to a peak having an elevation of about 1005.8 metres, at approximate latitude  $61^{\circ}04'45''$  and approximate longitude  $123^{\circ}42'20''$ ;

Thence northeasterly in a straight line to latitude  $61^{\circ}05'45''$  and longitude  $123^{\circ}39'00''$ ;

Thence northerly in a straight line, across the South Nahanni River, to the summit of Twisted Mountain, at approximate latitude  $61^{\circ}12'30''$  and approximate longitude  $123^{\circ}36'30''$ ;

Thence northwesterly in a straight line to latitude  $61^{\circ}18'00''$  and longitude  $123^{\circ}46'00''$ ;

Thence westerly in a straight line to latitude  $61^{\circ}17'00''$  and longitude  $123^{\circ}56'00''$ ;

Thence northwesterly in a straight line to a peak at approximate latitude  $61^{\circ}24'00''$  and approximate longitude  $124^{\circ}35'00''$ , said peak being approximately at the spot elevation 6,105 feet (1860.8 metres) shown on said Virginia Falls map sheet;

Thence westerly in a straight line to latitude  $61^{\circ}24'00''$  and longitude  $124^{\circ}51'00''$ ;

Thence northwesterly in a straight line to Army Survey Establishment Monument "Scrub", being a cairn at approximate latitude  $61^{\circ}37'20''$  and approximate longitude  $125^{\circ}18'03''$ ;

Thence northwesterly in a straight line to Army Survey Establishment Monument "Lock", being a cairn at approximate latitude  $61^{\circ}45'26''$  and approximate longitude  $125^{\circ}43'41''$ ;

Thence northwesterly in a straight line to Army Survey Establishment Monument "Next", being a cairn at approximate latitude  $61^{\circ}53'09''$  and approximate longitude  $126^{\circ}14'11''$ ;

Thence westerly in a straight line to Army Survey Establishment Monument "Dip", being a cairn at approximate latitude  $61^{\circ}54'39''$  and approximate longitude  $126^{\circ}35'40''$ ;

Thence northwesterly in a straight line to Army Survey Establishment Monument "Hop", being a cairn at approximate latitude  $62^{\circ}00'31''$  and approximate longitude  $126^{\circ}57'27''$ ;

Thence westerly in a straight line to Army Survey Establishment Monument "Flag", being a bronze bolt at approximate latitude  $61^{\circ}58'14''$  and approximate longitude  $127^{\circ}23'31''$ ;

Thence southerly in a straight line to Army Survey Establishment Monument "Skip", being a cairn at approximate latitude  $61^{\circ}54'43''$  and approximate longitude  $127^{\circ}24'03''$ ;

Thence southerly in a straight line to a peak at approximate latitude 61°50'00" and approximate longitude 127°25'30", the last aforesaid peak being approximately at the position indicated by the spot elevation 8,822 feet (2688.9 metres) shown on said Flat River map sheet;

Thence southwesterly in a straight line to a peak having an elevation of about 2438.4 metres, at approximate latitude 61°45'40" and approximate longitude 127°30'00", the last aforesaid peak being on the height of land forming the southwesterly limit of the watershed area of Hole-in-the-Wall Creek;

Thence in general southeasterly and easterly directions along the last aforesaid height of land to a peak at approximate latitude 61°45'30" and approximate longitude 127°17'00", the last aforesaid peak being approximately at the position indicated by the spot elevation 8,302 feet (2530.5 metres) shown on said Flat River map sheet;

Thence easterly in a straight line to a peak having an elevation of about 1524 metres, at approximate latitude 61°46'00" and approximate longitude 127°06'40";

Thence northerly in a straight line to a peak having an elevation of about 2286 metres, at approximate latitude 61°49'00" and approximate longitude 127°05'00";

Thence easterly in a straight line to Army Survey Establishment Monument "Don", being a cairn at approximate latitude 61°49'24" and approximate longitude 126°59'17", the last aforesaid Monument being approximately at the position indicated by the spot elevation 7,401 feet (2255.8 metres) shown on said Flat River map sheet;

Thence easterly in a straight line to Army Survey Establishment Monument "Cross", being a cairn at approximate latitude 61°50'26" and approximate longitude 126°40'00";

Thence southeasterly in a straight line to Army Survey Establishment Monument "Saddle", being a cairn at approximate latitude 61°46'08" and approximate longitude 126°26'27";

Thence southeasterly in a straight line to Army Survey Establishment Monument "Mesa", being a cairn at approximate latitude 61°42'34" and approximate longitude 126°15'16";

Thence southeasterly in a straight line to Army Survey Establishment Monument "Andy", being a cairn at approximate latitude 61°38'11" and approximate longitude 126°10'52", the last aforesaid Monument being approximately at the position indicated by the spot elevation 5,022 feet (1530.7 metres) shown on said Flat River map sheet;

Thence southwesterly in a straight line to a peak at approximate latitude 61°32'20" and approximate longitude 126°42'40", the last aforesaid peak being approximately at the position indicated by the spot elevation 6,687 feet (2038.2 metres) shown on said Flat River map sheet;

Thence southeasterly in a straight line to a peak having an elevation of about 1524 metres, at approximate latitude 61°21'30" and approximate longitude 126°35'20";

Thence northeasterly in a straight line to **National** Topographic Survey Monument 63-A-9, being a brass plug at approximate latitude 61°28'12" and approximate longitude 126°18'39";

Thence southeasterly in a straight line to a peak at approximate latitude 61°22'00" and approximate longitude 125°49'00", the last aforesaid peak being approximately at the position indicated by the spot elevation 4,511 feet (1375 metres) shown on said Virginia Falls map sheet;

Thence easterly in a straight line to a peak at approximate latitude 61°26'30" and approximate longitude 125°21'00", the last aforesaid peak being approximately at the position indicated by the spot elevation 4,497

feet (1370.7 metres) shown on said Virginia Falls map sheet;

Thence easterly in a straight line to Army Survey Establishment Monument "Nubby", being a cairn at approximate latitude 61°24'05" and approximate longitude 125°04'19";

Thence southeasterly in a straight line to **National** Topographic Survey Monument 63-A-107, being a brass plug at approximate latitude 61°16'38" and approximate longitude 124°42'32";

Thence southeasterly in a straight line to Army Survey Establishment Monument "Mary", being a cairn at approximate latitude 61°08'04" and approximate longitude 124°34'02";

Thence northeasterly in a straight line to latitude 61°16'00" and longitude 124°09'00";

Thence southeasterly in a straight line to latitude 61°13'00" and longitude 124°00'00";

Thence easterly in a straight line to the point of commencement; all co-ordinates described above being Geodetic, referred to the North American Datum of 1927; said parcel containing about 4766 square kilometres.

## MINGAN ARCHIPELAGO NATIONAL PARK RESERVE OF CANADA

In the Province of Quebec;

All those lands being the whole and entire Fief and Seigneurie of the Isles and Islets of Mingan, situate and being on the coast of the North shore of the St. Lawrence River, in the Province of Quebec, the said Fief and Seigneurie consisting of the Isles and Islets which being on the said North shore of the St. Lawrence River from Perroquet Island, longitude 64°12'40" following continuation to the mouth of River Aguanus, longitude 62°05'00" in such manner as the said Fief and Seigneurie with its rights is more amply conceded and designated by the title of concession granted to Jacques de Lalande and Louis Joliet.

Some of the Isles and Islets forming part of the Fief and Seigneurie of the Isles and Islets of Mingan are now known and designated as being lots number FOUR HUNDRED, FOUR HUNDRED ONE, FOUR HUNDRED TWO, FOUR HUNDRED THREE, FOUR HUNDRED FOUR, FOUR HUNDRED FIVE and FOUR HUNDRED SIX (400, 401, 402, 403, 404, 405, 406) of the revised cadastre of parts of the Municipality of Havre Saint-Pierre, Registration Division of Sept-Iles. The other Isles and Islets, forming part of the Fief and Seigneurie of the Isles and Islets of Mingan are without cadastral designation.

Notwithstanding the generality of the foregoing, the following Isles and Islets (without cadastral designation) forming part of the Fief and Seigneurie of the Isles and Islets of Mingan are not included in the present description, namely: Perroquet Island, Havre de Mingan Island, Le Sanctuaire Island, De la Maison Island, Wreck Island, Aux Sauvages Island and that part of Fright Island described in a deed registered at the Saguenay Registry Office on January 15, 1952, under number 13630.

Those lands included in the present description containing about 150.7 square kilometres and excluding the lands situated below the ordinary high water mark of the said Isles and Islets.

The longitudes mentioned above were scaled from the 1:250,000 map sheets 12L and 22I of the **national** topographic series.

## PACIFIC RIM NATIONAL PARK RESERVE OF CANADA

### PART I

All those parcels or tracts of land, together with all that foreshore and land covered by water, situated in Clayoquot District and lying within the following described limits:

Commencing at the northeast corner of Wya Indian Reserve No. 7;



Thence westerly along the northerly limit of Wya Indian Reserve No. 7 and continuing westerly along the westerly production of said northerly limit to the 20 metre isobath of the bed of the Pacific Ocean as shown on Canadian Hydrographic Service (C.H.S.) Chart 3603 and which indicates depths as being reduced to lowest normal tide, which at Tofino is 2.1 metres below mean water level;

Thence in a general northwesterly direction along said 20 metre isobath to the westerly production of the northerly limit of District Lot 1360;

Thence easterly along said westerly production of the northerly limit of District Lot 1360 to its northwest corner, being a point on the shore of Cox Bay, and continuing easterly along the northerly limits of District Lots 1360 and 256 to the northwest corner of the northeast quarter of District Lot 256;

Thence southerly and easterly along the westerly and southerly limits of said northeast quarter of District Lot 256 to the easterly limit of District Lot 256;

Thence southerly along said easterly limit of District Lot 256 to its southeast corner;

Thence southerly in a straight line to the northwest corner of District Lot 1966;

Thence southerly and easterly along the westerly and southerly limits of District Lot 1966 and continuing easterly along the easterly production of the southerly limit of said District Lot 1966 to the westerly limit of District Lot 242;

Thence northerly along the westerly limits of District Lots 242, 243 and 250 to the northwest corner of said District Lot 250, being a point on the southerly shore of an unnamed arm of Browning Passage;

Thence in a general easterly direction along said southerly shore of the unnamed arm, being the northerly limits of District Lots 250, 249, 251 and 252 to the northeast corner of said District Lot 252;

Thence in a general northwesterly direction along said southerly shore of the unnamed arm and continuing in a general easterly direction along the southerly shore of Browning Passage to a point lying due west of the most westerly point of District Lot 1431;

Thence on a bearing of 45°, a distance of about 221 metres to a point lying due west of the most northerly point of Dinner Island, being part of District Lot 288;

Thence due east to said northerly point of Dinner Island and continuing due east 101 metres to a point;

Thence on a bearing of 135°, to a point on the southerly shore of Browning Passage, said point lying about 704 metres due north and about 604 metres due east from the most westerly southwest corner of said District Lot 288;

Thence southeasterly along said southerly shore of Browning Passage to a point lying due west of the most westerly point of Indian Island;

Thence due east to said most westerly point of Indian Island;

Thence in a general northeasterly and southeasterly direction along the shore of said Indian Island to its most easterly point;

Thence southwestwardly in a straight line to a point on the southerly shore of Tofino Inlet, said point being about 480 metres due east of the most southerly point of District Lot 1680, being Indian Island Indian Reserve No. 30;

Thence on a bearing of 135° to the northerly limit of the watershed of Grice Bay;

Thence in a general southeasterly direction along said northerly limit of the watershed of Grice Bay to the westerly limit of District Lot 1473;

Thence southerly along the westerly limits of District Lots 1473 and 1472 to the southwest corner of said District Lot 1472;

Thence due south to the northerly limit of District Lot 494;

Thence easterly and southerly along the northerly and easterly limits of District Lots 494 and 487A to the northwest corner of District Lot 398;

Thence easterly along the northerly limits of District Lots 398 and 403 to the northwest corner of District Lot 404;

Thence southerly and easterly along the westerly and southerly limits of said District Lot 404 to the northwest corner of District Lot 1385;

Thence easterly and southerly along the northerly and easterly limits of said District Lot 1385 and the west half of District Lot 1321 to the southwest corner of the east half of District Lot 1321;

Thence easterly along the southerly limits of District Lot 1321 and 1320 to the northwest corner of the east half of District Lot 1314;

Thence southerly and easterly along the westerly and southerly limits of said east half of District Lot 1314 to the northwest corner of District Lot 428;

Thence easterly and southerly along the northerly and easterly limits of District Lot 428 to the southwest corner of District Lot 1313;

Thence easterly along the southerly limit of said District Lot 1313 to the northeast corner of District Lot 442;

Thence southerly along the easterly limits of District Lots 442, 441, 447, 461 and 464 to the northeast corner of Lot 1 of District Lot 467 as shown on a plan deposited in the Land Title Office at Victoria as 44818;

Thence southerly and westerly along the easterly and southerly limits of said Lot 1 as shown on said Plan 44818, to the northeast corner of Wya Indian Reserve No. 7, being the point of commencement.

#### EXCEPT

Firstly: the whole of Oo-oolth Indian Reserve No. 8, Quisitis Indian Reserve No. 9, Kootowis Indian Reserve No. 4, Esowista Indian Reserve No. 3 and Indian Island Indian Reserve No. 30;

Secondly: the Tofino Airport, described as:

( a ) District Lots 167, 168, 169, 170 and 178, Clayoquot District;

( b ) those portions of District Lots 163, 164 and 165 lying to the north of Tofino-Ucluelet Highway as shown on Plan 1417RW in said office, a copy of which is recorded in the **Canada** Lands Surveys Records at Ottawa as 82048, excepting from said District Lot 163, Parcel A as shown on Plan 32328 in said office, a copy of which is recorded in said records as 65248;

( c ) those portions of District Lots 113, 166 and 192 lying to the north and east of Tofino-Ucluelet Highway on said Plan 1417RW in said office;

( d ) those portions of District Lots 193, 194, 195 and 196 lying to the east of Plan 1371RW in said office.

Thirdly: Parcel 1 and Village Connector Road, as shown on a plan recorded in the **Canada** Lands Surveys Records at Ottawa as 88700.

## PART II

All those parcels or tracts of land, together with all that foreshore and land covered by water, situated in Barclay District and lying within the following described limits:

Commencing at the centre of Sail Rock, being a small islet west of Benson Island, District Lot 43;

Thence due north 2.735 kilometres to a point;

Thence on a bearing of 38°, a distance of 8.046 kilometres to a point;

Thence on a bearing of 115°30', a distance of 9.334 kilometres to a point;

Thence on a bearing of 217°, a distance of 12.391 kilometres to a point;

Thence on a bearing of 296°, a distance of about 6.598 kilometres to a point due south of the centre of Sail Rock;

Thence due north about 1.931 kilometres to the centre of Sail Rock, being the point of commencement.

EXCEPT the whole of each of the following:

Cleho Indian Reserve No. 6, Keith Island Indian Reserve No. 7, Nettle Island Indian Reserve No. 5 and Omoah Indian Reserve No. 9.

### PART III

Firstly: Lot A in Section 18 as shown on Plan 38380 in said office, and the west half of the north half of the north half of the southeast quarter of said Section 18, all in Township 1, Barclay District.

Secondly: Lot 1 of Sections 1 and 12 as shown on Plan 44813 in said office, a copy of which is recorded in said records as 82763, Lots 4, 5, 6 and 7 as shown on a plan recorded in said records as 83569, and Lot A in Section 1 as shown on Plan 10982 in said office, a copy of which is recorded in said records as 82765, all in Township 11, Renfrew District.

Thirdly: All those parcels or tracts of land, together with all that foreshore and land covered by water, situated in Barclay and Renfrew Districts, and lying within the following described limits:

Commencing at the southwest corner of Oyees Indian Reserve No. 9, Renfrew District, being a point on the southeasterly shore of Nitinat Lake;

Thence easterly along the southerly limit of said Oyees Indian Reserve No. 9 to its southeast corner;

Thence due south 1.006 kilometres to a point;

Thence due east 783 metres to a point;

Thence southerly in a straight line to the northwest corner of Block A of District Lot 756;

Thence easterly along the northerly limit of said Block A of District Lot 756 to its northeast corner;

Thence southerly along the easterly limits of Blocks A and B of District Lot 756 to Pipe Post No. 1, being a point on the easterly limit of the Reserve for Pacific Rim **National** Park as shown on Plan 12 Tube 1410 on file with the Office of The Surveyor General of the Ministry of Environment, Lands and **Parks**, Victoria, a copy of which is recorded in said records as 71572;

Thence in general westerly and southwesterly directions along said easterly limit of the Reserve for Pacific Rim **National** Park as shown on said Plan 12 Tube 1410 to the northeast corner of Section 56;

Thence southerly along the easterly limit of said Section 56 to its southeast corner;

Thence on a bearing of 190°, a distance of 609 metres to a point;

Thence southeasterly in a straight line to the northeast corner of Section 50;

Thence southeasterly in a straight line to a point on the easterly limit of District Lot 727, said point being about 340 metres due north and about 1.319 kilometres due west from the northeast corner of District Lot 730;

Thence due east to the right bank of Carmanah Creek;

Thence in a general southerly direction along said right bank of Carmanah Creek to a point about 305 metres due south and about 230 metres due east from the northeast corner of District Lot 729;

Thence southeasterly in a straight line to the most northerly northeast corner of District Lot 732;

Thence southerly and easterly along the easterly and northerly limits of said District Lot 732 to the northwest corner of District Lot 734;

Thence easterly and southerly along the northerly and easterly limits of said District Lot 734 to the northerly limit of District Lot 49;

Thence easterly along the northerly limits of District Lots 49 and 736 to the northeast corner of said District Lot 736;

Thence southerly along the easterly limit of said District Lot 736 to the northwest corner of District Lot 737;

Thence easterly along the northerly limit of said District Lot 737 to its northeast corner;

Thence on a bearing of 110°, a distance of 7.320 kilometres to a point;

Thence due east 4.828 kilometres to a point;

Thence due north 920 metres to a point;

Thence northeasterly in a straight line to the northwest corner of District Lot 708;

Thence easterly along the northerly limit of said District Lot 708 to its northeast corner;

Thence easterly in a straight line to the southwest corner of the Fractional south half of Section 11, Township 11;

Thence northerly and easterly along the westerly and northerly limits of said Fractional south half of Section 11 to a point on the right bank of Gordon River, and shown as the most northerly northeast corner of Lot A of said Section 11, Township 11, Renfrew District as shown on Plan 44812 in said office, a copy of which is recorded in said records as 82764;

Thence in a general southerly direction along said right bank of Gordon River and continuing southerly along the right bank of San Juan River to the northwesterly shore of Port San Juan;

Thence in a general southwesterly direction along said northwesterly shore of Port San Juan to a point lying about 1.0 metres due south of the P.Rock shown on Plan 7 Tube 1550, on file with said Office of The Surveyor General, a copy of which is recorded in said records as Plan 73926, being a survey of part of the easterly limit of the Reserve for Pacific Rim **National** Park;

Thence southerly along said easterly limit of the Reserve for Pacific Rim **National** Park, as shown on said Plan 7 Tube 1550 to the P.Rock at the most easterly point of Owen Island, shown on said Plan 7 Tube 1550, and continuing southerly along the southerly production of said easterly limit to the 20 metre isobath of the bed of Juan de Fuca Strait, as shown on Canadian Hydrographic Service (C.H.S.) Chart 3606 and which indicates depths as being reduced to lowest normal tide, which at Port Renfrew is 2.0 metres below mean water level;

Thence in a general northwesterly direction along said 20 metre isobath of the bed of Juan de Fuca Strait

and continuing in general northwesterly and northeasterly directions along the 20 metre isobath of the bed of the Pacific Ocean as shown on Canadian Hydrographic Service (C.H.S.) Chart 3602 and which indicates depths as being reduced to lowest normal tide, which at Bamfield is 2.0 metres below mean water level, to a point lying due west of the northwest corner of District Lot 412, Barclay District;

Thence due east to said northwest corner of District Lot 412, being a point on the northerly shore of Tapaltos Bay;

Thence easterly along the northerly limits of District lot 412, Fractional Section 7 and Fractional Section 8 of Township 1, to the northwest corner of Anacla Indian Reserve No. 12;

Thence southerly along the westerly limit of Anacla Indian Reserve No. 12 to its southwest corner, being a point on the right bank of Pachena River;

Thence on a bearing of 100°, a distance of about 183 metres to the northeasterly shore of Pachena Bay, being a point on the southerly limit of said Anacla Indian Reserve No. 12;

Thence in a general southeasterly direction along said northeasterly shore of Pachena Bay to the southeast corner of said Anacla Indian Reserve No. 12;

Thence northerly along the easterly limit of Anacla Indian Reserve No. 12 to the northwest corner of Lot 1 of Section 9, Township 1, as shown on Plan 44819 in said office;

Thence easterly and southerly along the northerly and easterly limits of said Lot 1 on said Plan 44819, to the northwest corner of the northeast quarter of Section 4, Township 1;

Thence southerly along the westerly limit of said northeast quarter of Section 4 to its southwest corner;

Thence southwesterly in a straight line to the northeast corner of District Lot 659;

Thence southwesterly in a straight line to the northwest corner of District Lot 273;

Thence southerly and easterly along the westerly and southerly limits of said District Lot 273 to the northeast corner of District Lot 275;

Thence southerly along the easterly limit of said District Lot 275 to its southeast corner;

Thence southeasterly in a straight line to the northwest corner of District Lot 281;

Thence easterly along the northerly limits of District Lots 281 and 282 to the Pipe Post set as a quarter post on the northerly limit of said District Lot 282;

Thence on a bearing of 140°, a distance of 240 metres to a point;

Thence on a bearing of 108°, a distance of 680 metres to a point;

Thence on a bearing of 119°, a distance of 1.670 kilometres to a point;

Thence easterly in a straight line to the northwest corner of District lot 288;

Thence southeasterly in a straight line to the most northeasterly internal corner of District Lot 103;

Thence easterly along the northerly limits of District Lots 103, 60 and 59 to the northwesterly internal corner of District Lot 59;

Thence easterly in a straight line to the northwest corner of District Lot 527;

Thence easterly along the northerly limit of District Lot 527, Barclay District, a distance of about 650 metres

to the northwesterly limit of the watershed of Tsusiat Lake;

Thence in a general northeasterly direction along the northwesterly limits of the watersheds of Tsusiat and Hobiton Lakes to a point being about 3.010 kilometres due north and about 1.690 kilometres due west of the northwest corner of Homitan Indian Reserve No. 8;

Thence due east 600 metres to a point;

Thence on a bearing of 139°, a distance of 1.100 kilometres to a point;

Thence due south to the northwesterly limit of the watershed of Nitinat Lake;

Thence in a general southwesterly direction along said northwesterly limit of the watershed of Nitinat Lake to a point being about 260 metres due north and about 860 metres due west of the northwest corner of Homitan Indian Reserve No. 8;

Thence southeasterly in a straight line to the intersection of the left bank of Hobiton Creek with the westerly limit of Homitan Indian Reserve No. 8;

Thence southerly and easterly along the westerly and southerly limits of Homitan Indian Reserve No. 8 to its southeast corner, being a point on the westerly shore of Nitinat Lake;

Thence in a general southwesterly direction along said westerly shore of Nitinat Lake to a point lying due north of the northwest corner of District Lot 769, Renfrew District;

Thence southeasterly in a straight line to the most northerly point of Block A of District Lot 746, Renfrew District, being a point on the southerly shore of Nitinat Lake;

Thence in general easterly and northeasterly directions along said southerly shore of Nitinat Lake, to the southwest corner of Oyees Indian Reserve No. 9, being the point of commencement.

EXCEPT

Firstly: the whole of each of the following:

Ahuk Indian Reserve No. 1, Carmanah Indian Reserve No. 6, Cheewat Indian Reserve No. 4A, Claoose Indian Reserve No. 4, Clutus Indian Reserve No. 11, Cullite Indian Reserve No. 3, Iktuksasuk Indian Reserve No. 7, Kich-ha Indian Reserve No. 10, Masit Indian Reserve No. 13, Sarque Indian Reserve No. 5, Tsuquanah Indian Reserve No. 2, and Wyah Indian Reserve No. 3;

Secondly: Lot 2 of Block 10, Lots 1 and 2 of Block 16, Lot 8 of Block 18 and Lot 3 of Block 37, all of Section 57, Plan 1771 in said office, and Block 7 of District Lot 527, Plan 2008 in said office, and Section 63, all in Renfrew District.

## PART IV

All those parcels or tracts of land, together with all that foreshore and land covered by water, situated in Clayoquot District and lying within the following described limits:

Commencing at the northeast corner of Section 70, Alberni District (situated in Clayoquot District), being a point on the southerly shore of Kennedy Lake;

Thence southerly along the easterly limit of said Section 70 to the northwesterly limit of Alberni-Tofino Highway, as shown on Plan 1936RW in said office;

Thence in a general southerly direction along the westerly limit of said Alberni-Tofino Highway to the southeast corner of Lot 1 of Sections 69 and 70, Alberni District (situated in Clayoquot District), Plan 44820 in said office;

Thence westerly, northerly, westerly and northerly along the southerly and westerly limits of said Lot 1 to its northwest corner, being a point on the southerly shore of Kennedy Lake;

Thence due north 300 metres to a point;

Thence easterly in a straight line to a point 500 metres due north of the northeast corner of said Section 70;

Thence due south to said northeast corner of Section 70, being the point of commencement.

## GWAII HAANAS NATIONAL PARK RESERVE OF CANADA

In the Province of British Columbia;

In Queen Charlotte Land District;

In the Queen Charlotte Islands;

All those parcels being more particularly described under **FIRSTLY, SECONDLY AND THIRDLY** as follows:

### FIRSTLY:

All those parcels or tracts of land, together with all that foreshore or land covered by water lying above the ordinary high water mark (O.H.W.M.) of the Queen Charlotte Islands and situated southerly of a line described as follows:

Commencing at the intersection of the 52°50'05" parallel of north latitude with the 131°20'10" meridian of west longitude (said intersection being a point in Hecate Strait approximately 10 kilometres northeasterly of Lost Islands);

Thence westerly in a straight line to the ordinary high water mark at the most northeasterly point of Tangil Peninsula at Porter Head at approximate latitude 52°48'35" and approximate longitude 131°39'20" (said line passing approximately 2 kilometres north of Lost Islands);

Thence southwesterly in a straight line to the most easterly peak on the Tangil Peninsula at approximate latitude 52°48'10" and approximate longitude 131°39'39";

Thence generally westerly along the watershed boundary that separates those creeks that flow into Dana Inlet from those that flow into Logan Inlet to Standard B.C. capped post being the intersection of the northerly boundary of the watershed of Crescent Inlet with the said watershed boundary that separates those creeks that flow into Dana Inlet from those that flow into Logan Inlet, said post shown as point G on a plan recorded in the **Canada** Lands Surveys Records at Ottawa as 79937, a copy of which is filed in the Land Title Office at Prince Rupert as PRP 41538;

Thence on a bearing of 211°52'07" through two Standard B.C. capped posts, a total distance of 4 607.526 metres to the northeast corner of Lot 663 as shown on said Plan 79937;

Thence southerly and westerly along the easterly and southerly boundaries of said Lot 663 to the intersection with the southerly boundary of the watershed of Crescent Inlet, said intersection marked by a Pipe Post, being a point on the northerly boundary of Gwaii Haanas **National** Park Reserve as shown on Plan 9 Tube 1483 on file with the Surveyor General Branch of the Ministry of Environment, Lands and **Parks**, at Victoria, a duplicate of which is recorded as Plan 72869 in the **Canada** Lands Surveys Records at Ottawa;

Thence generally southwesterly along the southerly boundary of the watershed of said Crescent Inlet, being also a portion of the southerly boundary of Tree Farm Licence 24 Block 2, to the intersection with the easterly boundary of the Lockeport Four Mineral Claim, Record Number 5828(2), said intersection marked by a Pipe Post, being a point on the northerly boundary of the Gwaii Haanas **National** Park Reserve as shown on Plan 27 Tube 1452 on file with the Surveyor General Branch of the Ministry of Environment, Lands and **Parks**, at Victoria, a duplicate of which is recorded as Plan 72242 in the **Canada** Lands Surveys Records at Ottawa;

Thence southerly and westerly along the easterly and southerly boundaries of the said mineral claim to the intersection with the southerly boundary of the watershed of Crescent Inlet, said intersection marked by a P.Rock being a point on said northerly boundary of the Gwaii Haanas **National** Park Reserve as shown on said Plan 27 Tube 1452;

Thence generally westerly along the southerly boundaries of the watershed of said Crescent Inlet and of Tasu Sound, being also a portion of the southerly boundary of Tree Farm Licence 24 Block 2, to a point on the O.H.W.M. at Tasu Head, said southerly boundaries crossing in sequence the summits of Apex Mountain, Mount de la Touche, Mount Oliver and Mount Moody;

Thence southwesterly in a straight line to the intersection of the 52°40'36" parallel of north latitude with the 132°13'16" meridian of west longitude (said intersection being a point in the Pacific Ocean approximately 10 kilometres from said point on the O.H.W.M. at Tasu Head);

Save and Except the following described parcels or tracts of land:

Firstly:

The whole of Tanoo Indian Reserve No. 9 (Tanu) according to Plan B.C. 42 recorded in the **Canada** Lands Surveys Records at Ottawa.

Secondly:

That part of District Lot 120 as dealt with by Plan 80235 in said records, a copy of which is filed in the Land Title Office at Prince Rupert as PRP 41539.

Thirdly:

Lot 1 of District Lot 120, Plan 9837.

Fourthly:

Forest Exclusion Areas 1 to 3 (inclusive) described as:

Area 1

Those parcels or tracts of land described as Blocks 3, 4 and 5 in Schedule "B" of Tree-Farm Licence No. 24, dated May 2, 1979, and on the Official Register of the Forest Service, Timber Harvesting Branch, Victoria, British Columbia.

Area 2

That portion of Block 2 described in Schedule "B" of said Tree Farm Licence lying to the south and east of the above described line.

Area 3

Lots 640, 647, 660 and 1940 (being Timber Licences TO938, TO943, TO931 and TO950, respectively), together with that portion of Special Timber Licence 1209P (being TO924) which lies to the south of the above described line.

Fifthly:

Mineral Exclusion Areas 1 to 5 (inclusive) described as:

Area 1



Commencing at Poole Point, being a point on the easterly O.H.W.M. of Burnaby Island at approximate latitude 52°22'23" and approximate longitude 131°14'35";

Thence generally westerly and southwesterly along the O.H.W.M. of Burnaby Island to the most southerly point of Francis Bay, being a point on said O.H.W.M. at approximate latitude 52°21'51" and approximate longitude 131°17'00";

Thence southwesterly in a straight line to the most northerly point of Swan Bay, being a point on the O.H.W.M. of Burnaby Island at approximate latitude 52°21'00" and longitude 131°18'10";

Thence southeasterly in a straight line to the intersection of the 52°20'15" parallel of north latitude with the 131°17'00" meridian of west longitude;

Thence easterly in a straight line to a point on the 52°20'15" parallel of north latitude lying due south of Poole Point, being a point on the easterly O.H.W.M. of Burnaby Island and being the point of commencement;

Thence due north to said point of commencement.

#### Area 2

Commencing at the northwest corner of Lot 105, being a point on the O.H.W.M. of Skincuttle Inlet;

Thence due north to a point lying due west of Deluge Point, Moresby Island, said point at approximate latitude 52°19'36" and approximate longitude 131°13'00";

Thence due east to said Deluge Point, Moresby Island, being a point on the O.H.W.M. of Skincuttle Inlet, at approximate latitude 52°19'36" and approximate longitude 131°10'00";

Thence generally southeasterly along the O.H.W.M. of Skincuttle Inlet to Ikeda Point, Moresby Island, being a point on the O.H.W.M. of Hecate Strait at approximate latitude 52°18'55" and approximate longitude 131°08'10";

Thence southeasterly in a straight line to the most easterly point of Marion Rock, being a point on the O.H.W.M. of Collison Bay at approximate latitude 52°17'25" and approximate longitude 131°06'30";

Thence due south to a point lying due east of the southeast corner of Lot 2748;

Thence due west to a point lying due south of the southeast corner of Lot 2610;

Thence northwesterly in a straight line to the most southerly corner of Lot 2604;

Thence northwesterly along the southwesterly boundary of said Lot 2604 to the most westerly corner thereof;

Thence northerly in a straight line to the northwest corner of Lot 2607;

Thence northeasterly in a straight line to the most westerly corner of Lot 79;

Thence northeasterly in a straight line to the most westerly corner of Lot 88;

Thence northeasterly along the northwesterly boundary of said Lot 88 to the most northerly corner thereof, and continuing northeasterly in a straight line to the northwest corner of Lot 2597;

Thence northeasterly along the northerly boundary of said Lot 2597 to the O.H.W.M. of Harriet Harbour, on

the easterly shore thereof;

Thence generally northerly, northwesterly and northeasterly along the O.H.W.M. of Harriet Harbour and Skincuttle Inlet to the point of commencement.

#### Area 3

Commencing at a point on the O.H.W.M. of Richardson Island, on the westerly shore thereof, lying due east of the southeast corner of Lot 663, said point being at approximate latitude  $52^{\circ}43'35''$  and approximate longitude  $131^{\circ}45'15''$ ;

Thence southeasterly in a straight line to the intersection of latitude  $52^{\circ}39'25''$  with longitude  $131^{\circ}42'36''$ , said straight line passing to the west of Lyell and Shuttle Islands;

Thence southeasterly in a straight line to the intersection of latitude  $52^{\circ}34'00''$  with longitude  $131^{\circ}35'45''$ , said intersection lying easterly of Darwin Point, Moresby Island;

Thence easterly in a straight line to a point on latitude  $52^{\circ}34'00''$  lying due south of Sedgwick Point, being a point on the O.H.W.M. of Lyell Island and at approximate latitude  $52^{\circ}35'50''$  and approximate longitude  $131^{\circ}32'15''$ ;

Thence due north to the O.H.W.M. of Sedgwick Bay, on the most northerly shore thereof at approximate latitude  $52^{\circ}38'00''$  and approximate longitude  $131^{\circ}32'15''$ ;

Thence generally northwesterly along said O.H.W.M. of Sedgwick Bay to a point thereon lying due south of Powrivco Point being a point on the O.H.W.M. of Atli Inlet, said point on the O.H.W.M. of Sedgwick Bay at approximate latitude  $52^{\circ}39'10''$  and approximate longitude  $131^{\circ}35'20''$ ;

Thence in a straight line on a bearing of  $345^{\circ}$  to a point on the northerly O.H.W.M. of Dog Island at approximate latitude  $52^{\circ}44'15''$  and approximate longitude  $131^{\circ}37'45''$ ;

Thence northwesterly in a straight line to Tanu Point, being a point on the O.H.W.M. of Tanu Island at approximate latitude  $52^{\circ}44'46''$  and approximate longitude  $131^{\circ}42'35''$ ;

Thence southwesterly in a straight line to the point of commencement.

#### Area 4

Commencing at the intersection of latitude  $52^{\circ}04'25''$  with longitude  $131^{\circ}02'24''$ ;

Thence northerly along said longitude  $131^{\circ}02'24''$  to the O.H.W.M. of Heater Harbour on the southerly shore thereof;

Thence generally northwesterly along said O.H.W.M. of Heater Harbour to the intersection of said O.H.W.M. with latitude  $52^{\circ}07'26''$ ;

Thence westerly in a straight line to the intersection of latitude  $52^{\circ}07'26''$  with longitude  $131^{\circ}08'10''$ ;

Thence southwesterly in a straight line to the intersection of latitude  $52^{\circ}06'00''$  with longitude  $131^{\circ}08'15''$ ;

Thence southeasterly in a straight line to the intersection of latitude  $52^{\circ}04'20''$  with a point on the O.H.W.M. of Kunghit Island at approximate longitude  $131^{\circ}06'50''$ ;

Thence easterly in a straight line to the point of commencement.

Area 5

Commencing at the southeast corner of Lot 663;

Thence westerly along the southerly boundary of said Lot 663 to the intersection with the southerly boundary of the watershed of Crescent Inlet, said intersection marked by a Pipe Post, being a point on the northerly boundary of the Gwaii Haanas **National** Park Reserve as shown on Plan 9 Tube 1483 on file with the Surveyor General Branch of the Ministry of Environment, Lands and **Parks**, at Victoria, a duplicate of which is recorded as Plan 72869 in the **Canada** Lands Surveys Records at Ottawa;

Thence generally southwesterly along the southerly boundary of the watershed of said Crescent Inlet, being also a portion of the southerly boundary of Tree Farm Licence 24 Block 2, to the intersection with the easterly boundary of the Lockeport Four Mineral Claim, Record Number 5828(2), said intersection marked by a Pipe Post, being a point on the northerly boundary of the Gwaii Haanas **National** Park Reserve as shown on Plan 27 Tube 1452 on file with the Surveyor General Branch of the Ministry of Environment, Lands and **Parks**, at Victoria, a duplicate of which is recorded as Plan 72242 in the **Canada** Lands Surveys Records at Ottawa;

Thence southerly and westerly along the easterly and southerly boundaries of the said mineral claim to the intersection with the southerly boundary of the watershed of Crescent Inlet, said intersection marked by a P. Rock being a point on said northerly boundary of the Gwaii Haanas **National** Park Reserve as shown on said Plan 27 Tube 1452;

Thence generally westerly along the southerly boundary of the watershed of Crescent Inlet to the intersection with the westerly boundary of the watershed of Darwin Sound;

Thence generally southerly along said westerly boundary of the watershed of Darwin Sound to a point lying due west of the southwest corner of Lot 647;

Thence due east to a point on a line drawn between the intersection of latitude 52°39'25" with longitude 131°42'36" and the intersection of latitude 52°34'00" with longitude 131°35'45";

Thence northwesterly along said line drawn between the intersection of latitude 52°39'25" with longitude 131°42'36" and the intersection of latitude 52°34'00" with longitude 131°35'45" to said intersection of latitude 52°39'25" with longitude 131°42'36";

Thence northwesterly in a straight line to a point on the O.H.W.M. of Richardson Island, on the westerly shore thereof, lying due east of the southeast corner of Lot 663, said point being at approximate latitude 52°43'35" and approximate longitude 131°45'15";

Thence due west to said southeast corner of Lot 663, being the point of commencement.

Explanatory Note: All topographic features herein referred to being according to the Gazetteer of **Canada** (British Columbia) Third Edition, Ottawa 1985; to **National** Topographic Series (N.T.S.) Map, (103 B-C Moresby Island, Edition 2) produced at a scale of 1:250,000 by the Army Survey Establishment at Ottawa; to N.T.S. Maps (102-0/14 and 102-0/15 Cape St. James), (103B/2W Lyman Point), (103B/3 Kunghit Island), (103B/5 Gowgaia Bay), (103B/6 Burnaby Island), (103B/11 Ramsay Island), (103B/12 Darwin Sound), (103B/13 and 103B/14 Louise Island) and (103C/9 Tasu Head) produced at a scale of 1:50,000 by the Department of Energy, Mines and Resources at Ottawa and to Canadian Hydrographic Service (C.H.S.) Chart 3853 produced at a scale of 1:150,000 by the Department of Fisheries and Oceans, Ottawa.

SECONDLY:

Commencing at a point on the O.H.W.M. of Richardson Island, on the westerly shore thereof, lying due east of the southeast corner of Lot 663, said point being at approximate latitude 52°43'35" and approximate longitude 131°45'15";

Thence southeasterly in a straight line to the intersection of latitude 52°39'25" with longitude 131°42'36", said straight line passing to the west of Lyell and Shuttle Islands;

Thence southeasterly in a straight line to the intersection of latitude 52°34'00" with longitude 131°35'45", said intersection lying easterly of Darwin Point, Moresby Island;

Thence easterly in a straight line to a point on latitude 52°34'00" lying due south of Sedgwick Point, being a point on the O.H.W.M. of Lyell Island and at approximate latitude 52°35'50" and approximate longitude 131°32'15";

Thence due north to the O.H.W.M. of Sedgwick Bay, on the most northerly shore thereof at approximate latitude 52°38'00" and approximate longitude 131°32'15";

Thence generally northwesterly along said O.H.W.M. of Sedgwick Bay to a point thereon lying due south of Powrivco Point being a point on the O.H.W.M. of Atli Inlet, said point on the O.H.W.M. of Sedgwick Bay at approximate latitude 52°39'10" and approximate longitude 131°35'20";

Thence in a straight line on a bearing of 345° to a point on the northerly O.H.W.M. of Dog Island at approximate latitude 52°44'15" and approximate longitude 131°37'45";

Thence northwesterly in a straight line to Tanu Point, being a point on the O.H.W.M. of Tanu Island at approximate latitude 52°44'46" and approximate longitude 131°42'35";

Thence southwesterly in a straight line to the point of commencement.

THIRDLY:

All those parcels or tracts of land, together with all that foreshore or land covered by water lying above the ordinary high water mark; (O.H.W.M.) of the Queen Charlotte Islands and more particularly described as follows:

Firstly:

Commencing at the southeast corner of Lot 663;

Thence due east to the ordinary high water mark of Darwin Sound;

Thence in a general northeasterly direction along the ordinary high water mark of Darwin Sound and continuing in a general northwesterly direction along the ordinary high water mark of Crescent Inlet to its intersection with a straight line running from the northeast corner of Lot 663 to Standard B.C. capped post shown as point G on a plan recorded in the **Canada** Lands Surveys Records at Ottawa as 79937, a copy of which is filed in the Land Title Office at Prince Rupert as PRP 41538;

Thence on a bearing of 211°52'07" to the northeast corner of Lot 663 as shown on said Plan 79937;

Thence southerly along the easterly boundary of said Lot 663 to the southeast corner thereof,

being the point of commencement.

Secondly:

Commencing at the intersection of the northerly ordinary high water mark of Crescent Inlet with a straight line running from the northeast corner of Lot 663 to Standard B.C. capped post shown as point G on a plan recorded in the **Canada** Lands Surveys Records at Ottawa as 79937, a copy of which is filed in the Land Title Office at Prince Rupert as PRP 41538;

Thence in general southeasterly, northeasterly and northerly directions along the ordinary high water marks of Crescent Inlet, Logan Inlet and Hecate Straight to the most northeasterly point of Tangil Peninsula at Porter Head at approximate latitude 52°48'35" and approximate longitude 131°39'20";

Thence southwesterly in a straight line to the most easterly peak on the Tangil Peninsula at approximate latitude 52°48'10" and approximate longitude 131°39'39";

Thence westerly along the watershed boundary that separates those creeks that flow into Dana Inlet from those that flow into Logan Inlet to Standard B.C. capped post being the intersection of the northerly boundary of the watershed of Crescent Inlet with the said watershed boundary that separates those creeks that flow into Dana Inlet from those that flow into Logan Inlet, said post shown as point G on a plan recorded in the **Canada** Lands Surveys Records at Ottawa as 79937, a copy of which is filed in the Land Title Office at Prince Rupert as PRP 41538;

Thence on a bearing of 211°52'07" to the point of commencement, except that portion of Special Timber Licence 1209 P (being TO924) lying within the described boundaries.

Thirdly:

That portion of Richardson Island lying to the north and west of a straight line drawn between Tanu Point, being a point on the ordinary high water mark of Tanu Island (at approximate latitude 52°44'46" and approximate longitude 131°42'35") and a point on the ordinary high water mark of Richardson Island, on the westerly shore thereof, lying due east of the southeast corner of Lot 663, said point being at approximate latitude 52°43'35" and approximate longitude 131°45'15", except Lot 660 (being Timber Licence TO931);

Those portions of Lyell Island lying to the east of a straight line drawn on a bearing of 345° between a point on the ordinary high water mark of Sedgwick Bay (at approximate latitude 52°39'10" and approximate longitude 131°35'20") lying due south of Powrivco Point, being a point on the ordinary high water mark of Atli Inlet, and a point on the northerly ordinary high water mark of Dog Island at approximate latitude 52°44'15" and approximate longitude 131°37'45", except Lot 1940 (being Timber Licence TO950);

Tanu Island, except Lot 640 (being Timber Licence TO938) and the whole of Tanoo Indian Reserve No. 9 (Tanu) according to Plan B.C. 42 recorded in the **Canada** Lands Surveys Records at Ottawa;

Kunga Island; Faraday Island; Murchison Island; and Ramsay Island.

Fourthly:

Huxley Island, Alder Island and Bolkus Islands, together with that portion of Burnaby Island lying to the north and west of a straight line drawn between the most southerly point of Francis Bay, being a point on the ordinary high water mark of Burnaby Island (at approximate latitude 52°21'51" and approximate longitude 131°17'00"), and the most northerly point of Swan Bay, being a point on the ordinary high water mark of Burnaby Island (at approximate latitude 52°21'00" and longitude 131°18'10").

Fifthly:

That portion of Moresby Island lying to the east of the westerly boundaries of the watersheds of Louscoone Inlet, Skincuttle Inlet and Burnaby Strait, and to the south of the northerly boundary of the watershed of Bag Harbour, except that portion within the following described boundaries:

Commencing at the northwest corner of Lot 105, being a point on the ordinary high water mark of Moresby Island;

Thence in general easterly, southwesterly, northeasterly, southerly, southwesterly and northeasterly directions along the ordinary high water mark of Moresby Island to the most easterly point of Marion Rock, being a point on said ordinary high water mark at approximate latitude 52°17'25" and approximate longitude

131°06'30";

Thence due south to a point lying due east of the southeast corner of Lot 2748;

Thence due west to a point lying due south of the southeast corner of Lot 2610;

Thence northwesterly in a straight line to the most southerly corner of Lot 2604;

Thence northwesterly along the southwesterly boundary of said Lot 2604 to the most westerly corner thereof;

Thence northerly in a straight line to the northwest corner of Lot 2607;

Thence northeasterly in a straight line to the most westerly corner of Lot 79;

Thence northeasterly in a straight line to most westerly corner of Lot 88;

Thence northeasterly along the northwesterly boundary of said Lot 88 to the most northerly corner thereof, and continuing northeasterly in a straight line to the northwest corner of Lot 2597;

Thence northeasterly along the northerly boundary of said Lot 2597 to the ordinary high water mark of Moresby Island;

Thence generally northerly, northwesterly and northeasterly along the ordinary high water mark of Moresby Island to the point of commencement.

Explanatory Note: All topographic features herein referred to being according to the Gazetteer of **Canada** (British Columbia) Third Edition, Ottawa 1985; to **National** Topographic Series (N.T.S.) Map, (103 B-C Moresby Island, Edition 2) produced at a scale of 1:250,000 by the Army Survey Establishment at Ottawa; to N.T.S. Maps (102-0/14 and 102-0/15 Cape St. James), (103B/2W Lyman Point), (103B/3 Kunghit Island), (103B/5 Gowgaia Bay), (103B/6 Burnaby Island), (103B/11 Ramsay Island), (103B/12 Darwin Sound), (103B/13 and 103B/14 Louise Island) and (103C/9 Tasu Head) produced at a scale of 1:50,000 by the Department of Energy, Mines and Resources at Ottawa and to Canadian Hydrographic Service (C.H.S.) Chart 3853 produced at a scale of 1:150,000 by the Department of Fisheries and Oceans, Ottawa.

## TORNGAT MOUNTAINS NATIONAL PARK RESERVE OF CANADA

All that parcel of land in the Province of Newfoundland and Labrador shown on a descriptive map plan prepared by the Department of Natural Resources, dated November 15, 2004 and recorded in the Crown Lands Registry Office in St. John's, Newfoundland and Labrador, under number SP 367; a copy of the plan is attached as appendix D-1 to the Agreement, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*; said parcel contains an area of approximately 9 700 square kilometres.

2000, c. 32, Sch. 2; 2002, c. 7, s. 107(E); 2004, c. 20, s. 2; 2005, c. 27, s. 17.

### SCHEDULE 3 (Section 26)

#### PROTECTED SPECIES

#### PART 1

<i>Common Name</i>	<i>Scientific Name</i>
Piping plover	<i>Charadrius melodus</i>
Peregrine falcon	<i>Falco peregrinus</i>
Gyr Falcon	<i>Falco rusticolus</i>
Whooping crane	<i>Grus americana</i>
Mountain goat	<i>Oreamnos americanus</i>

Bighorn sheep	<i>Ovis canadensis</i>
Dall's sheep	<i>Ovis dalli</i>
Eastern Massasauga rattlesnake	<i>Sistrurus catenatus catenatus</i>
Grizzly bear	<i>Ursus arctos</i>
Polar bear	<i>Ursus maritimus</i>

## PART 2

<i>Common Name</i>	<i>Scientific Name</i>
Moose	<i>Alces alces</i>
American bison	<i>Bison bison</i>
Wolf	<i>Canis lupus</i>
American elk (Wapiti)	<i>Cervus elaphus</i>
Cougar (Mountain lion)	<i>Felis concolor</i>
Mule deer	<i>Odocoileus hemionus</i>
White-tailed deer	<i>Odocoileus virginianus</i>
Caribou	<i>Rangifer tarandus</i>
Atlantic salmon	<i>Salmo salar</i>
Black bear	<i>Ursus americanus</i>

### SCHEDULE 4 (Sections 33 and 34)

#### PARK COMMUNITIES

Column 1	Column 2	Column 3	Column 4
Name of Community	Description of Community	Description of Commercial Zones	Maximum Floor Area (m <sup>2</sup> )
1. Field	Plan 88096 recorded in the Canada Lands Surveys Records at Ottawa	<p>Plan 88097 recorded in the Canada Lands Surveys Records at Ottawa and the lands in the Province of British Columbia, in Kootenay District, in the Townsite of Field as shown on a plan 88096 recorded in the Canada Lands Surveys Records at Ottawa, in Yoho National Park, more particularly described as follows:</p> <p>Firstly;</p> <p>That part of Lot W as shown on the plan recorded in the Canada Lands Surveys Records at Ottawa under number 37572, said part described as follows:</p> <p>Commencing at an iron bar located at a bearing of 225°02'51" a distance of 50.04 metres from an iron bar located on the west boundary of Second Street East and labelled as Point 52 on a plan recorded in the said Canada Lands Surveys Records under number 52883;</p> <p>Thence continuing on a bearing of 225°02'51" a distance of 32.46 metres to a capped post;</p> <p>Thence on a bearing of 250°37'12" a distance of 20.12 metres to an iron post;</p> <p>Thence on a bearing of 333°06'36" a distance of 26.06 metres to an iron post;</p> <p>Thence on a curve to the right having a radius of 268.10 metres, an arc distance of 9.18 metres, having a chord bearing of 64°05' 21" and a chord distance of 9.18 metres;</p> <p>Thence on a bearing of 335°04'20" a distance of 2.00 metres to an iron post;</p>	5,055

Thence on a bearing of  $65^{\circ}04'11''$  a distance of 42.25 metres to an iron post;

Thence on a bearing of  $155^{\circ}04'20''$  a distance of 19.03 metres more or less, to the point of commencement.

The said parcel being shown as Lot 1 on a plan recorded in the Vancouver office of Legal Surveys Division of Natural Resources Canada under number MPS768;

The said parcel containing an area of 1329 square metres more or less.

Secondly;

That part of Lot W as shown on a plan recorded in the Canada Lands Surveys Records at Ottawa under number 37572, said part described as follows:

Commencing at an iron bar located at a bearing of  $250^{\circ}37'12''$  a distance of 70.71 metres from a capped post, said capped post located at a bearing of  $225^{\circ}02'51''$  a distance of 82.50 metres from an iron bar located on the west boundary of Second Street East and labelled as Point 52 on a plan recorded in the said Canada Lands Surveys Records under number 52883;

Thence on a bearing of  $135^{\circ}59'40''$  a distance of 17.92 metres to a capped post;

Thence on a bearing of  $221^{\circ}06'07''$  a distance of 101.88 metres to a capped post;

Thence on a bearing of  $297^{\circ}19'56''$  a distance of 29.76 metres to an iron post;

Thence on a curve to the right having a radius of 268.10 metres, an arc distance of 112.60 metres, having a chord bearing of  $39^{\circ}21'50''$  and a chord distance of 111.78 metres to an iron post;

Thence on a bearing of  $135^{\circ}59'40''$  a distance of 14.50 metres more or less, to the point of commencement.

The said parcel being shown as Lot 2 on a plan recorded in the Vancouver office of Legal Surveys Division of Natural Resources Canada under number MPS768;

The said parcel containing an area of 3712 square metres more or less.

Thirdly;

That part of Lot W as shown on the plan recorded in the Canada Lands Surveys Records at Ottawa under number 37572, said part described as follows:

Commencing at an iron post located at a bearing of  $294^{\circ}49'39''$  a distance of 16.78 from an iron post, said iron post being located at a bearing of  $198^{\circ}21'20''$  a distance of 29.64 metres from an iron post located on the north west boundary of Stephen Avenue and labelled as Point 329 on a plan recorded in the said Canada Lands Surveys Records under number 52883;

Thence on a bearing of  $201^{\circ}30'39''$  a distance of 25.27 metres to an iron post;

Thence on a bearing of  $289^{\circ}42'06''$  a distance of 56.77 metres to an iron post;

Thence on a bearing of  $19^{\circ}42'06''$  a distance of 25.26 metres to an iron post;



Thence on a bearing of 109°42'06" a distance of 57.57 metres more or less, to the point of commencement.

The said parcel being shown as Lot 3 on a plan recorded in the Vancouver office of Legal Surveys Division of Natural Resources Canada under number MPS768;

The said parcel containing an area of 1444 square metres more or less.

Fourthly;

That part of Lot W as shown on a plan recorded in the Canada Lands Surveys Records at Ottawa under number 37572, described as follows:

Commencing at an iron post located at a bearing of 198°21'20" a distance of 29.64 metres from an iron post located on the north west boundary of Stephen Avenue and labelled as Point 329 on a plan recorded in the said Canada Lands Surveys Records under number 52883;

Thence continuing on a bearing of 198°21'20" a distance of 18.54 metres to an iron post;

Thence on a bearing of 252°10'46" a distance of 8.58 metres to an iron post;

Thence on a bearing of 289°42'06" a distance of 11.15 metres to an iron post;

Thence on a bearing of 21°30'39" a distance of 25.27 metres to an iron post;

Thence on a bearing of 114°49'39" a distance of 16.78 metres more or less, to the point of commencement.

The said parcel being shown as Lot 4 on a plan recorded in the Vancouver office of Legal Surveys Division of Natural Resources Canada under number MPS768;

The said parcel containing an area of 408 square metres more or less.

Fifthly;

That part of Lot V as shown on a plan recorded in the Canada Lands Surveys Records at Ottawa under number 37572, described as follows:

Commencing at an iron post located at a bearing of 203°04'12" a distance of 284.51 metres from a capped post located on the boundary of the Townsite of Field and labelled as Point 12 on a plan recorded in the said Canada Lands Surveys Records under number 83808;

Thence on a bearing of 109°04'25" a distance of 25.60 metres to an iron post in concrete;

Thence on a bearing of 199°05'15" a distance of 54.07 metres to an iron post in concrete;

Thence on a bearing of 289°04'46" a distance of 25.26 metres to an iron post;

Thence on a bearing of 11°59'25" a distance of 8.63 metres to a capped post;

Thence on a bearing of 20°00'10" a distance of 45.51 metres more or less, to the point of commencement.

The said parcel being shown as Lot 5 on a plan recorded in the Vancouver office of Legal Surveys Division of Natural Resources Canada under number MPS768;

The said parcel containing an area of 1402 square metres more or less.

All bearings are astronomic and are derived from the bearing between found capped posts on the boundary of the Townsite of Field as shown on a plan recorded in the said Canada Lands Surveys Records under number 83808, said capped posts labelled on this plan as points 33 and 34A and having a bearing between them of 63°15'40".

2. Banff	Plan 88090 recorded in the Canada Lands Surveys Records at Ottawa	Plan 88091 recorded in the Canada Lands Surveys Records at Ottawa	361,390
3. Lake Louise	Plan 88092 recorded in the Canada Lands Surveys Records at Ottawa	Plan 88093 recorded in the Canada Lands Surveys Records at Ottawa	96,848
4. Waterton	Plan 88098 recorded in the Canada Lands Surveys Records at Ottawa	Plan 88099 recorded in the Canada Lands Surveys Records at Ottawa	36,518
5. Jasper	Plan 88094 recorded in the Canada Lands Surveys Records at Ottawa	Plan 88095 recorded in the Canada Lands Surveys Records at Ottawa	118,222
6. Waskesiu	Plan 88100 recorded in the Canada Lands Surveys Records at Ottawa	Plan 88101 recorded in the Canada Lands Surveys Records at Ottawa	34,575
7. Wasagaming	Plan 88102 recorded in the Canada Lands Surveys Records at Ottawa	Plan 88103 recorded in the Canada Lands Surveys Records at Ottawa	28,586

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2000, c. 32, Sch. 4; SOR/2004-116.

## SCHEDULE 5 (Section 36)

### COMMERCIAL SKI AREAS

#### LAKE LOUISE SKI AREA

In Banff National Park of Canada, the following described area:

The whole of Parcel DZ as shown on Plan 69749 in the Canada Lands Surveys Records at Ottawa, a copy of which has been deposited in the Land Titles Office for the South Alberta Land Registration District at Calgary under number 8510449, said parcel containing 2192 hectares, more or less.

#### MOUNT NORQUAY SKI AREA

In Banff National Park of Canada, the following described area:

The whole of Parcel EY as shown on Plan 74099 in the Canada Lands Surveys Records at Ottawa, a copy of which has been deposited in the Land Titles Office for the South Alberta Land Registration District at Calgary under number 9210231, said parcel containing 300.06 hectares, more or less.

## MARMOT BASIN SKI AREA

In Jasper National Park of Canada, the following described area:

The whole of Parcel FG as shown on Plan 69622 in the Canada Lands Surveys Records at Ottawa, a copy of which has been deposited in the Land Titles Office for the North Alberta Land Registration District at Edmonton under number 8520246, said parcel containing 678 hectares, more or less.

## MOUNT AGASSIZ SKI AREA

In Riding Mountain National Park of Canada, the following described area:

All that parcel of land shown as Mount Agassiz Ski Resort on Plan 64217 in the Canada Lands Surveys Records at Ottawa, a copy of which is filed in the Land Titles Office in Neepawa as 6406, said parcel containing 141.64 hectares, more or less.

Last updated: 2007-07-06



[Important Notices](#)



CANADA

CONSOLIDATION

CODIFICATION

# Canadian Environmental Assessment Act

# Loi canadienne sur l'évaluation environnementale

S.C. 1992, c. 37

L.C. 1992, ch. 37

Current to January 1, 2010

À jour au 1<sup>er</sup> janvier 2010

Published by the Minister of Justice at the following address:  
<http://laws-lois.justice.gc.ca>

Publié par le ministre de la Justice à l'adresse suivante :  
<http://laws-lois.justice.gc.ca>

OFFICIAL STATUS  
OF CONSOLIDATIONS

CARACTÈRE OFFICIEL  
DES CODIFICATIONS

Subsections 31(1) and (2) of the *Legislation Revision and Consolidation Act*, in force on June 1, 2009, provide as follows:

Les paragraphes 31(1) et (2) de la *Loi sur la révision et la codification des textes législatifs*, en vigueur le 1<sup>er</sup> juin 2009, prévoient ce qui suit :

Published  
consolidation is  
evidence

**31.** (1) Every copy of a consolidated statute or consolidated regulation published by the Minister under this Act in either print or electronic form is evidence of that statute or regulation and of its contents and every copy purporting to be published by the Minister is deemed to be so published, unless the contrary is shown.

**31.** (1) Tout exemplaire d'une loi codifiée ou d'un règlement codifié, publié par le ministre en vertu de la présente loi sur support papier ou sur support électronique, fait foi de cette loi ou de ce règlement et de son contenu. Tout exemplaire donné comme publié par le ministre est réputé avoir été ainsi publié, sauf preuve contraire.

Codifications  
comme élément  
de preuve

Inconsistencies  
in Acts

(2) In the event of an inconsistency between a consolidated statute published by the Minister under this Act and the original statute or a subsequent amendment as certified by the Clerk of the Parliaments under the *Publication of Statutes Act*, the original statute or amendment prevails to the extent of the inconsistency.

(2) Les dispositions de la loi d'origine avec ses modifications subséquentes par le greffier des Parlements en vertu de la *Loi sur la publication des lois* l'emportent sur les dispositions incompatibles de la loi codifiée publiée par le ministre en vertu de la présente loi.

Incompatibilité  
— lois



**1992, c. 37**

**1992, ch. 37**

An Act to establish a federal environmental assessment process

Loi de mise en oeuvre du processus fédéral d'évaluation environnementale

*[Assented to 23rd June 1992]*

*[Sanctionnée le 23 juin 1992]*

Preamble

WHEREAS the Government of Canada seeks to achieve sustainable development by conserving and enhancing environmental quality and by encouraging and promoting economic development that conserves and enhances environmental quality;

WHEREAS environmental assessment provides an effective means of integrating environmental factors into planning and decision-making processes in a manner that promotes sustainable development;

WHEREAS the Government of Canada is committed to exercising leadership within Canada and internationally in anticipating and preventing the degradation of environmental quality and at the same time ensuring that economic development is compatible with the high value Canadians place on environmental quality;

AND WHEREAS the Government of Canada is committed to facilitating public participation in the environmental assessment of projects to be carried out by or with the approval or assistance of the Government of Canada and providing access to the information on which those environmental assessments are based;

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Preamble

Attendu :

que le gouvernement fédéral vise au développement durable par des actions de conservation et d'amélioration de la qualité de l'environnement ainsi que de promotion d'une croissance économique de nature à contribuer à la réalisation de ces fins;

que l'évaluation environnementale constitue un outil efficace pour la prise en compte des facteurs environnementaux dans les processus de planification et de décision, de façon à promouvoir un développement durable;

que le gouvernement fédéral s'engage à jouer un rôle moteur tant au plan national qu'au plan international dans la prévention de la dégradation de l'environnement tout en veillant à ce que les activités de développement économique soient compatibles avec la grande valeur qu'accordent les Canadiens à l'environnement;

que le gouvernement fédéral s'engage à favoriser la participation de la population à l'évaluation environnementale des projets à entreprendre par lui ou approuvés ou aidés par lui, ainsi qu'à fournir l'accès à l'information sur laquelle se fonde cette évaluation,

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte :

SHORT TITLE

TITRE ABRÉGÉ

Short title	1. This Act may be cited as the <i>Canadian Environmental Assessment Act</i> .	1. <i>Loi canadienne sur l'évaluation environnementale</i> .	Titre abrégé
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INTERPRETATION

DÉFINITIONS

Definitions	2. (1) In this Act,	2. (1) Les définitions qui suivent s'appliquent à la présente loi.	Définitions
“Agency” « Agence »	“Agency” means the Canadian Environmental Assessment Agency established by section 61;	« Agence » L'Agence canadienne d'évaluation environnementale constituée par l'article 61.	« Agence » “Agency”
“assessment by a review panel” « examen par une commission »	“assessment by a review panel” means an environmental assessment that is conducted by a review panel established pursuant to section 33 and that includes a consideration of the factors required to be considered under subsections 16(1) and (2);	« autorité fédérale »  a) Ministre fédéral;  b) agence fédérale, société d'État mère au sens du paragraphe 83(1) de la <i>Loi sur la gestion des finances publiques</i> ou autre organisme constitué sous le régime d'une loi fédérale et tenu de rendre compte au Parlement de ses activités par l'intermédiaire d'un ministre fédéral;	« autorité fédérale » “federal authority”
“comprehensive study” « étude approfondie »	“comprehensive study” means an environmental assessment that is conducted pursuant to sections 21 and 21.1, and that includes a consideration of the factors required to be considered pursuant to subsections 16(1) and (2);	c) ministère ou établissement public mentionnés aux annexes I et II de la <i>Loi sur la gestion des finances publiques</i> ;	
“comprehensive study list” « liste d'étude approfondie »	“comprehensive study list” means a list of all projects or classes of projects that have been prescribed pursuant to regulations made under paragraph 59(d);	d) tout autre organisme désigné par les règlements d'application de l'alinéa 59e).	
“environment” « environnement »	“environment” means the components of the Earth, and includes  (a) land, water and air, including all layers of the atmosphere,  (b) all organic and inorganic matter and living organisms, and  (c) the interacting natural systems that include components referred to in paragraphs (a) and (b);	Sont exclus le conseil exécutif et les ministres du Yukon, des Territoires du Nord-Ouest et du Nunavut, ainsi que les ministères et les organismes de l'administration publique de ces territoires, tout conseil de bande au sens donné à « conseil de la bande » dans la <i>Loi sur les Indiens</i> , Exportation et développement Canada, l'Office d'investissement du régime de pensions du Canada, les sociétés d'État qui sont des filiales à cent pour cent au sens du paragraphe 83(1) de la <i>Loi sur la gestion des finances publiques</i> , les commissions portuaires constituées par la <i>Loi sur les commissions portuaires</i> , les commissaires nommés en vertu de la <i>Loi des commissaires du havre de Hamilton</i> , la société sans but lucratif qui a conclu une entente en vertu du paragraphe 80(5) de la <i>Loi maritime du Canada</i> et les administrations portuaires constituées sous le régime de cette loi.	
“environmental assessment” « évaluation environnementale »	“environmental assessment” means, in respect of a project, an assessment of the environmental effects of the project that is conducted in accordance with this Act and the regulations;	« autorité responsable » L'autorité fédérale qui, en conformité avec le paragraphe 11(1), est tenue de veiller à ce qu'il soit procédé à l'évaluation environnementale d'un projet.	« autorité responsable » “responsible authority”
“environmental effect” « effets environnementaux »	“environmental effect” means, in respect of a project,  (a) any change that the project may cause in the environment, including any change it may cause to a listed wildlife species, its critical habitat or the residences of individuals of that species, as those terms are defined in subsection 2(1) of the <i>Species at Risk Act</i> ,  (b) any effect of any change referred to in paragraph (a) on		

- (i) health and socio-economic conditions,
  - (ii) physical and cultural heritage,
  - (iii) the current use of lands and resources for traditional purposes by aboriginal persons, or
  - (iv) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance, or
- (c) any change to the project that may be caused by the environment,

whether any such change or effect occurs within or outside Canada;

“exclusion list”  
« liste  
d’exclusion »

“exclusion list” means a list of projects or classes of projects that have been exempted from the requirement to conduct an assessment by regulations made under paragraph 59(c) or (c.1);

“federal  
authority”  
« autorité  
fédérale »

“federal authority” means

- (a) a Minister of the Crown in right of Canada,
- (b) an agency of the Government of Canada, a parent Crown corporation, as defined in subsection 83(1) of the *Financial Administration Act*, or any other body established by or pursuant to an Act of Parliament that is ultimately accountable through a Minister of the Crown in right of Canada to Parliament for the conduct of its affairs,
- (c) any department or departmental corporation set out in Schedule I or II to the *Financial Administration Act*, and
- (d) any other body that is prescribed pursuant to regulations made under paragraph 59(e),

but does not include the Executive Council of — or a minister, department, agency or body of the government of — Yukon, the Northwest Territories or Nunavut, a council of the band within the meaning of the *Indian Act*, Export Development Canada, the Canada Pension Plan Investment Board, a Crown corporation that is a wholly-owned subsidiary, as defined in subsection 83(1) of the *Financial Administration Act*, The Hamilton Harbour Commissioners as constituted pursuant to *The Hamilton Harbour Commissioners’ Act*, a harbour commission established pursuant to the *Harbour Commissions Act*, a not-for-profit corporation that enters into

« développement durable » Développement qui permet de répondre aux besoins du présent sans compromettre la possibilité pour les générations futures de satisfaire les leurs.

« développement durable »  
“sustainable development”

« document » Tous éléments d’information, quels que soient leur forme et leur support, notamment correspondance, note, livre, plan, carte, dessin, diagramme, illustration ou graphique, photographie, film, microformule, enregistrement sonore, magnétoscopique ou informatisé, ou toute reproduction de ces éléments d’information.

« document »  
“record”

« effets environnementaux » Que ce soit au Canada ou à l’étranger, les changements que la réalisation d’un projet risque de causer à l’environnement — notamment à une espèce sauvage inscrite, à son habitat essentiel ou à la résidence des individus de cette espèce, au sens du paragraphe 2(1) de la *Loi sur les espèces en péril* — les répercussions de ces changements soit en matière sanitaire et socioéconomique, soit sur l’usage courant de terres et de ressources à des fins traditionnelles par les autochtones, soit sur une construction, un emplacement ou une chose d’importance en matière historique, archéologique, paléontologique ou architecturale, ainsi que les changements susceptibles d’être apportés au projet du fait de l’environnement.

« effets environnementaux »  
“environmental effect”

« environnement » Ensemble des conditions et des éléments naturels de la Terre, notamment :

« environ-  
nement »  
“environment”

- a) le sol, l’eau et l’air, y compris toutes les couches de l’atmosphère;
- b) toutes les matières organiques et inorganiques ainsi que les êtres vivants;
- c) les systèmes naturels en interaction qui comprennent les éléments visés aux alinéas a) et b).

« étude approfondie » Évaluation environnementale d’un projet effectuée aux termes des articles 21 et 21.1 et qui comprend la prise en compte des éléments énumérés aux paragraphes 16(1) et (2).

« étude approfondie »  
“comprehensive study”

« évaluation environnementale » Évaluation des effets environnementaux d’un projet effectuée conformément à la présente loi et aux règlements.

« évaluation environnementale »  
“environmental assessment”



	an agreement under subsection 80(5) of the <i>Canada Marine Act</i> or a port authority established under that Act;	« examen par une commission » Évaluation environnementale effectuée par une commission d'évaluation environnementale constituée aux termes de l'article 33 et qui comprend la prise en compte des éléments énumérés aux paragraphes 16(1) et (2).	« examen par une commission » "assessment by a review panel"
"federal lands" « territoire domanial »	"federal lands" means  (a) lands that belong to Her Majesty in right of Canada, or that Her Majesty in right of Canada has the power to dispose of, and all waters on and airspace above those lands, other than lands under the administration and control of the Commissioner of Yukon, the Northwest Territories or Nunavut,  (b) the following lands and areas, namely,  (i) the internal waters of Canada,  (ii) the territorial sea of Canada,  (iii) the exclusive economic zone of Canada, and  (iv) the continental shelf of Canada, and  (c) reserves, surrendered lands and any other lands that are set apart for the use and benefit of a band and are subject to the <i>Indian Act</i> , and all waters on and airspace above those reserves or lands;	« examen préalable » Évaluation environnementale qui, à la fois :  a) est effectuée de la façon prévue à l'article 18;  b) prend en compte les éléments énumérés au paragraphe 16(1).  « liste d'étude approfondie » Liste des projets ou catégories de projets désignés par règlement aux termes de l'alinéa 59 d).  « liste d'exclusion » Liste des projets ou catégories de projets soustraits à l'évaluation par règlement pris en vertu des alinéas 59c) ou c. I).  « médiation » Évaluation environnementale effectuée sous la direction d'un médiateur nommé aux termes de l'article 30 et qui comprend la prise en compte des éléments énumérés aux paragraphes 16(1) et (2).	« examen préalable » "screening"  « liste d'étude approfondie » "comprehensive study list"  « liste d'exclusion » "exclusion list"  « médiation » "mediation"
"follow-up program" « programme de suivi »	"follow-up program" means a program for  (a) verifying the accuracy of the environmental assessment of a project, and  (b) determining the effectiveness of any measures taken to mitigate the adverse environmental effects of the project;	« mesures d'atténuation » Maîtrise efficace, réduction importante ou élimination des effets environnementaux négatifs d'un projet, éventuellement assortie d'actions de rétablissement notamment par remplacement ou restauration; y est assimilée l'indemnisation des dommages causés.	« mesures d'atténuation » "mitigation"
"interested party" « partie intéressée »	"interested party" means, in respect of an environmental assessment, any person or body having an interest in the outcome of the environmental assessment for a purpose that is neither frivolous nor vexatious;	« ministre » Le ministre de l'Environnement.  « partie intéressée » Toute personne ou tout organisme pour qui le résultat de l'évaluation environnementale revêt un intérêt qui ne soit ni frivole ni vexatoire.	« ministre » "Minister"  « partie intéressée » "interested party"
"mediation" « médiation »	"mediation" means an environmental assessment that is conducted with the assistance of a mediator appointed pursuant to section 30 and that includes a consideration of the factors required to be considered under subsections 16(1) and (2);	« programme de suivi » Programme visant à permettre :  a) de vérifier la justesse de l'évaluation environnementale d'un projet;  b) de juger de l'efficacité des mesures d'atténuation des effets environnementaux négatifs.	« programme de suivi » "follow-up program"
"Minister" « ministre »	"Minister" means the Minister of the Environment;		
"mitigation" « mesures d'atténuation »	"mitigation" means, in respect of a project, the elimination, reduction or control of the adverse environmental effects of the project, and includes restitution for any damage to the environment caused by such effects through re-	« projet » Réalisation — y compris l'exploitation, la modification, la désaffectation ou la fermeture — d'un ouvrage ou proposition d'exercice d'une activité concrète, non liée à un ouvrage, désignée par règlement ou faisant par-	« projet » "project"

	placement, restoration, compensation or any other means;	tie d'une catégorie d'activités concrètes désignée par règlement aux termes de l'alinéa 59b).	
“prescribed” <i>Version anglaise seulement</i>	“prescribed” means prescribed by the regulations;	« promoteur » Autorité fédérale ou gouvernement, personne physique ou morale ou tout organisme qui propose un projet.	« promoteur » “proponent”
“project” « projet »	“project” means  (a) in relation to a physical work, any proposed construction, operation, modification, decommissioning, abandonment or other undertaking in relation to that physical work, or  (b) any proposed physical activity not relating to a physical work that is prescribed or is within a class of physical activities that is prescribed pursuant to regulations made under paragraph 59(b);	« rapport d'examen préalable » Rapport des résultats d'un examen préalable.	« rapport d'examen préalable » “screening report”
		« registre » Le registre canadien d'évaluation environnementale établi au titre de l'article 55.	« registre » “Registry”
		« territoire domanial »  a) Les terres qui appartiennent à Sa Majesté du chef du Canada ou qu'elle a le pouvoir d'aliéner, ainsi que leurs eaux et leur espace aérien, à l'exception des terres dont le Commissaire du Yukon, celui des Territoires du Nord-Ouest ou celui du Nunavut a la gestion et la maîtrise;  b) les eaux intérieures, la mer territoriale, la zone économique exclusive et le plateau continental du Canada;  c) les réserves, terres cédées ou autres terres qui ont été mises de côté à l'usage et au profit d'une bande et assujetties à la <i>Loi sur les Indiens</i> , ainsi que leurs eaux et leur espace aérien.	« territoire domanial » “federal lands”
“proponent” « promoteur »	“proponent”, in respect of a project, means the person, body, federal authority or government that proposes the project;		
“record” « document »	“record” includes any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microform, sound recording, videotape, machine readable record, and any other documentary material, regardless of physical form or characteristics, and any copy thereof;		
“Registry” « registre »	“Registry” means the Canadian Environmental Assessment Registry established under section 55;		
“responsible authority” « autorité responsable »	“responsible authority”, in relation to a project, means a federal authority that is required pursuant to subsection 11(1) to ensure that an environmental assessment of the project is conducted;		
“screening” « examen préalable »	“screening” means an environmental assessment that is conducted pursuant to section 18 and that includes a consideration of the factors set out in subsection 16(1);		
“screening report” « rapport d'examen préalable »	“screening report” means a report that summarizes the results of a screening;		
“sustainable development” « développement durable »	“sustainable development” means development that meets the needs of the present, without compromising the ability of future generations to meet their own needs.		
Extended meaning of “administration of federal lands”	(2) In so far as this Act applies to Crown corporations, the expression “administration of federal lands” includes the ownership or management of those lands.	(2) Dans l'application de la présente loi aux sociétés d'État, la mention de la gestion du territoire domanial vaut mention de l'administra-	Gestion du territoire domanial

For greater certainty

(3) For greater certainty, any construction, operation, modification, decommissioning, abandonment or other undertaking in relation to a physical work and any activity that is prescribed or is within a class of activities that is prescribed for the purposes of the definition “project” in subsection (1) is a project for at least so long as, in relation to it, a person or body referred to in subsection 5(1) or (2), 8(1), 9(2), 9.1(2), 10(1) or 10.1(2) is considering, but has not yet taken, an action referred to in those subsections.

1992, c. 37, s. 2; 1993, c. 28, s. 78, c. 34, s. 18(F); 1996, c. 31, s. 61; 1998, c. 10, s. 164, c. 15, s. 50; 2002, c. 7, s. 122, c. 29, s. 137; 2003, c. 9, s. 1.

#### HER MAJESTY

Binding on Her Majesty

**3.** This Act is binding on Her Majesty in right of Canada or a province.

#### PURPOSES

Purposes

- 4.** (1) The purposes of this Act are
- (a) to ensure that projects are considered in a careful and precautionary manner before federal authorities take action in connection with them, in order to ensure that such projects do not cause significant adverse environmental effects;
  - (b) to encourage responsible authorities to take actions that promote sustainable development and thereby achieve or maintain a healthy environment and a healthy economy;
    - (b.1) to ensure that responsible authorities carry out their responsibilities in a coordinated manner with a view to eliminating unnecessary duplication in the environmental assessment process;
    - (b.2) to promote cooperation and coordinated action between federal and provincial governments with respect to environmental assessment processes for projects;
    - (b.3) to promote communication and cooperation between responsible authorities and Aboriginal peoples with respect to environmental assessment;
  - (c) to ensure that projects that are to be carried out in Canada or on federal lands do not cause significant adverse environmental ef-

tion du territoire domanial ou du fait d’en être propriétaire.

Précision

(3) Il est entendu que la réalisation — y compris l’exploitation, la modification, la désaffectation ou la fermeture — d’un ouvrage, ou l’exercice d’une activité désignée par règlement ou faisant partie d’une catégorie d’activités désignée par règlement pour l’application de la définition de « projet » au paragraphe (1), constituent un projet, au minimum, tant qu’une personne ou un organisme visés aux paragraphes 5(1) ou (2), 8(1), 9(2), 9.1(2), 10(1) ou 10.1(2) envisage mais n’a pas encore pris une mesure prévue à ces dispositions.

1992, ch. 37, art. 2; 1993, ch. 28, art. 78, ch. 34, art. 18(F); 1996, ch. 31, art. 61; 1998, ch. 10, art. 164, ch. 15, art. 50; 2002, ch. 7, art. 122, ch. 29, art. 137; 2003, ch. 9, art. 1.

#### SA MAJESTÉ

**3.** La présente loi lie Sa Majesté du chef du Canada ou d’une province.

Sa Majesté

#### OBJET

Objet

- 4.** (1) La présente loi a pour objet :
- a) de veiller à ce que les projets soient étudiés avec soin et prudence avant que les autorités fédérales prennent des mesures à leur égard, afin qu’ils n’entraînent pas d’effets environnementaux négatifs importants;
  - b) d’inciter ces autorités à favoriser un développement durable propice à la salubrité de l’environnement et à la santé de l’économie;
    - b.1) de faire en sorte que les autorités responsables s’acquittent de leurs obligations afin d’éviter tout double emploi dans le processus d’évaluation environnementale;
    - b.2) de promouvoir la collaboration des gouvernements fédéral et provinciaux, et la coordination de leurs activités, dans le cadre du processus d’évaluation environnementale de projets;
    - b.3) de promouvoir la communication et la collaboration entre les autorités responsables et les peuples autochtones en matière d’évaluation environnementale;
  - c) de faire en sorte que les éventuels effets environnementaux négatifs importants des projets devant être réalisés dans les limites du Canada ou du territoire domanial ne débordent pas ces limites;

fects outside the jurisdictions in which the projects are carried out; and

(d) to ensure that there be opportunities for timely and meaningful public participation throughout the environmental assessment process.

Duties of the Government of Canada

(2) In the administration of this Act, the Government of Canada, the Minister, the Agency and all bodies subject to the provisions of this Act, including federal authorities and responsible authorities, shall exercise their powers in a manner that protects the environment and human health and applies the precautionary principle.

1992, c. 37, s. 4; 1993, c. 34, s. 19(F); 1994, c. 46, s. 1; 2003, c. 9, s. 2.

## ENVIRONMENTAL ASSESSMENT OF PROJECTS

### PROJECTS TO BE ASSESSED

Projects requiring environmental assessment

5. (1) An environmental assessment of a project is required before a federal authority exercises one of the following powers or performs one of the following duties or functions in respect of a project, namely, where a federal authority

(a) is the proponent of the project and does any act or thing that commits the federal authority to carrying out the project in whole or in part;

(b) makes or authorizes payments or provides a guarantee for a loan or any other form of financial assistance to the proponent for the purpose of enabling the project to be carried out in whole or in part, except where the financial assistance is in the form of any reduction, avoidance, deferral, removal, refund, remission or other form of relief from the payment of any tax, duty or impost imposed under any Act of Parliament, unless that financial assistance is provided for the purpose of enabling an individual project specifically named in the Act, regulation or order that provides the relief to be carried out;

(c) has the administration of federal lands and sells, leases or otherwise disposes of those lands or any interests in those lands, or transfers the administration and control of those lands or interests to Her Majesty in

d) de veiller à ce que le public ait la possibilité de participer de façon significative et en temps opportun au processus de l'évaluation environnementale.

(2) Pour l'application de la présente loi, le gouvernement du Canada, le ministre, l'Agence et les organismes assujettis aux dispositions de celle-ci, y compris les autorités fédérales et les autorités responsables, doivent exercer leurs pouvoirs de manière à protéger l'environnement et la santé humaine et à appliquer le principe de la prudence.

1992, ch. 37, art. 4; 1993, ch. 34, art. 19(F); 1994, ch. 46, art. 1; 2003, ch. 9, art. 2.

## ÉVALUATION ENVIRONNEMENTALE DES PROJETS

### PROJETS VISÉS

Mission du gouvernement du Canada

5. (1) L'évaluation environnementale d'un projet est effectuée avant l'exercice d'une des attributions suivantes :

a) une autorité fédérale en est le promoteur et le met en oeuvre en tout ou en partie;

b) une autorité fédérale accorde à un promoteur en vue de l'aider à mettre en oeuvre le projet en tout ou en partie un financement, une garantie d'emprunt ou toute autre aide financière, sauf si l'aide financière est accordée sous forme d'allègement — notamment réduction, évitement, report, remboursement, annulation ou remise — d'une taxe ou d'un impôt qui est prévu sous le régime d'une loi fédérale, à moins que cette aide soit accordée en vue de permettre la mise en oeuvre d'un projet particulier spécifié nommément dans la loi, le règlement ou le décret prévoyant l'allègement;

c) une autorité fédérale administre le territoire domanial et en autorise la cession, notamment par vente ou cession à bail, ou celle de tout droit foncier relatif à celui-ci ou en transfère à Sa Majesté du chef d'une province l'administration et le contrôle, en vue de la mise en oeuvre du projet en tout ou en partie;

d) une autorité fédérale, aux termes d'une disposition prévue par règlement pris en vertu de l'alinéa 59f), délivre un permis ou une

Projets visés

right of a province, for the purpose of enabling the project to be carried out in whole or in part; or

(d) under a provision prescribed pursuant to paragraph 59(f), issues a permit or licence, grants an approval or takes any other action for the purpose of enabling the project to be carried out in whole or in part.

(2) Notwithstanding any other provision of this Act,

(a) an environmental assessment of a project is required before the Governor in Council, under a provision prescribed pursuant to regulations made under paragraph 59(g), issues a permit or licence, grants an approval or takes any other action for the purpose of enabling the project to be carried out in whole or in part; and

(b) the federal authority that, directly or through a Minister of the Crown in right of Canada, recommends that the Governor in Council take an action referred to in paragraph (a) in relation to that project

(i) shall ensure that an environmental assessment of the project is conducted as early as is practicable in the planning stages of the project and before irrevocable decisions are made,

(ii) is, for the purposes of this Act and the regulations, except subsection 11(2) and sections 20 and 37, the responsible authority in relation to the project,

(iii) shall consider the applicable reports and comments referred to in sections 20 and 37, and

(iv) where applicable, shall perform the duties of the responsible authority in relation to the project under section 38 as if it were the responsible authority in relation to the project for the purposes of paragraphs 20(1)(a) and 37(1)(a).

6. Notwithstanding any other provision of this Act, no confidence of the Queen's Privy Council for Canada in respect of which subsection 39(1) of the *Canada Evidence Act* applies shall be disclosed or made available to any person.

licence, donne toute autorisation ou prend toute mesure en vue de permettre la mise en oeuvre du projet en tout ou en partie.

(2) Par dérogation à toute autre disposition de la présente loi :

a) l'évaluation environnementale d'un projet est obligatoire, avant que le gouverneur en conseil, en vertu d'une disposition désignée par règlement aux termes de l'alinéa 59g), prenne une mesure, notamment délivre un permis ou une licence ou accorde une approbation, autorisant la réalisation du projet en tout ou en partie;

b) l'autorité fédérale qui, directement ou par l'intermédiaire d'un ministre fédéral, recommande au gouverneur en conseil la prise d'une mesure visée à l'alinéa a) à l'égard du projet :

(i) est tenue de veiller à ce que l'évaluation environnementale du projet soit effectuée le plus tôt possible au stade de la planification de celui-ci, avant la prise d'une décision irrévocable,

(ii) est l'autorité responsable à l'égard du projet pour l'application de la présente loi — à l'exception du paragraphe 11(2) et des articles 20 et 37 — et de ses règlements,

(iii) est tenue de prendre en compte les rapports et observations pertinents visés aux articles 20 et 37,

(iv) le cas échéant, est tenue d'exercer à l'égard du projet les attributions de l'autorité responsable prévues à l'article 38 comme si celle-ci était l'autorité responsable à l'égard du projet pour l'application des alinéas 20(1)a) et 37(1)a).

6. Par dérogation à toute autre disposition de la présente loi, nul renseignement confidentiel du Conseil privé de la Reine pour le Canada visé par le paragraphe 39(1) de la *Loi sur la preuve au Canada* ne peut être divulgué ni fourni à quiconque.

Projects requiring approval of Governor in Council

Projets nécessitant l'approbation du gouverneur en conseil

Confidences of Queen's Privy Council for Canada

Renseignements confidentiels

EXCLUDED PROJECTS

EXCLUSIONS

Exclusions

7. (1) An assessment of a project is not required under section 5 or sections 8 to 10.1, where

(a) the project is described in an exclusion list;

(b) the project is to be carried out in response to a national emergency for which special temporary measures are being taken under the *Emergencies Act*; or

(c) the project is to be carried out in response to an emergency and carrying out the project forthwith is in the interest of preventing damage to property or the environment or is in the interest of public health or safety.

Exclusions

(2) For greater certainty, an assessment is not required under any of the provisions referred to in this subsection where a federal authority exercises a power or performs a duty or function referred to in paragraph 5(1)(b) or 10.1(2)(b) — or a person or body exercises a power or performs a duty or function referred to in paragraph 5(1)(b), 9(2)(b), 9.1(2)(b) or 10(1)(b) — in relation to a project and the essential details of the project are not specified before or at the time the power is exercised or the duty or function is performed.

1992, c. 37, s. 7; 1994, c. 26, s. 23(F); 2003, c. 9, s. 3.

Assessments by certain Crown corporations

8. (1) A Crown corporation, as defined in subsection 83(1) of the *Financial Administration Act*, that is not a federal authority shall, if regulations have been made in relation to it under paragraph 59(j) and have come into force, ensure that, before it exercises a power or performs a duty or function referred to in any of paragraphs 5(1)(a) to (d) in relation to a project, an environmental assessment of the project under this section is conducted in accordance with those regulations as early as is practicable in the planning stages of the project and before irrevocable decisions are made.

Where a minister has no duty

(2) Notwithstanding section 5, a Minister of the Crown in right of Canada is not required to ensure that an environmental assessment of a project is conducted by reason only of that minister's authorization or approval under any other Act of Parliament or any regulations made under such an Act of the exercise of a power or performance of a duty or function referred to in paragraph 5(1)(a), (b) or (c) in relation to the

Exclusions

7. (1) N'ont pas à faire l'objet d'une évaluation en application des articles 5 ou 8 à 10.1 les projets :

a) qui sont visés dans les listes d'exclusion;

b) qui sont mis en oeuvre en réaction à des situations de crise nationale pour lesquelles des mesures d'intervention sont prises aux termes de la *Loi sur les mesures d'urgence*;

c) qui sont mis en oeuvre en réaction à une situation d'urgence et qu'il importe, soit pour la protection de biens ou de l'environnement, soit pour la santé ou la sécurité publiques, de mettre en oeuvre sans délai.

Précision

(2) Il est entendu que l'évaluation n'est pas nécessaire dans les cas où l'autorité fédérale exerce une attribution visée aux alinéas 5(1)b) ou 10.1(2)b) — ou une personne ou un organisme exerce une attribution visée à l'un ou l'autre des alinéas 5(1)b), 9(2)b), 9.1(2)b) ou 10(1)b) — à l'égard d'un projet dont les détails essentiels ne sont pas déterminés au moment de l'exercice de cette attribution.

1992, ch. 37, art. 7; 1994, ch. 26, art. 23(F); 2003, ch. 9, art. 3.

Évaluations par certaines sociétés d'État

8. (1) À compter de l'entrée en vigueur des règlements pris à son égard en vertu de l'alinéa 59j), toute société d'État, au sens du paragraphe 83(1) de la *Loi sur la gestion des finances publiques*, qui n'est pas une autorité fédérale veille, avant d'exercer une attribution visée à l'un ou l'autre des alinéas 5(1)a) à d) à l'égard d'un projet, à ce qu'une évaluation environnementale du projet soit effectuée conformément à ces règlements, le plus tôt possible au stade de la planification du projet et avant la prise d'une décision irrévocable.

Absence d'obligation du ministre

(2) Malgré l'article 5, un ministre fédéral n'est pas tenu de veiller à ce que l'évaluation environnementale d'un projet soit effectuée uniquement parce qu'il autorise ou approuve, en vertu d'une autre loi fédérale ou de ses règlements, l'exercice par une société d'État, au sens de la *Loi sur la gestion des finances publiques*, d'une attribution visée aux alinéas 5(1)a), b) ou c) à l'égard du projet.

project by a Crown corporation within the meaning of the *Financial Administration Act*.

Precedence of federal authority

(3) If a Crown corporation is the proponent of a project and proposes to do any act or thing that commits it to carrying out the project in whole or in part and a federal authority other than the Crown corporation is required under paragraph 5(1)(d) to ensure the conduct of an environmental assessment of that project, the Crown corporation is not required to ensure that an environmental assessment of the project is conducted but, for greater certainty, it may accept a delegation from the federal authority under section 17.

1992, c. 37, s. 8; 2003, c. 9, s. 4.

Assessments by harbour commissions and port authorities

9. (1) The Hamilton Harbour Commissioners as constituted pursuant to *The Hamilton Harbour Commissioners' Act*, a harbour commission established pursuant to the *Harbour Commissions Act*, a not-for-profit corporation that enters into an agreement under subsection 80(5) of the *Canada Marine Act* or a port authority established under that Act shall, if regulations have been made under paragraph 59(k) and have come into force, ensure that an environmental assessment of a project under this section is conducted in accordance with those regulations as early as is practicable in the planning stages of the project and before irrevocable decisions are made.

Projects

(2) The environmental assessment of a project under this section shall be conducted where

(a) a person or body referred to in subsection (1) is the proponent of the project and does any act or thing that commits it to carrying out the project in whole or in part;

(b) a person or body referred to in subsection (1) makes or authorizes payments or provides a guarantee for a loan or any other form of financial assistance to the proponent for the purpose of enabling the project to be carried out in whole or in part;

(c) a person or body referred to in subsection (1) sells, leases or otherwise disposes of federal lands or any interests in those lands, for the purpose of enabling the project to be carried out in whole or in part;

(d) under a provision prescribed under paragraph 59(k.1), a person or body referred to in

(3) La société d'État qui est le promoteur d'un projet et se propose de le mettre en œuvre en tout ou en partie n'est pas tenue de veiller à ce que soit effectuée une évaluation environnementale du projet si une autorité fédérale — autre que la société d'État — doit prendre une mesure prévue à l'alinéa 5(1)d) à l'égard du projet; il est entendu que rien ne l'empêche d'accepter une délégation dans le cadre de l'article 17.

1992, ch. 37, art. 8; 2003, ch. 9, art. 4.

Préséance de l'autorité fédérale

9. (1) Les commissaires nommés en vertu de la *Loi des commissaires du havre de Hamilton*, les commissions portuaires constituées par la *Loi sur les commissions portuaires*, la société sans but lucratif qui a conclu une entente en vertu du paragraphe 80(5) de la *Loi maritime du Canada* et les administrations portuaires constituées sous le régime de cette loi veillent, à compter de l'entrée en vigueur des règlements pris en vertu de l'alinéa 59k), à ce qu'une évaluation environnementale d'un projet soit effectuée conformément à ces règlements, le plus tôt possible au stade de la planification du projet et avant la prise d'une décision irrévocable.

Commissions portuaires et administrations portuaires

(2) L'évaluation environnementale d'un projet est effectuée dans les cas suivants :

a) les personnes ou organismes visés au paragraphe (1) en sont le promoteur et le mettent en œuvre, en tout ou en partie;

b) ils accordent au promoteur un financement, une garantie d'emprunt ou toute autre aide financière en vue d'en permettre la mise en œuvre, en tout ou en partie;

c) ils autorisent la cession du territoire domanial, notamment par vente ou cession à bail, ou celle de tout droit foncier relatif à celui-ci, en vue de la mise en œuvre du projet, en tout ou en partie;

d) aux termes d'une disposition visée par règlement pris en vertu de l'alinéa 59k.1), ils délivrent un permis ou une licence, donnent toute autorisation ou prennent toute mesure en vue de permettre la mise en œuvre du projet, en tout ou en partie;

Projets visés

subsection (1) issues a permit or licence, grants an approval or takes any other action for the purpose of enabling the project to be carried out in whole or in part; or

(e) in circumstances prescribed by regulations made under paragraph 59(k.2), a project is to be carried out in whole or in part on federal lands over which a person or body referred to in subsection (1) has administration or management.

1992, c. 37, s. 9; 1998, c. 10, s. 165; 2003, c. 9, s. 5.

Prescribed authorities

**9.1** (1) If regulations have been made under paragraph 59(k.3) and have come into force, an authority prescribed by those regulations shall ensure that an environmental assessment of a project under this section is conducted in accordance with those regulations as early as is practicable in the planning stages of the project and before irrevocable decisions are made.

Projects

(2) The environmental assessment of a project under this section shall be conducted where

(a) the project is to be carried out on federal lands and the prescribed authority is the proponent of the project and does any act or thing that commits it to carrying out the project in whole or in part;

(b) the project is to be carried out on federal lands and the prescribed authority makes or authorizes payments or provides a guarantee for a loan or any other form of financial assistance to the proponent for the purpose of enabling the project to be carried out in whole or in part;

(c) the prescribed authority sells, leases or otherwise disposes of federal lands or any interests in those lands, for the purpose of enabling the project to be carried out in whole or in part;

(d) the prescribed authority, under a provision prescribed under paragraph 59(k.4), issues a permit or licence, grants an approval or takes any other action for the purpose of enabling the project to be carried out in whole or in part; or

(e) in circumstances prescribed by regulations made under paragraph 59(k.5), a project is to be carried out in whole or in part on federal lands over which the prescribed

e) le cas est prévu par règlement pris en vertu de l'alinéa 59k.2) et le projet doit être mis en œuvre, en tout ou en partie, sur le territoire domanial dont ils ont l'administration ou la gestion.

1992, ch. 37, art. 9; 1998, ch. 10, art. 165; 2003, ch. 9, art. 5.

**9.1** (1) À compter de l'entrée en vigueur des règlements pris en vertu de l'alinéa 59k.3), toute autorité visée par ceux-ci veille à ce qu'une évaluation environnementale d'un projet soit effectuée conformément à ces règlements, le plus tôt possible au stade de la planification de celui-ci et avant la prise d'une décision irrévocable.

Autorités prévues par règlement

(2) L'évaluation environnementale d'un projet est effectuée dans les cas suivants :

Projets visés

a) l'autorité en est le promoteur et le met en œuvre, en tout ou en partie, sur un territoire domanial;

b) elle accorde au promoteur un financement, une garantie d'emprunt ou toute autre aide financière en vue d'en permettre la mise en œuvre, en tout ou en partie, sur le territoire domanial;

c) elle autorise la cession du territoire domanial, notamment par vente ou cession à bail, ou celle de tout droit foncier relatif à celui-ci, en vue de la mise en œuvre du projet, en tout ou en partie;

d) aux termes d'une disposition visée par règlement pris en vertu de l'alinéa 59k.4), elle délivre un permis ou une licence, donne toute autorisation ou prend toute mesure en vue de permettre la mise en œuvre du projet, en tout ou en partie;

e) le cas est prévu par règlement pris en vertu de l'alinéa 59k.5) et le projet doit être mis en œuvre, en tout ou en partie, sur le territoire domanial dont elle a l'administration ou la gestion ou sur lequel elle a un droit ou un intérêt prévus par règlement.

2003, ch. 9, art. 5.



authority has administration or management or any right or interest specified in those regulations.

2003, c. 9, s. 5.

Assessments by band councils under regulations

**10.** (1) If a project is to be carried out in whole or in part on a reserve that has been set apart for the use and benefit of a band and that is subject to the *Indian Act*, the council of the band for whose use and benefit the reserve has been set apart shall, if regulations that apply to the band have been made under paragraph 59(1) and have come into force, ensure that an environmental assessment of the project is conducted in accordance with those regulations before the band council exercises one of the following powers or performs one of the following duties or functions in respect of the project, namely, where the band council

(a) is the proponent of the project and does any act or thing that commits it to carrying out the project in whole or in part;

(b) makes or authorizes payments or provides a guarantee for a loan or any other form of financial assistance to the proponent of the project for the purpose of enabling the project to be carried out in whole or in part, including financial assistance in the form of any reduction, avoidance, deferral, removal, refund, remission or other form of relief from the payment of any tax; or

(c) takes any action under a provision prescribed under paragraph 59(1.001) for the purpose of enabling the project to be carried out in whole or in part.

Timing of assessment

(2) Where an environmental assessment of a project is required under subsection (1), the band council shall ensure that the assessment is conducted as early as is practicable in the planning stages of the project and before irrevocable decisions are made.

1992, c. 37, s. 10; 2003, c. 9, s. 5.

Assessments — CIDA

**10.1** (1) The Canadian International Development Agency shall, if regulations have been made under paragraph 59(1.01) and have come into force, ensure that an environmental assessment of a project is conducted under this section in accordance with those regulations as early as is practicable in the planning stages of the project and before irrevocable decisions are made.

**10.** (1) Le conseil d'une bande assujettie à la *Loi sur les Indiens* veille, à compter de l'entrée en vigueur des règlements pris en vertu de l'alinéa 59(1) à son égard, à ce qu'une évaluation environnementale d'un projet devant être mis en œuvre, en tout ou en partie, sur une réserve mise de côté à l'usage et au profit de cette bande soit effectuée conformément à ces règlements, avant l'exercice de l'une des attributions suivantes :

a) il est le promoteur du projet et le met en œuvre en tout ou en partie;

b) il accorde à un promoteur en vue de l'aider à mettre en œuvre le projet en tout ou en partie un financement, une garantie d'emprunt ou toute autre aide financière, y compris une aide financière accordée sous forme d'allègement — réduction, évitement, report, remboursement, annulation ou remise — d'une taxe;

c) il prend une mesure, au titre d'une disposition prévue par règlement pris en vertu de l'alinéa 59(1.001), en vue de permettre la mise en œuvre du projet en tout ou en partie.

Conseils de bande

(2) Dans le cas où l'évaluation environnementale d'un projet est obligatoire au titre du paragraphe (1), le conseil de bande veille à ce que celle-ci soit effectuée le plus tôt possible au stade de la planification du projet, avant la prise d'une décision irrévocable.

1992, ch. 37, art. 10; 2003, ch. 9, art. 5.

Moment de l'évaluation

**10.1** (1) L'Agence canadienne de développement international veille, à compter de l'entrée en vigueur du règlement pris en vertu de l'alinéa 59(1.01), à ce qu'une évaluation environnementale d'un projet soit effectuée conformément à ces règlements, le plus tôt possible au stade de la planification de celui-ci et avant la prise d'une décision irrévocable.

ACDI

Projects	<p>(2) An environmental assessment of a project under this section is required to be conducted where the Canadian International Development Agency</p> <p>(a) is the proponent of the project and does any act or thing that commits it to carrying out the project in whole or in part; or</p> <p>(b) makes or authorizes payments or provides a guarantee for a loan or any other form of financial assistance for the purpose of enabling the project to be carried out in whole or in part.</p>	<p>(2) L'évaluation environnementale d'un projet est effectuée dans les cas où l'Agence canadienne de développement international :</p> <p>a) en est le promoteur et le met en œuvre, en tout ou en partie;</p> <p>b) accorde un financement, une garantie d'emprunt ou toute autre aide financière en vue d'en permettre la mise en œuvre, en tout ou en partie.</p>	Projets visés
Replacement for environmental assessment	<p>(3) The application of subsection 5(1) to the Canadian International Development Agency is suspended while regulations referred to in subsection (1) are in force.</p> <p>2003, c. 9, s. 5.</p>	<p>(3) L'application du paragraphe 5(1) à l'Agence canadienne de développement international est suspendue, de l'entrée en vigueur du règlement visé au paragraphe (1) à son abrogation.</p> <p>2003, ch. 9, art. 5.</p>	Suspension d'application du par. 5(1)
<b>RESPONSIBLE AUTHORITY</b>		<b>AUTORITÉ RESPONSABLE</b>	
Timing of assessment	<p><b>11.</b> (1) Where an environmental assessment of a project is required, the federal authority referred to in section 5 in relation to the project shall ensure that the environmental assessment is conducted as early as is practicable in the planning stages of the project and before irrevocable decisions are made, and shall be referred to in this Act as the responsible authority in relation to the project.</p>	<p><b>11.</b> (1) Dans le cas où l'évaluation environnementale d'un projet est obligatoire, l'autorité fédérale visée à l'article 5 veille à ce que l'évaluation environnementale soit effectuée le plus tôt possible au stade de la planification du projet, avant la prise d'une décision irrévocable, et est appelée, dans la présente loi, l'autorité responsable de ce projet.</p>	Moment de l'évaluation
No power, etc., to be exercised until assessment is complete	<p>(2) A responsible authority shall not exercise any power or perform any duty or function referred to in section 5 in relation to a project unless it takes a course of action pursuant to paragraph 20(1)(a) or 37(1)(a).</p>	<p>(2) L'autorité responsable d'un projet ne peut exercer ses attributions à l'égard de celui-ci que si elle prend une décision aux termes des alinéas 20(1)a) ou 37(1)a).</p>	Effet suspensif
Ministerial orders	<p><b>11.1</b> (1) The Minister or the minister through whom the responsible authority is accountable to Parliament for the conduct of its affairs in respect of a project being assessed under this Act — or, if there is more than one responsible authority in respect of a project, the ministers together — may, by order, prohibit a proponent from doing, until the day on which the responsible authority or authorities take a course of action under paragraph 20(1)(a) or (b) or subsection 37(1), any act or thing that carries out the project being assessed in whole or in part and that would alter the environment.</p>	<p><b>11.1</b> (1) Le ministre ou le ministre qui doit répondre devant le Parlement des activités de l'autorité responsable — ou les ministres agissant conjointement, lorsque plusieurs autorités sont responsables d'un même projet — peut, par arrêté, ordonner au promoteur de s'abstenir de tout acte modifiant l'environnement et permettant la mise en œuvre, même partielle, du projet faisant l'objet de l'évaluation jusqu'à ce que l'autorité ait pris une décision en application des alinéas 20(1)a) ou b) ou du paragraphe 37(1).</p>	Arrêté ministériel
Order in force	<p>(2) An order under subsection (1) takes effect on the day on which it is made.</p>	<p>(2) L'arrêté prend effet dès sa prise.</p>	Prise d'effet de l'arrêté

Approval of Governor in Council	(3) The order ceases to have effect 14 days after it is made unless, within that period, it is approved by the Governor in Council.	(3) L'arrêté devient inopérant à défaut d'approbation par le gouverneur en conseil dans les quatorze jours suivant sa prise.	Approbation par le gouverneur en conseil
Exemption from application of <i>Statutory Instruments Act</i>	(4) The order is exempt from the application of sections 3, 5 and 11 of the <i>Statutory Instruments Act</i> and shall be published in the <i>Canada Gazette</i> within 23 days after it is approved by the Governor in Council. 2003, c. 9, s. 6.	(4) L'arrêté est soustrait à l'application des articles 3, 5 et 11 de la <i>Loi sur les textes réglementaires</i> ; il est publié dans la <i>Gazette du Canada</i> dans les vingt-trois jours suivant son approbation. 2003, ch. 9, art. 6.	Dérogação à la <i>Loi sur les textes réglementaires</i>
Injunction	<b>11.2</b> (1) If, on the application of the Attorney General of Canada or any interested person, it appears to a court of competent jurisdiction that an order made under section 11.1 has been, is about to be or is likely to be contravened, the court may issue an injunction ordering any person named in the application to refrain from doing any act or thing that would contravene the order, until the day on which the responsible authority or authorities referred to in that section take a course of action under paragraph 20(1)(a) or (b) or subsection 37(1).	<b>11.2</b> (1) Si, sur demande présentée par le procureur général du Canada ou toute personne intéressée, il conclut à l'inobservation — réelle ou appréhendée — de l'arrêté pris en application de l'article 11.1, le tribunal compétent peut, par injonction, interdire à toute personne visée par la demande d'accomplir tout acte qui contreviendrait à l'arrêté jusqu'à ce que l'autorité responsable ait pris une décision en application des alinéas 20(1)a) ou b) ou du paragraphe 37(1).	Injonction
Notice	(2) At least forty-eight hours before an injunction is issued under subsection (1), notice of the application shall be given to persons named in the application, unless the urgency of the situation is such that the delay involved in giving the notice would not be in the public interest. 2003, c. 9, s. 6.	(2) Sauf lorsque cela serait contraire à l'intérêt public en raison de l'urgence de la situation, l'injonction est subordonnée à la signification d'un préavis d'au moins quarante-huit heures aux parties nommées dans la demande. 2003, ch. 9, art. 6.	Préavis
More than one responsible authority	<b>12.</b> (1) Where there are two or more responsible authorities in relation to a project, they shall together determine the manner in which to perform their duties and functions under this Act and the regulations.	<b>12.</b> (1) Dans le cas où plusieurs autorités responsables sont chargées d'un même projet, elles décident conjointement de la façon de remplir les obligations qui leur incombent aux termes de la présente loi et des règlements.	Pluralité d'autorités responsables
Disagreement	(2) In the case of a disagreement, the Agency may advise responsible authorities and other federal authorities with respect to their powers, duties and functions under this Act and the manner in which those powers, duties and functions may be determined and allocated among them.	(2) En cas de différend, l'Agence peut conseiller les autorités responsables et les autres autorités fédérales sur leurs obligations communes et sur la façon de les remplir conjointement.	Différend
Participation by federal authorities	(3) Every federal authority that is in possession of specialist or expert information or knowledge with respect to a project shall, on request, make available that information or knowledge to the responsible authority or to a mediator or a review panel.	(3) Il incombe à l'autorité fédérale pourvue des connaissances voulues touchant un projet de fournir, sur demande, les renseignements pertinents à l'autorité responsable ou à un médiateur ou à une commission.	Obligation de l'autorité fédérale
Cooperation with other jurisdictions	(4) Where a screening or comprehensive study of a project is to be conducted and a ju-	(4) L'autorité responsable peut, dans le cadre de l'examen préalable ou de l'étude appro-	Collaboration

jurisdiction has a responsibility or an authority to conduct an assessment of the environmental effects of the project or any part thereof, the responsible authority may cooperate with that jurisdiction respecting the environmental assessment of the project.

fondie d'un projet, coopérer, pour l'évaluation environnementale de celui-ci, avec l'instance qui a la responsabilité ou le pouvoir d'effectuer l'évaluation des effets environnementaux de tout ou partie d'un projet.

Definition of "jurisdiction"

- (5) In this section, "jurisdiction" means
- (a) the government of a province;
  - (b) an agency or a body that is established pursuant to the legislation of a province and that has powers, duties or functions in relation to an assessment of the environmental effects of a project;
  - (c) a body that is established pursuant to a land claims agreement referred to in section 35 of the *Constitution Act, 1982* and that has powers, duties or functions in relation to an assessment of the environmental effects of a project; or
  - (d) a governing body that is established pursuant to legislation that relates to the self-government of Indians and that has powers, duties or functions in relation to an assessment of the environmental effects of a project.
- 1992, c. 37, s. 12; 1993, c. 34, s. 20(F).

- (5) Dans le présent article, « instance » s'entend :
- a) du gouvernement d'une province;
  - b) d'un organisme établi sous le régime d'une loi provinciale ayant des attributions relatives à l'évaluation des effets environnementaux d'un projet;
  - c) d'un organisme, constitué aux termes d'un accord sur des revendications territoriales visé à l'article 35 de la *Loi constitutionnelle de 1982*, ayant des attributions relatives à l'évaluation des effets environnementaux d'un projet;
  - d) d'un organisme dirigeant, constitué par une loi relative à l'autonomie gouvernementale des Indiens, ayant des attributions relatives à l'évaluation des effets environnementaux d'un projet.
- 1992, ch. 37, art. 12; 1993, ch. 34, art. 20(F).

Définition d'« instance »

FEDERAL ENVIRONMENTAL ASSESSMENT COORDINATOR

COORDONNATEUR FÉDÉRAL DE L'ÉVALUATION ENVIRONNEMENTALE

Role

**12.1** The role of a federal environmental assessment coordinator is to coordinate the participation of federal authorities in the environmental assessment process for a project where a screening or comprehensive study is or might be required and to facilitate communication and cooperation among them and with provinces, persons or bodies referred to in sections 8 to 10, jurisdictions referred to in paragraph 12(5) (c) or (d) or 40(1)(e) or (f) and other participants.

2003, c. 9, s. 7.

**12.1** Le coordonnateur fédéral de l'évaluation environnementale d'un projet est chargé de coordonner la participation des autorités fédérales au processus d'évaluation environnementale pour un projet qui doit ou pourrait faire l'objet d'un examen préalable ou d'une étude approfondie et de faciliter les communications et la collaboration entre elles et avec les autres intervenants, notamment les provinces, les personnes et organismes visés aux articles 8 à 10 et les instances au sens prévu aux alinéas 12(5)c) ou d) ou 40(1)e) ou f).

2003, ch. 9, art. 7.

Rôle

Duties

**12.2** The federal environmental assessment coordinator shall

- (a) ensure that the federal authorities that are or may be responsible authorities and those that are or may be in possession of specialist or expert information or knowledge with respect to the project are identified;

**12.2** Le coordonnateur est tenu :

- a) de veiller au recensement des autorités responsables — actuelles ou éventuelles —, de même que des autorités fédérales disposant — effectivement ou éventuellement — de l'expertise ou des connaissances voulues touchant le projet;

Obligations

(b) coordinate their involvement throughout the environmental assessment process;

(c) coordinate the responsible authorities' fulfilment of their obligations under subsection 55.3(1), paragraph 55.4(1)(a) and section 55.5;

(d) ensure that federal authorities fulfil their obligations under this Act in a timely manner; and

(e) coordinate the federal authorities' involvement with other jurisdictions.

2003, c. 9, s. 7.

b) de coordonner leur participation tout au long du processus d'évaluation environnementale;

c) de coordonner l'exécution, par les autorités responsables, des obligations qui leur incombent en vertu du paragraphe 55.3(1), de l'alinéa 55.4(1)a) et de l'article 55.5;

d) de veiller à ce que les autorités fédérales s'acquittent des obligations qui leur incombent en vertu de la présente loi en temps opportun;

e) de coordonner la participation des autorités fédérales avec les autres instances.

2003, ch. 9, art. 7.

Powers

**12.3** In carrying out duties under section 12.2, the federal environmental assessment coordinator may

(a) establish and chair a committee composed of the federal authorities that are or may be responsible authorities for the project and those that are or may be in possession of specialist or expert information or knowledge with respect to the project;

(b) after consulting with the authorities referred to in paragraph (a), establish time lines in relation to the assessment; and

(c) in consultation with the federal authorities that are or may be responsible authorities, determine the timing of any public participation.

2003, c. 9, s. 7.

**12.3** Dans l'exercice de ses attributions, le coordonnateur peut :

a) créer et présider un comité regroupant les autorités responsables — actuelles ou éventuelles —, de même que les autorités fédérales disposant — effectivement ou éventuellement — de l'expertise ou des connaissances voulues touchant le projet;

b) après avoir consulté les autorités visées à l'alinéa a), établir l'échéancier relatif à l'évaluation;

c) après avoir consulté les autorités responsables — actuelles ou éventuelles —, prévoir, s'il y a lieu, le moment où la participation du public sera sollicitée.

2003, ch. 9, art. 7.

Pouvoirs

Agency as coordinator

**12.4** (1) Subject to subsection (3), the federal environmental assessment coordinator for a project is the Agency if

(a) the project is subject to the environmental assessment process of another jurisdiction referred to in paragraph 12(5)(a), (c) or (d) or 40(1)(e) or (f); or

(b) the project is described in the comprehensive study list.

Responsible authority as coordinator

(2) Subject to subsections (1) and (3), the federal environmental assessment coordinator for a project is

(a) the sole responsible authority in relation to the project; or

(b) if there is more than one responsible authority in relation to the project, the one that

**12.4** (1) Sous réserve du paragraphe (3), les attributions de coordonnateur sont exercées par l'Agence dans les cas suivants :

a) le projet est assujéti au processus d'évaluation environnementale d'une autre instance, au sens des alinéas 12(5)a), c) ou d) ou 40(1)e) ou f);

b) le projet est visé dans la liste d'étude approfondie.

(2) Sous réserve des paragraphes (1) et (3), les attributions de coordonnateur sont exercées :

a) s'il n'y a qu'une autorité responsable du projet, par celle-ci;

b) s'il y a plusieurs autorités responsables du projet, par celle qu'elles désignent con-

Attributions exercées par l'Agence

Attributions exercées par une autorité responsable

is selected by the responsible authorities or, if they have not selected one within a reasonable time, the one that is designated by the Agency.

jointement ou, si elles ne le font pas dans un délai raisonnable, par celle que l'Agence désigne.

Coordinator by agreement

(3) No person or body other than the coordinator designated under subsections (1) and (2) may assume any of the powers, duties or functions of the federal environmental assessment coordinator except

(3) Il ne peut être dérogé aux paragraphes (1) ou (2) que dans les cas suivants :

Ententes particulières

(a) the Agency, if the responsible authorities referred to in paragraph (2)(b) and the Agency agree; or

a) les autorités responsables visées à l'alinéa (2)b) conviennent avec l'Agence que celle-ci exercera tout ou partie des attributions de coordonnateur;

(b) a responsible authority, in a case referred to in paragraph (1)(a) or (b), if the Agency and the responsible authority agree.

b) l'Agence convient avec une autorité responsable, dans les cas prévus aux alinéas (1)a) ou b), que cette dernière exercera tout ou partie de ces attributions.

For greater certainty

(4) For greater certainty, agreements contemplated by subsection (3) may apply generally and not be specific to a particular project.

(4) Il est entendu qu'une entente visée au paragraphe (3) peut être générale et ne pas être liée à un projet spécifique.

Précision

2003, c. 9, s. 7.

2003, ch. 9, art. 7.

Obligation to comply with coordinator's requests

**12.5** Every federal authority shall comply in a timely manner with requests and determinations made by the federal environmental assessment coordinator in the course of carrying out its duties or functions.

**12.5** Il incombe à toute autorité fédérale de se conformer en temps opportun aux demandes et aux décisions du coordonnateur agissant dans l'exercice de ses attributions.

Conformité aux demandes et décisions du coordonnateur

2003, c. 9, s. 7.

2003, ch. 9, art. 7.

#### ACTION OF FEDERAL AUTHORITIES SUSPENDED

#### SUSPENSION DES PRISES DE DÉCISION

Action suspended

**13.** Where a project is described in the comprehensive study list or is referred to a mediator or a review panel, notwithstanding any other Act of Parliament, no power, duty or function conferred by or under that Act or any regulation made thereunder shall be exercised or performed that would permit the project to be carried out in whole or in part unless an environmental assessment of the project has been completed and a course of action has been taken in relation to the project in accordance with paragraph 37(1)(a).

**13.** Dans le cas où un projet appartient à une catégorie visée dans la liste d'étude approfondie, ou si un examen par une commission ou un médiateur doit être effectué, malgré toute autre loi fédérale, l'exercice d'une attribution qui est prévu par cette loi ou ses règlements pour mettre en oeuvre le projet en tout ou en partie est subordonné à l'achèvement de l'évaluation environnementale de celui-ci et à la prise d'une décision à son égard aux termes de l'alinéa 37(1)a).

Suspension de la prise de décision

#### ENVIRONMENTAL ASSESSMENT PROCESS

#### PROCESSUS D'ÉVALUATION ENVIRONNEMENTALE

##### GENERAL

##### DISPOSITIONS GÉNÉRALES

Environmental assessment process

**14.** The environmental assessment process includes, where applicable,

**14.** Le processus d'évaluation environnementale d'un projet comporte, selon le cas :

Processus d'évaluation environnementale

(a) a screening or comprehensive study and the preparation of a screening report or a comprehensive study report;

a) un examen préalable ou une étude approfondie et l'établissement d'un rapport d'examen préalable ou d'un rapport d'étude approfondie;

	<p>(b) a mediation or assessment by a review panel as provided in section 29 and the preparation of a report; and</p> <p>(c) the design and implementation of a follow-up program.</p>	<p>b) une médiation ou un examen par une commission prévu à l'article 29 et l'établissement d'un rapport;</p> <p>c) l'élaboration et l'application d'un programme de suivi.</p>	
<p>Scope of project</p>	<p><b>15.</b> (1) The scope of the project in relation to which an environmental assessment is to be conducted shall be determined by</p> <p>(a) the responsible authority; or</p> <p>(b) where the project is referred to a mediator or a review panel, the Minister, after consulting with the responsible authority.</p>	<p><b>15.</b> (1) L'autorité responsable ou, dans le cas où le projet est renvoyé à la médiation ou à l'examen par une commission, le ministre, après consultation de l'autorité responsable, détermine la portée du projet à l'égard duquel l'évaluation environnementale doit être effectuée.</p>	<p>Détermination de la portée du projet</p>
<p>Same assessment for related projects</p>	<p>(2) For the purposes of conducting an environmental assessment in respect of two or more projects,</p> <p>(a) the responsible authority, or</p> <p>(b) where at least one of the projects is referred to a mediator or a review panel, the Minister, after consulting with the responsible authority,</p>	<p>(2) Dans le cadre d'une évaluation environnementale de deux ou plusieurs projets, l'autorité responsable ou, si au moins un des projets est renvoyé à la médiation ou à l'examen par une commission, le ministre, après consultation de l'autorité responsable, peut décider que deux projets sont liés assez étroitement pour être considérés comme un seul projet.</p>	<p>Pluralité de projets</p>
<p>All proposed undertakings to be considered</p>	<p>may determine that the projects are so closely related that they can be considered to form a single project.</p> <p>(3) Where a project is in relation to a physical work, an environmental assessment shall be conducted in respect of every construction, operation, modification, decommissioning, abandonment or other undertaking in relation to that physical work that is proposed by the proponent or that is, in the opinion of</p> <p>(a) the responsible authority, or</p> <p>(b) where the project is referred to a mediator or a review panel, the Minister, after consulting with the responsible authority,</p>	<p>(3) Est effectuée, dans l'un ou l'autre des cas suivants, l'évaluation environnementale de toute opération — construction, exploitation, modification, désaffectation, fermeture ou autre — constituant un projet lié à un ouvrage :</p> <p>a) l'opération est proposée par le promoteur;</p> <p>b) l'autorité responsable ou, dans le cadre d'une médiation ou de l'examen par une commission et après consultation de cette autorité, le ministre estime l'opération susceptible d'être réalisée en liaison avec l'ouvrage.</p>	<p>Projet lié à un ouvrage</p>
<p>Factors to be considered</p>	<p>likely to be carried out in relation to that physical work.</p> <p>1992, c. 37, s. 15; 1993, c. 34, s. 21(F).</p> <p><b>16.</b> (1) Every screening or comprehensive study of a project and every mediation or assessment by a review panel shall include a consideration of the following factors:</p> <p>(a) the environmental effects of the project, including the environmental effects of malfunctions or accidents that may occur in connection with the project and any cumulative environmental effects that are likely to result from the project in combination with other</p>	<p>1992, ch. 37, art. 15; 1993, ch. 34, art. 21(F).</p> <p><b>16.</b> (1) L'examen préalable, l'étude approfondie, la médiation ou l'examen par une commission d'un projet portent notamment sur les éléments suivants :</p> <p>a) les effets environnementaux du projet, y compris ceux causés par les accidents ou défaillances pouvant en résulter, et les effets cumulatifs que sa réalisation, combinée à l'existence d'autres ouvrages ou à la réalisa-</p>	<p>Éléments à examiner</p>

projects or activities that have been or will be carried out;

(b) the significance of the effects referred to in paragraph (a);

(c) comments from the public that are received in accordance with this Act and the regulations;

(d) measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the project; and

(e) any other matter relevant to the screening, comprehensive study, mediation or assessment by a review panel, such as the need for the project and alternatives to the project, that the responsible authority or, except in the case of a screening, the Minister after consulting with the responsible authority, may require to be considered.

Additional factors

(2) In addition to the factors set out in subsection (1), every comprehensive study of a project and every mediation or assessment by a review panel shall include a consideration of the following factors:

(a) the purpose of the project;

(b) alternative means of carrying out the project that are technically and economically feasible and the environmental effects of any such alternative means;

(c) the need for, and the requirements of, any follow-up program in respect of the project; and

(d) the capacity of renewable resources that are likely to be significantly affected by the project to meet the needs of the present and those of the future.

Determination of factors

(3) The scope of the factors to be taken into consideration pursuant to paragraphs (1)(a), (b) and (d) and (2)(b), (c) and (d) shall be determined

(a) by the responsible authority; or

(b) where a project is referred to a mediator or a review panel, by the Minister, after consulting the responsible authority, when fixing the terms of reference of the mediation or review panel.

tion d'autres projets ou activités, est susceptible de causer à l'environnement;

b) l'importance des effets visés à l'alinéa a);

c) les observations du public à cet égard, reçues conformément à la présente loi et aux règlements;

d) les mesures d'atténuation réalisables, sur les plans technique et économique, des effets environnementaux importants du projet;

e) tout autre élément utile à l'examen préalable, à l'étude approfondie, à la médiation ou à l'examen par une commission, notamment la nécessité du projet et ses solutions de rechange, — dont l'autorité responsable ou, sauf dans le cas d'un examen préalable, le ministre, après consultation de celle-ci, peut exiger la prise en compte.

Éléments supplémentaires

(2) L'étude approfondie d'un projet et l'évaluation environnementale qui fait l'objet d'une médiation ou d'un examen par une commission portent également sur les éléments suivants :

a) les raisons d'être du projet;

b) les solutions de rechange réalisables sur les plans technique et économique, et leurs effets environnementaux;

c) la nécessité d'un programme de suivi du projet, ainsi que ses modalités;

d) la capacité des ressources renouvelables, risquant d'être touchées de façon importante par le projet, de répondre aux besoins du présent et à ceux des générations futures.

Obligations

(3) L'évaluation de la portée des éléments visés aux alinéas (1)a), b) et d) et (2)b), c) et d) incombe :

a) à l'autorité responsable;

b) au ministre, après consultation de l'autorité responsable, lors de la détermination du mandat du médiateur ou de la commission d'examen.



Factors not included	<p>(4) An environmental assessment of a project is not required to include a consideration of the environmental effects that could result from carrying out the project in response to a national emergency for which special temporary measures are taken under the <i>Emergencies Act</i>.</p> <p>1992, c. 37, s. 16; 1993, c. 34, s. 22(F).</p>	<p>(4) L'évaluation environnementale d'un projet n'a pas à porter sur les effets environnementaux que sa réalisation peut entraîner en réaction à des situations de crise nationale pour lesquelles des mesures d'intervention sont prises aux termes de la <i>Loi sur les mesures d'urgence</i>.</p> <p>1992, ch. 37, art. 16; 1993, ch. 34, art. 22(F).</p>	Situations de crise nationale
Community knowledge and aboriginal traditional knowledge	<p><b>16.1</b> Community knowledge and aboriginal traditional knowledge may be considered in conducting an environmental assessment.</p> <p>2003, c. 9, s. 8.</p>	<p><b>16.1</b> Les connaissances des collectivités et les connaissances traditionnelles autochtones peuvent être prises en compte pour l'évaluation environnementale d'un projet.</p> <p>2003, ch. 9, art. 8.</p>	Connaissances des collectivités et connaissances traditionnelles autochtones
Regional studies	<p><b>16.2</b> The results of a study of the environmental effects of possible future projects in a region, in which a federal authority participates, outside the scope of this Act, with other jurisdictions referred to in paragraph 12(5)(a), (c) or (d), may be taken into account in conducting an environmental assessment of a project in the region, particularly in considering any cumulative environmental effects that are likely to result from the project in combination with other projects or activities that have been or will be carried out.</p> <p>2003, c. 9, s. 8.</p>	<p><b>16.2</b> Les résultats d'une étude des effets environnementaux de projets éventuels dans une région, faite hors du champ d'application de la présente loi et à laquelle une autorité fédérale a collaboré avec des instances, au sens des alinéas 12(5)a), c) ou d), peuvent être pris en compte dans l'évaluation environnementale d'un projet à réaliser dans cette région, notamment dans l'évaluation des effets cumulatifs que la réalisation du projet, combinée à celle d'autres projets ou activités déjà complétés ou à venir, est susceptible de produire sur l'environnement.</p> <p>2003, ch. 9, art. 8.</p>	Études régionales
Publication of determinations	<p><b>16.3</b> The responsible authority shall document and make available to the public, pursuant to subsection 55(1), its determinations pursuant to section 20.</p> <p>2003, c. 9, s. 8.</p>	<p><b>16.3</b> L'autorité responsable consigne et rend accessibles au public, conformément au paragraphe 55(1), les décisions qu'elle prend aux termes de l'article 20.</p> <p>2003, ch. 9, art. 8.</p>	Publication des décisions
Delegation	<p><b>17.</b> (1) A responsible authority may delegate to any person, body or jurisdiction within the meaning of subsection 12(5) any part of the screening or comprehensive study of a project or the preparation of the screening report or comprehensive study report, and may delegate any part of the design and implementation of a follow-up program, but shall not delegate the duty to take a course of action pursuant to subsection 20(1) or 37(1).</p>	<p><b>17.</b> (1) L'autorité responsable d'un projet peut déléguer à un organisme, une personne ou une instance, au sens du paragraphe 12(5), l'exécution de l'examen préalable ou de l'étude approfondie, ainsi que les rapports correspondants, et la conception et la mise en oeuvre d'un programme de suivi, à l'exclusion de toute prise de décision aux termes du paragraphe 20(1) ou 37(1).</p>	Délégation
Idem	<p>(2) For greater certainty, a responsible authority shall not take a course of action pursuant to subsection 20(1) or 37(1) unless it is satisfied that any duty or function delegated pursuant to subsection (1) has been carried out in accordance with this Act and the regulations.</p>	<p>(2) Il est entendu que l'autorité responsable qui a délégué l'exécution de l'examen ou de l'étude ainsi que l'établissement des rapports en vertu du paragraphe (1) ne peut prendre une décision aux termes du paragraphe 20(1) ou 37(1) que si elle est convaincue que les attributions déléguées ont été exercées conformément à la présente loi et à ses règlements.</p>	Précision

SCREENING

EXAMEN PRÉALABLE

Screening	<p><b>18.</b> (1) Where a project is not described in the comprehensive study list or the exclusion list made under paragraph 59(c), the responsible authority shall ensure that</p> <p>(a) a screening of the project is conducted; and</p> <p>(b) a screening report is prepared.</p>	<p><b>18.</b> (1) Dans le cas où le projet n'est pas visé dans la liste d'étude approfondie ou dans la liste d'exclusion établie par règlement pris en vertu de l'alinéa 59c), l'autorité responsable veille :</p> <p>a) à ce qu'en soit effectué l'examen préalable;</p> <p>b) à ce que soit établi un rapport d'examen préalable.</p>	Examen préalable
Source of information	<p>(2) Any available information may be used in conducting the screening of a project, but where a responsible authority is of the opinion that the information available is not adequate to enable it to take a course of action pursuant to subsection 20(1), it shall ensure that any studies and information that it considers necessary for that purpose are undertaken or collected.</p>	<p>(2) Dans le cadre de l'examen préalable qu'elle effectue, l'autorité responsable peut utiliser tous les renseignements disponibles; toutefois, si elle est d'avis qu'il n'existe pas suffisamment de renseignements pour lui permettre de prendre une décision en vertu du paragraphe 20(1), elle fait procéder aux études et à la collecte de renseignements nécessaires à cette fin.</p>	Information
Public participation	<p>(3) Where the responsible authority is of the opinion that public participation in the screening of a project is appropriate in the circumstances — or where required by regulation — the responsible authority</p> <p>(a) shall, before providing the public with an opportunity to examine and comment on the screening report, include in the Internet site a description of the scope of the project, the factors to be taken into consideration in the screening and the scope of those factors or an indication of how such a description may be obtained;</p> <p>(b) shall give the public an opportunity to examine and comment on the screening report and on any record relating to the project that has been included in the Registry before taking a course of action under section 20 and shall give adequate notice of that opportunity; and</p> <p>(c) may, at any stage of the screening that it determines, give the public any other opportunity to participate.</p>	<p>(3) Dans les cas où elle estime que la participation du public à l'examen préalable est indiquée ou dans les cas prévus par règlement, l'autorité responsable :</p> <p>a) verse au site Internet, avant de donner au public la possibilité d'examiner le rapport d'examen préalable et de faire des observations à son égard, une description de la portée du projet, des éléments à prendre en compte dans le cadre de l'examen préalable et de la portée de ceux-ci ou une indication de la façon d'obtenir copie de cette description;</p> <p>b) avant de prendre sa décision aux termes de l'article 20, donne au public la possibilité d'examiner le rapport d'examen préalable et tout document relatif au projet et de faire ses observations à leur égard et un avis suffisant de cette possibilité;</p> <p>c) peut donner au public la possibilité de prendre part à toute étape de l'examen préalable qu'elle choisit.</p>	Participation du public
Timing of public participation	<p>(4) The responsible authority's discretion under subsection (3) with respect to the timing of public participation is subject to a decision made by the federal environmental assessment coordinator under paragraph 12.3(c). 1992, c. 37, s. 18; 1993, c. 34, s. 23(F); 2003, c. 9, s. 9.</p>	<p>(4) L'exercice du pouvoir discrétionnaire dont dispose l'autorité responsable, dans le cadre du paragraphe (3), de déterminer à quel moment peut se faire la participation du public est assujetti à toute décision pouvant être prise par</p>	Moment de la participation

Class screening reports	<p>19. (1) Subject to subsection (3), the Agency may declare a report to be a class screening report if projects of the class described in the report are not likely, in the opinion of the Agency, to cause significant adverse environmental effects when the design standards and mitigation measures described in the class screening report are applied.</p>	<p>le coordonnateur fédéral de l'évaluation environnementale en vertu de l'alinéa 12.3c).</p>	Rapport type
Use of class screening report	<p>(2) The declaration shall include a statement that the class screening report may be used as</p> <p>(a) a replacement for the screening required by section 18, and the decision required by section 20, for projects of the class; or</p> <p>(b) a model for streamlining the screening required by section 18 for projects of the class.</p>	<p>1992, ch. 37, art. 18; 1993, ch. 34, art. 23(F); 2003, ch. 9, art. 9.</p>	Utilisation du rapport
Public notice and consideration of public comments	<p>(3) The Agency shall, before making a declaration pursuant to subsection (1),</p> <p>(a) publish, in any manner it considers appropriate, a notice setting out the following information, namely,</p> <p>(i) the date on which the draft report will be available to the public,</p> <p>(ii) the place at which copies of it may be obtained, and</p> <p>(iii) the deadline and address for filing comments on the appropriateness of its use as a replacement or model for screenings for projects of that class; and</p> <p>(b) take into consideration any comments filed under subparagraph (a)(iii) and include in the Registry any comments filed by the public.</p>	<p>19. (1) Sous réserve du paragraphe (3), l'Agence peut désigner tout rapport comme rapport d'examen préalable type applicable à une catégorie de projets, à la condition que les projets appartenant à la catégorie ne soient pas susceptibles, selon elle, de causer des effets environnementaux négatifs importants si les normes de conception et les mesures d'atténuation prévues par le rapport sont appliquées.</p> <p>(2) La désignation doit indiquer que le rapport d'examen préalable type peut servir :</p> <p>a) soit de substitut à l'examen préalable exigé par l'article 18 et à la décision visée par l'article 20 à l'égard de projets appartenant à la catégorie;</p> <p>b) soit de modèle pour simplifier l'examen préalable exigé par l'article 18 pour des projets appartenant à la catégorie.</p>	Avis public
Publication of declaration	<p>(4) Any declaration made pursuant to subsection (1) shall be published in the <i>Canada Gazette</i> and, together with the report to which it relates or a description of how a copy of the report may be obtained, shall be included in the Internet site.</p>	<p>(2) La désignation doit indiquer que le rapport d'examen préalable type peut servir :</p>	Publication
Use of a class screening report as a replacement	<p>(5) Where a responsible authority is satisfied that a project falls within a class in respect of which a class screening report has been made</p>	<p>(3) Avant de faire une désignation, l'Agence :</p> <p>a) publie, selon les modalités qu'elle estime indiquées, un avis contenant les éléments suivants :</p> <p>(i) la date à laquelle l'ébauche du rapport sera accessible au public,</p> <p>(ii) le lieu où des exemplaires de celle-ci peuvent être obtenus,</p> <p>(iii) l'adresse et la date limite pour la réception par elle d'observations sur l'applicabilité du rapport comme modèle ou substitut de l'examen préalable pour les projets appartenant à la catégorie;</p> <p>b) prend en compte les observations reçues et conserve au registre les commentaires formulés par le public.</p>	Emploi d'un substitut
		<p>(4) La désignation est publiée dans la <i>Gazette du Canada</i> et versée, avec le rapport — ou une indication de la façon d'en obtenir copie —, au site Internet.</p> <p>(5) Si l'autorité responsable estime que le projet appartient à une catégorie faisant l'objet d'un rapport d'examen préalable type visé à</p>	

to which paragraph (2)(a) applies, no further action is required under section 18 or 20 with respect to the project, as long as the responsible authority ensures that the design standards and mitigation measures described in the report are implemented.

l'alinéa (2)a), les mesures visées par les articles 18 et 20 ne sont plus applicables; l'autorité responsable doit toutefois veiller à ce que soient mises en œuvre les normes de conception et les mesures d'atténuation qui sont prévues au rapport visé par la désignation.

Use of class screening report as a model

(6) Where a responsible authority is satisfied that a project or part of a project falls within a class in respect of which a class screening report has been made to which paragraph (2)(b) applies, the responsible authority may use or permit the use of that report and any screening on which it is based to whatever extent the responsible authority considers appropriate for the purpose of complying with section 18.

(6) Si l'autorité responsable estime que tout ou partie du projet appartient à une catégorie faisant l'objet d'un rapport d'examen préalable type visé à l'alinéa (2)b), l'autorité responsable peut utiliser les résultats de l'examen préalable et le rapport, ou en permettre l'utilisation, dans la mesure qu'elle estime indiquée pour l'application de l'article 18.

Emploi d'un modèle

Necessary adjustments

(7) Where a responsible authority uses or permits the use of a class screening report to which paragraph (2)(b) applies, it shall ensure that any adjustments are made to the report that are necessary to take into account local circumstances and any cumulative environmental effects that may result from the project in combination with other projects or activities that have been or will be carried out.

(7) Dans les cas visés au paragraphe (6), l'autorité responsable veille à ce que soient apportées au rapport d'examen préalable type les adaptations nécessaires à la prise en compte des facteurs locaux et des effets environnementaux cumulatifs qui, selon elle, peuvent résulter de la réalisation du projet combinée à l'existence d'autres ouvrages ou à la réalisation d'autres projets ou activités.

Adaptations

Declaration to remove class screening report

(8) Where the Agency determines that a class screening report is no longer appropriate to be used as a replacement or model in conducting screenings of other projects within the same class, the Agency may declare the report not to be a class screening report.

(8) L'Agence, si elle décide qu'un rapport type ne peut plus servir de substitut ou de modèle pour des projets appartenant à la catégorie, peut faire une déclaration en ce sens.

Déclaration

Publication

(9) Any declaration made pursuant to subsection (8) shall be published in the *Canada Gazette* and included in the Internet site.

(9) La déclaration est publiée dans la *Gazette du Canada* et versée au site Internet.

Publication

1992, c. 37, s. 19; 1993, c. 34, s. 24(F); 2003, c. 9, s. 10.

1992, ch. 37, art. 19; 1993, ch. 34, art. 24(F); 2003, ch. 9, art. 10.

Decision of responsible authority following a screening

**20.** (1) The responsible authority shall take one of the following courses of action in respect of a project after taking into consideration the screening report and any comments filed pursuant to subsection 18(3):

**20.** (1) L'autorité responsable prend l'une des mesures suivantes, après avoir pris en compte le rapport d'examen préalable et les observations reçues aux termes du paragraphe 18(3) :

Décision de l'autorité responsable

(a) subject to subparagraph (c)(iii), where, taking into account the implementation of any mitigation measures that the responsible authority considers appropriate, the project is not likely to cause significant adverse environmental effects, the responsible authority may exercise any power or perform any duty or function that would permit the project to be carried out in whole or in part;

a) sous réserve du sous-alinéa c)(iii), si la réalisation du projet n'est pas susceptible, compte tenu de l'application des mesures d'atténuation qu'elle estime indiquées, d'entraîner des effets environnementaux négatifs importants, exercer ses attributions afin de permettre la mise en œuvre totale ou partielle du projet;

(b) where, taking into account the implementation of any mitigation measures that

b) si, compte tenu de l'application des mesures d'atténuation qu'elle estime indiquées, la réalisation du projet est susceptible d'entraî-

the responsible authority considers appropriate, the project is likely to cause significant adverse environmental effects that cannot be justified in the circumstances, the responsible authority shall not exercise any power or perform any duty or function conferred on it by or under any Act of Parliament that would permit the project to be carried out in whole or in part; or

(c) where

(i) it is uncertain whether the project, taking into account the implementation of any mitigation measures that the responsible authority considers appropriate, is likely to cause significant adverse environmental effects,

(ii) the project, taking into account the implementation of any mitigation measures that the responsible authority considers appropriate, is likely to cause significant adverse environmental effects and paragraph (b) does not apply, or

(iii) public concerns warrant a reference to a mediator or a review panel,

the responsible authority shall refer the project to the Minister for a referral to a mediator or a review panel in accordance with section 29.

(1.1) Mitigation measures that may be taken into account under subsection (1) by a responsible authority are not limited to measures within the legislative authority of Parliament and include

(a) any mitigation measures whose implementation the responsible authority can ensure; and

(b) any other mitigation measures that it is satisfied will be implemented by another person or body.

(2) When a responsible authority takes a course of action referred to in paragraph (1)(a), it shall, with respect to any mitigation measures it has taken into account and that are described in paragraph (1.1)(a), ensure their implementation in any manner that it considers necessary and, in doing so, it is not limited to its duties or powers under any other Act of Parliament.

ner des effets environnementaux négatifs importants qui ne peuvent être justifiés dans les circonstances, ne pas exercer les attributions qui lui sont conférées sous le régime d'une loi fédérale et qui pourraient lui permettre la mise en oeuvre du projet en tout ou en partie;

c) s'adresser au ministre pour une médiation ou un examen par une commission prévu à l'article 29 :

(i) s'il n'est pas clair, compte tenu de l'application des mesures d'atténuation qu'elle estime indiquées, que la réalisation du projet soit susceptible d'entraîner des effets environnementaux négatifs importants,

(ii) si la réalisation du projet, compte tenu de l'application de mesures d'atténuation qu'elle estime indiquées, est susceptible d'entraîner des effets environnementaux négatifs importants et si l'alinéa b) ne s'applique pas,

(iii) si les préoccupations du public le justifient.

(1.1) Les mesures d'atténuation que l'autorité responsable peut prendre en compte dans le cadre du paragraphe (1) ne se limitent pas à celles qui relèvent de la compétence législative du Parlement; elles comprennent :

a) les mesures d'atténuation dont elle peut assurer l'application;

b) toute autre mesure d'atténuation dont elle est convaincue qu'elle sera appliquée par une autre personne ou un autre organisme.

(2) Si elle prend une décision dans le cadre de l'alinéa (1)a), l'autorité responsable veille à l'application des mesures d'atténuation qu'elle a prises en compte et qui sont visées à l'alinéa (1.1)a) de la façon qu'elle estime nécessaire, même si aucune autre loi fédérale ne lui confère de tels pouvoirs d'application.

Mitigation measures — extent of authority

Mesures d'atténuation — étendue des pouvoirs

Responsible authority to ensure implementation of mitigation measures

Application des mesures d'atténuation

Assistance of other federal authority	(2.1) A federal authority shall provide any assistance requested by a responsible authority in ensuring the implementation of a mitigation measure on which the federal authority and the responsible authority have agreed.	(2.1) Il incombe à l'autorité fédérale qui convient avec l'autorité responsable de mesures d'atténuation d'appuyer celle-ci, sur demande, dans l'application de ces mesures.	Appui à l'autorité responsable
Prohibition of actions in furtherance of project	(3) Where the responsible authority takes a course of action pursuant to paragraph (1)(b) in relation to a project, the responsible authority shall publish a notice of that course of action in the Registry and, notwithstanding any other Act of Parliament, no power, duty or function conferred by or under that Act or any regulation made under it shall be exercised or performed that would permit that project to be carried out in whole or in part.	(3) L'autorité responsable qui prend la décision visée à l'alinéa (1)b) à l'égard d'un projet est tenue de publier un avis de cette décision dans le registre, et aucune attribution conférée sous le régime de toute autre loi fédérale ou de ses règlements ne peut être exercée de façon à permettre la mise en œuvre, en tout ou en partie, du projet.	Interdiction de mise en œuvre
Time for decision	(4) A responsible authority shall not take any course of action under subsection (1) before the 15th day after the inclusion on the Internet site of  (a) notice of the commencement of the environmental assessment;  (b) a description of the scope of the project; and  (c) where the responsible authority, in accordance with subsection 18(3), gives the public an opportunity to participate in the screening of a project, a description of the factors to be taken into consideration in the environmental assessment and of the scope of those factors or an indication of how such a description may be obtained.	(4) L'autorité responsable ne peut prendre une décision dans le cadre du paragraphe (1) avant le quinzième jour suivant le versement au site Internet des documents suivants :  a) l'avis du début de l'évaluation environnementale;  b) la description de la portée du projet;  c) dans le cas où l'autorité responsable donne, au titre du paragraphe 18(3), la possibilité au public de participer à l'examen préalable, la description des éléments à prendre en compte dans le cadre de l'évaluation environnementale et de la portée de ceux-ci ou une indication de la façon d'obtenir copie de cette description.	Versement préalable de documents
	1992, c. 37, s. 20; 1993, c. 34, s. 25(F); 2003, c. 9, s. 11.	1992, ch. 37, art. 20; 1993, ch. 34, art. 25(F); 2003, ch. 9, art. 11.	
	COMPREHENSIVE STUDY	ÉTUDE APPROFONDIE	
Public consultation	<b>21.</b> (1) Where a project is described in the comprehensive study list, the responsible authority shall ensure public consultation with respect to the proposed scope of the project for the purposes of the environmental assessment, the factors proposed to be considered in its assessment, the proposed scope of those factors and the ability of the comprehensive study to address issues relating to the project.	<b>21.</b> (1) Dans le cas où le projet est visé dans la liste d'étude approfondie, l'autorité responsable veille à la tenue d'une consultation publique sur les propositions relatives à la portée du projet en matière d'évaluation environnementale, aux éléments à prendre en compte dans le cadre de l'évaluation et à la portée de ces éléments ainsi que sur la question de savoir si l'étude approfondie permet l'examen des questions soulevées par le projet.	Consultation
Report and recommendation	(2) After the public consultation, as soon as it is of the opinion that it has sufficient information to do so, the responsible authority shall  (a) report to the Minister regarding	(2) L'autorité responsable, dès qu'elle estime disposer de suffisamment de renseignements et après avoir tenu la consultation publique :	Rapport et recommandation

(i) the scope of the project, the factors to be considered in its assessment and the scope of those factors,

(ii) public concerns in relation to the project,

(iii) the potential of the project to cause adverse environmental effects, and

(iv) the ability of the comprehensive study to address issues relating to the project; and

(b) recommend to the Minister to continue with the environmental assessment by means of a comprehensive study, or to refer the project to a mediator or review panel in accordance with section 29.

1992, c. 37, s. 21; 1993, c. 34, s. 26(F); 2003, c. 9, s. 12.

Minister's decision

**21.1** (1) The Minister, taking into account the things with regard to which the responsible authority must report under paragraph 21(2)(a) and the recommendation of the responsible authority under paragraph 21(2)(b), shall, as the Minister considers appropriate,

(a) refer the project to the responsible authority so that it may continue the comprehensive study and ensure that a comprehensive study report is prepared and provided to the Minister and to the Agency; or

(b) refer the project to a mediator or review panel in accordance with section 29.

Decision final

(2) Despite any other provision of this Act, if the Minister refers the project to a responsible authority under paragraph (1)(a), it may not be referred to a mediator or review panel in accordance with section 29.

2003, c. 9, s. 12.

Public participation

**21.2** Where a project has been referred to a responsible authority under paragraph 21.1(1)(a), the responsible authority shall ensure that the public is provided with an opportunity, in addition to those provided under subsection 21(1) and section 22, to participate in the comprehensive study, subject to a decision with respect to the timing of the participation made by the federal environmental assessment coordinator under paragraph 12.3(c).

2003, c. 9, s. 12.

a) fait rapport au ministre de la portée du projet, des éléments à prendre en compte dans le cadre de l'évaluation, de la portée de ceux-ci, des préoccupations du public, de la possibilité d'effets environnementaux négatifs et de la question de savoir si l'étude approfondie permet l'examen des questions soulevées par le projet;

b) lui recommande de poursuivre l'évaluation environnementale par étude approfondie ou de la renvoyer à un médiateur ou à une commission conformément à l'article 29.

1992, ch. 37, art. 21; 1993, ch. 34, art. 26(F); 2003, ch. 9, art. 12.

Décision du ministre

**21.1** (1) Le ministre, prenant en compte tous les éléments qui doivent lui être signalés dans le cadre de l'alinéa 21(2)a) et les recommandations de l'autorité responsable et selon ce qu'il estime indiqué dans les circonstances :

a) renvoie le projet à l'autorité responsable pour qu'elle poursuive l'étude approfondie et qu'elle veille à ce qu'un rapport de cette étude lui soit présenté, de même qu'à l'Agence;

b) renvoie le projet à la médiation ou à l'examen par une commission conformément à l'article 29.

Caractère définitif de la décision

(2) Malgré toute autre disposition de la présente loi, le projet que le ministre renvoie à l'autorité responsable au titre de l'alinéa (1)a) ne peut faire l'objet d'une médiation ou d'un examen par une commission conformément à l'article 29.

2003, ch. 9, art. 12.

Participation du public à l'étude approfondie

**21.2** En plus des consultations publiques prévues au paragraphe 21(1) et à l'article 22, l'autorité responsable à laquelle le projet est renvoyé en vertu de l'alinéa 21.1(1)a) est tenue de veiller à ce que le public ait la possibilité de prendre part à l'étude approfondie. Elle est toutefois assujettie à toute décision éventuellement prise par le coordonnateur fédéral de l'évaluation environnementale en vertu de l'alinéa 12.3c) quant au moment de la participation.

2003, ch. 9, art. 12.

Public notice	<p><b>22.</b> (1) After receiving a comprehensive study report in respect of a project, the Agency shall, in any manner it considers appropriate to facilitate public access to the report, publish a notice setting out the following information:</p> <p>(a) the date on which the comprehensive study report will be available to the public;</p> <p>(b) the place at which copies of the report may be obtained; and</p> <p>(c) the deadline and address for filing comments on the conclusions and recommendations of the report.</p>	<p><b>22.</b> (1) Quand elle reçoit un rapport d'étude approfondie, l'Agence donne avis, de la façon qu'elle estime indiquée pour favoriser l'accès du public au rapport, des éléments suivants :</p> <p>a) la date à laquelle le rapport d'étude approfondie sera accessible au public;</p> <p>b) le lieu d'obtention d'exemplaires du rapport;</p> <p>c) l'adresse et la date limite pour la réception par celle-ci d'observations sur les conclusions et recommandations du rapport.</p>	Avis public
Public concerns	<p>(2) Prior to the deadline set out in the notice published by the Agency, any person may file comments with the Agency relating to the conclusions and recommendations and any other aspect of the comprehensive study report.</p>	<p>(2) Toute personne peut, dans le délai indiqué dans l'avis publié par l'Agence, lui présenter ses observations relativement aux conclusions ou recommandations issues de l'étude approfondie ou à tout autre aspect du rapport qui y fait suite.</p>	Observations du public
Decision of Minister	<p><b>23.</b> (1) The Minister shall, after taking into consideration the comprehensive study report and any comments filed pursuant to subsection 22(2), refer the project back to the responsible authority for action under section 37 and issue an environmental assessment decision statement that</p> <p>(a) sets out the Minister's opinion as to whether, taking into account the implementation of any mitigation measures that the Minister considers appropriate, the project is or is not likely to cause significant adverse environmental effects; and</p> <p>(b) sets out any mitigation measures or follow-up program that the Minister considers appropriate, after having taken into account the views of the responsible authorities and other federal authorities concerning the measures and program.</p>	<p><b>23.</b> (1) Le ministre, après avoir pris en compte le rapport d'étude approfondie et les observations qui ont été présentées en vertu du paragraphe 22(2), renvoie le projet à l'autorité responsable pour qu'elle prenne une décision en application de l'article 37 et fait une déclaration dans laquelle :</p> <p>a) il indique si, selon lui, le projet est susceptible ou non, compte tenu de la mise en œuvre des mesures d'atténuation qu'il estime appropriées, d'entraîner des effets environnementaux négatifs importants;</p> <p>b) il indique, s'il y a lieu, les mesures d'atténuation et tout programme de suivi qu'il estime appropriés, compte tenu des observations des autorités responsables et des autorités fédérales concernant ces mesures ou programmes.</p>	Avis du ministre
More information required	<p>(2) Before issuing the environmental assessment decision statement, the Minister shall, if the Minister is of the opinion that additional information is necessary or that there are public concerns that need to be further addressed, request that the federal authorities referred to in paragraph 12.3(a) or the proponent ensure that the necessary information is provided or actions are taken to address those public concerns.</p>	<p>(2) Avant de faire la déclaration, le ministre, s'il estime qu'il lui faut des renseignements supplémentaires ou qu'il convient de mieux répondre aux préoccupations du public, demande aux autorités fédérales visées à l'alinéa 12.3a) ou au promoteur de veiller à ce que les renseignements nécessaires soient fournis ou à ce que les mesures nécessaires pour répondre aux préoccupations du public soient prises.</p>	Renseignements supplémentaires
Time for statement	<p>(3) The Minister shall not issue the environmental assessment decision statement before</p>	<p>(3) Le ministre ne peut faire la déclaration avant le trentième jour suivant la date à laquelle</p>	Versement préalable de documents



the 30th day after the inclusion on the Internet site of

- (a) notice of the commencement of the environmental assessment;
- (b) a description of the scope of the project;
- (c) where the Minister, under paragraph 21.1(1)(a), refers a project to the responsible authority to continue a comprehensive study,
  - (i) notice of the Minister's decision to so refer the project, and
  - (ii) a description of the factors to be taken into consideration in the environmental assessment and of the scope of those factors or an indication of how such a description may be obtained; and
- (d) the comprehensive study report that is to be taken into consideration by a responsible authority in making its decision under subsection 37(1) or a description of how a copy of the report may be obtained.

1992, c. 37, s. 23; 2003, c. 9, s. 13.

Use of  
previously  
conducted  
environmental  
assessment

**24.** (1) Where a proponent proposes to carry out, in whole or in part, a project for which an environmental assessment was previously conducted and

- (a) the project did not proceed after the assessment was completed,
- (b) in the case of a project that is in relation to a physical work, the proponent proposes an undertaking in relation to that work different from that proposed when the assessment was conducted,
- (c) the manner in which the project is to be carried out has subsequently changed, or
- (d) the renewal of a licence, permit, approval or other action under a prescribed provision is sought,

the responsible authority shall use that assessment and the report thereon to whatever extent is appropriate for the purpose of complying with section 18 or 21.

Necessary  
adjustments

(2) Where a responsible authority uses an environmental assessment and the report thereon pursuant to subsection (1), the responsible authority shall ensure that any adjustments are made to the report that are necessary to take into account any significant changes in the envi-

les documents suivants sont versés au site Internet :

- a) l'avis du début de l'évaluation environnementale;
- b) la description de la portée du projet;
- c) dans le cas où il renvoie, au titre de l'alinéa 21.1(1)a), le projet à l'autorité responsable pour qu'elle poursuive l'étude approfondie :
  - (i) l'avis de sa décision de renvoyer le projet,
  - (ii) la description des éléments à prendre en compte dans le cadre de l'évaluation environnementale et de la portée de ceux-ci ou une indication de la façon d'obtenir copie de cette description;
- d) le rapport de l'étude approfondie sur lequel se fonde la décision de l'autorité responsable au titre du paragraphe 37(1), ou une indication de la façon d'en obtenir copie.

1992, ch. 37, art. 23; 2003, ch. 9, art. 13.

Utilisation d'une  
évaluation  
antérieure

**24.** (1) Si un promoteur se propose de mettre en oeuvre, en tout ou en partie, un projet ayant déjà fait l'objet d'une évaluation environnementale, l'autorité responsable doit utiliser l'évaluation et le rapport correspondant dans la mesure appropriée pour l'application des articles 18 ou 21 dans chacun des cas suivants :

- a) le projet n'a pas été mis en oeuvre après l'achèvement de l'évaluation;
- b) le projet est lié à un ouvrage à l'égard duquel le promoteur propose une réalisation différente de celle qui était proposée au moment de l'évaluation;
- c) les modalités de mise en oeuvre du projet ont par la suite été modifiées;
- d) il est demandé qu'un permis, une licence ou une autorisation soit renouvelé, ou qu'une autre mesure prévue par disposition réglementaire soit prise.

Adaptations  
nécessaires

(2) Dans les cas visés au paragraphe (1), l'autorité responsable veille à ce que soient apportées au rapport les adaptations nécessaires à la prise en compte des changements importants de circonstances survenus depuis l'évaluation

ronment and in the circumstances of the project and any significant new information relating to the environmental effects of the project.

1992, c. 37, s. 24; 1993, c. 34, s. 27(F); 1994, c. 46, s. 2.

#### DISCRETIONARY POWERS

Referral to  
Minister

**25.** Subject to paragraphs 20(1)(b) and (c), where at any time a responsible authority is of the opinion that

(a) a project, taking into account the implementation of any mitigation measures that the responsible authority considers appropriate, may cause significant adverse environmental effects, or

(b) public concerns warrant a reference to a mediator or a review panel,

the responsible authority may request the Minister to refer the project to a mediator or a review panel in accordance with section 29.

Termination by  
responsible  
authority

**26.** Where at any time a responsible authority decides not to exercise any power or perform any duty or function referred to in section 5 in relation to a project that has not been referred to a mediator or a review panel, it may terminate the environmental assessment of the project.

Termination by  
Minister

**27.** Where at any time a responsible authority decides not to exercise any power or perform any duty or function referred to in section 5 in relation to a project that has been referred to a mediator or a review panel, the Minister may terminate the environmental assessment of the project.

Referral by  
Minister

**28.** (1) Where at any time the Minister is of the opinion that

(a) a project for which an environmental assessment may be required under section 5, taking into account the implementation of any appropriate mitigation measures, may cause significant adverse environmental effects, or

(b) public concerns warrant a reference to a mediator or a review panel,

the Minister may, after offering to consult with the jurisdiction, within the meaning of subsection 12(5), where the project is to be carried out and after consulting with the responsible authority or, where there is no responsible author-

et de tous renseignements importants relatifs aux effets environnementaux du projet.

1992, ch. 37, art. 24; 1993, ch. 34, art. 27(F); 1994, ch. 46, art. 2.

#### POUVOIRS D'APPRÉCIATION

Examen par une  
commission

**25.** Sous réserve des alinéas 20(1)(b) et (c), à tout moment, si elle estime soit que le projet, compte tenu de l'application des mesures d'atténuation qu'elle estime indiquées, peut entraîner des effets environnementaux négatifs importants, soit que les préoccupations du public justifient une médiation ou un examen par une commission, l'autorité responsable peut demander au ministre d'y faire procéder conformément à l'article 29.

Arrêt d'une  
évaluation  
environnementale

**26.** L'autorité responsable peut, à tout moment au cours d'une évaluation environnementale qui n'a pas fait l'objet d'une médiation ou d'un examen par une commission, mettre fin à l'évaluation si elle décide de ne pas exercer les attributions visées à l'article 5 qu'elle possède à l'égard du projet.

Pouvoir du  
ministre

**27.** Le ministre peut, à tout moment au cours d'une évaluation environnementale qui fait l'objet d'une médiation ou d'un examen par une commission, mettre fin à l'évaluation si l'autorité responsable décide de ne pas exercer les attributions visées à l'article 5 qu'elle possède à l'égard du projet.

Idem

**28.** (1) À tout moment, le ministre, après avoir offert de consulter l'instance, au sens du paragraphe 12(5), responsable du lieu où le projet doit être réalisé et après consultation de l'autorité responsable, ou, à défaut, de toute autorité fédérale compétente, s'il estime soit qu'un projet assujéti à l'évaluation environnementale aux termes de l'article 5 peut, compte tenu de l'application des mesures d'atténuation indiquées, entraîner des effets environnementaux négatifs importants, soit que les préoccupations du public le justifient, peut faire procéder à une médiation ou à un examen par une commission conformément à l'article 29.

ity in relation to the project, the appropriate federal authority, refer the project to a mediator or a review panel in accordance with section 29.

*Mackenzie Valley Resource Management Act*

(2) Where a proposal is referred pursuant to paragraph 130(1)(c) of the *Mackenzie Valley Resource Management Act*, the Minister shall refer the proposal to a review panel.

1992, c. 37, s. 28; 1998, c. 25, s. 162.

MEDIATION AND PANEL REVIEWS

Initial referral to mediator or review panel

**29.** (1) Subject to subsection (2), where a project is to be referred to a mediator or a review panel, the Minister shall

(a) refer the environmental assessment relating to the project to

(i) a mediator, or

(ii) a review panel; or

(b) refer part of the environmental assessment relating to the project to a mediator and part of that assessment to a review panel.

Condition on reference to mediator

(2) An environmental assessment or a part thereof shall not be referred to a mediator unless the interested parties have been identified and are willing to participate in the mediation.

Subsequent reference to a mediator

(3) The Minister may, at any time, refer any issue relating to an assessment by a review panel to a mediator where the Minister is of the opinion, after consulting with the review panel, that mediation is appropriate in respect of that issue.

When mediation fails

(4) Where, at any time after an environmental assessment or part of an environmental assessment of a project has been referred to a mediator, the Minister or the mediator determines that the mediation is not likely to produce a result that is satisfactory to all the participants, the Minister shall order the conclusion of the mediation.

1992, c. 37, s. 29; 2003, c. 9, s. 14.

Appointment of mediator

**30.** (1) Where a reference is made under subparagraph 29(1)(a)(i) in relation to a project, the Minister shall, after consulting with the responsible authority and all parties who are to participate in the mediation,

(2) Dans les cas où il en est saisi en vertu de l'alinéa 130(1)c) de la *Loi sur la gestion des ressources de la vallée du Mackenzie*, le ministre est tenu de soumettre l'affaire à un examen par une commission.

1992, ch. 37, art. 28; 1998, ch. 25, art. 162.

MÉDIATION OU EXAMEN PAR UNE COMMISSION

**29.** (1) Sous réserve du paragraphe (2), dans le cas où un projet doit faire l'objet d'une médiation ou d'un examen par une commission, le ministre :

a) soit renvoie l'évaluation environnementale du projet à un médiateur ou à une commission;

b) soit renvoie une partie de l'évaluation environnementale du projet à un médiateur et une partie de celle-ci à une commission.

(2) Le ministre ne renvoie la totalité d'une évaluation environnementale ou une partie de celle-ci à un médiateur que si les parties intéressées ont été identifiées et acceptent de participer à la médiation.

(3) À tout moment le ministre peut renvoyer une question relative à une évaluation environnementale soumise à l'examen par une commission à un médiateur si, après avoir consulté la commission d'examen, il estime que la médiation est indiquée relativement à cette question.

(4) Dans le cas où, à tout moment après le renvoi de l'évaluation environnementale d'un projet ou d'une partie de celle-ci à un médiateur, le ministre ou le médiateur estime que la médiation n'est pas susceptible de donner des résultats satisfaisants pour les parties, le ministre met fin à la médiation.

1992, ch. 37, art. 29; 2003, ch. 9, art. 14.

**30.** (1) S'il effectue le renvoi au médiateur visé à l'alinéa 29(1)a), le ministre, après consultation de l'autorité responsable et des parties qui doivent participer à la médiation :

a) nomme médiateur une personne :

*Loi sur la gestion des ressources de la vallée du Mackenzie*

Décision du ministre

Conditions

Pouvoir du ministre

Pouvoirs du ministre

Nomination du médiateur

	<p>(a) appoint as mediator any person who</p> <p>(i) is unbiased and free from any conflict of interest relative to the project and who has knowledge or experience in acting as a mediator, and</p> <p>(ii) may have been selected from a roster established pursuant to subsection (2); and</p> <p>(b) fix the terms of reference of the mediation.</p>	<p>(i) impartiale, non en conflit d'intérêts avec le projet et pourvue des connaissances ou de l'expérience voulues pour agir comme médiateur,</p> <p>(ii) qui peut avoir été choisie sur la liste établie en vertu du paragraphe (2);</p> <p>b) fixe son mandat.</p>	
Establishment of roster	<p>(2) The Minister may establish a roster of persons to act as mediators to be appointed pursuant to paragraph (1)(a).</p>	<p>(2) Le ministre peut établir une liste de personnes qui peuvent être nommées médiateurs aux termes de l'alinéa (1)a).</p>	Liste
Additional participants	<p><b>31.</b> The mediator may, at any time, allow an additional interested party to participate in a mediation.</p>	<p><b>31.</b> Le médiateur peut, à tout moment, permettre à une partie intéressée supplémentaire de participer à la médiation.</p>	Parties
Mediation report	<p><b>32.</b> (1) A mediator shall, at the conclusion of the mediation, prepare and submit a report to the Minister and to the responsible authority.</p>	<p><b>32.</b> (1) Dès la fin de la médiation, le médiateur présente un rapport au ministre et à l'autorité responsable.</p>	Rapport du médiateur
Privilege	<p>(2) No evidence of or relating to a statement made by a mediator or a participant to the mediation during the course of and for the purposes of the mediation is admissible without the consent of the mediator or participant, in any proceeding before a review panel, court, tribunal, body or person with jurisdiction to compel the production of evidence.</p> <p>1992, c. 37, s. 32; 2003, c. 9, s. 15(F).</p>	<p>(2) Sauf consentement du médiateur ou d'un participant à la médiation, les déclarations faites par l'un ou l'autre de ceux-ci dans le cadre de la médiation ne sont pas admissibles en preuve devant un organisme ou une personne habilités à contraindre des personnes à déposer en justice, notamment une commission ou un tribunal.</p> <p>1992, ch. 37, art. 32; 2003, ch. 9, art. 15(F).</p>	Inadmissibilité en preuve des déclarations
Appointment of review panel	<p><b>33.</b> (1) Where a project is referred to a review panel, the Minister shall, in consultation with the responsible authority,</p> <p>(a) appoint as members of the panel, including the chairperson thereof, persons who</p> <p>(i) are unbiased and free from any conflict of interest relative to the project and who have knowledge or experience relevant to the anticipated environmental effects of the project, and</p> <p>(ii) may have been selected from a roster established pursuant to subsection (2); and</p> <p>(b) fix the terms of reference of the panel.</p>	<p><b>33.</b> (1) Le ministre, en consultation avec l'autorité responsable, nomme les membres, y compris le président, de la commission d'évaluation environnementale et fixe le mandat de celle-ci. À cette fin, le ministre choisit des personnes :</p> <p>a) impartiales, non en conflit d'intérêts avec le projet et pourvues des connaissances ou de l'expérience voulues touchant les effets environnementaux prévisibles du projet;</p> <p>b) qui peuvent avoir été choisies sur la liste établie en vertu du paragraphe (2).</p>	Commission
Establishment of roster	<p>(2) The Minister may establish a roster of persons, to act as members of any review panel to be established pursuant to paragraph (1)(a).</p> <p>1992, c. 37, s. 33; 1993, c. 34, s. 28(F).</p>	<p>(2) Le ministre peut établir une liste de personnes qui peuvent être nommées membres d'une commission aux termes de l'alinéa (1)a).</p> <p>1992, ch. 37, art. 33; 1993, ch. 34, art. 28(F).</p>	Liste
Assessment by review panel	<p><b>34.</b> A review panel shall, in accordance with any regulations made for that purpose and with its term of reference,</p>	<p><b>34.</b> La commission, conformément à son mandat et aux règlements pris à cette fin :</p>	Commission d'évaluation environnementale

	<p>(a) ensure that the information required for an assessment by a review panel is obtained and made available to the public;</p> <p>(b) hold hearings in a manner that offers the public an opportunity to participate in the assessment;</p> <p>(c) prepare a report setting out</p> <p style="padding-left: 20px;">(i) the rationale, conclusions and recommendations of the panel relating to the environmental assessment of the project, including any mitigation measures and follow-up program, and</p> <p style="padding-left: 20px;">(ii) a summary of any comments received from the public; and</p> <p>(d) submit the report to the Minister and the responsible authority.</p>	<p>a) veille à l'obtention des renseignements nécessaires à l'évaluation environnementale d'un projet et veille à ce que le public y ait accès;</p> <p>b) tient des audiences de façon à donner au public la possibilité de participer à l'évaluation environnementale du projet;</p> <p>c) établit un rapport assorti de sa justification, de ses conclusions et recommandations relativement à l'évaluation environnementale du projet, notamment aux mesures d'atténuation et au programme de suivi, et énonçant, sous la forme d'un résumé, les observations reçues du public;</p> <p>d) présente son rapport au ministre et à l'autorité responsable.</p>	
Powers of review panel	<p><b>35.</b> (1) A review panel has the power of summoning any person to appear as a witness before the panel and of ordering the witness to</p> <p style="padding-left: 20px;">(a) give evidence, orally or in writing; and</p> <p style="padding-left: 20px;">(b) produce such documents and things as the panel considers necessary for conducting its assessment of the project.</p>	<p><b>35.</b> (1) La commission a le pouvoir d'assigner devant elle des témoins et de leur ordonner de :</p> <p style="padding-left: 20px;">a) déposer oralement ou par écrit;</p> <p style="padding-left: 20px;">b) produire les documents et autres pièces qu'elle juge nécessaires en vue de procéder à l'examen dont elle est chargée.</p>	Pouvoirs de la commission
Enforcement powers	<p>(2) A review panel has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and other things as is vested in a court of record.</p>	<p>(2) La commission a, pour contraindre les témoins à comparaître, à déposer et à produire des pièces, les pouvoirs d'une cour d'archives.</p>	Pouvoirs de contrainte
Hearings to be public	<p>(3) A hearing by a review panel shall be public unless the panel is satisfied after representations made by a witness that specific, direct and substantial harm would be caused to the witness or specific harm to the environment by the disclosure of the evidence, documents or other things that the witness is ordered to give or produce pursuant to subsection (1).</p>	<p>(3) Les audiences de la commission sont publiques sauf si elle décide, à la suite d'observations faites par le témoin, que la communication des éléments de preuve, documents ou objets qu'il est tenu de présenter au titre du paragraphe (1) lui causerait directement un préjudice réel et sérieux ou causerait un préjudice réel à l'environnement.</p>	Audiences publiques
Non-disclosure	<p>(4) Where a review panel is satisfied that the disclosure of evidence, documents or other things would cause specific, direct and substantial harm to a witness, the evidence, documents or things are privileged and shall not, without the authorization of the witness, knowingly be or be permitted to be communicated, disclosed or made available by any person who has obtained the evidence, documents or other things pursuant to this Act.</p>	<p>(4) Si la commission conclut que la communication d'éléments de preuve, de documents ou d'objets causerait directement un préjudice réel et sérieux au témoin, ces éléments de preuve, documents ou objets sont protégés; la personne qui les a obtenus en vertu de la présente loi ne peut sciemment les communiquer ou permettre qu'ils le soient sans l'autorisation du témoin.</p>	Non-communication
Non-disclosure	<p>(4.1) Where a review panel is satisfied that the disclosure of evidence, documents or other</p>	<p>(4.1) Si la commission conclut qu'un préjudice réel, pour l'environnement, résulterait de</p>	Non-communication

things would cause specific harm to the environment, the evidence, documents or things are privileged and shall not, without the authorization of the review panel, knowingly be or be permitted to be communicated, disclosed or made available by any person who has obtained the evidence, documents or other things pursuant to this Act.

la communication d'éléments de preuve, de documents ou d'objets, ces éléments de preuve, documents ou objets sont protégés; la personne qui les a obtenus en vertu de la présente loi ne peut sciemment les communiquer ou permettre qu'ils le soient sans l'autorisation de la commission.

Enforcement of summonses and orders

(5) Any summons issued or order made by a review panel pursuant to subsection (1) shall, for the purposes of enforcement, be made a summons or order of the Federal Court by following the usual practice and procedure.

(5) Aux fins de leur exécution, les assignations faites et ordonnances rendues aux termes du paragraphe (1) sont, selon la procédure habituelle, assimilées aux assignations ou ordonnances de la Cour fédérale.

Exécution des assignations et ordonnances

Immunity

(6) No action or other proceeding lies or shall be commenced against a member of a review panel for or in respect of anything done or omitted to be done, during the course of and for the purposes of the assessment by the review panel.

(6) Les membres d'une commission d'examen sont soustraits aux poursuites et autres procédures pour les faits — actes ou omissions — censés accomplis dans le cadre d'un examen par la commission.

Immunité

1992, c. 37, s. 35; 2003, c. 9, s. 16.

1992, ch. 37, art. 35; 2003, ch. 9, art. 16.

Public notice

**36.** On receiving a report submitted by a mediator or a review panel, the Minister shall make the report available to the public in any manner the Minister considers appropriate to facilitate public access to the report, and shall advise the public that the report is available.

**36.** Sur réception du rapport du médiateur ou de la commission d'évaluation environnementale, le ministre en donne avis public et en favorise l'accès par le public de la manière qu'il estime indiquée.

Publication

#### DECISION OF RESPONSIBLE AUTHORITY

#### DÉCISION DE L'AUTORITÉ RESPONSABLE

Decision of responsible authority

**37.** (1) Subject to subsections (1.1) to (1.3), the responsible authority shall take one of the following courses of action in respect of a project after taking into consideration the report submitted by a mediator or a review panel or, in the case of a project referred back to the responsible authority pursuant to subsection 23(1), the comprehensive study report:

**37.** (1) Sous réserve des paragraphes (1.1) à (1.3), l'autorité responsable, après avoir pris en compte le rapport du médiateur ou de la commission ou, si le projet lui est renvoyé aux termes du paragraphe 23(1), le rapport d'étude approfondie, prend l'une des décisions suivantes :

Autorité responsable

(a) where, taking into account the implementation of any mitigation measures that the responsible authority considers appropriate,

a) si, compte tenu de l'application des mesures d'atténuation qu'elle estime indiquées, la réalisation du projet n'est pas susceptible d'entraîner des effets environnementaux négatifs importants ou est susceptible d'en entraîner qui sont justifiables dans les circonstances, exercer ses attributions afin de permettre la mise en œuvre totale ou partielle du projet;

(i) the project is not likely to cause significant adverse environmental effects, or

b) si, compte tenu de l'application des mesures d'atténuation qu'elle estime indiquées, la réalisation du projet est susceptible d'entraîner des effets environnementaux qui ne sont pas justifiables dans les circonstances, ne pas exercer les attributions qui lui sont conférées sous le régime d'une loi fédérale et

(ii) the project is likely to cause significant adverse environmental effects that can be justified in the circumstances,

the responsible authority may exercise any power or perform any duty or function that would permit the project to be carried out in whole or in part; or

(b) where, taking into account the implementation of any mitigation measures that the responsible authority considers appropriate, the project is likely to cause significant adverse environmental effects that cannot be justified in the circumstances, the responsible authority shall not exercise any power or perform any duty or function conferred on it by or under any Act of Parliament that would permit the project to be carried out in whole or in part.

Approval of  
Governor in  
Council

(1.1) Where a report is submitted by a mediator or review panel,

(a) the responsible authority shall take into consideration the report and, with the approval of the Governor in Council, respond to the report;

(b) the Governor in Council may, for the purpose of giving the approval referred to in paragraph (a), require the mediator or review panel to clarify any of the recommendations set out in the report; and

(c) the responsible authority shall take a course of action under subsection (1) that is in conformity with the approval of the Governor in Council referred to in paragraph (a).

Federal  
authority

(1.2) Where a response to a report is required under paragraph (1.1)(a) and there is, in addition to a responsible authority, a federal authority referred to in paragraph 5(2)(b) in relation to the project, that federal authority may act as a responsible authority for the purposes of that response. This subsection applies in the case of a federal authority within the meaning of paragraph (b) of the definition “federal authority” in subsection 2(1) if the Minister through whom the authority is accountable to Parliament agrees.

Approval of  
Governor in  
Council

(1.3) Where a project is referred back to a responsible authority under subsection 23(1) and the Minister issues an environmental assessment decision statement to the effect that the project is likely to cause significant adverse environmental effects, no course of action may be taken by the responsible authority under subsection (1) without the approval of the Governor in Council.

qui pourraient permettre la mise en oeuvre du projet en tout ou en partie.

(1.1) Une fois pris en compte le rapport du médiateur ou de la commission, l'autorité responsable est tenue d'y donner suite avec l'agrément du gouverneur en conseil, qui peut demander des précisions sur l'une ou l'autre de ses conclusions; l'autorité responsable prend alors la décision visée au titre du paragraphe (1) conformément à l'agrément.

Agrément du  
gouverneur en  
conseil

(1.2) Lorsqu'une autorité responsable a l'obligation, en vertu du paragraphe (1.1), de donner suite au rapport qui y est visé, toute autorité fédérale dont le rôle à l'égard du projet est prévu à l'alinéa 5(2)b) peut prendre part à l'exécution de cette obligation comme si elle était une autorité responsable. S'agissant d'une autorité fédérale visée à l'alinéa b) de la définition de « autorité fédérale », au paragraphe 2(1), elle peut s'acquitter de cette obligation avec l'agrément du ministre par l'intermédiaire duquel elle rend compte de ses activités au Parlement.

Application du  
paragraphe 5(2)

(1.3) L'autorité responsable à laquelle le projet est renvoyé au titre du paragraphe 23(1) ne prend la décision visée au paragraphe (1) qu'avec l'agrément du gouverneur en conseil si le projet est, selon la déclaration du ministre, susceptible d'entraîner des effets environnementaux négatifs importants.

Agrément du  
gouverneur en  
conseil

Responsible authority to ensure implementation of mitigation measures	(2) Where a responsible authority takes a course of action referred to in paragraph (1)(a), it shall, notwithstanding any other Act of Parliament, in the exercise of its powers or the performance of its duties or functions under that other Act or any regulation made thereunder or in any other manner that the responsible authority considers necessary, ensure that any mitigation measures referred to in that paragraph in respect of the project are implemented.	(2) L'autorité responsable qui prend la décision visée à l'alinéa (1)a) veille, malgré toute autre loi fédérale, lors de l'exercice des attributions qui lui sont conférées sous le régime de cette loi ou de ses règlements ou selon les autres modalités qu'elle estime indiquées, à l'application des mesures d'atténuation visées à cet alinéa.	Précision
Mitigation measures — extent of authority	(2.1) Mitigation measures that may be taken into account under subsection (1) by a responsible authority are not limited to measures within the legislative authority of Parliament and include  (a) any mitigation measures whose implementation the responsible authority can ensure; and  (b) any other mitigation measures that it is satisfied will be implemented by another person or body.	(2.1) Les mesures d'atténuation que l'autorité responsable peut prendre en compte dans le cadre du paragraphe (1) ne se limitent pas à celles qui relèvent de la compétence législative du Parlement; elles comprennent :  a) les mesures d'atténuation dont elle peut assurer l'application;  b) toute autre mesure d'atténuation dont elle est convaincue qu'elle sera appliquée par une autre personne ou un autre organisme.	Mesures d'atténuation — étendue des pouvoirs
Responsible authority to ensure implementation of mitigation measures	(2.2) When a responsible authority takes a course of action referred to in paragraph (1)(a), it shall, with respect to any mitigation measures it has taken into account and that are described in paragraph (2.1)(a), ensure their implementation in any manner that it considers necessary and, in doing so, it is not limited to its duties or powers under any other Act of Parliament.	(2.2) Si elle prend une décision dans le cadre de l'alinéa (1)a), l'autorité responsable veille à l'application des mesures d'atténuation qu'elle a prises en compte et qui sont visées à l'alinéa (1.1)a) de la façon qu'elle estime nécessaire, même si aucune autre loi fédérale ne lui confère de tels pouvoirs d'application.	Application des mesures d'atténuation
Assistance of other federal authority	(2.3) A federal authority shall provide any assistance requested by a responsible authority in ensuring the implementation of a mitigation measure on which the federal authority and the responsible authority have agreed.	(2.3) Il incombe à l'autorité fédérale qui convient avec l'autorité responsable de mesures d'atténuation d'appuyer celle-ci, sur demande, dans l'application de ces mesures.	Appui à l'autorité responsable
Prohibition: proceeding with project	(3) Where the responsible authority takes a course of action referred to in paragraph (1)(b) in relation to a project, the responsible authority shall publish a notice of that course of action in the Registry and, notwithstanding any other Act of Parliament, no power, duty or function conferred by or under that Act or any regulation made under it shall be exercised or performed that would permit that project to be carried out in whole or in part.	(3) L'autorité responsable qui prend la décision visée à l'alinéa (1)b) à l'égard d'un projet est tenue de publier un avis de cette décision dans le registre, et aucune attribution conférée sous le régime de toute autre loi fédérale ou de ses règlements ne peut être exercée de façon à permettre la mise en œuvre, en tout ou en partie, du projet.	Interdiction de mise en œuvre
Time for decision	(4) A responsible authority shall not take any course of action under subsection (1) before the 30th day after the report submitted by a mediator or a review panel or a summary of it	(4) L'autorité responsable ne peut prendre une décision dans le cadre du paragraphe (1) avant le trentième jour suivant le versement du rapport du médiateur ou de la commission, ou	Délai relatif à la prise de la décision



has been included on the Internet site in accordance with paragraph 55.1(2)(p).

1992, c. 37, s. 37; 1993, c. 34, s. 29(F); 1994, c. 46, s. 3; 2003, c. 9, s. 17.

FOLLOW-UP PROGRAM

Consideration of follow-up — decision under paragraph 20(1)(a)

**38.** (1) Where a responsible authority takes a course of action under paragraph 20(1)(a), it shall consider whether a follow-up program for the project is appropriate in the circumstances and, if so, shall design a follow-up program and ensure its implementation.

Mandatory follow-up — decision under paragraph 37(1)(a)

(2) Where a responsible authority takes a course of action under paragraph 37(1)(a), it shall design a follow-up program for the project and ensure its implementation.

Scope of follow-up program

(3) In designing a follow-up program and in ensuring its implementation, a responsible authority is not limited by the Act of Parliament that confers the powers it exercises or the duties or functions it performs.

Assistance of other federal authority

(4) A federal authority shall provide any assistance requested by a responsible authority in ensuring the implementation of a follow-up program on which the federal authority and the responsible authority have agreed.

Follow-up programs

(5) The results of follow-up programs may be used for implementing adaptive management measures or for improving the quality of future environmental assessments.

1992, c. 37, s. 38; 1993, c. 34, s. 30(F); 2003, c. 9, s. 18.

CERTIFICATE

Certificate

**39.** A certificate that states that an environmental assessment of a project has been completed, and that is signed by a responsible authority that exercises a power or performs a duty or function referred to in paragraph 5(1)(c) in relation to the project, is, in the absence of evidence to the contrary, proof of the matter stated.

JOINT REVIEW PANELS

Definition of “jurisdiction”

**40.** (1) For the purposes of this section and sections 41 and 42, “jurisdiction” includes

- (a) a federal authority;
- (b) the government of a province;

un résumé du rapport, au site Internet conformément à l’alinéa 55.1(2)p).

1992, ch. 37, art. 37; 1993, ch. 34, art. 29(F); 1994, ch. 46, art. 3; 2003, ch. 9, art. 17.

PROGRAMME DE SUIVI

**38.** (1) Si elle décide de la mise en œuvre conformément à l’alinéa 20(1)a), l’autorité responsable examine l’opportunité d’un programme de suivi dans les circonstances; le cas échéant, elle procède à l’élaboration d’un tel programme et veille à son application.

(2) Si elle décide de la mise en œuvre conformément à l’alinéa 37(1)a), l’autorité responsable élabore un programme de suivi et veille à son application.

(3) Dans l’élaboration et l’application du programme de suivi qu’elle estime indiqué, l’autorité responsable n’est pas limitée par le champ d’application de la loi sous le régime de laquelle elle exerce ses attributions.

(4) Il incombe à l’autorité fédérale qui convient avec l’autorité responsable du programme de suivi d’appuyer celle-ci, sur demande, dans la mise en œuvre du programme.

(5) Les résultats des programmes de suivi peuvent être utilisés pour mettre en œuvre des mesures de gestion adaptative ou pour améliorer la qualité des évaluations environnementales futures.

1992, ch. 37, art. 38; 1993, ch. 34, art. 30(F); 2003, ch. 9, art. 18.

CERTIFICAT

**39.** Le certificat signé par l’autorité responsable qui exerce une attribution visée à l’alinéa 5(1)c) et où il est déclaré qu’une évaluation environnementale a été effectuée fait foi, sauf preuve contraire, de son contenu.

EXAMEN CONJOINT

**40.** (1) Pour l’application du présent article et des articles 41 et 42, « instance » s’entend notamment :

- a) d’une autorité fédérale;
- b) du gouvernement d’une province;

Décision au titre de l’al. 20(1)a) : suivi

Décision au titre de l’al. 37(1)a) : suivi

Portée du programme de suivi

Appui à l’autorité responsable

Programme de suivi

Certificat d’évaluation environnementale

Définition d’« instance »

(c) any other agency or body established pursuant to an Act of Parliament or the legislature of a province and having powers, duties or functions in relation to an assessment of the environmental effects of a project;

(d) any body established pursuant to a land claims agreement referred to in section 35 of the *Constitution Act, 1982* and having powers, duties or functions in relation to an assessment of the environmental effects of a project;

(e) a government of a foreign state or of a subdivision of a foreign state, or any institution of such a government; and

(f) an international organization of states or any institution of such an organization.

(2) Subject to section 41, where the referral of a project to a review panel is required or permitted by this Act, the Minister

(a) may enter into an agreement or arrangement with a jurisdiction referred to in paragraph (1)(a), (b), (c) or (d) that has powers, duties or functions in relation to the assessment of the environmental effects of the project, respecting the joint establishment of a review panel and the manner in which the environmental assessment of the project is to be conducted by the review panel; and

(b) shall, in the case of a jurisdiction within the meaning of subsection 12(5) that has a responsibility or an authority to conduct an assessment of the environmental effects of the project or any part of it, offer to consult and cooperate with that other jurisdiction respecting the environmental assessment of the project.

(2.1) Subject to section 41, where the Minister is required by subsection 28(2) to refer a proposal to a review panel, the Minister and the Mackenzie Valley Environmental Impact Review Board shall, in writing, jointly establish a review panel and prescribe the manner of its examination of the impact of the proposal on the environment.

(2.2) Despite subsection (2.1), if, in respect of a proposal referred to in subsection 138.1(1) of the *Mackenzie Valley Resource Management*

c) de tout autre organisme établi sous le régime d'une loi provinciale ou fédérale ayant des attributions relatives à l'évaluation des effets environnementaux d'un projet;

d) de tout organisme, constitué aux termes d'un accord sur des revendications territoriales visé à l'article 35 de la *Loi constitutionnelle de 1982*, ayant des attributions relatives à l'évaluation des effets environnementaux d'un projet;

e) du gouvernement d'un État étranger, d'une subdivision politique d'un État étranger ou de l'un de leurs organismes;

f) d'une organisation internationale d'États ou de l'un de ses organismes.

(2) Sous réserve de l'article 41, dans le cas où il estime qu'un examen par une commission est nécessaire ou possible, le ministre :

a) peut conclure avec l'instance visée à l'alinéa (1)a), b), c) ou d) exerçant des attributions relatives à l'évaluation des effets environnementaux du projet un accord relatif à la constitution conjointe d'une commission et aux modalités de l'évaluation environnementale du projet par celle-ci;

b) est tenu, dans le cas d'une instance, au sens du paragraphe 12(5), qui a la responsabilité ou le pouvoir d'entreprendre l'évaluation des effets environnementaux de tout ou partie du projet, d'offrir de consulter et de coopérer avec celle-ci à l'égard de l'évaluation environnementale du projet.

(2.1) Sous réserve de l'article 41, dans les cas où il est tenu de soumettre l'affaire à un examen par une commission au titre du paragraphe 28(2), le ministre, de concert avec l'Office d'examen des répercussions environnementales de la vallée du Mackenzie, procède à la constitution d'une commission conjointe et fixe, dans le document constitutif, les modalités d'examen des effets environnementaux du projet par celle-ci.

(2.2) Malgré le paragraphe (2.1), faute de conclusion, dans le délai réglementaire prévu au paragraphe 138.1(4) de la *Loi sur la gestion*

Review panels established jointly with another jurisdiction

Examen conjoint

*Mackenzie Valley Resource Management Act*

*Loi sur la gestion des ressources de la vallée du Mackenzie*

Where no agreement

Examen par une commission en l'absence d'un accord

*Act*, no agreement is entered into under that subsection within the period fixed by the regulations referred to in subsection 138.1(4) of that Act, an assessment by a review panel of the proposal shall be conducted.

*des ressources de la vallée du Mackenzie*, de l'accord prévu au paragraphe 138.1(1) de cette loi, le projet visé à ce paragraphe fait l'objet d'un examen par une commission.

Coordination

(2.3) The Minister shall to the extent possible ensure that any assessment of the proposal required by subsection (2.2) is coordinated with any environmental impact review of the proposal under the *Mackenzie Valley Resource Management Act*.

(2.3) Le ministre veille, dans la mesure du possible, à ce que l'examen visé au paragraphe (2.2) soit coordonné avec toute étude d'impact du projet effectuée en vertu de la *Loi sur la gestion des ressources de la vallée du Mackenzie*.

Coordination de l'examen avec toute étude d'impact

Consultation

(2.4) Before taking a course of action under subsection 37(1) in respect of a proposal referred to in subsection (2.3), the responsible authority shall take into consideration any report in respect of the proposal that is issued under subsection 134(2) of the *Mackenzie Valley Resource Management Act* and shall consult the persons and bodies to whom the report is submitted or distributed under subsection 134(3) of that Act.

(2.4) Avant de prendre la décision visée au paragraphe 37(1) à l'égard du projet visé au paragraphe (2.3), l'autorité responsable tient compte de tout rapport établi en vertu du paragraphe 134(2) de la *Loi sur la gestion des ressources de la vallée du Mackenzie* à l'égard du projet et consulte les personnes et organismes qui doivent recevoir le rapport aux termes du paragraphe 134(3) de cette loi.

Consultation

Review panels established jointly with another jurisdiction

(3) Subject to section 41, where the referral of a project to a review panel is required or permitted by this Act and a jurisdiction referred to in paragraph (1)(e) or (f) has a responsibility or an authority to conduct an assessment of the environmental effects of the project or any part of it, the Minister and the Minister of Foreign Affairs may enter into an agreement or arrangement with that jurisdiction respecting the joint establishment of a review panel and the manner in which the environmental assessment of the project is to be conducted by the review panel.

(3) Sous réserve de l'article 41, dans le cas où ils estiment qu'un examen par une commission est nécessaire ou possible et où une instance visée aux alinéas (1)e) ou f) a la responsabilité ou le pouvoir d'entreprendre l'évaluation des effets environnementaux de tout ou partie du projet, le ministre et le ministre des Affaires étrangères peuvent conclure avec l'instance visée un accord relatif à la constitution conjointe d'une commission et aux modalités de l'évaluation environnementale du projet par celle-ci.

Examen conjoint

Publication of agreement for joint panel

(4) Any agreement or arrangement referred to in subsection (2) or (3), and any document establishing a review panel under subsection (2.1), shall be published before the commencement of the hearings conducted by the review panel.

(4) Les accords visés aux paragraphes (2) ou (3), ainsi que les documents visés au paragraphe (2.1), sont publiés avant le début des audiences de la commission conjointe.

Publicité

1992, c. 37, s. 40; 1993, c. 34, s. 31(F); 1995, c. 5, s. 25; 1998, c. 25, s. 163; 2003, c. 9, s. 19; 2005, c. 1, s. 99.

1992, ch. 37, art. 40; 1993, ch. 34, art. 31(F); 1995, ch. 5, art. 25; 1998, ch. 25, art. 163; 2003, ch. 9, art. 19; 2005, ch. 1, art. 99.

Conditions

**41.** An agreement or arrangement entered into pursuant to subsection 40(2) or (3), and any document establishing a review panel under subsection 40(2.1), shall provide that the environmental assessment of the project shall include a consideration of the factors required to be considered under subsections 16(1) and (2) and be conducted in accordance with any additional requirements and procedures set out in the agreement and shall provide that

**41.** Les accords conclus aux termes des paragraphes 40(2) ou (3) et les documents visés au paragraphe 40(2.1) contiennent une disposition selon laquelle l'évaluation environnementale du projet prend en compte les éléments prévus aux paragraphes 16(1) et (2) et est effectuée conformément aux exigences et modalités supplémentaires qui y sont contenues ainsi que les conditions suivantes :

Conditions de l'examen conjoint

(a) the Minister shall appoint or approve the appointment of the chairperson or appoint a co-chairperson, and shall appoint at least one other member of the panel;

(b) the members of the panel are to be unbiased and free from any conflict of interest relative to the project and are to have knowledge or experience relevant to the anticipated environmental effects of the project;

(c) the Minister shall fix or approve the terms of reference for the panel;

(d) the review panel is to have the powers and immunities provided for in section 35;

(e) the public will be given an opportunity to participate in the assessment conducted by the panel;

(f) on completion of the assessment, the report of the panel will be submitted to the Minister; and

(g) the panel's report will be published.

1992, c. 37, s. 41; 1993, c. 34, s. 32(F); 1998, c. 25, s. 164; 2003, c. 9, s. 20.

Deemed substitution

**42.** Where the Minister establishes a review panel jointly with a jurisdiction referred to in subsection 40(1), the assessment conducted by that panel shall be deemed to satisfy any requirements of this Act and the regulations respecting assessments by a review panel.

1992, c. 37, s. 42; 1993, c. 34, s. 33(F).

#### PUBLIC HEARING BY A FEDERAL AUTHORITY

Substitute for review panel

**43.** (1) Where the referral of a project to a review panel is required or permitted by this Act and the Minister is of the opinion that a process for assessing the environmental effects of projects that is followed by a federal authority under an Act of Parliament other than this Act or by a body referred to in paragraph 40(1) (d) would be an appropriate substitute, the Minister may approve the substitution of that process for an environmental assessment by a review panel under this Act.

Manner of approval

(2) An approval of the Minister pursuant to subsection (1) shall be in writing and may be given in respect of a project or a class of projects.

1992, c. 37, s. 43; 1993, c. 34, s. 34(F).

a) le ministre nomme le président, ou approuve sa nomination, ou nomme le coprésident et nomme au moins un autre membre de la commission;

b) les membres de la commission sont impartiaux, non en conflit d'intérêts avec le projet et pourvus des connaissances et de l'expérience voulues touchant les effets environnementaux prévus du projet;

c) le ministre fixe ou approuve le mandat de la commission;

d) les pouvoirs et immunités prévus à l'article 35 sont conférés à la commission;

e) le public aura la possibilité de participer à l'examen;

f) dès l'achèvement de l'examen, la commission lui présentera un rapport;

g) le rapport sera publié.

1992, ch. 37, art. 41; 1993, ch. 34, art. 32(F); 1998, ch. 25, art. 164; 2003, ch. 9, art. 20.

Examen réputé conforme

**42.** Dans le cas où le ministre constitue la commission visée au paragraphe 40(1), l'examen effectué par celle-ci est réputé satisfaire aux exigences de la présente loi et des règlements en matière d'évaluation environnementale effectuée par une commission.

1992, ch. 37, art. 42; 1993, ch. 34, art. 33(F).

#### AUDIENCE PUBLIQUE PAR UNE AUTORITÉ FÉDÉRALE

Substitution

**43.** (1) Dans le cas où la présente loi lui permet de demander un examen par une commission ou l'y oblige, et s'il estime que le processus d'évaluation des effets environnementaux suivi par une autorité fédérale sous le régime d'une autre loi fédérale ou par un organisme visé à l'alinéa 40(1)d) serait indiqué dans les circonstances, le ministre peut autoriser la substitution de ce processus d'évaluation à l'examen.

Modalités

(2) L'autorisation du ministre est donnée par écrit et peut viser un projet ou une catégorie de projets.

1992, ch. 37, art. 43; 1993, ch. 34, art. 34(F).

Conditions	<p><b>44.</b> The Minister shall not approve a substitution pursuant to subsection 43(1) unless the Minister is satisfied that</p> <p>(a) the process to be substituted will include a consideration of the factors required to be considered under subsections 16(1) and (2);</p> <p>(b) the public will be given an opportunity to participate in the assessment;</p> <p>(c) at the end of the assessment, a report will be submitted to the Minister;</p> <p>(d) the report will be published; and</p> <p>(e) any criteria established pursuant to paragraph 58(1)(g) are met.</p>	<p><b>44.</b> Le ministre ne peut autoriser la substitution que s'il est convaincu que les conditions suivantes sont réunies :</p> <p>a) l'évaluation à effectuer portera entre autres sur les éléments dont la prise en compte est exigée en vertu des paragraphes 16(1) et (2);</p> <p>b) le public aura la possibilité de participer au processus d'évaluation;</p> <p>c) dès l'achèvement de l'évaluation, un rapport lui sera présenté;</p> <p>d) le rapport sera publié;</p> <p>e) il a été satisfait aux critères fixés aux termes de l'alinéa 58(1)g).</p>	Conditions
Deemed substitution	<p><b>45.</b> Where the Minister approves a substitution of a process pursuant to subsection 43(1), an assessment that is conducted in accordance with that process shall be deemed to satisfy any requirements of this Act and the regulations in respect of assessments by a review panel.</p>	<p><b>45.</b> L'évaluation autorisée en application du paragraphe 43(1) est réputée satisfaisante aux exigences de la présente loi et des règlements en matière d'évaluation environnementale effectuée par une commission.</p>	Évaluation réputée conforme
<p>TRANSBOUNDARY AND RELATED ENVIRONMENTAL EFFECTS</p>		<p>EFFETS HORS FRONTIÈRES ET EFFETS ENVIRONNEMENTAUX CONNEXES</p>	
Transboundary and related environmental effects	<p><b>46.</b> (1) Where no power, duty or function referred to in section 5 is to be exercised or performed by a federal authority in relation to a project that is to be carried out in a province and the Minister is of the opinion that the project may cause significant adverse environmental effects in another province, the Minister may refer the project to a mediator or a review panel in accordance with section 29 for an assessment of the environmental effects of the project in that other province.</p>	<p><b>46.</b> (1) S'il est d'avis qu'un projet qui doit être mis en œuvre dans une province et à l'égard duquel aucune des attributions visées à l'article 5 ne doit être exercée par une autorité fédérale peut entraîner des effets environnementaux négatifs importants dans une autre province, le ministre peut, conformément à l'article 29, renvoyer à un médiateur ou à une commission l'évaluation de ces effets dans cette autre province.</p>	Effets interprovinciaux
Agreement	<p>(2) The Minister shall not refer a project to a mediator or a review panel pursuant to subsection (1) where the Minister and the governments of all interested provinces have agreed on another manner of conducting an assessment of the interprovincial environmental effects of the project that</p> <p>(a) includes a consideration of the factors required to be considered under subsections 16(1) and (2);</p> <p>(b) includes an opportunity for the public to participate in the assessment;</p>	<p>(2) Le ministre ne peut effectuer le renvoi prévu au paragraphe (1) que si lui-même et les gouvernements des provinces concernées ne peuvent s'entendre sur des modalités de rechange de l'évaluation des effets environnementaux interprovinciaux du projet qui réunissent les conditions suivantes :</p> <p>a) l'évaluation porte sur les éléments dont la prise en compte est exigée en vertu des paragraphes 16(1) et (2);</p> <p>b) le public a la possibilité de participer au processus d'évaluation;</p> <p>c) dès l'achèvement de l'évaluation, un rapport lui sera présenté;</p>	Entente interprovinciale

	<p>(c) includes a requirement that the report is to be submitted to the Minister at the end of the assessment;</p> <p>(d) includes a requirement that the report is to be published; and</p> <p>(e) meets any criteria established pursuant to paragraph 58(1)(h).</p>	<p>d) le rapport sera publié;</p> <p>e) l'évaluation satisfait aux critères établis aux termes de l'alinéa 58(1)h).</p>	
Initiative for reference	<p>(3) The Minister shall consider whether to make a reference pursuant to subsection (1)</p> <p>(a) on the request of the government of any interested province; or</p> <p>(b) on the receipt of a petition that is</p> <p>(i) signed by one or more persons each of whom has an interest in lands on which the project may cause significant adverse environmental effects, and</p> <p>(ii) accompanied by a concise statement of the evidence supporting the contention of the petitioners that the project may cause significant adverse environmental effects in a province other than the one in which it is to be carried out.</p>	<p>(3) Le ministre est tenu d'examiner la possibilité d'effectuer le renvoi prévu au paragraphe (1) :</p> <p>a) à la demande du gouvernement d'une province concernée;</p> <p>b) sur réception d'une pétition signée par une ou plusieurs personnes qui ont chacune des droits sur des terres sur lesquelles le projet peut entraîner des effets environnementaux négatifs importants et accompagnée d'un bref exposé alléguant que la mise en oeuvre du projet dans une province peut causer de tels effets dans une autre province.</p>	Initiative
Notice	<p>(4) At least ten days before referring a project to a mediator or a review panel pursuant to subsection (1), the Minister shall give notice of the intention to do so to the proponent of the project, to the governments of all interested provinces and to any person who signed a petition considered by the Minister pursuant to subsection (3).</p>	<p>(4) Avant d'effectuer le renvoi prévu au paragraphe (1), le ministre en donne un préavis d'au moins dix jours au promoteur du projet, à tous les gouvernements des provinces concernées et aux signataires de la pétition reçue aux termes du paragraphe (3).</p>	Avis
Meaning of "interested province"	<p>(5) For the purposes of this section and sections 47, 48, 50 and 51, "interested province" means</p> <p>(a) a province in which the project is to be carried out; or</p> <p>(b) a province that claims that significant adverse environmental effects may occur in that province as a result of the project.</p> <p>1992, c. 37, s. 46; 2003, c. 9, s. 21.</p>	<p>(5) Pour l'application du présent article et des articles 47, 48, 50 et 51, « province concernée » s'entend de la province où est mis en oeuvre le projet et de celle qui prétend que le projet peut entraîner des effets environnementaux négatifs importants sur son territoire.</p> <p>1992, ch. 37, art. 46; 2003, ch. 9, art. 21.</p>	Définition de « province concernée »
International environmental effects	<p><b>47.</b> (1) Where no power, duty or function referred to in section 5 is to be exercised or performed by a federal authority in relation to a project that is to be carried out in Canada or on federal lands and the Minister is of the opinion that the project may cause significant adverse environmental effects occurring both outside Canada and outside those federal lands, the</p>	<p><b>47.</b> (1) Dans le cas où aucune des attributions visées à l'article 5 ne doit être exercée par une autorité fédérale à l'égard d'un projet devant être mis en oeuvre au Canada ou sur le territoire domanial et où le ministre est d'avis que le projet peut entraîner des effets environnementaux négatifs importants à la fois à l'étranger et hors du territoire domanial, le ministre et</p>	Effets internationaux

Minister and the Minister of Foreign Affairs may refer the project to a mediator or a review panel in accordance with section 29 for an assessment of the environmental effects of the project occurring both outside Canada and outside federal lands.

le ministre des Affaires étrangères peuvent, conformément à l'article 29, renvoyer à un médiateur ou à une commission l'évaluation des effets environnementaux internationaux.

Agreement

(2) The Minister and the Minister of Foreign Affairs shall not refer a project to a mediator or a review panel pursuant to subsection (1) where the Minister and the governments of all interested provinces have agreed on another manner of conducting an assessment of the environmental effects of the project occurring both outside Canada and outside federal lands that

(2) Le ministre et le ministre des Affaires étrangères ne peuvent effectuer le renvoi prévu au paragraphe (1) que si le ministre et les gouvernements des provinces concernées ne peuvent s'entendre sur des modalités de rechange de l'évaluation des effets environnementaux du projet qui surviennent à la fois à l'étranger et hors du territoire domaniale et que si ces modalités de rechange réunissent les conditions suivantes :

Défaut d'entente

(a) includes a consideration of the factors required to be considered under subsections 16(1) and (2);

a) elles portent sur les éléments dont la prise en compte est exigée en vertu des paragraphes 16(1) et (2);

(b) includes an opportunity for the public to participate in the assessment;

b) le public a la possibilité de participer au processus d'évaluation;

(c) includes a requirement that the report is to be submitted to the Minister at the end of the assessment;

c) dès son achèvement, un rapport sera présenté au ministre;

(d) includes a requirement that the report is to be published; and

d) le rapport sera publié;

(e) meets any criteria established pursuant to paragraph 58(1)(h).

e) elles satisfont aux critères fixés aux termes de l'alinéa 58(1)h).

Initiative for reference

(3) On a request to the Minister to refer a project to a mediator or a review panel pursuant to subsection (1) made by

(3) Le ministre et le ministre des Affaires étrangères sont tenus d'examiner la possibilité d'effectuer le renvoi prévu au paragraphe (1) sur réception par le ministre d'une demande présentée soit par le gouvernement d'une province où doit être mis en oeuvre le projet ou dont le territoire est contigu au territoire domaniale sur lequel le projet doit être mis en oeuvre, soit par le gouvernement d'un État étranger ou d'une subdivision politique d'un État étranger qui allègue que le projet peut entraîner des effets environnementaux négatifs importants sur son territoire.

Demande

(a) the government of any province in which the project is to be carried out or that is adjacent to federal lands on which the project is to be carried out, or

(b) the government of a foreign state or a subdivision thereof that claims that significant adverse environmental effects may occur in that foreign state or subdivision thereof as a result of the project,

the Minister and the Minister of Foreign Affairs shall consider whether to make a reference pursuant to subsection (1).

Notice

(4) At least ten days before making a reference pursuant to subsection (1), the Minister shall give notice of the intention to do so to

(4) Avant d'effectuer le renvoi prévu au paragraphe (1), le ministre en donne un préavis d'au moins dix jours :

Préavis

(a) the proponent of the project;

a) au promoteur du projet;

(b) the government of any province in which the project is to be carried out or that is adjacent to federal lands on which the project is to be carried out,

b) au gouvernement de la province où est mis en oeuvre le projet ou dont le territoire

cent to federal lands on which the project is to be carried out; and

(c) the government of any foreign state or a subdivision thereof in which, in the opinion of the Minister, significant adverse environmental effects may occur as a result of the project.

1992, c. 37, s. 47; 1995, c. 5, s. 25; 2003, c. 9, s. 22.

Environmental effects of projects carried out on lands of federal interest

**48.** (1) Where no power, duty or function referred to in section 5 is to be exercised or performed by a federal authority in relation to a project that is to be carried out in Canada and the Minister is of the opinion that the project may cause significant adverse environmental effects on

(a) lands in a reserve that is set apart for the use and benefit of a band and that is subject to the *Indian Act*,

(a.1) a park or park reserve as defined in subsection 2(1) of the *Canada National Parks Act*,

(b) federal lands other than those mentioned in paragraph (a) or (a.1),

(c) lands that are described in a land claims agreement referred to in section 35 of the *Constitution Act, 1982* and that are prescribed,

(d) lands that have been set aside for the use and benefit of Indians pursuant to legislation that relates to the self-government of Indians and that are prescribed, or

(e) lands in respect of which Indians have interests,

the Minister may refer the project to a mediator or a review panel in accordance with section 29 for an assessment of the environmental effects of the project on those lands.

Ecological integrity

(1.1) In deciding whether or not a project may cause significant adverse environmental effects on a park or park reserve as defined in subsection 2(1) of the *Canada National Parks Act*, the Minister shall take into account its ecological integrity, as that expression is defined in that subsection.

est contigu au territoire domanial sur lequel le projet est mis en oeuvre;

c) au gouvernement de l'État étranger à l'égard duquel, ou à la subdivision politique du gouvernement d'un État étranger à l'égard de laquelle, selon le ministre, le projet peut entraîner des effets environnementaux négatifs importants sur son territoire.

1992, ch. 37, art. 47; 1995, ch. 5, art. 25; 2003, ch. 9, art. 22.

Territoire domanial et autre

**48.** (1) Le ministre peut renvoyer à un médiateur ou à une commission l'évaluation des effets environnementaux d'un projet à l'égard duquel aucune attribution visée à l'article 5 ne doit être exercée par une autorité fédérale, si le projet doit être mis en œuvre au Canada et peut, à son avis, entraîner des effets environnementaux négatifs importants sur :

a) des terres d'une réserve mise de côté à l'usage et au profit d'une bande et assujettie à la *Loi sur les Indiens*;

a.1) un parc ou une réserve, au sens du paragraphe 2(1) de la *Loi sur les parcs nationaux du Canada*;

b) le territoire domanial, à l'exception des terres visées aux alinéas a) et a.1);

c) des terres visées dans un accord de revendications territoriales visé à l'article 35 de la *Loi constitutionnelle de 1982* et désignées par règlement;

d) des terres, désignées par règlement, mises de côté à l'usage et au profit des Indiens conformément à une loi relative à l'autonomie gouvernementale des Indiens;

e) des terres sur lesquelles les Indiens ont des droits.

Intégrité écologique

(1.1) Le ministre, pour décider si un projet peut entraîner des effets environnementaux négatifs importants sur un parc ou une réserve, au sens du paragraphe 2(1) de la *Loi sur les parcs nationaux du Canada*, tient compte des effets que le projet aura sur leur intégrité écologique, au sens de ce paragraphe.



Environmental effects of projects carried out on reserve lands, etc.

(2) Where no power, duty or function referred to in section 5 is to be exercised or performed by a federal authority in relation to a project that is to be carried out on

(a) lands in a reserve that is set apart for the use and benefit of a band and that is subject to the *Indian Act*,

(b) lands that are described in a land claims agreement referred to in section 35 of the *Constitution Act, 1982* and that are prescribed, or

(c) lands that have been set aside for the use and benefit of Indians pursuant to legislation that relates to the self-government of Indians and that are prescribed,

and the Minister is of the opinion that the project may cause significant adverse environmental effects outside those lands, the Minister may refer the project to a mediator or a review panel in accordance with section 29 for an assessment of the environmental effects of the project outside those lands.

Agreement

(3) The Minister shall not refer a project to a mediator or a review panel pursuant to subsection (1) or (2) where the Minister and the governments of all interested provinces, and

(a) in respect of federal lands referred to in paragraph (1)(b), the federal authority having the administration of those lands,

(b) in respect of lands referred to in paragraph (1)(a) or (2)(a), the council of the band for whose use and benefit the reserve has been set apart,

(c) in respect of lands referred to in paragraph (1)(c) or (e) or (2)(b), the party to the agreement or claim — or that party's successor — that was, or was acting on behalf of, an aboriginal people or group, or

(d) in respect of lands that have been set aside for the use and benefit of Indians pursuant to legislation referred to in paragraph (1)(d) or (2)(c), the governing body established by that legislation,

have agreed on another manner of conducting an assessment of the environmental effects of the project on or outside those lands, as the case may be.

Terres d'une réserve et autres

(2) S'il est d'avis qu'un projet à l'égard duquel aucune attribution visée à l'article 5 ne doit être exercée par une autorité fédérale et qui doit être mis en œuvre sur les terres énumérées ci-après peut entraîner des effets environnementaux négatifs importants à l'extérieur de ces terres, le ministre peut, conformément à l'article 29, renvoyer à un médiateur ou à une commission l'examen de ces effets :

a) terres d'une réserve mise de côté à l'usage et au profit d'une bande et assujettie à la *Loi sur les Indiens*;

b) terres visées dans un accord de revendications territoriales visé à l'article 35 de la *Loi constitutionnelle de 1982* et désignées par règlement;

c) terres, désignées par règlement, qui ont été mises de côté à l'usage et au profit des Indiens conformément à une loi relative à l'autonomie gouvernementale des Indiens.

Défaut d'entente

(3) Le ministre ne peut effectuer le renvoi prévu aux paragraphes (1) ou (2) que si lui-même et les gouvernements des provinces concernées ainsi que les organismes énumérés ci-après ne peuvent s'entendre sur les modalités de rechange de l'évaluation des effets environnementaux négatifs importants du projet sur ces terres ou à l'extérieur de celles-ci :

a) à l'égard du territoire domanial visé à l'alinéa (1)b), l'autorité fédérale qui est chargée de sa gestion;

b) à l'égard des terres visées aux alinéas (1)a) ou (2)a), le conseil de la bande à l'usage et au profit de laquelle la réserve a été mise de côté;

c) à l'égard des terres visées aux alinéas (1)c) ou e) ou (2)b), le peuple ou groupe autochtone, ou son représentant, partie à l'accord ou à la revendication, ou leurs successeurs;

d) à l'égard des terres qui ont été mises de côté à l'usage et au profit des Indiens conformément à une loi visée aux alinéas (1)d) ou (2)c), l'organisme dirigeant constitué par cette loi.

Initiative for  
reference

(4) The Minister shall consider whether to make a reference pursuant to subsection (1) or (2)

(a) on the request of the government of any interested province or the federal authority having the administration of federal lands referred to in paragraph (1)(b); or

(b) on receipt of a petition that is

(i) signed by one or more persons each of whom has an interest in lands on which the project may cause significant adverse environmental effects, and

(ii) accompanied by a concise statement of the evidence supporting the contention of the petitioner that the project may cause significant adverse environmental effects in respect of which a reference may be made pursuant to subsection (1) or (2).

Notice

(5) At least ten days before a reference is made pursuant to subsection (1) or (2), the Minister shall give notice of the intention to do so to

(a) the proponent of the project;

(b) the governments of all interested provinces;

(c) any person who signed a petition considered by the Minister pursuant to subsection (4);

(d) the federal authority, in the case of a reference to be made pursuant to paragraph (1)(b);

(e) in respect of lands referred to in paragraph (1)(a) or (2)(a), the council of the band for whose use and benefit the reserve has been set apart;

(f) in respect of lands referred to in paragraph (1)(c) or (e) or (2)(b), the party to the agreement or claim — or that party's successor — that was, or was acting on behalf of, an aboriginal people or group; and

(g) in respect of lands that have been set aside for the use and benefit of Indians pursuant to legislation referred to in paragraph (1)(d) or (2)(c), the governing body established by that legislation.

Demande

(4) Le ministre est tenu d'examiner la possibilité d'effectuer le renvoi prévu aux paragraphes (1) ou (2) :

a) à la demande du gouvernement d'une province concernée ou de l'autorité fédérale chargée de la gestion du territoire domanial visé à l'alinéa (1)b);

b) sur réception d'une pétition :

(i) signée par une ou plusieurs personnes qui ont chacune des droits sur des terres où le projet peut entraîner des effets environnementaux négatifs importants,

(ii) accompagnée d'un bref exposé alléguant que la mise en oeuvre du projet dans une province peut causer de tels effets, à l'égard desquels un renvoi peut être effectué aux termes des paragraphes (1) ou (2).

Préavis

(5) Avant d'effectuer le renvoi prévu aux paragraphes (1) ou (2), le ministre en donne un préavis d'au moins dix jours :

a) au promoteur du projet;

b) aux gouvernements des provinces concernées;

c) aux signataires d'une pétition examinée par le ministre aux termes du paragraphe (4);

d) à l'autorité fédérale, dans le cas du renvoi qui doit être effectué aux termes de l'alinéa (1)b);

e) à l'égard des terres visées aux alinéas (1)a) ou (2)a), au conseil de la bande à l'usage et au profit de laquelle la réserve a été mise de côté;

f) à l'égard des terres visées aux alinéas (1)c) ou e) ou (2)b), au peuple ou groupe autochtone, ou à son représentant, partie à l'accord ou à la revendication, ou à leurs successeurs;

g) à l'égard des terres qui ont été mises de côté à l'usage et au profit des Indiens conformément à une loi visée aux alinéas (1)d) ou (2)c), à l'organisme dirigeant constitué par cette loi.

Meaning of “lands in respect of which Indians have interests”

(6) For the purposes of this section, “lands in respect of which Indians have interests” means

(a) land areas that are subject to a land claim accepted by the Government of Canada for negotiation under its comprehensive land claims policy and that

(i) for the purposes of land claim settlement have been withdrawn from disposal, under the *Territorial Lands Act* in the case of land areas situated in the Northwest Territories or Nunavut, or under a law of the Legislature of Yukon in the case of land areas situated in Yukon, or

(ii) in the case of land areas situated in a province, have been agreed on for selection by the Government of Canada and the government of the province; and

(b) land areas that belong to Her Majesty or in respect of which Her Majesty has the right to dispose and that have been identified and agreed on by Her Majesty and an Indian band for transfer to settle claims based on

(i) an outstanding lawful obligation of Her Majesty towards an Indian band pursuant to the specific claims policy of the Government of Canada, or

(ii) treaty land entitlement.

Reference to lands, etc.

(7) For the purposes of this section, a reference to any lands, land areas or reserves includes a reference to all waters on and air above those lands, areas or reserves.

1992, c. 37, c. 48; 1993, c. 28, s. 78; 2002, c. 7, s. 123; 2003, c. 9, s. 23.

Rules governing review panels

**49.** Sections 29 to 36 and 40 to 42 apply, with such modifications as the circumstances require, in respect of a reference to a mediator or a review panel pursuant to subsection 46(1), 47(1) or 48(1) or (2).

Ministerial orders

**50.** (1) Where the Minister refers a project to a mediator or a review panel for an assessment of the environmental effects of the project referred to in subsection 46(1), 47(1) or 48(1) or (2), the Minister may, by order, prohibit the proponent of the project from doing any act or thing that would commit the proponent to ensuring that the project is carried out in whole or in part until the assessment is completed and

(6) Pour l’application du présent article, les terres sur lesquelles les Indiens ont des droits s’entendent :

a) des terres visées par des revendications territoriales que le gouvernement fédéral a accepté de négocier dans le cadre de sa politique en matière de revendications territoriales des Indiens et :

(i) celles qui ont été, dans le cadre d’un règlement en matière de revendications territoriales, déclarées inaliénables, dans le cas des Territoires du Nord-Ouest ou du Nunavut, sous le régime de la *Loi sur les terres territoriales* ou, dans le cas du Yukon, en vertu d’une loi de la Législature,

(ii) dans le cas des provinces, celles qui ont été choisies par le gouvernement fédéral et celui de la province concernée;

b) des terres qui appartiennent à Sa Majesté ou qu’elle a le droit de céder et qui ont été choisies par elle et une bande indienne pour cession en vue d’un règlement des revendications territoriales fondées :

(i) sur une obligation légale de Sa Majesté envers une bande indienne aux termes de la politique du gouvernement fédéral en matière de revendications particulières,

(ii) sur les droits fonciers découlant d’un traité.

Terres sur lesquelles les Indiens ont des droits

(7) Pour l’application du présent article, toute mention des terres, territoires ou réserves comprend leurs eaux et leur espace aérien.

1992, ch. 37, art. 48; 1993, ch. 28, art. 78; 2002, ch. 7, art. 123; 2003, ch. 9, art. 23.

Règle d’application

**49.** Les articles 29 à 36 et 40 à 42 s’appliquent, avec les adaptations nécessaires, aux renvois à une médiation ou à une commission d’examen visés aux paragraphes 46(1), 47(1) ou 48(1) ou (2).

Règles applicables aux commissions

**50.** (1) Dans le cas où il effectue le renvoi à un médiateur ou à une commission aux termes des paragraphes 46(1), 47(1) ou 48(1) ou (2), le ministre peut, par arrêté, interdire au promoteur d’accomplir tout acte permettant la mise en oeuvre du projet en tout ou en partie jusqu’à ce que l’examen soit terminé et qu’il soit convaincu que, compte tenu de la mise en oeuvre des mesures d’atténuation indiquées, la réalisation

Suspension du projet

the Minister is satisfied that, taking into account the implementation of any appropriate mitigation measures the project is not likely to cause any significant adverse environmental effects referred to in that subsection or that any such effects are justified in the circumstances.

du projet n'est pas susceptible d'entraîner les effets environnementaux négatifs importants visés à ces articles ou qu'ils sont justifiables dans les circonstances.

Idem

(2) Where a project is referred to a mediator or a review panel for an assessment of the environmental effects of the project referred to in subsection 46(1), 47(1) or 48(1) or (2) and the mediator or review panel submits a report to the Minister indicating that the project is likely to cause significant adverse environmental effects referred to in that subsection the Minister may, by order, prohibit the proponent of the project from doing any act or thing that would commit the proponent to ensuring that the project is carried out in whole or in part until the Minister is satisfied that, taking into account the implementation of any appropriate mitigation measures, the project is not likely to cause any significant adverse environmental effects referred to in that subsection or that any such effects are justified in the circumstances.

(2) Dans le cas où le médiateur ou la commission en vient à la conclusion dans son rapport au ministre que la mise en oeuvre du projet visé aux paragraphes 46(1), 47(1) ou 48(1) ou (2) est susceptible d'entraîner des effets environnementaux négatifs importants, le ministre peut, par arrêté, interdire au promoteur d'accomplir tout acte permettant la mise en oeuvre du projet en tout ou en partie jusqu'à ce qu'il soit convaincu que, compte tenu de l'application des mesures d'atténuation indiquées, la réalisation du projet n'est pas susceptible d'entraîner les effets environnementaux négatifs importants visés à ces articles ou qu'ils sont justifiables dans les circonstances.

Idem

Consultation with interested jurisdictions

(3) The Minister shall, before exercising discretion to make an order under subsection (1) or (2), advise and offer to consult with the governments of all interested provinces and any federal authority, or the band council, party to the agreement or claim or governing body having an interest in the lands where the project is to be carried out, as the case may be.

(3) Avant de prendre sa décision aux termes des paragraphes (1) ou (2), le ministre avise et offre de consulter, selon le cas, les gouvernements des provinces concernées, toute autorité fédérale ou le conseil de bande, la partie à l'entente ou à la revendication ou l'organisme dirigeant qui a des droits dans les terres où le projet doit être mis en oeuvre.

Consultation

1992, c. 37, s. 50; 1993, c. 34, s. 35(F).

1992, ch. 37, art. 50; 1993, ch. 34, art. 35(F).

Injunction

**51.** (1) Where, on the application of the Attorney General of Canada, it appears to a court of competent jurisdiction that an order made under section 50 in respect of a project has been, is about to be or is likely to be contravened, the court may issue an injunction ordering any person named in the application to refrain from doing any act or thing that would commit the proponent to ensuring that the project or any part thereof is carried out until

**51.** (1) Si, sur demande présentée par le procureur général du Canada, il conclut à l'observation — réelle ou appréhendée — de l'arrêté pris en application de l'article 50, le tribunal compétent peut, par injonction, interdire à toute personne visée par la demande d'accomplir tout acte permettant la mise en oeuvre du projet en tout ou en partie jusqu'à ce que :

Injonction

(a) with respect to an order made pursuant to subsection 50(1), the assessment of the environmental effects of the project referred to in subsection 46(1), 47(1) or 48(1) or (2) is completed and the Minister is satisfied that, taking into account the implementation of any appropriate mitigation measures, the project is not likely to cause any significant

a) dans le cas d'un arrêté pris en vertu du paragraphe 50(1), l'examen par une commission soit terminé et que le ministre soit convaincu que, compte tenu de l'application des mesures d'atténuation indiquées, la réalisation du projet n'est pas susceptible d'entraîner les effets environnementaux négatifs importants visés aux paragraphes 46(1), 47(1) ou 48(1) ou (2) ou qu'ils sont justifiables dans les circonstances;

adverse environmental effects referred to in that subsection or any such effects are justified in the circumstances; and

(b) with respect to an order made pursuant to subsection 50(2), the Minister is satisfied that, taking into account the implementation of any appropriate mitigation measures, the project is not likely to cause any significant adverse environmental effects referred to in that subsection or any such effects are justified in the circumstances.

b) dans le cas d'un arrêté pris en vertu du paragraphe 50(2), le ministre soit convaincu que, compte tenu de l'application des mesures d'atténuation indiquées, la réalisation du projet n'est pas susceptible d'entraîner les effets environnementaux négatifs importants visés à ces articles ou qu'ils sont justifiables dans les circonstances.

Notice

(2) At least forty-eight hours before an injunction is issued under subsection (1), notice of the application shall be given to

- (a) persons named in the application, and
- (b) the governments of all interested provinces and any federal authority, band council, party to the agreement or claim or governing body having an interest in the lands where the project is to be carried out, as the case may be,

unless the urgency of the situation is such that the delay involved in giving such notice would not be in the public interest.

1992, c. 37, s. 51; 1993, c. 34, s. 36(F).

(2) Sauf lorsque cela serait contraire à l'intérêt public en raison de l'urgence de la situation, l'injonction est subordonnée à la signification d'un préavis d'au moins quarante-huit heures :

- a) aux parties nommées dans la demande;
- b) aux gouvernements des provinces concernées et, selon le cas, à l'autorité fédérale, au conseil de bande, à la partie à l'entente ou à la revendication ou à l'organisme dirigeant qui ont des droits dans les terres où le projet doit être mis en oeuvre.

1992, ch. 37, art. 51; 1993, ch. 34, art. 36(F).

Préavis

Order in force

**52.** (1) An order under section 50 comes into force at the time it is made.

**52.** (1) L'arrêté pris en application de l'article 50 prend effet dès sa prise.

Prise d'effet de l'arrêté

Approval of Governor in Council

(2) The order ceases to have effect fourteen days after it is made unless, within that period, it is approved by the Governor in Council.

(2) L'arrêté devient inopérant à défaut d'approbation du gouverneur en conseil dans les quatorze jours suivant sa prise.

Approbation du gouverneur en conseil

Exemption from application of *Statutory Instruments Act*

(3) The order is exempt from the application of sections 3, 5 and 11 of the *Statutory Instruments Act* and shall be published in the *Canada Gazette* within twenty-three days after it is approved by the Governor in Council.

(3) L'arrêté est soustrait à l'application des articles 3, 5 et 11 de la *Loi sur les textes réglementaires* et publié dans la *Gazette du Canada* dans les vingt-trois jours suivant son approbation.

Dérogation à la *Loi sur les textes réglementaires*

Follow-up program

**53.** (1) Where the Minister has referred a project to a mediator or a review panel pursuant to subsection 46(1), 47(1) or 48(1) or (2), the Minister shall, in accordance with any regulations made for that purpose, design or approve any follow-up program that the Minister considers appropriate for the project and arrange for the implementation of that program.

**53.** (1) Dans les cas où il a effectué le renvoi à un médiateur ou à une commission prévu aux paragraphes 46(1), 47(1) ou 48(1) ou (2), le ministre élabore ou approuve, conformément aux règlements pris à cette fin, tout programme de suivi qu'il estime indiqué pour le projet et veille à la mise en oeuvre du programme.

Programme de suivi

Public notice

(2) Following the receipt of the report of the mediator or review panel in respect of the assessment of the environmental effects of the project referred to in subsection 46(1), 47(1) or 48(1) or (2), the Minister shall, in accordance

(2) Sur réception du rapport du médiateur ou de la commission concernant les évaluations environnementales visées aux paragraphes 46(1), 47(1) ou 48(1) ou (2), le ministre porte à

Publicité

with any regulations made for that purpose, advise the public of

- (a) any order or injunction issued under section 50 or 51 in respect of the project;
- (b) any mitigation measures to be implemented with respect to the adverse environmental effects of the project referred to in those subsections;
- (c) the extent to which the recommendations set out in the report have been adopted, and the reasons for not having adopted any of those recommendations;
- (d) any follow-up program that is designed or approved for the project pursuant to subsection (1); and
- (e) any results of any follow-up program.

#### AGREEMENTS AND ARRANGEMENTS

**54.** (1) Subject to subsection (3), where a federal authority or the Government of Canada on behalf of a federal authority enters into an agreement or arrangement with the government of a province or any institution of such a government under which a federal authority exercises a power or performs a duty or function referred to in paragraph 5(1)(b) in relation to projects the essential details of which are not specified, the Government of Canada or the federal authority shall ensure that the agreement or arrangement provides for the assessment of the environmental effects of those projects and that the assessment will be carried out as early as practicable in the planning stages of those projects, before irrevocable decisions are made, in accordance with

- (a) this Act and the regulations; or
- (b) a process for the assessment of the environmental effects of projects that is consistent with the requirements of this Act and is in effect in the province where the projects are to be carried out.

(2) Subject to subsection (3), where a federal authority or the Government of Canada on behalf of a federal authority enters into an agreement or arrangement with any government or any person, organization or institution, whether or not part of or affiliated with a government, under which a federal authority exer-

la connaissance du public, conformément aux règlements pris à cette fin :

- a) tout arrêté pris aux termes de l'article 50 ou toute injonction prononcée aux termes de l'article 51;
- b) les mesures d'atténuation éventuelles des effets environnementaux négatifs d'un projet visé à ces paragraphes;
- c) la suite donnée aux recommandations issues du rapport et les motifs du rejet éventuel d'une de celles-ci;
- d) le programme de suivi élaboré ou approuvé aux termes du paragraphe (1);
- e) les résultats du programme de suivi.

#### ACCORDS SIGNÉS PAR LES AUTORITÉS FÉDÉRALES

**54.** (1) Sous réserve du paragraphe (3), le gouvernement du Canada ou toute autorité fédérale veille à ce que les accords que l'autorité fédérale conclut — ou que le gouvernement conclut en son nom — avec le gouvernement d'une province ou avec l'un de ses organismes, en vertu desquels une autorité fédérale exerce une attribution visée à l'alinéa 5(1)b) au titre de projets dont les éléments essentiels ne sont pas déterminés, prévoient l'évaluation des effets environnementaux des projets, cette évaluation devant être effectuée le plus tôt possible au stade de leur planification, avant la prise d'une décision irrévocable conformément à la présente loi et aux règlements ou au processus, compatible avec la présente loi, d'évaluation des effets environnementaux de projets applicable dans la province où ceux-ci doivent être mis en oeuvre.

(2) Sous réserve du paragraphe (3), le gouvernement du Canada ou toute autorité fédérale veille à ce que les accords que l'autorité fédérale conclut — ou que le gouvernement conclut en son nom — avec soit un gouvernement, soit une personne, un organisme ou une institution, peu importe qu'ils soient ou non affiliés à un

Provincial agreement or arrangement

Accords avec les provinces

International agreement or arrangement

Accords internationaux

cises a power or performs a duty or function referred to in paragraph 5(1)(b) or 10.1(2)(b) in relation to projects the essential details of which are not specified and that are to be carried out both outside Canada and outside federal lands, the Government of Canada or the federal authority shall ensure, in so far as is practicable and subject to any other such agreement to which the Government of Canada or federal authority is a party, that the agreement or arrangement provides for the assessment of the environmental effects of those projects and that the assessment will be carried out as early as practicable in the planning stages of those projects, before irrevocable decisions are made, in accordance with

- (a) this Act and the regulations; or
- (b) a process for the assessment of the environmental effects of projects that is consistent with the requirements of this Act and is in effect in the foreign state where the projects are to be carried out.

Exception

(3) For greater certainty, if a federal authority will be required to exercise a power or perform a duty or function referred to in paragraph 5(1)(b) or 10.1(2)(b) — in relation to a project in respect of which an agreement or arrangement referred to in subsection (1) or (2) applies — after the essential details of the project are specified

(a) subsection (1) or (2), as the case may be, does not apply in respect of the agreement or arrangement; and

(b) section 5 or 10.1, as the case may be, applies.

1992, c. 37, s. 54; 1993, c. 34, s. 37(F); 2003, c. 9, s. 24.

## CANADIAN ENVIRONMENTAL ASSESSMENT REGISTRY

### ESTABLISHMENT OF REGISTRY

**55.** (1) For the purpose of facilitating public access to records relating to environmental assessments and providing notice in a timely manner of the assessments, there shall be a registry called the Canadian Environmental Assessment Registry, consisting of an Internet site and project files.

Canadian Environmental Assessment Registry

Right of access

(2) The Registry shall be operated in a manner to ensure convenient public access to it.

gouvernement ou en fassent partie, en vertu desquels une autorité fédérale exerce une attribution visée aux alinéas 5(1)b) ou 10.1(2)b) au titre de projets dont les éléments essentiels ne sont pas déterminés qui doivent être mis en œuvre à la fois à l'étranger et hors du territoire domanial, prévoient, dans la mesure du possible, tout en étant compatibles avec les accords dont le Canada ou une autorité fédérale est déjà signataire à leur entrée en vigueur, l'évaluation des effets environnementaux des projets, cette évaluation devant être effectuée le plus tôt possible au stade de leur planification, avant la prise d'une décision irrévocable, conformément à la présente loi et aux règlements ou au processus, compatible avec la présente loi, d'évaluation des effets environnementaux de projets applicable dans l'État étranger où ceux-ci doivent être mis en œuvre.

(3) Il est entendu que, dans les cas où une autorité fédérale est tenue d'exercer une attribution visée aux alinéas 5(1)b) ou 10.1(2)b) relativement aux projets qui font l'objet d'un accord visé aux paragraphes (1) ou (2) après la détermination des éléments essentiels de ces projets, ces paragraphes ne s'appliquent pas à l'accord et les articles 5 ou 10.1 s'appliquent.

1992, ch. 37, art. 54; 1993, ch. 34, art. 37(F); 2003, ch. 9, art. 24.

## REGISTRE CANADIEN D'ÉVALUATION ENVIRONNEMENTALE

### ÉTABLISSEMENT DU REGISTRE

**55.** (1) Afin de faciliter l'accès du public aux documents relatifs aux évaluations environnementales et de notifier celles-ci en temps opportun, est établi le registre canadien d'évaluation environnementale formé, d'une part, d'un site Internet et, d'autre part, des dossiers de projet.

Exception

Registre canadien d'évaluation environnementale

Droit d'accès

(2) Le registre est maintenu de façon à assurer l'accès facile au public. Ce droit d'accès

This right of access to the Registry is in addition to any right of access provided under any other Act of Parliament.

Copy

(3) For the purpose of facilitating public access to records included in the Registry, in the case of a screening or comprehensive study, the federal environmental assessment coordinator and, in any other case, the Agency shall ensure that a copy of any such record is provided in a timely manner on request.

1992, c. 37, s. 55; 1993, c. 34, s. 38(F); 2003, c. 9, s. 25.

cès existe indépendamment de tout droit d'accès prévu par toute autre loi fédérale.

Copie

(3) Afin de faciliter l'accès du public aux documents versés au registre, le coordonnateur fédéral de l'évaluation environnementale, dans le cas d'un examen préalable et d'une étude approfondie, et l'Agence, dans les autres cas, veillent à ce que soit fourni, sur demande et en temps opportun, une copie de tout tel document.

1992, ch. 37, art. 55; 1993, ch. 34, art. 38(F); 2003, ch. 9, art. 25.

#### INTERNET SITE

Establishment and maintenance

**55.1** (1) The Agency shall, in accordance with this Act and the regulations, establish and maintain an Internet site to be generally accessible through what is commonly referred to as the Internet.

Contents

(2) Subject to subsection 55.5(1), the Internet site shall include

(a) within 14 days after the commencement of an environmental assessment, notice of its commencement, except where a class screening report is used under subsection 19(5) or (6);

(b) an agreement contemplated by subsection 12.4(3);

(c) a description of the scope of the project in relation to which an environmental assessment is to be conducted, as determined under section 15;

(d) a statement of the projects in respect of which a class screening report is used under subsection 19(5) or (6);

(e) any declaration referred to in subsection 19(4) and the report to which it relates or a description of how a copy of the report may be obtained, and any declaration referred to in subsection 19(9);

(f) notice of termination of an environmental assessment by a responsible authority under section 26;

(g) notice of termination of an environmental assessment by the Minister under section 27;

#### SITE INTERNET

Établissement et tenue du site Internet

**55.1** (1) L'Agence établit et tient, conformément à la présente loi et aux règlements, un site généralement accessible sur le réseau communément appelé Internet.

Contenu

(2) Sont versés au site Internet, sous réserve du paragraphe 55.5(1) :

a) dans les quatorze jours suivant le début de l'évaluation environnementale, avis du début de l'évaluation, sauf si l'autorité responsable utilise un rapport d'examen préalable type en vertu des paragraphes 19(5) ou (6);

b) l'entente visée au paragraphe 12.4(3);

c) la description de la portée, déterminée au titre de l'article 15, du projet à l'égard duquel l'évaluation environnementale doit être effectuée;

d) le relevé des projets à l'égard desquels une autorité responsable utilise un rapport d'examen préalable type en vertu des paragraphes 19(5) ou (6);

e) toute désignation faite dans le cadre du paragraphe 19(4), avec le rapport ou une indication de la façon d'en obtenir copie, de même que toute déclaration faite dans le cadre du paragraphe 19(9);

f) avis de la décision de l'autorité responsable de mettre fin à l'évaluation environnementale au titre de l'article 26;

g) avis de la décision du ministre de mettre fin à l'évaluation environnementale au titre de l'article 27;



- (h) any public notices that are issued by responsible authorities or the Agency to request public input into an environmental assessment;
- (i) notice of a decision of the Minister to refer a project under paragraph 21.1(1)(a);
- (j) where the responsible authority, in accordance with subsection 18(3), gives the public an opportunity to participate in the screening of a project or where the Minister, under paragraph 21.1(1)(a), refers a project to the responsible authority to continue a comprehensive study, a description of the factors to be taken into consideration in the environmental assessment and of the scope of those factors or an indication of how such a description may be obtained;
- (k) the screening or comprehensive study report taken into consideration by a responsible authority for the purpose of a decision under section 20 or 37 or a description of how a copy of the report may be obtained, except where a class screening report is used under subsection 19(5) or (6);
- (l) an environmental assessment decision statement under subsection 23(1) and any request made under subsection 23(2);
- (m) notice of the referral of a project to a mediator or review panel;
- (n) the terms of reference of a mediation or a review panel;
- (o) if the Minister has ordered the conclusion of a mediation under subsection 29(4), notice of the order;
- (p) a report of a mediator or review panel or a summary of the report;
- (q) a response under paragraph 37(1.1)(a) to the report of a mediator or review panel;
- (r) except where a class screening report is used under subsection 19(5) or (6), the decision of a responsible authority, made under section 20 or 37 concerning the environmental effects of the project, and a statement of any mitigation measures the implementation of which the responsible authority took into account in making its decision;
- h) avis public lancé par l'autorité responsable ou l'Agence sollicitant la participation du public à l'évaluation environnementale;
- i) avis de la décision du ministre de renvoyer le projet au titre de l'alinéa 21.1(1)a);
- j) dans le cas où l'autorité responsable donne, au titre du paragraphe 18(3), la possibilité au public de participer à l'examen préalable ou dans le cas où le ministre renvoie, au titre de l'alinéa 21.1(1)a), le projet à l'autorité responsable pour qu'elle poursuive l'étude approfondie, une description des éléments à prendre en compte dans le cadre de l'évaluation environnementale et de la portée de ceux-ci ou une indication de la façon d'obtenir copie de cette description;
- k) le rapport d'examen préalable ou de l'étude approfondie sur lequel se fonde la décision de l'autorité responsable au titre des articles 20 ou 37 — ou une indication de la façon d'en obtenir copie —, sauf si l'autorité responsable utilise un rapport d'examen préalable type en vertu des paragraphes 19(5) ou (6);
- l) la déclaration que fait le ministre en application du paragraphe 23(1) et toute demande faite au titre du paragraphe 23(2);
- m) avis de renvoi du projet à la médiation ou à l'examen par une commission;
- n) le mandat du médiateur ou de la commission;
- o) avis, le cas échéant, de la décision du ministre de mettre fin à la médiation au titre du paragraphe 29(4);
- p) le rapport du médiateur ou de la commission, ou un résumé du rapport;
- q) la suite à donner, au titre du paragraphe 37(1.1), au rapport du médiateur ou de la commission;
- r) sauf si l'autorité responsable utilise un rapport d'examen préalable type en vertu des paragraphes 19(5) ou (6), la décision prise par celle-ci en application des articles 20 ou 37 relativement aux effets environnementaux du projet et la mention des mesures d'atténuation dont elle a tenu compte dans le cadre de sa décision;

(s) a notice stating whether or not, pursuant to subsection 38(1), a follow-up program for the project is considered appropriate;

(t) a description summarizing any follow-up program and its results or an indication of how a full description of the program and its results may be obtained;

(u) any other information that the responsible authority or the Agency, as the case may be, considers appropriate, including information in the form of a list of relevant documents in which case a description of how they may be obtained shall be provided; and

(v) any other record or information prescribed under paragraph 59(h.1).

(3) The Agency shall determine and notify the public

(a) what the form of the Internet site is to be and how it is to be kept;

(b) how records and information are to be included in it;

(c) what information must be contained in any record referred to in subsection (2);

(d) what records and information are to be included in the Internet site, in addition to any record referred to in subsection (2);

(e) when information must be included in the Internet site;

(f) when information may be removed from the Internet site; and

(g) how access to the Internet site is to be provided.

2003, c. 9, s. 25.

**55.2** (1) The Agency shall ensure that the records referred to in paragraphs 55.1(2)(b), (e), (i) and (l) are included in the Internet site.

(2) The Agency shall, in the case of a mediation or an assessment by a review panel, ensure that the records referred to in paragraphs 55.1(2)(c), (g), (h), (m), (n), (o), (p), (q) and (u) and any record or information referred to in paragraph 55.1(2)(v) are included in the Internet site.

2003, c. 9, s. 25.

s) avis indiquant si, au terme de l'examen visé au paragraphe 38(1), le programme de suivi est jugé opportun;

t) la description sommaire du programme de suivi et de ses résultats ou une indication de la façon d'obtenir copie de la description complète du programme et de ses résultats;

u) tout autre renseignement, notamment sous la forme d'une liste de documents — accompagnée, dans ce cas, d'une indication de la façon d'obtenir copie de ceux-ci —, que l'autorité responsable ou l'Agence, selon le cas, juge indiqué;

v) tout autre document ou renseignement prévu par règlement pris en vertu de l'alinéa 59h.1).

(3) L'Agence décide et avise le public :

a) des modalités de forme et de tenue du site Internet;

b) des modalités selon lesquelles les documents et renseignements doivent y être versés;

c) des renseignements qui doivent se trouver dans les documents visés au paragraphe (2);

d) des documents et renseignements à verser au site Internet en plus des documents visés au paragraphe (2);

e) du moment où les renseignements doivent être versés au site Internet;

f) du moment où les documents peuvent être retirés du site Internet;

g) des modalités d'accès au site Internet.

2003, ch. 9, art. 25.

**55.2** (1) L'Agence veille à ce que soient versés au site Internet les documents visés aux alinéas 55.1(2)b), e), i) et l).

(2) Elle veille également à ce que, dans le cas d'une médiation ou d'un examen par une commission, les documents visés aux alinéas 55.1(2)c), g), h), m), n), o), p), q) et u) y soient versés, de même que, le cas échéant, les documents et renseignements visés à l'alinéa 55.1(2)v).

2003, ch. 9, art. 25.

Form and manner of Internet site

Modalités de forme et de contenu

Duty to contribute records — Agency

Responsabilité à l'égard du site Internet : Agence

In the case of mediation or review panel

Cas de médiation et d'examen par une commission

Duty to contribute records — responsible authorities	<p><b>55.3</b> (1) A responsible authority shall ensure that the records referred to in paragraphs 55.1(2)(a), (f), (j), (k), (r), (s) and (t) and, in the case of a screening or a comprehensive study, the records referred to in paragraphs 55.1(2)(c), (h) and (u) and any record or information referred to in paragraph 55.1(2)(v), are included in the Internet site.</p>	<p><b>55.3</b> (1) L'autorité responsable veille à ce que soient versés au site Internet les documents visés aux alinéas 55.1(2)a), f), j), k), r), s) et t). Elle veille également à ce que, dans le cas d'un examen préalable ou d'une étude approfondie, les documents visés aux alinéas 55.1(2)c), h) et u) y soient versés, de même que les documents et renseignements visés à l'alinéa 55.1(2)v).</p>	Responsabilité à l'égard du site Internet : autorité responsable
Statement — paragraph 55.1(2)(d)	<p>(2) A responsible authority shall ensure that the statement referred to in paragraph 55.1(2)(d) is included in the Internet site every three months or with any other greater frequency to which it agrees with the Agency.</p>	<p>(2) Elle veille également à ce que les relevés visés à l'alinéa 55.1(2)d) y soient versés trimestriellement ou selon la fréquence plus élevée dont elle convient avec l'Agence.</p>	Relevés : al. 55.1(2)d)
Time for inclusion of report	<p>(3) A screening report referred to in paragraph 55.1(2)(k) or a description of how a copy of it may be obtained shall be included in the Internet site not later than the decision referred to in paragraph 55.1(2)(r) that is based on the report, unless otherwise authorized by the Agency.</p> <p>2003, c. 9, s. 25.</p>	<p>(3) Sauf autorisation contraire de l'Agence, le rapport d'examen préalable ou de l'étude approfondie visé à l'alinéa 55.1(2)k) — ou une indication de la façon d'en obtenir copie — doit être versé au site Internet avant la décision connexe visée à l'alinéa 55.1(2)r) ou en même temps qu'elle.</p> <p>2003, ch. 9, art. 25.</p>	Règle relative au versement de certains documents

PROJECT FILES

DOSSIERS DE PROJET

Establishment and maintenance	<p><b>55.4</b> (1) In respect of every project for which an environmental assessment is conducted, a project file shall be established and maintained, in accordance with this Act and the regulations,</p> <p>(a) by the responsible authority from the commencement of the environmental assessment until any follow-up program in respect of the project is completed; and</p> <p>(b) where the project is referred to a mediator or a review panel, by the Agency from the appointment of the mediator or the members of the review panel until the report of the mediator or review panel is submitted to the Minister.</p>	<p><b>55.4</b> (1) Les dossiers de projet sont établis et tenus conformément à la présente loi et aux règlements à l'égard de chacun des projets pour lesquels une évaluation environnementale est effectuée :</p> <p>a) par l'autorité responsable dès le début de l'évaluation environnementale et jusqu'à ce que le programme de suivi soit terminé;</p> <p>b) par l'Agence, dans les cas où une médiation ou un examen par une commission est effectué, dès la nomination du médiateur ou des membres de la commission et jusqu'au moment de la remise du rapport au ministre.</p>	Établissement et tenue des dossiers de projet
Contents of project file	<p>(2) Subject to subsection 55.5(1), a project file shall contain all records produced, collected or submitted with respect to the environmental assessment of the project, including</p> <p>(a) all records included in the Internet site;</p> <p>(b) any report relating to the assessment;</p> <p>(c) any comments filed by the public in relation to the assessment;</p>	<p>(2) Sous réserve du paragraphe 55.5(1), chaque dossier de projet contient tous les documents produits, recueillis ou reçus relativement à l'évaluation environnementale du projet, notamment :</p> <p>a) les documents versés au site Internet;</p> <p>b) tout rapport relatif à l'évaluation environnementale;</p> <p>c) toute observation du public à l'égard de l'évaluation;</p>	Contenu des dossiers de projet

(d) any records relating to the need for, design of or implementation of any follow-up program; and

(e) any documents requiring mitigation measures to be implemented.

2003, c. 9, s. 25.

d) tous les documents préparés pour l'examen de l'opportunité d'un programme de suivi et pour l'élaboration et l'application d'un tel programme;

e) tous les documents exigeant l'application de mesures d'atténuation.

2003, ch. 9, art. 25.

#### GENERAL

**55.5** (1) The Registry shall contain a record, part of a record or information only if

(a) it has otherwise been made publicly available; or

(b) the responsible authority, in the case of a record under its control, or the Minister, in the case of a record under the Agency's control,

(i) determines that it would have been disclosed to the public in accordance with the *Access to Information Act* if a request had been made in respect of that record under that Act at the time the record came under the control of the responsible authority or the Agency, including any record that would be disclosed in the public interest pursuant to subsection 20(6) of that Act, or

(ii) believes on reasonable grounds that it would be in the public interest to disclose it because it is required for the public to participate effectively in the environmental assessment — other than any record the disclosure of which would be prohibited under section 20 of the *Access to Information Act*.

(2) Sections 27, 28 and 44 of the *Access to Information Act* apply to any information described in subsection 27(1) of that Act that the Agency or a responsible authority intends be included in the Registry with any modifications that the circumstances require, including the following:

(a) the information is deemed to be a record that the head of a government institution intends to disclose; and

(b) any reference to the person who requested access shall be disregarded.

Categories of information that may be made publicly available

Applicability of sections 27, 28 and 44 of *Access to Information Act* to third party information

#### DISPOSITIONS GÉNÉRALES

**55.5** (1) Le registre ne comporte que les documents, parties de document ou renseignements :

a) qui ont par ailleurs été rendus publics;

b) dont, de l'avis de l'autorité responsable, dans le cas de documents qu'elle contrôle, ou de l'avis du ministre, dans le cas de documents que l'Agence contrôle :

(i) soit la communication serait faite conformément à la *Loi sur l'accès à l'information* si une demande en ce sens était faite aux termes de celle-ci au moment où l'autorité responsable ou l'Agence prend le contrôle des documents, y compris les documents qui seraient communiqués dans l'intérêt public aux termes du paragraphe 20(6) de cette loi,

(ii) soit il existe des motifs raisonnables de croire qu'il serait d'intérêt public de les communiquer parce qu'ils sont nécessaires à une participation efficace du public à l'évaluation environnementale, à l'exception des documents contenant des renseignements dont la communication doit être refusée en vertu de l'article 20 de la *Loi sur l'accès à l'information*.

(2) Sous réserve des adaptations nécessaires, notamment de celles qui suivent, les articles 27, 28 et 44 de la *Loi sur l'accès à l'information* s'appliquent à tout renseignement visé au paragraphe 27(1) de cette loi que l'Agence ou l'autorité responsable a l'intention de faire verser au registre :

a) ce renseignement est réputé constituer un document que le responsable d'une institution fédérale a l'intention de communiquer;

b) il ne doit pas être tenu compte des mentions de la personne qui fait la demande de communication des renseignements.

Genre d'information disponible

Application des art. 27, 28 et 44 de la *Loi sur l'accès à l'information*

Deemed application	<p>(3) This section applies with respect to a responsible authority that is a parent Crown corporation but is not a government institution within the meaning of the <i>Access to Information Act</i> as if it were such a government institution.</p> <p>2003, c. 9, s. 25.</p>	<p>(3) Le présent article s'applique aux autorités responsables qui sont des sociétés d'État mères mais non des institutions fédérales au sens de la <i>Loi sur l'accès à l'information</i> comme si elles étaient de telles institutions.</p> <p>2003, ch. 9, art. 25.</p>	Précision
Protection from civil proceeding or prosecution	<p><b>55.6</b> Notwithstanding any other Act of Parliament, no civil or criminal proceedings lie against a responsible authority, the Agency or the Minister, or against any person acting on behalf of them or under their direction, or against a director or officer of a Crown corporation to which this Act applies and no proceedings lie against the Crown, the Agency or any responsible authority, for the disclosure in good faith of any record or any part of a record pursuant to this Act or for any consequences that flow from that disclosure or for the failure to give any notice required under section 27 or 28 of the <i>Access to Information Act</i> if reasonable care is taken to give the required notice.</p> <p>2003, c. 9, s. 25.</p>	<p><b>55.6</b> Malgré toute autre loi fédérale, l'autorité responsable, l'Agence ou le ministre et les personnes qui agissent en leur nom ou sous leur autorité, ainsi que les administrateurs et les dirigeants des sociétés d'État auxquelles la présente loi s'applique, bénéficient de l'immunité en matière civile ou pénale, et la Couronne, l'Agence ainsi que les autorités responsables bénéficient de l'immunité devant toute juridiction, pour la communication totale ou partielle d'un document faite de bonne foi en vertu de la présente loi ainsi que pour les conséquences qui en découlent; ils bénéficient également de l'immunité dans les cas où, ayant fait preuve de la diligence nécessaire, ils n'ont pu donner les avis prévus aux articles 27 et 28 de la <i>Loi sur l'accès à l'information</i>.</p> <p>2003, ch. 9, art. 25.</p>	Immunité
<b>RELEVANT INFORMATION</b>		<b>INFORMATION PERTINENTE</b>	
Preparation of statistical summary	<p><b>56.</b> (1) During each fiscal year a responsible authority shall maintain a statistical summary of all of the environmental assessments undertaken or directed by it and all courses of action taken, and all decisions made, in relation to the environmental effects of the projects after the assessments were completed.</p>	<p><b>56.</b> (1) L'autorité responsable prépare pour chaque exercice un résumé statistique de toutes les évaluations environnementales effectuées par elle ou sous son autorité ainsi que de toutes les décisions prises à l'égard des effets environnementaux causés par les projets une fois terminées les évaluations.</p>	Résumés statistiques
Idem	<p>(2) The responsible authority shall ensure that the summary for a fiscal year is completed within one month after the end of that fiscal year.</p>	<p>(2) L'autorité responsable veille à ce que le résumé applicable à un exercice soit prêt au plus tard un mois après la fin de l'exercice.</p>	Idem
Information required in support of quality assurance program	<p><b>56.1</b> Federal authorities and persons and bodies referred to in sections 8 to 10 shall, if requested to do so by the Agency, provide the Agency with any information respecting the assessments whose conduct they ensure under this Act that the Agency considers necessary in support of a quality assurance program that it establishes.</p> <p>2003, c. 9, s. 27.</p>	<p><b>56.1</b> Les autorités fédérales et les personnes ou organismes visés à l'un ou l'autre des articles 8 à 10 fournissent à l'Agence, sur demande, les renseignements concernant toute évaluation dont ils veillent à la réalisation sous le régime de la présente loi que l'Agence estime utiles à l'appui d'un programme d'assurance de la qualité mis sur pied à son initiative.</p> <p>2003, ch. 9, art. 27.</p>	Renseignements nécessaires pour le programme d'assurance de la qualité

JUDICIAL REVIEW

Defect in form or technical irregularity

**57.** An application for judicial review in connection with any matter under this Act shall be refused where the sole ground for relief established on the application is a defect in form or a technical irregularity.

ADMINISTRATION

MINISTER'S POWERS

Powers to facilitate environmental assessments

**58.** (1) For the purposes of this Act, the Minister may

- (a) issue guidelines and codes of practice respecting the application of this Act and the regulations and, without limiting the generality of the foregoing, establish criteria to determine whether a project, taking into account the implementation of any appropriate mitigation measures, is likely to cause significant adverse environmental effects or whether such effects are justified in the circumstances;
- (b) establish research and advisory bodies;
- (c) enter into agreements or arrangements with any jurisdiction within the meaning of paragraph 40(1)(a), (b), (c) or (d) respecting assessments of environmental effects;
- (d) enter into agreements or arrangements with any jurisdiction, within the meaning of subsection 40(1), for the purposes of coordination, consultation, exchange of information and the determination of factors to be considered in relation to the assessment of the environmental effects of projects of common interest;
- (e) recommend the appointment of members to bodies established by federal authorities or to bodies referred to in paragraph 40(1)(d), on a temporary basis, for the purpose of facilitating a substitution pursuant to section 43;
- (f) establish criteria for the appointment of mediators and members of review panels;
- (g) establish criteria for the approval of a substitution pursuant to section 43;
- (h) establish criteria for the purposes of an alternative manner of conducting an assessment of the environmental effects of a

CONTRÔLE JUDICIAIRE

Vice de forme

**57.** Il n'est admise aucune demande de contrôle judiciaire liée à la présente loi et fondée uniquement sur un vice de forme ou une irrégularité technique.

ADMINISTRATION

POUVOIRS DU MINISTRE

Évaluation environnementale

**58.** (1) Pour l'application de la présente loi, le ministre peut :

- a) donner des lignes directrices et établir des codes de pratique ou de procédure d'application de la présente loi et des règlements, y compris, établir des critères servant à déterminer si, compte tenu de l'application de mesures d'atténuation indiquées, est susceptible d'entraîner des effets environnementaux négatifs importants ou si ces effets sont justifiables dans les circonstances;
- b) constituer des organismes consultatifs et de recherche;
- c) conclure des accords avec toute instance au sens des alinéas 40(1)a), b), c) ou d) en matière d'évaluation des effets environnementaux;
- d) conclure des accords avec toute instance, au sens du paragraphe 40(1), en matière de coordination, de consultation, d'échange d'information et de détermination des facteurs à considérer relativement à l'évaluation des effets environnementaux de projets d'intérêt commun;
- e) recommander la nomination de membres temporaires auprès des organismes constitués par des autorités fédérales ou auprès des organismes visés à l'alinéa 40(1) d) en vue de faciliter la substitution visée à l'article 43;
- f) fixer les critères de nomination des médiateurs et des membres des commissions d'évaluation environnementale;
- g) fixer les critères applicables aux substitutions effectuées en vertu de l'article 43;
- h) fixer les critères des modalités de rechange de l'évaluation environnementale des effets environnementaux visée au paragraphe 46(2) ou 47(2);

project referred to in subsection 46(2) or 47(2); and

(i) make regulations prescribing any project or class of projects for which a comprehensive study is required where the Minister is satisfied that the project or any project within that class is likely to have significant adverse environmental effects.

i) prendre des règlements désignant des projets ou des catégories de projets pour lesquels une étude approfondie est obligatoire, s'il est convaincu que ceux-ci sont susceptibles d'entraîner des effets environnementaux négatifs importants.

Participant funding

(1.1) For the purposes of this Act, the Minister shall establish a participant funding program to facilitate the participation of the public in comprehensive studies, mediations and assessments by review panels established under either subsection 33(1) or 40(2).

(1.1) Le ministre crée, pour l'application de la présente loi, un programme d'aide financière pour faciliter la participation du public aux études approfondies, aux médiations et aux examens par une commission constituée dans le cadre des paragraphes 33(1) ou 40(2).

Fonds de participation

Power to enter into international agreements

(2) The Minister and the Minister of Foreign Affairs may enter into agreements or arrangements with any jurisdiction within the meaning of paragraph 40(1)(e) or (f) respecting assessments of environmental effects, including, without limiting the generality of the foregoing, for the purposes of implementing the provisions of any international agreement or arrangement to which the Government of Canada is a party respecting the assessment of environmental effects referred to in subsection 47(1).

(2) Le ministre et le ministre des Affaires étrangères peuvent conclure des accords avec toute instance au sens des alinéas 40(1)e) ou f) en matière d'évaluation des effets environnementaux, notamment pour la mise en oeuvre de tout accord international, auquel le gouvernement du Canada est partie, concernant l'examen des effets environnementaux visé au paragraphe 47(1).

Accords internationaux

Opportunity for public to comment

(3) The Minister shall provide reasonable public notice of and a reasonable opportunity for anyone to comment on draft guidelines, codes of practice, agreements, arrangements, criteria or orders under this section.

(3) Le ministre donne un préavis public raisonnable des projets de lignes directrices, de codes de pratique, d'accords, de critères ou d'arrêtés établis en application du présent article, ainsi que la possibilité, pour quiconque, de faire des observations à leur sujet.

Préavis

Availability to public

(4) Any guidelines, codes of practice, agreements, arrangements, criteria or orders shall be made available to the public.

(4) Les lignes directrices, codes de pratique, accords, critères et arrêtés sont accessibles au public.

Accessibilité

1992, c. 37, s. 58; 1993, c. 34, s. 39(F); 1994, c. 46, s. 4; 1995, c. 5, s. 25; 2003, c. 9, s. 28.

1992, ch. 37, art. 58; 1993, ch. 34, art. 39(F); 1994, ch. 46, art. 4; 1995, ch. 5, art. 25; 2003, ch. 9, art. 28.

REGULATIONS

RÈGLEMENTS

Regulations

**59.** The Governor in Council may make regulations

**59.** Le gouverneur en conseil peut, par règlement :

Règlements

(a) respecting the procedures and requirements of, and the time periods relating to, environmental assessment and follow-up programs, including the conduct of assessments by review panels established pursuant to section 40 and the timing of taking a course of action pursuant to section 20 or 37 where two or more federal authorities are likely to exercise a power or perform a duty

a) régir les procédures, les délais applicables et les exigences relatives à l'évaluation environnementale et au programme de suivi, notamment le moment de la prise de mesures au titre des articles 20 ou 37 quand plusieurs autorités fédérales sont susceptibles d'exercer les attributions visées à l'article 5, ainsi que les évaluations effectuées par une commission aux termes de l'article 40;

or function referred to in section 5 with respect to the same project;

(a.1) respecting the duties and functions of the federal environmental assessment coordinator, and respecting the selection or designation of the coordinator;

(b) prescribing, for the purpose of the definition “project” in subsection 2(1), any physical activity or class of physical activities;

(c) exempting any projects or classes of projects from the requirement to conduct an assessment under this Act that

(i) in the opinion of the Governor in Council, ought not to be assessed for reasons of national security,

(ii) in the case of projects in relation to physical works, in the opinion of the Governor in Council, have insignificant environmental effects, or

(iii) have a total cost below a prescribed amount and meet prescribed environmental conditions;

(c.1) exempting, in replacement of exemptions made under paragraph (c), in relation to any Crown corporation to which this Act applies or in relation to the Canadian International Development Agency, any projects or classes of projects to be carried out outside Canada and any federal lands from the requirement to conduct an environmental assessment under this Act that

(i) in the opinion of the Governor in Council, ought not to be assessed for reasons of national security,

(ii) in the case of projects in relation to a physical work, in the opinion of the Governor in Council, have insignificant environmental effects, or

(iii) have a total cost below a prescribed amount and meet prescribed environmental conditions;

(d) [Repealed, 2003, c. 9, s. 29]

(e) prescribing any body, other than the government of a province, to be a federal authority for the purposes of this Act;

(f) prescribing, for the purposes of paragraph 5(1)(d), the provisions of any Act of

a.1) régir les attributions du coordonnateur fédéral de l'évaluation environnementale et la façon dont il est désigné;

b) désigner une activité concrète ou une catégorie d'activités concrètes pour l'application de la définition de « projet » au paragraphe 2(1);

c) soustraire à l'évaluation exigée par la présente loi des projets ou des catégories de projets :

(i) dont, à son avis, l'évaluation ne serait pas indiquée pour des raisons de sécurité nationale,

(ii) qui sont liés à un ouvrage et dont, à son avis, les effets environnementaux ne sont pas importants,

(iii) qui remplissent les conditions de nature environnementale prévues par règlement et dont le coût total est en-deçà du seuil réglementaire;

c.1) en remplacement des projets ou catégories de projets visés à l'alinéa c) et à l'égard des sociétés d'État auxquelles la présente loi s'applique ou de l'Agence canadienne de développement international, soustraire à l'évaluation environnementale prévue à la présente loi des projets ou catégories de projets devant être réalisés à l'extérieur du Canada et du territoire domanial :

(i) dont, à son avis, l'évaluation ne serait pas indiquée pour des raisons de sécurité nationale,

(ii) qui sont liés à un ouvrage et dont, à son avis, les effets environnementaux ne sont pas importants,

(iii) qui remplissent les conditions de nature environnementale que prévoit le règlement et dont le coût total est en-deçà du seuil réglementaire;

d) [Abrogé, 2003, ch. 9, art. 29]

e) déterminer quels organismes, autres que le gouvernement d'une province, sont des autorités fédérales pour l'application de la présente loi;

f) déterminer, pour l'application de l'alinéa 5(1)d), des dispositions de toute loi fédérale ou de textes pris sous son régime;



Parliament or any instrument made under an Act of Parliament;

(g) prescribing the provisions of any Act of Parliament or any regulation made pursuant to any such Act that confer powers, duties or functions on the Governor in Council, the exercise or performance of which require an environmental assessment under subsection 5(2);

(h) respecting the dissemination by responsible authorities of information relating to projects and the environmental assessment of projects and the establishment, maintenance and operation of project files referred to in section 55.4, including facilities to enable the public to examine physical or electronic records contained in the files, the time and manner in which those records may be examined or copied by the public and the transfer and retention of those records after the completion of any follow-up program;

(h.1) prescribing records or information to be included in the Internet site by the Agency or a responsible authority;

(h.2) respecting the charging of fees for providing copies of documents contained in the Registry;

(h.3) for the purposes of subsection 38(1) or (2) or 53(1), prescribing the manner of designing a follow-up program;

(i) varying or excluding, in the prescribed circumstances, any procedure or requirement of the environmental assessment process set out in this Act or the regulations for the purpose of adapting the process in respect of

(i) projects to be carried out on reserves, surrendered lands or other lands that are vested in Her Majesty and subject to the *Indian Act*,

(ii) projects to be carried out outside Canada and either outside of federal lands or on federal lands described in paragraph (a) of the definition “federal lands” in subsection 2(1),

(iii) projects to be carried out under international agreements or arrangements entered into by the Government of Canada or a federal authority,

g) désigner les dispositions législatives ou réglementaires fédérales conférant des attributions au gouverneur en conseil pour l'exercice desquelles le paragraphe 5(2) exige une évaluation environnementale;

h) régir la communication par les autorités responsables de l'information relative aux projets et à l'évaluation environnementale de ceux-ci, et l'établissement et la tenue des dossiers de projet visés à l'article 55.4, y compris les installations nécessaires pour permettre au public de consulter ces dossiers — que ceux-ci soient constitués de documents physiques ou informatiques —, les heures et les modalités de consultation et de reproduction des dossiers, ainsi que le transfert et la garde des documents une fois terminé le programme de suivi;

h.1) désigner les documents et renseignements devant être versés dans le site Internet par l'Agence ou l'autorité responsable;

h.2) régir le prix à payer pour obtenir copie de tout document versé au registre;

h.3) pour l'application des paragraphes 38(1) ou (2) ou 53(1), prévoir les modalités applicables à l'élaboration de programmes de suivi;

i) modifier ou exclure, dans les circonstances prévues par règlement, toute procédure ou exigence du processus d'évaluation environnementale établi en vertu de la présente loi et des règlements afin d'adapter le processus aux :

(i) projets à réaliser dans les réserves, terres cédées ou autres terres dévolues à Sa Majesté et assujetties à la *Loi sur les Indiens*,

(ii) projets à réaliser à l'extérieur du Canada, soit à l'extérieur du territoire domanial, soit sur la partie du territoire domanial visée à l'alinéa a) de la définition de ce terme au paragraphe 2(1),

(iii) projets à entreprendre en vertu d'accords internationaux conclus par le gouvernement du Canada ou une autorité fédérale,

(iv) projets à réaliser au Canada ou sur le territoire domanial pour lesquels une auto-

- (iv) projects to be carried out within Canada or on federal lands in respect of which a federal authority exercises a power or performs a duty or function referred to in paragraph 5(1)(b) or (c),
  - (v) projects in respect of which the Canada-Nova Scotia Offshore Petroleum Board established pursuant to the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act*, the Canada-Newfoundland Offshore Petroleum Board established pursuant to the *Canada-Newfoundland Atlantic Accord Implementation Act* or other similar boards exercise a power or perform a duty or function referred to in section 5, or
  - (vi) projects in relation to which there are matters of national security;
- (i.1) prescribing, in the case of projects that are to be carried out outside Canada and any federal lands and that are subject to an environmental assessment whose conduct a Crown corporation to which this Act applies must ensure, in prescribed circumstances or on any prescribed terms and conditions,
- (i) federal authorities that, notwithstanding subsection 5(1), are not required to conduct environmental assessments of those projects, and
  - (ii) federal authorities for whom the requirements under this Act in respect of those projects, other than those set out in subsections 20(1) and 37(1), are deemed to be satisfied by the environmental assessment of those projects whose conduct the Crown corporation ensures;
- (i.2) for the purposes of subparagraph (i.1)(ii), varying subsection 20(1) or 37(1) in its application to federal authorities prescribed under that subparagraph in the case of projects that are to be carried out outside Canada and outside any federal lands;
- (j) for the purposes of section 8, designating Crown corporations that are not federal authorities individually or by class and respecting the manner in which those corporations or classes of corporations conduct environmental assessments of, and follow-up programs for, projects, as well as any action to be taken in respect of projects during the as-
- rité fédérale exerce une attribution visée aux alinéas 5(1)(b) ou c),
- (v) projets à l'égard desquels l'Office Canada — Nouvelle-Écosse des hydrocarbures extracôtiers constitué en application de la *Loi de mise en oeuvre de l'Accord Canada — Nouvelle-Écosse sur les hydrocarbures extracôtiers*, l'Office Canada — Terre-Neuve des hydrocarbures extracôtiers constitué en application de la *Loi de mise en oeuvre de l'Accord atlantique Canada — Terre-Neuve* ou un autre organisme semblable exerce des attributions visées à l'article 5,
- (vi) projets qui soulèvent des questions de sécurité nationale;
- i.1) à l'égard des projets à réaliser à l'extérieur du Canada et du territoire domanial et qui font l'objet d'une évaluation environnementale à laquelle doit veiller une société d'État à laquelle la présente loi s'applique, dans les circonstances ou aux conditions prévues par règlement, désigner :
- (i) les autorités fédérales qui, malgré le paragraphe 5(1), ne sont pas tenues d'effectuer une évaluation environnementale,
  - (ii) les autorités fédérales à l'égard desquelles les exigences prévues par la présente loi à l'égard de ces projets — autres que les exigences prévues aux paragraphes 20(1) ou 37(1) — sont réputées satisfaites par la réalisation de l'évaluation environnementale à laquelle veille la société d'État;
- i.2) pour l'application du sous-alinéa i.1)(ii), modifier les paragraphes 20(1) et 37(1) à l'égard des autorités fédérales qui y sont visées dans le cas de projets à réaliser à l'extérieur du Canada et du territoire domanial;
- j) pour l'application de l'article 8, désigner des sociétés d'État qui ne sont pas des autorités fédérales, individuellement ou par catégories, régir les modalités d'évaluation environnementale et celles des programmes de suivi des projets, de même que toute mesure qui doit être prise à l'égard des projets au cours du processus d'évaluation — ces modalités et mesures pouvant varier selon les sociétés ou catégories de sociétés visées;

assessment process, which manners and actions may vary by corporation or class of corporation;

*(j.1)* for the purposes of section 8, respecting the application to a Crown corporation that is designated, or is a member of a class that is designated, under a regulation made under paragraph *(j)* of the laws from time to time in force in any province;

*(j.2)* varying or excluding any procedure or requirement of this Act or the regulations as it applies to Crown corporations that are federal authorities, individually or by class;

*(j.3)* for projects to be carried out outside Canada and any federal lands, prescribing, in relation to Crown corporations to which this Act applies, any physical activity or class of physical activities in replacement of those prescribed under paragraph *(b)*;

*(k)* for the purposes of section 9, respecting the manner of conducting environmental assessments of, and follow-up programs for, projects, as well as any action to be taken in respect of projects during the assessment process and, for those purposes, respecting the application of the laws from time to time in force in any province;

*(k.1)* prescribing the provisions of any Act of Parliament or any regulation made pursuant to an Act of Parliament that confer powers, duties or functions on a person or body referred to in subsection 9(1), the exercise or performance of which requires an environmental assessment under paragraph 9(2)*(d)*;

*(k.2)* prescribing the circumstances in which an environmental assessment of a project to be carried out in whole or in part on federal lands must be conducted under paragraph 9(2)*(e)*;

*(k.3)* for the purposes of section 9.1, prescribing by class authorities other than federal authorities and respecting the manner in which those classes of authorities shall conduct environmental assessments of, and follow-up programs for, projects, as well as any action to be taken in respect of projects during the assessment process — which manners and actions may vary by class of authority — and, for those purposes, respecting the

*j.1)* pour l'application de l'article 8, régir l'application du droit provincial en vigueur au moment de l'évaluation aux sociétés d'État ou aux catégories de sociétés d'État désignées par règlement pris au titre de l'alinéa *j)*;

*j.2)* modifier ou exclure toute procédure ou exigence prévue par la présente loi ou ses règlements pour son application aux sociétés d'État mères qui sont des autorités fédérales, individuellement ou par catégories;

*j.3)* à l'égard des projets à réaliser à l'extérieur du Canada et du territoire domanial et à l'égard des sociétés d'État auxquelles la présente loi s'applique, désigner une activité concrète ou une catégorie d'activités concrètes, en remplacement de celles qui sont désignées en vertu de l'alinéa *b)*;

*k)* pour l'application de l'article 9, régir les modalités des évaluations environnementales et celles des programmes de suivi des projets, régir toute mesure qui doit être prise à l'égard des projets au cours du processus d'évaluation et, à ces fins, régir l'application du droit provincial en vigueur au moment de l'évaluation;

*k.1)* déterminer les dispositions législatives ou réglementaires fédérales prévoyant les attributions des personnes ou organismes visés au paragraphe 9(1) dont l'exercice rend nécessaire une évaluation environnementale au titre de l'alinéa 9(2)*d)*;

*k.2)* prévoir les cas où, pour l'application de l'alinéa 9(2)*e)*, une évaluation environnementale doit être effectuée pour un projet devant être mis en œuvre, en tout ou en partie, sur un territoire domanial;

*k.3)* désigner, par catégories, les autorités, autres que des autorités fédérales, auxquelles s'applique l'article 9.1, régir les modalités des évaluations environnementales et celles des programmes de suivi des projets, de même que toute mesure qui doit être prise à l'égard des projets au cours du processus d'évaluation — ces modalités et mesures pouvant varier selon les catégories d'autorités visées — et, à ces fins, régir l'application du droit provincial en vigueur au moment de l'évaluation;

application of the laws from time to time in force in any province;

(k.4) prescribing the provisions of any Act of Parliament or any regulation made pursuant to an Act of Parliament that confer powers, duties or functions on an authority prescribed in regulations made under paragraph (k.3), the exercise or performance of which requires an environmental assessment under paragraph 9.1(2)(d);

(k.5) for the purposes of paragraph 9.1(2)(e), prescribing the circumstances in which an environmental assessment of a project to be carried out in whole or in part on federal lands must be conducted, and specifying the right or interest that the authority prescribed in regulations made under paragraph (k.3) must have in the federal lands;

(l) for the purposes of section 10, designating bands individually or by category and respecting the manner of conducting environmental assessments of, and follow-up programs for, projects that are to be carried out in whole or in part on a reserve that is set apart for the use and benefit of a designated band and that is subject to the *Indian Act*, as well as any action to be taken in respect of projects during the assessment process, which manners and actions may vary by band or category of band;

(l.001) prescribing, for the purposes of paragraph 10(1)(c), provisions of any Act of Parliament or any instrument made under an Act of Parliament that confer powers, duties or functions on a band council;

(l.01) for the purposes of section 10.1,

(i) varying the definition “project” in subsection 2(1),

(ii) respecting the manner of conducting environmental assessments of, and follow-up programs for, projects for which the Canadian International Development Agency exercises a power or performs a duty or function referred to in subsection 10.1(2) and respecting any action to be taken in respect of those projects during the assessment process,

(iii) providing that, in the case of a project in respect of which an agreement or ar-

k.4) déterminer les dispositions législatives ou réglementaires fédérales prévoyant les attributions des autorités désignées en vertu de l’alinéa k.3) relativement à un projet dont l’exercice rend nécessaire une évaluation environnementale au titre de l’alinéa 9.1(2)d);

k.5) pour l’application de l’alinéa 9.1(2)e), prévoir le cas où une évaluation environnementale doit être effectuée pour un projet devant être mis en œuvre, en tout ou en partie, sur un territoire domanial et préciser les droits ou intérêts que l’autorité désignée en vertu de l’alinéa k.3) doit avoir sur le territoire domanial;

l) pour l’application de l’article 10, régir les modalités des évaluations environnementales et celles des programmes de suivi des projets réalisés en tout ou en partie sur une réserve mise de côté à l’usage et au profit d’une bande visée, individuellement ou par catégorie, par le règlement et assujettie à la *Loi sur les Indiens*, et régir toute mesure qui doit être prise à l’égard des projets au cours du processus d’évaluation, ces modalités et mesures pouvant varier selon les bandes ou catégories de bandes visées;

l.001) déterminer, pour l’application de l’alinéa 10(1)c), les dispositions de toute loi fédérale ou de ses textes d’application prévoyant les attributions d’un conseil de bande;

l.01) pour l’application de l’article 10.1 :

(i) modifier la définition de « projet », au paragraphe 2(1),

(ii) régir les modalités des évaluations environnementales et celles des programmes de suivi des projets à l’égard desquels l’Agence canadienne de développement international exerce une attribution au titre du paragraphe 10.1(2), de même que toute mesure devant être prise à l’égard de ces projets au cours du processus d’évaluation,

(iii) prévoir qu’aucune obligation d’effectuer une évaluation environnementale n’incombe à l’Agence canadienne de développement international à l’égard de tout projet visé par un accord prévu au paragraphe 54(2) auquel elle est partie,

rangement entered into by the Canadian International Development Agency in accordance with subsection 54(2) applies, no environmental assessment need be carried out by that agency,

(iv) varying or excluding any of the provisions of section 54 in their application to the Canadian International Development Agency, or

(v) providing for the application of section 55.6 to the Canadian International Development Agency as if it were a responsible authority;

*(l.02)* varying or excluding any of the provisions of sections 55 to 55.5 in their application to the Canadian International Development Agency;

*(l.03)* prescribing, for the purposes of subsection 18(3), circumstances in which a responsible authority shall give the public an opportunity to participate in the screening;

*(l.1)* respecting a participant funding program referred to in subsection 58(1.1);

*(m)* prescribing anything that, by this Act, is to be prescribed; and

*(n)* generally, for carrying out the purposes and provisions of this Act.

1992, c. 37, s. 59; 1993, c. 34, s. 40(F); 1994, c. 46, s. 5; 1998, c. 10, s. 166; 2003, c. 9, s. 29.

Variation of procedures

**60.** Notwithstanding this or any other Act of Parliament, where the Governor in Council is of the opinion that a federal authority on which duties and functions are imposed under this Act is unable to perform those duties and functions by reason of a time limitation or other procedural requirement that is binding on the federal authority under an Act of Parliament other than this Act or any regulation made under such an Act, the Governor in Council may, on the recommendation of the Minister and the Minister responsible for the administration of that other Act, make regulations varying the time limitation or other procedural requirement in so far as it applies to those duties and functions and to the extent necessary to permit the federal authority to perform them.

(iv) modifier ou exclure tout ou partie de l'article 54 pour l'application de celui-ci à l'Agence canadienne de développement international,

(v) rendre l'article 55.6 applicable à l'Agence canadienne de développement international comme si elle était une autorité responsable;

*l.02)* modifier ou exclure tout ou partie des articles 55 à 55.5 pour l'application de ceux-ci à l'Agence canadienne de développement international;

*l.03)* pour l'application du paragraphe 18(3), prévoir les cas où l'autorité responsable est tenue de donner au public la possibilité de participer à l'examen préalable;

*l.1)* prendre toute mesure relativement au fonds de participation mentionné au paragraphe 58(1.1);

*m)* prendre toute mesure d'ordre réglementaire prévue par la présente loi;

*n)* prendre toute autre mesure d'application de la présente loi.

1992, ch. 37, art. 59; 1993, ch. 34, art. 40(F); 1994, ch. 46, art. 5; 1998, ch. 10, art. 166; 2003, ch. 9, art. 29.

Modification de la procédure

**60.** Malgré les autres dispositions de la présente loi ou toute autre loi fédérale, le gouverneur en conseil peut, s'il estime qu'une autorité fédérale assujettie à la présente loi ne peut remplir ses obligations en raison des délais impartis ou de toute autre formalité prévue sous le régime d'une autre loi fédérale ou de ses règlements, prendre, sur la recommandation du ministre et du ministre responsable de l'application de cette autre loi, des règlements visant à modifier ces délais et formalités dans la mesure où ils s'appliquent à ces obligations et dans la mesure nécessaire pour permettre à l'autorité fédérale de remplir les obligations qui lui incombent sous le régime de la présente loi.

	CANADIAN ENVIRONMENTAL ASSESSMENT AGENCY	AGENCE CANADIENNE D'ÉVALUATION ENVIRONNEMENTALE	
Agency established	<p><b>61.</b> (1) There is hereby established an agency, to be called the Canadian Environmental Assessment Agency, which shall advise and assist the Minister in performing the duties and functions conferred on the Minister by this Act.</p>	<p><b>61.</b> (1) Est constituée l'Agence canadienne d'évaluation environnementale chargée de conseiller et d'assister le ministre dans l'exercice des attributions qui lui sont conférées par la présente loi.</p>	Constitution
Responsibility of Minister	<p>(2) The Minister is responsible for the Agency.</p>	<p>(2) L'Agence est placée sous la responsabilité du ministre.</p>	Responsabilité du ministre
Objects of Agency	<p><b>62.</b> The objects of the Agency are</p> <p>(a) to administer the environmental assessment process and any other requirements and procedures established by this Act and the regulations;</p> <p>(b) to promote uniformity and harmonization in the assessment of environmental effects across Canada at all levels of government;</p> <p>(c) to promote or conduct research in matters of environmental assessment and to encourage the development of environmental assessment techniques and practices, including testing programs, alone or in cooperation with other agencies or organizations;</p> <p>(d) to promote environmental assessment in a manner that is consistent with the purposes of this Act;</p> <p>(e) to promote, monitor and facilitate compliance with this Act and the regulations;</p> <p>(f) to promote and monitor the quality of assessments conducted under this Act;</p> <p>(g) to ensure an opportunity for timely public participation in the environmental assessment process; and</p> <p>(h) to engage in consultation with aboriginal peoples on policy issues related to this Act.</p> <p>1992, c. 37, s. 62; 2003, c. 9, s. 30.</p>	<p><b>62.</b> L'Agence a pour mission :</p> <p>a) de gérer le processus d'évaluation environnementale et toute autre procédure ou exigence établis par la présente loi conformément à celle-ci et aux règlements;</p> <p>b) de promouvoir l'uniformisation et l'harmonisation des processus d'évaluation des effets environnementaux à l'échelle du Canada et à tous les niveaux administratifs;</p> <p>c) de promouvoir, seule ou en collaboration avec d'autres organismes, la recherche en matière d'évaluation environnementale, de mener des recherches en cette matière et de favoriser l'élaboration de techniques en cette matière, notamment en ce qui a trait aux programmes d'essais;</p> <p>d) de promouvoir les évaluations environnementales conformément à l'objet de la présente loi;</p> <p>e) de promouvoir, de surveiller et de faciliter l'observation de la présente loi et de ses règlements;</p> <p>f) de promouvoir et de contrôler la qualité des évaluations effectuées sous le régime de la présente loi;</p> <p>g) de veiller à ce que le public ait la possibilité de participer au processus d'évaluation environnementale en temps opportun;</p> <p>h) de tenir des consultations avec les peuples autochtones au sujet des questions de politique liées à la présente loi.</p> <p>1992, ch. 37, art. 62; 2003, ch. 9, art. 30.</p>	Mission
Duties of Agency	<p><b>63.</b> (1) In carrying out its objects, the Agency shall</p> <p>(a) provide administrative support for mediators and review panels;</p> <p>(b) provide, on the request of the Minister, administrative support for any research or</p>	<p><b>63.</b> (1) Dans l'exécution de sa mission, l'Agence :</p> <p>a) fournit un soutien administratif aux médiateurs et aux commissions d'évaluation environnementale;</p>	Attributions de l'Agence

advisory body that the Minister may establish in the area of environmental assessment;

(c) provide information or training to facilitate the conduct of environmental assessments; and

(d) establish and lead a quality assurance program for assessments conducted under this Act.

b) à la demande du ministre, fournit un soutien administratif aux organismes de recherche et de consultation en matière d'évaluation environnementale que le ministre peut créer;

c) fournit toute information ou formation en vue de faciliter l'application du processus établi par la présente loi et les règlements;

d) établit et dirige un programme d'assurance de la qualité pour les évaluations effectuées sous le régime de la présente loi.

Powers of Agency

(2) In carrying out its objects, the Agency may

(a) undertake studies or activities or conduct research relating to environmental assessment;

(b) advise persons and organizations on matters relating to the assessment of environmental effects;

(b.1) coordinate the development of a response to a report required under paragraph 37(1.1)(a);

(c) negotiate agreements referred to in paragraph 58(1)(c) or (d) on behalf of the Minister;

(d) examine and from time to time report to the Minister on the implementation of the environmental assessment process by responsible authorities;

(e) issue guidelines regarding the records to be kept by responsible authorities in relation to the environmental assessment process concerning projects;

(f) assist parties in building consensus and resolving disputes; and

(g) request federal authorities, and persons and bodies referred to in sections 8 to 10, to provide information respecting assessments that they conduct under this Act.

1992, c. 37, s. 63; 2003, c. 9, s. 31.

(2) Dans l'exécution de sa mission, l'Agence peut :

a) mener des études, entreprendre des travaux ou mener des recherches en matière d'évaluation environnementale;

b) conseiller toute personne ou tout organisme en matière d'évaluation des effets environnementaux;

b.1) coordonner l'élaboration de la suite à donner au rapport au titre du paragraphe 37(1.1);

c) négocier au nom du ministre les accords prévus aux alinéas 58(1)c) et d);

d) examiner l'application du processus d'évaluation environnementale par les autorités responsables et en faire rapport au ministre;

e) établir des lignes directrices relativement aux documents que celles-ci doivent conserver à l'égard du processus d'évaluation environnementale de projets;

f) aider les parties à parvenir à un consensus et favoriser le règlement de leur différend;

g) demander aux autorités fédérales, et aux personnes ou organismes visés à l'un ou l'autre des articles 8 à 10, qu'ils lui fournissent tout renseignement concernant une évaluation effectuée sous le régime de la présente loi.

1992, ch. 37, art. 63; 2003, ch. 9, art. 31.

Idem

Government facilities

**64.** In exercising its powers and performing its duties and functions under this Act, the Agency shall, where appropriate, make use of the services and facilities of departments, boards and agencies of the Government of Canada.

**64.** Dans l'exercice de ses attributions, l'Agence fait usage, en tant que de besoin, des installations et services des ministères et organismes fédéraux.

Usage des services fédéraux

President	<b>65.</b> (1) The Governor in Council shall appoint an officer to be called the President of the Agency, to hold office during pleasure, who shall be, for the purposes of this Act, a deputy of the Minister.	<b>65.</b> (1) Le gouverneur en conseil nommé à titre amovible le président de l'Agence; celui-ci a, pour l'application de la présente loi, rang d'administrateur général de ministère.	Président
Idem	(2) The President shall be the chief executive officer of the Agency, and may exercise all of the powers of the Minister under this Act as authorized by the Minister.	(2) Le président est le premier dirigeant de l'Agence et peut exercer les pouvoirs que la présente loi confère au ministre et que celui-ci l'autorise à exercer.	Idem
Acting President	(3) Subject to subsection (5), in the event of the absence or incapacity of the President or a vacancy in that office, the Executive Vice-President shall act as, and exercise the powers of, the President for the time being.	(3) Sous réserve du paragraphe (5), en cas d'absence ou d'empêchement du président ou de vacance de son poste, l'intérim est assuré par le premier vice-président.	Absence ou empêchement
Idem	(4) Subject to subsection (5), the Minister may appoint a person other than the Executive Vice-President to act as the President for the time being.	(4) Sous réserve du paragraphe (5), le ministre peut nommer une autre personne que le premier vice-président pour assurer l'intérim.	Idem
Approval required	(5) The Executive Vice-President, or a person appointed pursuant to subsection (4), shall not act as the President for a period exceeding ninety days without the approval of the Governor in Council.	(5) Le premier vice-président ou une personne nommée aux termes du paragraphe (4) ne peut assurer l'intérim que pour une période de quatre-vingt-dix jours, sauf approbation du gouverneur en conseil.	Approbation du gouverneur en conseil
Executive Vice-President	<b>66.</b> (1) The Governor in Council may appoint an officer, to be called the Executive Vice-President of the Agency, to hold office during pleasure.	<b>66.</b> (1) Le gouverneur en conseil peut nommer à titre amovible le premier vice-président de l'Agence.	Premier vice-président
Powers, duties and functions	(2) The Executive Vice-President shall exercise such powers and perform such duties and functions as the President may assign.	(2) Le premier vice-président exerce les pouvoirs et fonctions que lui attribue le président.	Pouvoirs et fonctions
Remuneration	<b>67.</b> The President and the Executive Vice-President shall be paid such remuneration as the Governor in Council may fix.	<b>67.</b> Les président et premier vice-président reçoivent la rémunération fixée par le gouverneur en conseil.	Rémunération
Appointment under the <i>Public Service Employment Act</i>	<b>68.</b> The officers and employees necessary to carry out the work of the Agency shall be appointed in accordance with the <i>Public Service Employment Act</i> .	<b>68.</b> Le personnel nécessaire à l'exécution des travaux de l'Agence est nommé conformément à la <i>Loi sur l'emploi dans la fonction publique</i> .	Nominations : <i>Loi sur l'emploi dans la fonction publique</i>
Head office	<b>69.</b> The head office of the Agency shall be in the National Capital Region described in the schedule to the <i>National Capital Act</i> .	<b>69.</b> Le siège de l'Agence est fixé dans la région de la capitale nationale définie à l'annexe de la <i>Loi sur la capitale nationale</i> .	Siège
Contracts, etc., binding on Her Majesty	<b>70.</b> (1) Every contract, memorandum of understanding and arrangement entered into by the Agency in its own name is binding on Her Majesty in right of Canada to the same extent as it is binding on the Agency.	<b>70.</b> (1) Les contrats ou ententes conclus par l'Agence sous son propre nom lient Sa Majesté du chef du Canada au même titre qu'elle-même.	Contrats
Legal proceedings	(2) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Agency, whether in its own	(2) À l'égard des droits et obligations qu'elle assume sous le nom de Sa Majesté du chef du Canada ou le sien, l'Agence peut ester	Actions en justice



name or in the name of Her Majesty in right of Canada, may be brought or taken by or against the Agency in the name of the Agency in any court that would have jurisdiction if the Agency were a corporation that is not an agent of Her Majesty.

en justice sous son propre nom devant tout tribunal qui serait compétent si elle était dotée de la personnalité morale et n'avait pas la qualité de mandataire de Sa Majesté.

#### ANNUAL REPORT

#### RAPPORT ANNUEL

Annual report to Parliament

**71.** (1) The Minister shall report annually to Parliament, within four months after the end of the fiscal year being reported, on the activities of the Agency and the administration and implementation of this Act and regulations during that year.

**71.** (1) Dans les quatre mois suivant la fin de chaque exercice, le ministre établit un rapport sur l'application de la présente loi et de ses règlements et les activités de l'Agence au cours de l'exercice précédent et le fait déposer devant le Parlement.

Rapport annuel du ministre

Statistical summary to be included

(2) The annual report to Parliament referred to in subsection (1) shall include a statistical summary of all environmental assessments conducted or completed, under the authority of this Act during the fiscal year being reported.

(2) Le rapport contient le résumé statistique des évaluations environnementales effectuées ou terminées en application de la présente loi au cours de l'exercice visé.

Contenu du rapport

#### REVIEW

#### EXAMEN

Review

**72.** (1) Five years after the coming into force of this section, a comprehensive review of the provisions and operation of this Act shall be undertaken by the Minister.

**72.** (1) Cinq ans après l'entrée en vigueur du présent article, un examen complet des dispositions et de l'application de la présente loi doit être fait par le ministre.

Examen

Report to Parliament

(2) The Minister shall, within one year after a review is undertaken pursuant to subsection (1) or within such further time as the House of Commons may authorize, submit a report on the review to Parliament including a statement of any changes the Minister recommends.

(2) Dans l'année qui suit le début de l'examen ou dans le délai supérieur que la Chambre des communes lui accorde, le ministre remet son rapport, accompagné des modifications de la présente loi ou des modalités d'application de celle-ci qu'il recommande, au Parlement.

Rapport au Parlement

1992, c. 37, s. 72; 1993, c. 34, s. 41(F); 1994, c. 26, s. 24(F).

1992, ch. 37, art. 72; 1993, ch. 34, art. 41(F); 1994, ch. 26, art. 24(F).

#### TRANSITIONAL

#### DISPOSITIONS TRANSITOIRES

Employment continued

**73.** (1) Each person employed in the Federal Environmental Assessment Review Office, or seconded to that Office from any portion of the public service of Canada, on the day preceding the day on which section 61 comes into force is deemed to have been appointed pursuant to section 68 or seconded, as the case may be, to a position in the Agency of the same occupational nature and at the same level as the position occupied by the person on that preceding day.

**73.** (1) Les membres du personnel du Bureau fédéral d'examen des évaluations environnementales et les personnes détachées d'autres secteurs de l'administration publique fédérale auprès de lui et en fonctions à l'entrée en vigueur de l'article 61 deviennent membres de celui de l'Agence et sont réputés avoir été nommés à des fonctions identiques en vertu de l'article 68, ou être détachés auprès du Bureau, selon le cas, lors de cette entrée en vigueur.

Maintien en poste

Probation

(2) Notwithstanding section 28 of the *Public Service Employment Act*, no person who is deemed under subsection (1) to have been appointed to a position in the Agency is subject to probation unless the person was subject to pro-

(2) Par dérogation à l'article 28 de la *Loi sur l'emploi dans la fonction publique*, sont seules considérées comme stagiaires les personnes qui étaient en cours de stage la veille du jour où elles sont réputées avoir été nommées. Ces per-

Stage

bation on the day preceding the day of the deemed appointment, and any person who was so subject to probation continues subject there-to only for as long as would have been the case but for this section.

1992, c. 37, s. 73; 1993, c. 34, s. 42(F).

Guidelines  
Order continued

**74.** (1) The *Environmental Assessment and Review Process Guidelines Order*, approved by Order in Council P.C. 1984-2132 of June 21, 1984 and registered as SOR/84-467, shall continue to apply in respect of any proposal that prior to the coming into force of this section was referred to the Minister for public review and for which an Environmental Assessment Panel was established by the Minister pursuant to that Order.

Idem

(2) The Order referred to in subsection (1) shall continue to apply in respect of any proposal for which an environmental screening or initial assessment under that Order was commenced before the coming into force of this section, but where any such proposal is referred to the Minister for public review pursuant to section 20 of that Order, this Act shall there-upon apply and the Minister may refer the project to a mediator or a review panel in accordance with section 29.

Idem

(3) Where a proponent proposes to carry out, in whole or in part, a project for which an environmental screening or an initial assessment was conducted in accordance with the Order referred to in subsection (1), and

(a) the project did not proceed after the assessment was completed,

(b) in the case of a project that is in relation to a physical work, the proponent proposes an undertaking in relation to that work different from that proposed when the assessment was conducted,

(c) the manner in which the project is to be carried out has subsequently changed, or

(d) the renewal of a licence, permit, approval or other action under a prescribed provision is sought,

the responsible authority may use or permit the use of the environmental screening or initial assessment and the report thereon to whatever extent it is appropriate to do so for the purpose of complying with section 18 or 21.

sonnes poursuivent alors leur stage jusqu'à la fin de la période initialement prévue.

1992, ch. 37, art. 73; 1993, ch. 34, art. 42(F).

**74.** (1) Le *Décret sur les lignes directrices visant le processus d'évaluation et d'examen en matière d'environnement* approuvé par le décret C.P. 1984-2132 du 21 juin 1984 et enregistré sous le numéro DORS/84-467 continue de s'appliquer aux examens publics qui y sont visés et pour lesquels les membres de la commission d'évaluation environnementale ont été nommés sous son régime avant l'entrée en vigueur du présent article.

(2) Le décret visé au paragraphe (1) continue de s'appliquer aux examens préalables ou aux évaluations initiales commencés sous son régime avant l'entrée en vigueur du présent article, jusqu'au moment où, le cas échéant, une proposition est soumise au ministre pour examen public aux termes de l'article 20 du décret, auquel cas la présente loi commence de s'appliquer et le ministre peut prendre une décision aux termes de l'article 29.

(3) Dans le cas où un promoteur propose la réalisation de tout ou partie d'un projet à l'égard duquel l'examen préalable ou l'évaluation initiale a été effectuée sous le régime du décret visé au paragraphe (1), l'autorité responsable peut utiliser le rapport de l'examen ou de l'évaluation, ou en permettre l'utilisation, dans la mesure appropriée pour l'observation des articles 18 ou 21 dans chacun des cas suivants :

a) le projet n'a pas été réalisé après l'achèvement de l'évaluation;

b) le promoteur d'un projet lié à un ouvrage en propose une réalisation différente de celle qui était proposée au moment de l'évaluation;

c) les modalités de réalisation du projet sont nouvelles;

d) la présentation d'une demande de renouvellement d'un permis, d'une licence, d'une autorisation ou d'une autre mesure en vertu d'une disposition désignée par règlement.

Maintien de  
l'application du  
décret

Examens  
préalables en  
cours et  
évaluations  
initiales

Utilisation d'une  
évaluation  
antérieure

Idem	<p>(4) Where the construction or operation of a physical work or the carrying out of a physical activity was initiated before June 22, 1984, this Act shall not apply in respect of the issuance or renewal of a licence, permit, approval or other action under a prescribed provision in respect of the project unless the issuance or renewal entails a modification, decommissioning, abandonment or other alteration to the project, in whole or in part.</p>	<p>(4) Dans les cas où la construction ou l'exploitation d'un ouvrage ou la réalisation d'une activité concrète a été entamée avant le 22 juin 1984, la présente loi ne s'applique à la délivrance ou au renouvellement d'une licence, d'un permis, d'une autorisation ou à la prise d'une autre mesure en vertu d'une disposition désignée par règlement à l'égard du projet que si telle mesure entraîne la modification, la désaffectation ou la fermeture d'un ouvrage en tout ou en partie.</p>	Commencement des activités antérieur au 22 juin 1984
	<p>CONSEQUENTIAL AMENDMENTS</p> <p><b>75. to 81.</b> [Amendments]</p>	<p>MODIFICATIONS CORRÉLATIVES</p> <p><b>75. à 81.</b> [Modifications]</p>	
Coming into force	<p>COMING INTO FORCE</p> <p><b>*82.</b> This Act, or any provision of this Act, shall come into force on a day or days to be fixed by order of the Governor in Council.</p> <p>* [Note: Sections 61 to 70, 73, 75 and 78 to 80 in force December 22, 1994, <i>see</i> SI/95-3; sections 1 to 60, 71, 72, 74, 76 and 77 in force January 19, 1995, <i>see</i> SI/95-11.]</p>	<p>ENTRÉE EN VIGUEUR</p> <p><b>*82.</b> La présente loi ou telle de ses dispositions entre en vigueur à la date ou aux dates fixées par décret du gouverneur en conseil.</p> <p>* [Note : Articles 61 à 70, 73, 75 et 78 à 80 en vigueur le 22 décembre 1994, <i>voir</i> TR/95-3; articles 1 à 60, 71, 72, 74, 76 et 77 en vigueur le 19 janvier 1995, <i>voir</i> TR/95-11.]</p>	Entrée en vigueur

RELATED PROVISIONS

DISPOSITIONS CONNEXES

— 2003, c. 7, s. 125

Application of  
Canadian  
Environmental  
Assessment Act

125. (1) Notwithstanding section 6, the *Canadian Environmental Assessment Act* continues to apply — to the exclusion of the provisions of this Act respecting projects — in respect of a proposal for a project that was referred, before the coming into force of Part 2 of this Act, to a mediator or a review panel pursuant to that Act.

Application of  
Canadian  
Environmental  
Assessment Act

(2) Notwithstanding section 6, the *Canadian Environmental Assessment Act* continues to apply — to the exclusion of the provisions of this Act respecting projects — in respect of a proposal for a project for which a screening or comprehensive study was commenced under that Act before the coming into force of Part 2 of this Act, but where the project is referred to a review panel pursuant to subsection 29(1) of that Act, that Act ceases to apply and section 63 of this Act applies as if the Minister of the Environment had agreed to a request made by the executive committee under paragraph 61(1)(b).

— 2003, c. 9, s. 32

Review

32. (1) Within seven years after this Act receives royal assent, a comprehensive review of the provisions and operation of the *Canadian Environmental Assessment Act* shall be undertaken by such committee of the Senate, of the House of Commons or of both Houses of Parliament as may be designated or established by the Senate or the House of Commons, or by both Houses of Parliament, as the case may be, for that purpose.

Report

(2) The committee referred to in subsection (1) shall, within a year after a review is undertaken pursuant to that subsection or within such further time as may be authorized by the Senate, the House of Commons or both Houses of Parliament, as the case may be, submit a report on the review to Parliament, including a statement of any changes that the committee recommends.

— 2003, c. 9, s. 33

Non-application  
of amended  
provisions to  
assessments  
already  
commenced

33. Any environmental assessment or assessment of the environmental effects of a project commenced under the *Canadian Environmental Assessment Act* before this section comes into force shall be continued and completed as if this Act had not been enacted.

— 2003, ch. 7, art. 125

125. (1) Malgré l'article 6, la *Loi canadienne sur l'évaluation environnementale* continue de s'appliquer aux projets de développement qui, avant l'entrée en vigueur de la partie 2 de la présente loi, ont fait l'objet d'un renvoi à un médiateur ou à une commission en vertu de cette loi. Ces projets sont dès lors soustraits au processus mis en place par la présente loi en ce qui touche les projets de développement.

*Loi canadienne  
sur l'évaluation  
environnementale*

(2) Il en va de même des projets pour lesquels, avant l'entrée en vigueur de la partie 2 de la présente loi, un examen préalable ou une étude approfondie a été entrepris sous le régime de la *Loi canadienne sur l'évaluation environnementale*. Toutefois, en cas de renvoi à une commission en vertu du paragraphe 29(1) de cette loi, l'article 63 de la présente loi s'applique, le ministre de l'Environnement étant réputé avoir acquiescé à une demande faite au titre de l'alinéa 61(1)b) de la présente loi, et la *Loi canadienne sur l'évaluation environnementale* cesse de s'appliquer.

*Loi canadienne  
sur l'évaluation  
environnementale*

— 2003, ch. 9, art. 32

32. (1) Dans les sept ans suivant la sanction de la présente loi, un examen approfondi des dispositions et de l'application de la *Loi canadienne sur l'évaluation environnementale* doit être fait par le comité soit du Sénat, soit de la Chambre des communes, soit mixte, que le Parlement ou la chambre en question, selon le cas, désigne ou constitue à cette fin.

Examen

(2) Dans l'année qui suit le début de son examen ou dans le délai supérieur que le Parlement ou la chambre en question, selon le cas, lui accorde, le comité visé au paragraphe (1) remet son rapport au Parlement, accompagné des modifications qu'il recommande.

Rapport

— 2003, ch. 9, art. 33

33. Les évaluations environnementales ou les évaluations des effets environnementaux lancées sous le régime de la *Loi canadienne sur l'évaluation environnementale* avant l'entrée en vigueur du présent article, sont menées à terme comme si la présente loi n'avait pas été édictée.

Non-application  
des  
modifications  
aux évaluations  
en cours



**Historic Sites and Monuments Act ( R.S., 1985, c. H-4 )**

Disclaimer: These documents are not the official versions ([more](#)).

Act current to June 2nd, 2007

Attention: See coming into force provision and notes, where applicable.

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## Historic Sites and Monuments Act

### H-4

An Act to establish the **Historic Sites and Monuments Board** of Canada

### SHORT TITLE

#### Short title

1. This Act may be cited as the *Historic Sites and Monuments Act*.

R.S., c. H-6, s. 1.

### INTERPRETATION

#### Definitions

2. In this Act,

"Board"

« *Commission* »

"Board" means the **Historic Sites and Monuments Board** of Canada established by section 4;

"historic place"

« *lieu historique* »

"historic place" means a site, building or other place of national **historic** interest or significance, and includes buildings or structures that are of national interest by reason of age or architectural design;

"Minister"

« *ministre* »

"Minister" means the Minister responsible for the Parks Canada Agency.

R.S., 1985, c. H-4, s. 2; 1995, c. 11, s. 23; 2005, c. 2, s. 11.

### COMMEMORATION OF HISTORIC SITES

#### Powers of Minister

3. The Minister may

(a) by means of plaques or other signs or in any other suitable manner mark or otherwise commemorate historic places;

(b) make agreements with any persons for marking or commemorating historic places pursuant to this Act

and for the care and preservation of any places so marked or commemorated;

(c) with the approval of the Governor in Council, establish historic museums;

(d) with the approval of the Treasury Board, acquire on behalf of Her Majesty in right of Canada any historic places, or lands for historic museums, or any interest therein, by purchase, lease or otherwise; and

(e) provide for the administration, preservation and maintenance of any historic places acquired or historic museums established pursuant to this Act.

R.S., c. H-6, s. 3.

## HISTORIC SITES AND MONUMENTS BOARD OF CANADA

### Board established

4. (1) A Board to be called the **Historic Sites and Monuments** Board of Canada is hereby established, consisting of eighteen members as follows:

(a) the Librarian and Archivist of Canada;

(b) an officer of the Canadian Museum of Civilization designated by the member of the Queen's Privy Council for Canada who is designated by the Governor in Council pursuant to the *Museums Act* as the Minister responsible for the Canadian Museum of Civilization;

(c) an officer of the Parks Canada Agency designated by the Minister; and

(d) two representatives for each of Ontario and Quebec, one representative for each of the other provinces, and one representative for each of Yukon, the Northwest Territories and Nunavut, to be appointed by the Governor in Council.

### Eligibility of appointed members

(2) A person is not eligible to be appointed or to continue as a representative for a province or a territory, unless that person resides in that province or territory.

### Tenure of office

(3) A member appointed by the Governor in Council holds office during pleasure for such period not exceeding five years as may be fixed by the Governor in Council.

### Re-appointment

(4) A retiring member of the Board is eligible for re-appointment.

R.S., 1985, c. H-4, s. 4; R.S., 1985, c. 1 (3rd Supp.), s. 12; 1990, c. 3, s. 32; 1993, c. 28, s. 78; 1995, c. 11, s. 24; 2002, c. 7, s. 179; 2004, c. 11, s. 31; 2005, c. 2, s. 12.

### Chairman

5. (1) The Governor in Council shall designate one of the members of the Board to be its Chairman.

### Meetings

(2) The Board shall meet at least once in every calendar year at the call of the Chairman, but the time and place of each such meeting is subject to the approval of the Minister.

### Idem

(3) The Board shall hold such other meetings at such times and places as the Minister may require.

### Quorum

(4) Nine members of the Board constitute a quorum.

R.S., c. H-6, s. 4; 1976-77, c. 20, s. 1.

### Secretary

6. (1) The Minister may designate an officer or employee of the Parks Canada Agency established under the *Parks Canada Agency Act* to be the Secretary of the Board, or appoint a Secretary of the Board at the remuneration and under the terms or conditions of employment that may be prescribed by the Governor in Council.

### Other staff

(2) The Minister may, from among the persons employed in the Parks Canada Agency, provide the Board with any other employees or assistants that are necessary for the proper conduct of the business of the Board.

R.S., 1985, c. H-4, s. 6; 1995, c. 11, s. 25(E); 1998, c. 31, s. 51.

### Powers and duties of Board

7. The Board may receive and consider recommendations respecting the marking or commemoration of historic places, the establishment of historic museums and the administration, preservation and maintenance of historic places and historic museums, and shall advise the Minister in carrying out his powers under this Act.

R.S., c. H-6, s. 5.

### Travel and living expenses

8. (1) Each member of the Board appointed by the Governor in Council may be paid

(a) for each day the member is necessarily absent from his ordinary place of residence for the purpose of attending at meetings or to other business of the Board, such remuneration as is fixed by the Governor in Council; and

(b) actual travel expenses necessarily incurred in connection with the business of the Board.

### Idem

(2) Members of the Board other than those appointed by the Governor in Council are entitled to be paid actual travel and living expenses necessarily incurred in connection with the business of the Board.

### Clerical and stenographic assistance

(3) There may be paid for clerical and stenographic assistance

(a) the sum of seventy-five dollars per year to the Chairman of the Board; and

(b) the sum of thirty dollars per year to the other members of the Board appointed by the Governor in Council.

R.S., c. H-6, s. 6.

## GENERAL

### Regulations

9. The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect.

R.S., c. H-6, s. 8.

### Annual report

**10.** (1) As soon as practicable after the end of each calendar year, the Board shall submit to the Minister a report of its proceedings for the calendar year in such form as the Minister may prescribe.

#### Further reports

(2) In addition to the report required by subsection (1), the Board shall furnish the Minister with such other statements or reports in respect of its activities, at such time and in such manner, as the Minister may require.

R.S., c. H-6, s. 9.

Last updated: 2007-07-06



[Important Notices](#)





**Parks Canada Agency Act ( 1998, c. 31 )**

Disclaimer: These documents are not the official versions ([more](#)).

Act current to June 2nd, 2007

Attention: See coming into force provision and notes, where applicable.

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## Parks Canada Agency Act

### 1998, c. 31

P-0.4

[Assented to December 3rd, 1998]

An Act to establish the **Parks Canada Agency** and to amend others Acts as a consequence

#### Preamble

Whereas the Government of **Canada** wishes to establish an **Agency** for the purpose of ensuring that **Canada's** national **parks**, national historic sites and related heritage areas are protected and presented for this and future generations and in order to further the achievement of the national interest as it relates to those **parks**, sites and heritage areas and related programs;

Whereas the Government of **Canada** wishes to establish an **Agency** that, through the exercise of its responsibilities in relation to those **parks**, sites and heritage areas and related programs, will reflect **Canada's** values and identity and contribute to enhancing pride in **Canada**;

Whereas the Government of **Canada** wishes to establish an **Agency** to provide quality services to visitors and the Canadian public through alternative human resource and administrative regimes and financial authorities;

And Whereas it is in the national interest

(a) to protect the nationally significant examples of **Canada's** natural and cultural heritage in national **parks**, national historic sites, national marine conservation areas and related heritage areas in view of their special role in the lives of Canadians and the fabric of the nation,

(b) to present that heritage through interpretive and educational programs for public understanding, appreciation and enjoyment, both for international visitors and the Canadian public, thereby enhancing pride, encouraging stewardship and giving expression to our identity as Canadians,

(c) to carry out **Canada's** international obligations and agreements to protect, conserve and present that heritage and to contribute towards the protection and presentation of the global heritage and biodiversity,

(d) to include representative examples of **Canada's** land and marine natural regions in the systems of national **parks** and national marine conservation areas,

(e) to commemorate places, people and events of national historic significance, including **Canada's** rich and ongoing aboriginal traditions,

(f) to ensure the commemorative integrity of national historic sites,

(g) to maintain or restore the ecological integrity of national **parks**,

(h) to ensure the ecologically sustainable use of national marine conservation areas,

(i) to protect heritage railway stations and the heritage character of federal heritage buildings,

(j) to provide leadership and support to the Canadian Heritage Rivers System,

(k) to provide Canadians with an opportunity to enjoy **Canada's** special places,

(l) to maintain ecological and commemorative integrity as a prerequisite to the use of national **parks** and national historic sites, and

(m) to manage visitor use and tourism to ensure both the maintenance of ecological and commemorative integrity and a quality experience in such heritage and natural areas for this and future generations;

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of **Canada**, enacts as follows:

1998, c. 31, preamble; 2002, c. 18, s. 33.

## SHORT TITLE

### Short title

1. This **Act** may be cited as the *Parks Canada Agency Act*.

## INTERPRETATION

### Definitions

2. (1) The definitions in this section apply in this **Act**. "Agency"  
«*Agence* »

"Agency" means the **Parks Canada Agency** established by section 3.

"Chief Executive Officer"  
«*directeur général* »

"Chief Executive Officer" means the Chief Executive Officer appointed under section 10.

"employee"  
«*employé* »

"employee" means an employee appointed under subsection 13(1).

"heritage protection programs"  
«*programmes de protection du patrimoine* »

"heritage protection programs" includes programs that relate to

(a) heritage railway stations and federal heritage buildings;

(b) Canadian heritage rivers and federal archaeology; and

(c) any other matters within the jurisdiction of the Minister that relate to areas of Canadian natural or historical significance that the Minister may, with the approval of the Governor in Council, specify for the purposes of this definition.

"Minister"  
«*ministre* »

"Minister" means the Minister of the Environment.

"national historic site"  
«*lieu historique national* »

"national historic site" means a place designated under subsection (2) or a national historic site of **Canada** to which the *Canada National Parks Act* applies.

"national marine conservation area"  
«*aire marine nationale de conservation* »

"national marine conservation area" means a marine conservation area or reserve as defined in subsection 2(1) of the *Canada National Marine Conservation Areas Act*.

"national park"  
«*parc national* »

"national park" means a park or park reserve as defined in section 2 of the *Canada National Parks Act*.

"other protected heritage areas"  
«*autres lieux patrimoniaux protégés* »

"other protected heritage areas" includes

( a ) historic canals;

(b) historic museums that may be established by the Minister under the *Historic Sites and Monuments Act*;

(b.1) the Saguenay-St. Lawrence Marine Park established by section 5 of the *Saguenay-St. Lawrence Marine Park Act*; and

(c) any other areas within the jurisdiction of the Minister that are of Canadian natural or historical significance and that the Minister may, with the approval of the Governor in Council, specify for the purposes of this definition.

### Designation

(2) The Minister may designate any historic place as defined in section 2 of the *Historic Sites and Monuments Act* as a national historic site for the purposes of this *Act*.

1998, c. 31, ss. 2, 61.1; 2000, c. 32, s. 58; 2002, c. 18, s. 34; 2005, c. 2, s. 3.

## ESTABLISHMENT OF AGENCY

### Establishment

3. There is hereby established a body corporate to be called the Parks Canada Agency, that may exercise powers and perform duties and functions only as an agent of Her Majesty in right of Canada.

### Minister responsible

4. (1) The Minister is responsible for the **Agency** and the powers, duties and functions of the Minister, in that capacity, extend to and include all matters over which Parliament has jurisdiction, not by law assigned to any other department, board or **agency** of the Government of **Canada**, relating to

(a) areas of natural or historical significance to the nation, including national **parks**, national marine conservation areas, national historic sites, historic canals, historic museums established under the *Historic Sites and Monuments Act* and Saguenay-St. Lawrence Marine Park;

(b) heritage railway stations, federal heritage buildings, historic places in **Canada**, federal archaeology and Canadian heritage rivers; and

(c) the design and implementation of programs that relate primarily to built heritage.

### Ministerial direction

(2) The Minister has the overall direction of the **Agency**, which shall comply with any general or special direction given by the Minister with reference to the carrying out of its responsibilities.

### Exception

(3) Notwithstanding subsection (2), no direction may be given with respect to the matters referred to in

section 13.

1998, c. 31, s. 4; 2005, c. 2, s. 4.

### Exercise of powers conferred on Minister

5. (1) Subject to any direction given by the Minister, the Agency may exercise the powers and shall perform the duties and functions that relate to national parks, national historic sites, national marine conservation areas, other protected heritage areas and heritage protection programs that are conferred on, or delegated, assigned or transferred to, the Minister under any Act or regulation.

### Officers and employees

(2) An officer or employee of the Agency may exercise any power and perform any duty or function referred to in subsection (1) if the officer or employee is appointed to serve in the Agency in a capacity appropriate to the exercise of the power or the performance of the duty or function, and in so doing, shall comply with any general or special direction given by the Minister.

### Exception

(3) Subsection (1) does not include

(a) any power, duty or function of the Minister under this Act, other than those referred to in subsection 4(1);

(b) a power to make regulations under this or any other Act; or

(c) a power to make designations or appointments under the *Historic Sites and Monuments Act* or the *Heritage Railway Stations Protection Act*.

1998, c. 31, s. 5; 2002, c. 18, s. 35; 2005, c. 2, s. 5.

### Non-application of *Statutory Instruments Act*

5.1 A direction by the Minister referred to in sections 4 and 5 is not a statutory instrument for the purposes of the *Statutory Instruments Act*.

### Responsibilities — subject-matter

6. (1) The Agency is responsible for the implementation of policies of the Government of Canada that relate to national parks, national historic sites, national marine conservation areas, other protected heritage areas and heritage protection programs.

### System plans

(2) The Agency shall ensure that there are long-term plans in place for establishing systems of national parks, national historic sites and national marine conservation areas.

### New protected heritage areas

(3) The Agency is responsible for negotiating, and recommending to the Minister, the establishment of new national parks, national marine conservation areas and other protected heritage areas and the acquisition of national historic sites.

### Responsibilities — Acts

(4) The Agency is responsible for the administration and enforcement of the Acts listed in Part 1 of the schedule and any regulations made under those Acts and the regulations listed in Part 2 of the schedule.

1998, c. 31, s. 6; 2002, c. 18, s. 36.

### Additions to or deletions from the schedule

7. The Governor in Council may, by order, add to or delete from the schedule any Act of Parliament or regulation or part of an Act or regulation that relates to national parks, national historic sites, national marine

conservation areas or other protected heritage areas or heritage protection programs.

1998, c. 31, s. 7; 2002, c. 18, s. 37.

### Ancillary powers

**8.** The Agency may, in carrying out its responsibilities,

(a) enter into contracts, agreements, memoranda of understanding or other arrangements with a department or agency of the Government of Canada, with any other government or any of its agencies or with any person or organization in the name of Her Majesty in right of Canada or in its own name;

(b) acquire any property, including securities, by way of gift, bequest or other form of donation and, subject to the terms and conditions on which the property was acquired, hold, administer, expend, sell, exchange or otherwise dispose of the property;

(c) sell, exchange, loan or otherwise dispose of any personal property or moveables acquired, held or administered by the Agency;

(d) license, assign or otherwise make available any patent, copyright, industrial design, trade-mark, trade secret or other like property right held, controlled or administered by the Agency;

(e) publish, sell or otherwise disseminate studies, reports and other documents of the Agency; and

(f) do anything that is necessary or incidental to the furtherance of the purposes of the Agency.

### Convening round table

**8.1** (1) The Minister shall, at least once every two years, convene a round table of persons interested in matters for which the Agency is responsible to advise the Minister on the performance by the Agency of its responsibilities under section 6.

### Response of Minister

(2) The Minister shall respond within 180 days to any written recommendations submitted during a round table convened under subsection (1).

### Choice of goods and services providers

**9.** Notwithstanding section 9 of the *Department of Public Works and Government Services Act*, the Agency, with the approval given generally or in a specific case by the Governor in Council, on the recommendation of the Treasury Board, may procure goods and services, including legal services, from outside the federal public administration.

1998, c. 31, s. 9; 2003, c. 22, s. 224(E).

## ORGANIZATION OF AGENCY

### Appointment

**10.** (1) The Governor in Council shall appoint an officer, to be called the Chief Executive Officer, to hold office during pleasure for a term of not more than five years, which term may be renewed for one or more further terms.

### Remuneration

(2) The Chief Executive Officer shall be paid the remuneration that may be fixed by the Governor in Council.

### Absence or incapacity

**11.** In the event of the absence or incapacity of the Chief Executive Officer or a vacancy in that office, the

Minister may appoint any person to exercise the powers and perform the duties and functions of the Chief Executive Officer, but no person may be so appointed for a term of more than ninety days without the approval of the Governor in Council.

#### Role of Chief Executive Officer

**12.** (1) The Chief Executive Officer, under the direction of the Minister, has the control and management of the Agency and all matters connected with it.

#### Rank of deputy head

(2) The Chief Executive Officer has the rank and all the powers of a deputy head of a department.

#### Guiding principles and operational policies

(3) The Chief Executive Officer is responsible for preparing, for the Minister's approval, guiding principles and operational policies for matters within the Agency's responsibilities.

#### Delegation

(4) The Chief Executive Officer may delegate to any person any power, duty or function conferred on the Chief Executive Officer under this Act or any other Act or regulation.

## HUMAN RESOURCES

#### Personnel

**13.** (1) The Chief Executive Officer has exclusive authority to

(a) appoint, lay-off or terminate the employment of the employees of the Agency; and

(b) establish standards, procedures and processes governing staffing, including the appointment, lay-off or termination of employment otherwise than for cause, of employees.

#### Right of employer

(2) Nothing in the *Public Service Labour Relations Act* shall be construed to affect the right or authority of the Chief Executive Officer to deal with the matters referred to in paragraph (1)(b).

#### Human resources management

(3) Subsections 11.1(1) and 12(2) of the *Financial Administration Act* do not apply with respect to the Agency and the Chief Executive Officer may

(a) determine the organization of and classify the positions in the Agency;

(b) set the terms and conditions of employment, including termination of employment for cause, for employees and assign duties to them; and

(c) provide for any other matters that the Chief Executive Officer considers necessary for effective human resources management in the Agency.

1998, c. 31, s. 13; 2003, c. 22, ss. 180, 223(E).

#### Political activities

**14.** (1) For the purposes of Part 7 of the *Public Service Employment Act*, the Chief Executive Officer is deemed to be a deputy head, and an employee is deemed to be an employee, within the meaning of subsection 2(1) of that Act.

#### Services of the Public Service Commission

(2) The Public Service Commission may, at the request of the Agency, provide any service to the Agency that it is authorized to provide to a department under the *Public Service Employment Act* or any other related service, and may recover from the Agency the costs incurred in providing the service, and the Commission is, for greater certainty, authorized to enter into arrangements with the Agency for those purposes.

1998, c. 31, s. 14; 2003, c. 22, s. 241.

### Negotiation of collective agreements

**15.** Notwithstanding section 112 of the *Public Service Labour Relations Act*, the Chief Executive Officer may, in accordance with the negotiating mandate approved by the President of the Treasury Board, enter into a collective agreement with the bargaining agent for a bargaining unit composed of employees that is applicable to employees in that bargaining unit.

1998, c. 31, s. 15; 2003, c. 22, s. 181.

## GENERAL

### Charter for the Agency

**16.** (1) The Chief Executive Officer is responsible for establishing a charter for the Agency that sets out the values and principles governing

- (a) the provision of services by the Agency to the public; and
- (b) the management of the human resources of the Agency.

### Available to the public

(2) The charter established under subsection (1) shall be made available to the public.

### Principal office

**17.** The principal office of the Agency shall be in the National Capital Region described in the schedule to the *National Capital Act*.

### Legal proceedings

**18.** (1) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Agency, whether in its own name or in the name of Her Majesty in right of Canada, may be brought or taken by or against the Agency in the name of the Agency in any court that would have jurisdiction if the Agency were not an agent of Her Majesty.

### Property

(2) Property acquired by the Agency is the property of Her Majesty in right of Canada and title to it may be held in the name of Her Majesty or in the name of the Agency.

## FINANCIAL PROVISIONS

### Appropriations

**19.** (1) Money may be appropriated by Parliament from time to time by way of a vote in an appropriation Act or any other Act of Parliament, for the period that may be specified in the Act, for the purposes of making operating and capital expenditures of the Agency and providing financial assistance in the form of grants and contributions.

### Multi-year lapsing

(2) The unexpended balance of money referred to in subsection (1) appropriated by any Act of Parliament for the purpose of making operational expenditures of the Agency lapses at the end of the fiscal year following the year in which the money was originally appropriated or at the end of any longer period that may be specified

in the Act.

### Interpretation

**20.** (1) For the purposes of paragraphs (2)(b) and 21(2)(a), terms and expressions used in those paragraphs have the same meaning as in the *Federal Real Property and Federal Immovables Act*.

### Operational revenues

(2) Notwithstanding subsection 29.1(1) of the *Financial Administration Act*, the Agency may, for the purposes referred to in subsection 19(1), spend amounts equal to revenues resulting from the conduct of its operations in that or subsequent fiscal years, including

(a) proceeds from the sale, exchange, loan or other disposition or the licensing of any personal property or moveables acquired, held or administered by the Agency;

(b) proceeds from any of the following transactions in respect of federal real property and federal immovables under the administration of the Minister for the purposes of the Agency:

(i) the lease or giving of a licence,

(ii) the transfer to Her Majesty in any right other than Canada of administration and control, otherwise than in perpetuity, and

(iii) a disposition of any right or interest, other than a disposition referred to in paragraph 21(2)(a);

(c) proceeds from, including fees paid under any Act of Parliament in respect of, the provision by the Agency of a service, of the use of a facility or of a product, right or privilege;

(d) proceeds from any money recovered under section 29; and

(e) any refund of expenditures made in previous fiscal years.

1998, c. 31, s. 20; 2001, c. 4, s. 166.

### Establishment of New Parks and Historic Sites Account

**21.** (1) There is hereby established an account in the accounts of **Canada** to be called the New Parks and Historic Sites Account.

### Amounts credited to Account

(2) There shall be credited to the New Parks and Historic Sites Account money appropriated by Parliament from time to time by way of an appropriation Act or any other Act of Parliament for the purposes specified in subsection (3), and any revenues of the Agency resulting, including proceeds, from

(a) any of the following transactions in respect of federal real property and federal immovables under the administration of the Minister for the purposes of the Agency:

(i) the sale or any other disposition in perpetuity of any right or interest,

(ii) the transfer of administration to another minister or to an agent corporation, and

(iii) the transfer of administration and control in perpetuity to Her Majesty other than in right of **Canada**; and

(b) a gift, bequest or other form of donation made for the purposes of the Agency or for any purpose specified in subsection (3).

### Payments out of New Parks and Historic Sites Account

(3) Subject to the approval by the Treasury Board of the corporate plan prepared under section 33, amounts may, notwithstanding any other Act of Parliament, be paid out of the New Parks and Historic Sites Account for the following purposes:

(a) to acquire any historic place, or lands for historic museums, or any interest therein, for the purpose of paragraph 3(d) of the *Historic Sites and Monuments Act*;



(b) to acquire any real property or immovables for the purpose of establishing, enlarging or designating, as the case may be, any national park, national historic site, national marine conservation area or other protected heritage area that has not yet attained full operational status;

(c) to develop or maintain any national park, national historic site, national marine conservation area or other protected heritage area that has not yet attained full operational status, and to make any related contribution or other payment;

(d) to implement a decision by the Minister to recommend the establishment of a national park, national historic site, national marine conservation area or other protected heritage area, or to commemorate a historic place under section 3 of the *Historic Sites and Monuments Act*, and to make any related contribution or other payment; and

(e) to repay advances made under subsection 22(2).

#### Determination of status

(4) The Chief Executive Officer must, in accordance with the guidelines established under subsection (5), determine whether a national park, national historic site, national marine conservation area or other protected heritage area has attained full operational status for the purposes of paragraphs (3)(b) and (c).

#### Guidelines

(5) The Chief Executive Officer must, with the approval of the Minister, establish guidelines respecting the making of a determination under subsection (4).

1998, c. 31, s. 21; 2001, c. 4, s. 167; 2002, c. 18, s. 38.

#### Statutory appropriation

**22.** (1) There is hereby appropriated from the Consolidated Revenue Fund the amount of ten million dollars for the purpose of providing advances, from time to time, to the New Parks and Historic Sites Account.

#### Advances to the Account

(2) The Minister of Finance may, on the request of the Minister, authorize the making of advances to the New Parks and Historic Sites Account from the money appropriated under subsection (1) in accordance with any terms and conditions that have been approved by the Treasury Board.

#### Credits to the Account

(3) An advance made as authorized under subsection (2) must be credited to the New Parks and Historic Sites Account.

#### Repayment of advances

(4) The repayment of the principal amount of any advance made as authorized under subsection (2) shall, in accordance with any direction made by the Treasury Board, be charged to the New Parks and Historic Sites Account and credited to the balance outstanding of money appropriated under subsection (1), and the payment of any amount on account of interest payable on the advance may be made from money appropriated under an Act of Parliament as authorized under subsection 19(1).

#### Amount may be changed

(5) The amount of advances authorized under subsection (1) may be amended, from time to time, by an item in an appropriation Act.

## FEES

#### Fees for services and use of facilities

**23.** (1) The Minister may, subject to any regulations that the Treasury Board may make for the purposes of

this section, fix the fees or the manner of calculating the fees to be paid for a service or the use of a facility provided by the Agency.

#### Amount not to exceed cost

(2) Fees for a service or the use of a facility that are fixed under subsection (1) may not exceed the cost to Her Majesty in right of Canada of providing the service or the use of the facility.

#### Fees for products, rights and privileges

**24.** The Minister may, subject to any regulations that the Treasury Board may make for the purposes of this section, fix the fees or the manner of calculating fees in respect of products, rights or privileges provided by the Agency.

#### Consultation

**25.** (1) Before fixing a fee under section 23 or 24, the Minister must consult with any persons and organizations that the Minister considers to be interested in the matter.

#### Publication

(2) The Minister must publish any fee fixed under section 23 or 24 in the *Canada Gazette* within thirty days after fixing it.

#### Reference to Scrutiny Committee

(3) A fee fixed under section 23 or 24 stands permanently referred to the Committee referred to in section 19 of the *Statutory Instruments Act* to be reviewed and scrutinized as if it were a statutory instrument.

#### Regulations

**26.** The Treasury Board may make regulations for the purposes of sections 23 and 24.

#### Collection of fees

**27.** The Agency may enter into an agreement with any person respecting the collection of fees fixed under this Act or any other Act under which the Agency provides services, facilities, products, rights or privileges and, notwithstanding subsections 17(1) and (4) of the *Financial Administration Act*, authorizing that person to withhold amounts from those fees.

#### Remission of fees

**28.** The Minister may remit or refund all or part of a fee fixed under section 23 or 24 or under any other Act under which the Agency provides services, facilities, products, rights or privileges, and the interest on it.

#### Recovery of fees and costs

**29.** The Agency may recover, as a debt due to Her Majesty, any fee or charge fixed under this or any other Act, any costs incurred by the Agency, and any interest on those fees, charges or costs, that relate to providing a service, facility, product, right or privilege by the Agency under this or any other Act.

#### Delegation

**30.** The Minister may delegate to the Agency any power, duty or function conferred on the Minister under sections 23 to 25 and 28.

## REPORTS AND PLANS

#### Report on state of heritage areas and programs

**31.** At least every two years, the Chief Executive Officer shall provide the Minister with a report, to be tabled

in each House of Parliament, on the state of national parks, national historic sites, national marine conservation areas and other protected heritage areas and heritage protection programs, and on the performance of the Agency in carrying out its responsibilities under section 6.

1998, c. 31, s. 31; 2002, c. 18, s. 39.

### Management plans

**\*32.** (1) In addition to the duties in relation to management plans under the *Canada National Parks Act* and the *Canada National Marine Conservation Areas Act*, the Chief Executive Officer shall, within five years after the establishment of a national historic site or other protected heritage area, or within five years after the coming into force of this section, whichever is later, provide the Minister with a management plan for that national historic site or other protected heritage area in respect of any matter that the Minister deems appropriate, including, but not limited to, commemorative and ecological integrity, resource protection or visitor use, and that plan shall be tabled in each House of Parliament.

\* [Note: Section 32 in force on assent June 13, 2002.]

### Review of management plans by Minister

(2) The Minister shall review the management plan of a national historic site or other protected heritage area every five years and shall cause any amendments to the plan to be tabled with the plan in each House of Parliament.

1998, c. 31, s. 32; 2000, c. 32, s. 59; 2002, c. 18, s. 40.

### Corporate plan

**33.** (1) The Chief Executive Officer must submit to the Minister, before March 31 of each year and beginning the year that the Agency is established, a corporate plan for the operations of the Agency and the Minister must, after the plan is approved by the Treasury Board, table a summary of the plan in each House of Parliament on any of the first thirty days on which that House is sitting after the plan is so approved, at which time the plan shall be made available to the public on request.

### Contents of corporate plan

(2) The corporate plan must include

(a) a statement of the Agency's objectives, management strategies to achieve those objectives, expected performances and associated financial budgets for the approaching fiscal year and the four following fiscal years; and

(b) any other information that the Treasury Board may require to be included in it.

### Terms and conditions for approval of plan

(3) The Treasury Board may specify any terms and conditions that the Treasury Board considers appropriate for the approval of a corporate plan or an amendment to a corporate plan.

### Restriction on activity

(4) The Agency shall not carry on any activity in a manner that is inconsistent with its corporate plan as approved by the Treasury Board.

### Annual report

**34.** (1) The Chief Executive Officer must, before September 30 of each year following the Agency's first full year of operations, submit an annual report on the operations of the Agency for the preceding year to the Minister and the Minister must table a copy of the report in each House of Parliament on any of the first thirty days on which that House is sitting after the Minister receives it.

### Contents of annual report

(2) The annual report must include

- (a) the financial statements of the Agency and the Auditor General of Canada's opinion on them;
- (b) information about the Agency's performance with respect to the objectives established in the corporate plan and a summary statement of the assessment by the Auditor General of Canada of the fairness and reliability of that information;
- (c) any other information that the Minister or the Treasury Board may require to be included in it; and
- (d) a summary of any report prepared under subsection 35(1) during the year for which the annual report is submitted.

#### Report on human resources regime

**35.** (1) The Chief Executive Officer must, at least every five years, have prepared by a person or body, other than the Agency or any of its officers or employees, a report on the consistency of its human resources regime with the values and principles that are to govern the management of its human resources.

#### Available to the public

- (2) The report prepared under subsection (1) shall be made available to the public.

## AUDIT

#### Audit

**36.** The Auditor General of Canada shall annually

- (a) audit and provide an opinion on the financial statements of the Agency;
- (b) provide an assessment of the fairness and reliability of the information about the Agency's performance as set out in the Agency's annual report; and
- (c) provide the Chief Executive Officer and the Minister with a report on the audit, opinion and assessment.

## APPLICATION OF THE OFFICIAL LANGUAGES ACT

#### Official Languages Act applies

**36.1** For greater certainty, the *Official Languages Act* applies to the Agency and the Agency has the duty, under section 25 of that Act, to ensure that, where services are provided or made available by another person or organization on its behalf, any member of the public in Canada or elsewhere can communicate with and obtain those services from that person or organization in either official language, in any case where those services, if provided by the Agency, would be required under Part IV of the *Official Languages Act* to be provided in either official language.

## TRANSITIONAL

#### Appropriation Act

**37.** The provisions made by any appropriation Act for the fiscal year in which this section comes into force or a subsequent fiscal year, based on the Estimates for that year, to defray the charges and expenses of the public service of **Canada** within the **Parks Canada** Sector of the Department of Canadian Heritage in relation to any matter for which the **Agency** is responsible by virtue of this **Act** are deemed to be an amount appropriated for defraying the charges and expenses of the **Agency** in the amount that the Treasury Board may, on the recommendation of the Minister, determine.

#### Definitions

38. The definitions in this section apply in sections 39 to 45.

"designated position"  
«poste désigné»

"designated position" has the same meaning as in subsection 2(1) of the *Public Service Staff Relations Act*.

"employee"  
«employé»

"employee" means a person whose employment in the Department of Canadian Heritage is terminated under paragraph 11(2)(g.1) of the *Financial Administration Act* and who is appointed to the Agency following an offer of employment made by the Agency as a result of a transfer of any work, undertaking or business from the Department of Canadian Heritage to the Agency.

"grievance"  
«grief»

"grievance" has the same meaning as in subsection 2(1) of the *Public Service Staff Relations Act*.

### Pending competitions and appointments

39. A competition being conducted or an appointment being or about to be made under the *Public Service Employment Act* in respect of a position within the Department of Canadian Heritage the duties and functions of which are assigned to a position within the Agency, may continue to be conducted or made as if the Agency were a department for the purposes of that Act.

### Pending appeals

40. (1) An appeal made under section 21 of the *Public Service Employment Act* by any person against an appointment to a position within the Department of Canadian Heritage the duties and functions of which are assigned to a position within the Agency, and not finally disposed of on the assignment, must be dealt with and disposed of in accordance with that Act as if the Agency were a department for the purposes of that Act and the person continued to be an employee for the purposes of that Act.

### Other recourse

(2) Any recourse commenced by an employee under the *Public Service Employment Act* that has not been finally dealt with on the appointment of the employee to the Agency must be dealt with and disposed of in accordance with that Act as if the Agency were a department for the purposes of that Act and the person continued to be an employee for the purposes of that Act.

### Employees on probation

41. (1) Every employee who was considered to be on probation under section 28 of the *Public Service Employment Act* immediately before being appointed to the Agency continues on probation with the Agency until the end of any period established by the Public Service Commission by regulation for that employee or a class of persons of which that employee is a member.

### Rejection

(2) Subsection 28(2) of the *Public Service Employment Act* applies to an employee of the Agency who is on probation but the reference to deputy head in that subsection is to be read as a reference to the Chief Executive Officer.

### Designated positions

42. If an employee, immediately before being appointed to the Agency, occupied a position that was a designated position in the Department of Canadian Heritage, that employee is, on appointment to the Agency, deemed to occupy a designated position in the Agency.

### Pending grievances

43. (1) Any grievance commenced by an employee under the *Public Service Staff Relations Act* that has not

been finally dealt with on the appointment of the employee to the Agency, must be dealt with and disposed of in accordance with that Act as if the employee's employment in the Department of Canadian Heritage had not been terminated.

#### Implementation of decision

(2) A final decision with respect to a grievance referred to in subsection (1) that provides for the reinstatement of or payment of money to a person must be implemented by the Agency as soon as practicable.

#### Successor rights

44. For the purpose of section 48.1 of the *Public Service Staff Relations Act*, the Governor in Council may fix the date on which the **Parks Canada** Sector and any other portion of the Department of Canadian Heritage are deemed to be severed from the Department and to become a part of the **Agency**, and that date is to be used for the purposes of subsections 48.1(3), (6) and (7) of that **Act**.

45. [Repealed, 2000, c. 32, s. 60]

## CONSEQUENTIAL AMENDMENTS

46. to 61.01 [Amendments]

## CONDITIONAL AMENDMENT

61.1 [Amendment]

## COMING INTO FORCE

#### Coming into force

\*62. This Act or any of its provisions, or any provision of an Act enacted or amended by this Act, comes into force on a day or days to be fixed by order of the Governor in Council.

\* [Note: Act, other than sections 19 to 22, 51, 55, 56 and 61.01, in force December 21, 1998, see SI/99-4; sections 19 to 22, 51, 55, 56 and 61.01 in force April 1, 1999, see SI/99-4.]

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*Loi sur les lieux et monuments historiques*

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Last updated: 2007-07-06



[Important Notices](#)

# Canada Gazette



# Gazette du Canada

## Part III

## Partie III

OTTAWA, FRIDAY, JANUARY 31, 2003

OTTAWA, LE VENDREDI 31 JANVIER 2003

Statutes of Canada, 2002

Lois du Canada (2002)

Chapters 24 to 29

Chapitres 24 à 29

Acts assented to from 14 June, 2002  
to 12 December, 2002

Lois sanctionnées du 14 juin 2002  
au 12 décembre 2002

### NOTICE TO READERS

The *Canada Gazette* Part III is published under authority of the *Statutory Instruments Act*. The purpose of Part III is to publish public Acts as soon as is reasonably practicable after they have received Royal Assent in order to expedite their distribution.

Part III of the *Canada Gazette* contains the public Acts of Canada and certain other ancillary publications, including a list of Proclamations of Canada and Orders in Council relating to the coming into force of Acts, from the date of the previous number to the date shown above.

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La Partie III de la *Gazette du Canada*, dont la publication est régie par la *Loi sur les textes réglementaires*, a pour objet d'assurer, dans les meilleurs délais suivant la sanction royale, la diffusion des lois d'intérêt public.

Elle présente en outre certains textes complémentaires, comme la liste des décrets d'entrée en vigueur et des proclamations du Canada ultérieurs au numéro précédent.

Les Éditions du gouvernement du Canada, Communication Canada met également en vente des tirés à part des lois publiées dans ce numéro, au prix fixé selon le cas.

Par ailleurs, on peut consulter la Partie III de la *Gazette du Canada* dans la plupart des bibliothèques.

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## CHAPTER 29

### SPECIES AT RISK ACT

#### SUMMARY

The purposes of this enactment are to prevent Canadian indigenous species, subspecies and distinct populations of wildlife from becoming extirpated or extinct, to provide for the recovery of endangered or threatened species, to encourage the management of other species to prevent them from becoming at risk.

This enactment establishes the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) as an independent body of experts responsible for assessing and identifying species at risk. It provides that COSEWIC's assessments are to be reported to the Minister of the Environment and to the Canadian Endangered Species Conservation Council and it authorizes the Governor in Council to establish by regulation the official list of species at risk based on that process.

It requires that the best available knowledge be used to define long- and short-term objectives in a recovery strategy for endangered and threatened species and it provides for action plans to identify specific actions.

It creates prohibitions to protect listed threatened and endangered species and their critical habitat.

It recognizes that compensation may be needed to ensure fairness following the imposition of the critical habitat prohibitions.

It creates a public registry to assist in making documents under the Act more accessible to the public.

It is consistent with Aboriginal and treaty rights and respects the authority of other federal ministers and provincial governments.

## CHAPITRE 29

### LOI SUR LES ESPÈCES EN PÉRIL

#### SOMMAIRE

Le texte a pour objet d'empêcher la disparition des espèces indigènes, des sous-espèces et des populations géographiquement distinctes d'espèces sauvages du Canada, de prévoir le rétablissement des espèces en voie de disparition ou menacées et de favoriser la gestion des autres espèces pour empêcher qu'elles ne deviennent des espèces en péril.

Il établit le Comité sur la situation des espèces en péril au Canada (COSEPAC), un organisme d'experts indépendant chargé de l'évaluation et de la désignation des espèces en péril. Il prévoit la communication des évaluations du COSEPAC au ministre de l'Environnement et au Conseil canadien pour la conservation des espèces en péril et autorise le gouverneur en conseil à établir, par règlement, la liste officielle des espèces en péril en conséquence.

Il exige l'utilisation de la meilleure information accessible pour définir les objectifs à long et à court terme des programmes de rétablissement des espèces en voie de disparition ou menacées et porte que les plans d'action doivent comporter les mesures spécifiques à prendre.

Il crée des interdictions en vue de protéger les espèces inscrites comme espèces en voie de disparition ou menacées et leur habitat essentiel.

Il reconnaît que l'indemnisation peut être nécessaire afin d'assurer l'équité à la suite de l'application des interdictions en matière d'habitat essentiel.

Il établit un registre qui permet au public d'avoir accès aux documents générés par l'application de la loi.

Il est compatible avec les droits ancestraux ou issus de traités des peuples autochtones et respecte la compétence des autres ministres fédéraux et des provinces.

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44. Plans existants
45. Modifications
46. Suivi

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47. Élaboration
48. Collaboration
49. Contenu du plan d'action
50. Projet de plan d'action
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52.	Amendments	52.	Modifications
53.	Regulations	53.	Règlements
54.	Use of powers under other Acts	54.	Pouvoirs conférés au titre d'autres lois
55.	Monitoring and reporting	55.	Suivi et rapport
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58.	Destruction of critical habitat	58.	Destruction de l'habitat essentiel
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60.	Provincial and territorial classifications	60.	Classification par une province ou un territoire
61.	Destruction of critical habitat	61.	Destruction de l'habitat essentiel
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65.	Preparation of management plan	65.	Élaboration du plan de gestion
66.	Cooperation with other ministers and governments	66.	Collaboration
67.	Multi-species or ecosystem approach permissible	67.	Plusieurs espèces ou écosystème
68.	Proposed management plan	68.	Projet de plan de gestion
69.	Existing plans	69.	Plans existants
70.	Amendments	70.	Modifications
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80.	Emergency order	80.	Décrets d'urgence
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83.	General exceptions	83.	Exceptions générales
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<i>Inspections</i>	<i>Visite</i>
86. Inspections	86. Visite
<i>Disposition of Things Seized</i>	<i>Destination des objets saisis</i>
87. Custody of things seized	87. Garde
88. Disposition by competent minister	88. Instructions pour disposition
89. Liability for costs	89. Frais
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90. Right of passage	90. Droit de passage
91. Assistance	91. Aide à donner
92. Obstruction	92. Entrave
<i>Investigations</i>	<i>Enquêtes</i>
93. Application for investigation	93. Demande d'enquête
94. Investigation	94. Enquête
95. Competent minister may send evidence to Attorney General	95. Communication de documents au procureur général
96. Suspension or conclusion of investigation	96. Interruption ou clôture de l'enquête
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98. Officers, etc., of corporations	98. Dirigeants d'une personne morale
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100. Due diligence	100. Disculpation
101. Venue	101. Ressort
102. Sentencing considerations	102. Facteurs à considérer
103. Forfeiture	103. Confiscation
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105. Orders of court	105. Ordonnance du tribunal
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107. Limitation period	107. Prescription
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110. Duration of agreement	110. Durée de l'accord
111. Filing in court for purpose of public access	111. Dépôt auprès du tribunal
112. Stay of proceedings	112. Suspension d'instance
113. Application to vary agreement	113. Demande de modification de l'accord
114. Application of provisions dealing with records	114. Dossier des suspects
115. Disclosure of information by peace officer or enforcement officer	115. Communication par un agent de la paix ou un agent de l'autorité

116.	Government records	116.	Dossiers gouvernementaux
117.	Disclosure of records	117.	Accès au dossier
118.	Information exchange agreements	118.	Accord d'échange d'information
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120.	Public registry	120.	Établissement du registre
121.	Regulations	121.	Règlements
122.	Protection from proceedings	122.	Immunité
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124.	Restriction	124.	Limitation de la communication de certains renseignements
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126.	Annual report to Parliament	126.	Rapport annuel au Parlement
127.	Convening round table	127.	Organisation de tables rondes
128.	Reports on status of wildlife species	128.	Rapport sur la situation des espèces sauvages
129.	Parliamentary review of Act	129.	Examen de la loi
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130.	Assessment of status	130.	Évaluation de la situation
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133.	Time for management plan	133.	Délai : plan de gestion
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134-136.	<i>Canada Wildlife Act</i>	134-136.	<i>Loi sur les espèces sauvages du Canada</i>
137.	<i>Canadian Environmental Assessment Act</i>	137.	<i>Loi canadienne sur l'évaluation environnementale</i>
138.	<i>Migratory Birds Convention Act, 1994</i>	138.	<i>Loi de 1994 sur la convention concernant les oiseaux migrants</i>
139-141.	<i>Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act</i>	139-141.	<i>Loi sur la protection d'espèces animales ou végétales sauvages et la réglementation de leur commerce international et interprovincial</i>
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## 51 ELIZABETH II

### CHAPTER 29

An Act respecting the protection of wildlife species at risk in Canada

[Assented to 12th December, 2002]

Preamble

Recognizing that

Canada's natural heritage is an integral part of our national identity and history,

wildlife, in all its forms, has value in and of itself and is valued by Canadians for aesthetic, cultural, spiritual, recreational, educational, historical, economic, medical, ecological and scientific reasons,

Canadian wildlife species and ecosystems are also part of the world's heritage and the Government of Canada has ratified the United Nations Convention on the Conservation of Biological Diversity,

providing legal protection for species at risk will complement existing legislation and will, in part, meet Canada's commitments under that Convention,

the Government of Canada is committed to conserving biological diversity and to the principle that, if there are threats of serious or irreversible damage to a wildlife species, cost-effective measures to prevent the reduction or loss of the species should not be postponed for a lack of full scientific certainty,

responsibility for the conservation of wildlife in Canada is shared among the governments in this country and that it is important for them to work cooperatively to pursue the establishment of complementary legislation and programs for the protection and recovery of species at risk in Canada,

it is important that there be cooperation between the governments in this country to maintain and strengthen national standards of environmental conservation and that the Government of Canada is committed to the principles set out in intergovernmental

## 51 ELIZABETH II

### CHAPITRE 29

Loi concernant la protection des espèces sauvages en péril au Canada

[Sanctionnée le 12 décembre 2002]

Préambule

Attendu :

que le patrimoine naturel du Canada fait partie intégrante de notre identité nationale et de notre histoire;

que les espèces sauvages, sous toutes leurs formes, ont leur valeur intrinsèque et sont appréciées des Canadiens pour des raisons esthétiques, culturelles, spirituelles, récréatives, éducatives, historiques, économiques, médicales, écologiques et scientifiques;

que les espèces sauvages et les écosystèmes du Canada font aussi partie du patrimoine mondial et que le gouvernement du Canada a ratifié la Convention des Nations Unies sur la diversité biologique;

que l'attribution d'une protection juridique aux espèces en péril complétera les textes législatifs existants et permettra au Canada de respecter une partie des engagements qu'il a pris aux termes de cette convention;

que le gouvernement du Canada s'est engagé à conserver la diversité biologique et à respecter le principe voulant que, s'il existe une menace d'atteinte grave ou irréversible à une espèce sauvage, le manque de certitude scientifique ne soit pas prétexte à retarder la prise de mesures efficaces pour prévenir sa disparition ou sa décroissance;

que la conservation des espèces sauvages au Canada est une responsabilité partagée par les gouvernements du pays et que la collaboration entre eux est importante en vue d'établir des lois et des programmes complémentaires pouvant assurer la protection et le rétablissement des espèces en péril au Canada;

agreements respecting environmental conservation,

the Canadian Endangered Species Conservation Council is to provide national leadership for the protection of species at risk, including the provision of general direction to the Committee on the Status of Endangered Wildlife in Canada in respect of that Committee's activities and general directions in respect of the development, coordination and implementation of recovery efforts,

the roles of the aboriginal peoples of Canada and of wildlife management boards established under land claims agreements in the conservation of wildlife in this country are essential,

all Canadians have a role to play in the conservation of wildlife in this country, including the prevention of wildlife species from becoming extirpated or extinct,

there will be circumstances under which the cost of conserving species at risk should be shared,

the conservation efforts of individual Canadians and communities should be encouraged and supported,

stewardship activities contributing to the conservation of wildlife species and their habitat should be supported to prevent species from becoming at risk,

community knowledge and interests, including socio-economic interests, should be considered in developing and implementing recovery measures,

the traditional knowledge of the aboriginal peoples of Canada should be considered in the assessment of which species may be at risk and in developing and implementing recovery measures,

knowledge of wildlife species and ecosystems is critical to their conservation,

the habitat of species at risk is key to their conservation, and

Canada's protected areas, especially national parks, are vital to the protection and recovery of species at risk,

que la coopération entre les gouvernements du pays pour le maintien et le renforcement des normes nationales de conservation de l'environnement est importante et que le gouvernement du Canada est attaché aux principes énoncés dans les accords intergouvernementaux en matière de conservation de l'environnement;

que le Conseil canadien pour la conservation des espèces en péril a la responsabilité d'établir les orientations pour l'ensemble du pays en matière de protection des espèces en péril, notamment en ce qui concerne les activités du Comité sur la situation des espèces en péril au Canada et l'élaboration et la coordination des mesures de protection et de rétablissement de ces espèces;

qu'est essentiel le rôle que peuvent jouer les peuples autochtones du Canada et les conseils de gestion des ressources fauniques établis en application d'accords sur des revendications territoriales dans la conservation des espèces sauvages dans ce pays;

que tous les Canadiens ont un rôle à jouer dans la conservation des espèces sauvages, notamment en ce qui a trait à la prévention de leur disparition du pays ou de la planète;

que, dans certains cas, les frais de la conservation des espèces en péril devraient être partagés;

que les efforts de conservation des Canadiens et des collectivités devraient être encouragés et appuyés;

que les activités d'intendance visant la conservation des espèces sauvages et de leur habitat devraient bénéficier de l'appui voulu pour éviter que celles-ci deviennent des espèces en péril;

que la connaissance et les intérêts — notamment socioéconomiques — des collectivités devraient être pris en compte lors de l'élaboration et de la mise en oeuvre des mesures de rétablissement;

que les connaissances traditionnelles des peuples autochtones du Canada devraient



NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

être prises en compte pour découvrir quelles espèces sauvages peuvent être en péril et pour l'élaboration et la mise en oeuvre des mesures de rétablissement;

que la connaissance des espèces sauvages et des écosystèmes est essentielle à leur conservation;

que l'habitat des espèces en péril est important pour leur conservation;

que les aires protégées au Canada, plus particulièrement les parcs nationaux, sont importants pour la protection et le rétablissement des espèces en péril,

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte :

## SHORT TITLE

## TITRE ABRÉGÉ

Short title

**1.** This Act may be cited as the *Species at Risk Act*.

**1.** *Loi sur les espèces en péril.*

Titre abrégé

## INTERPRETATION

## DÉFINITIONS ET INTERPRÉTATION

Definitions

**2.** (1) The definitions in this subsection apply in this Act.

**2.** (1) Les définitions qui suivent s'appliquent à la présente loi.

Définitions

“action plan”  
« plan  
d'action »

“action plan” means an action plan included in the public registry under subsection 50(3) and includes any amendment to it included in the public registry under section 52.

« accord sur des revendications territoriales »  
Accord sur des revendications territoriales au sens de l'article 35 de la *Loi constitutionnelle de 1982*.

« accord sur des revendications territoriales »  
“land claims agreement”

“alternative measures”  
« mesures de  
rechange »

“alternative measures” means measures, other than judicial proceedings, that are used to deal with a person who is alleged to have committed an offence.

« Conseil canadien pour la conservation des espèces en péril » Le conseil visé au paragraphe 7(1).

« Conseil canadien pour la conservation des espèces en péril »  
“Canadian Endangered Species Conservation Council”

“aquatic species”  
« espèce  
aquatique »

“aquatic species” means a wildlife species that is a fish, as defined in section 2 of the *Fisheries Act*, or a marine plant, as defined in section 47 of that Act.

« conseil de gestion des ressources fauniques » Tout organisme, notamment un conseil, constitué en application d'un accord sur des revendications territoriales qui est habilité à exercer des attributions à l'égard d'espèces sauvages.

« conseil de gestion des ressources fauniques »  
“wildlife management board”

“Attorney General”  
« procureur  
général »

“Attorney General” means the Attorney General of Canada or, for the purposes of sections 108 to 113, an agent of the Attorney General of Canada.

« COSEPAC » Le Comité sur la situation des espèces en péril au Canada, constitué en application de l'article 14.

« COSEPAC »  
“COSEWIC”

“Canadian Endangered Species Conservation Council”  
« Conseil canadien pour la conservation des espèces en péril »

“Canadian Endangered Species Conservation Council” means the Council referred to in subsection 7(1).

<p>“competent minister” « ministre compétent »</p>	<p>“competent minister” means</p> <p>(a) the Minister of Canadian Heritage with respect to individuals in or on federal lands that are administered by that Minister and that are national parks, national historic sites or other protected heritage areas as those expressions are defined in subsection 2(1) of the <i>Parks Canada Agency Act</i>;</p> <p>(b) the Minister of Fisheries and Oceans with respect to aquatic species, other than individuals mentioned in paragraph (a); and</p> <p>(c) the Minister of the Environment with respect to all other individuals.</p>	<p>« décret d’urgence » Décret pris au titre de l’article 80.</p> <p>« espèce aquatique » Espèce sauvage de poissons, au sens de l’article 2 de la <i>Loi sur les pêches</i>, ou de plantes marines, au sens de l’article 47 de cette loi.</p> <p>« espèce disparue du pays » Espèce sauvage qu’on ne trouve plus à l’état sauvage au Canada, mais qu’on trouve ailleurs à l’état sauvage.</p> <p>« espèce en péril » Espèce sauvage disparue du pays, en voie de disparition, menacée ou préoccupante.</p>	<p>« décret d’urgence » “emergency order”</p> <p>« espèce aquatique » “aquatic species”</p> <p>« espèce disparue du pays » “extirpated species”</p> <p>« espèce en péril » “species at risk”</p>
<p>“conveyance” « moyen de transport »</p>	<p>“conveyance” means a vehicle, aircraft or water-borne craft or any other contrivance that is used to move persons or goods.</p>	<p>« espèce en voie de disparition » Espèce sauvage qui, de façon imminente, risque de disparaître du pays ou de la planète.</p>	<p>« espèce en voie de disparition » “endangered species”</p>
<p>“COSEWIC” « COSEPAC »</p>	<p>“COSEWIC” means the Committee on the Status of Endangered Wildlife in Canada established by section 14.</p>	<p>« espèce menacée » Espèce sauvage susceptible de devenir une espèce en voie de disparition si rien n’est fait pour contrer les facteurs menaçant de la faire disparaître.</p>	<p>« espèce menacée » “threatened species”</p>
<p>“critical habitat” « habitat essentiel »</p>	<p>“critical habitat” means the habitat that is necessary for the survival or recovery of a listed wildlife species and that is identified as the species’ critical habitat in the recovery strategy or in an action plan for the species.</p>	<p>« espèce préoccupante » Espèce sauvage qui peut devenir une espèce menacée ou une espèce en voie de disparition par l’effet cumulatif de ses caractéristiques biologiques et des menaces signalées à son égard.</p>	<p>« espèce préoccupante » “species of special concern”</p>
<p>“emergency order” « décret d’urgence »</p>	<p>“emergency order” means an order made under section 80.</p>	<p>« espèce sauvage » Espèce, sous-espèce, variété ou population géographiquement ou génétiquement distincte d’animaux, de végétaux ou d’autres organismes d’origine sauvage, sauf une bactérie ou un virus, qui, selon le cas :</p>	<p>« espèce sauvage » “wildlife species”</p>
<p>“endangered species” « espèce en voie de disparition »</p>	<p>“endangered species” means a wildlife species that is facing imminent extirpation or extinction.</p>	<p>a) est indigène du Canada;</p> <p>b) s’est propagée au Canada sans intervention humaine et y est présente depuis au moins cinquante ans.</p>	
<p>“extirpated species” « espèce disparue du pays »</p>	<p>“extirpated species” means a wildlife species that no longer exists in the wild in Canada, but exists elsewhere in the wild.</p>		
<p>“federal land” « territoire domanial »</p>	<p>“federal land” means</p>	<p>« habitat »</p> <p>a) S’agissant d’une espèce aquatique, les frayères, aires d’alevinage, de croissance et d’alimentation et routes migratoires dont sa survie dépend, directement ou indirectement, ou aires où elle s’est déjà trouvée et où il est possible de la réintroduire;</p>	<p>« habitat » “habitat”</p>

	(a) land that belongs to Her Majesty in right of Canada, or that Her Majesty in right of Canada has the power to dispose of, and all waters on and airspace above that land;		(b) s'agissant de toute autre espèce sauvage, l'aire ou le type d'endroit où un individu ou l'espèce se trouvent ou dont leur survie dépend directement ou indirectement ou se sont déjà trouvés, et où il est possible de les réintroduire.	
	(b) the internal waters of Canada and the territorial sea of Canada; and		« habitat essentiel » L'habitat nécessaire à la survie ou au rétablissement d'une espèce sauvage inscrite, qui est désigné comme tel dans un programme de rétablissement ou un plan d'action élaboré à l'égard de l'espèce.	« habitat essentiel » «critical habitat»
	(c) reserves and any other lands that are set apart for the use and benefit of a band under the <i>Indian Act</i> , and all waters on and airspace above those reserves and lands.		« individu » Individu d'une espèce sauvage, vivant ou mort, à toute étape de son développement. La présente définition vise également les larves, le sperme, les oeufs, les embryons, les semences, le pollen, les spores et les propagules asexuées.	« individu » «individual»
«habitat» « habitat »	«habitat» means		« infraction » Infraction à la présente loi.	« infraction » «offence»
	(a) in respect of aquatic species, spawning grounds and nursery, rearing, food supply, migration and any other areas on which aquatic species depend directly or indirectly in order to carry out their life processes, or areas where aquatic species formerly occurred and have the potential to be reintroduced; and		« inscrite » Se dit de toute espèce sauvage qui est inscrite sur la liste.	« inscrite » «listed»
	(b) in respect of other wildlife species, the area or type of site where an individual or wildlife species naturally occurs or depends on directly or indirectly in order to carry out its life processes or formerly occurred and has the potential to be reintroduced.		« liste » La Liste des espèces en péril figurant à l'annexe 1.	« liste » «List»
			« mesures de rechange » Mesures — autres que le recours aux procédures judiciaires — prises contre une personne à qui une infraction est imputée.	« mesures de rechange » «alternative measures»
			« ministre » Le ministre de l'Environnement.	« ministre » «Minister»
«individual» « individu »	«individual» means an individual of a wildlife species, whether living or dead, at any developmental stage and includes larvae, embryos, eggs, sperm, seeds, pollen, spores and asexual propagules.		« ministre compétent »	« ministre compétent » «competent minister»
			a) En ce qui concerne les individus présents dans les parcs nationaux, les lieux historiques nationaux et les autres lieux patrimoniaux protégés, au sens du paragraphe 2(1) de la <i>Loi sur l'Agence Parcs Canada</i> , qui sont des terres domaniales dont la gestion relève du ministre du Patrimoine canadien, ce ministre;	
«land claims agreement» « accord sur des revendications territoriales »	«land claims agreement» means a land claims agreement within the meaning of section 35 of the <i>Constitution Act, 1982</i> .		b) en ce qui concerne les espèces aquatiques dont les individus ne sont pas visés par l'alinéa a), le ministre des Pêches et des Océans;	
«List» « liste »	«List» means the List of Wildlife Species at Risk set out in Schedule 1.		c) en ce qui concerne tout autre individu, le ministre de l'Environnement.	
«listed» « inscrite »	«listed» means listed on the List.		« ministre provincial » Tout ministre d'une province chargé de la conservation et de la	« ministre provincial » «provincial minister»
«Minister» « ministre »	«Minister» means the Minister of the Environment.			
«offence» « infraction »	«offence» means an offence under this Act.			
«provincial minister» « ministre provincial »	«provincial minister» means any minister of the government of a province who is responsible for the conservation and management of a wildlife species in that province.			

<p>“public registry” « registre »</p>	<p>“public registry” means the registry established under section 120.</p>	<p>gestion d’une espèce sauvage dans la province.</p>	
<p>“recovery strategy” « programme de rétablissement »</p>	<p>“recovery strategy” means a recovery strategy included in the public registry under subsection 43(2), and includes any amendment to it included in the public registry under section 45.</p>	<p>« ministre territorial » Tout ministre d’un territoire chargé de la conservation et de la gestion d’une espèce sauvage dans le territoire.</p>	<p>« ministre territorial » “territorial minister”</p>
<p>“residence” « résidence »</p>	<p>“residence” means a dwelling-place, such as a den, nest or other similar area or place, that is occupied or habitually occupied by one or more individuals during all or part of their life cycles, including breeding, rearing, staging, wintering, feeding or hibernating.</p>	<p>« moyen de transport » Tout véhicule, aéronef, bateau ou autre moyen servant au transport des personnes ou des biens.</p>	<p>« moyen de transport » “conveyance”</p>
<p>“sell” « vente »</p>	<p>“sell” includes to offer for sale or lease, have in possession for sale or lease or deliver for sale or lease.</p>	<p>« plan d’action » Plan d’action mis dans le registre en application du paragraphe 50(3), y compris ses modifications qui sont mises dans celui-ci en application de l’article 52.</p>	<p>« plan d’action » “action plan”</p>
<p>“species at risk” « espèce en péril »</p>	<p>“species at risk” means an extirpated, endangered or threatened species or a species of special concern.</p>	<p>« procureur général » Le procureur général du Canada ou, pour l’application des articles 108 à 113, le procureur général du Canada ou son représentant.</p>	<p>« procureur général » “Attorney General”</p>
<p>“species of special concern” « espèce préoccupante »</p>	<p>“species of special concern” means a wildlife species that may become a threatened or an endangered species because of a combination of biological characteristics and identified threats.</p>	<p>« programme de rétablissement » Programme de rétablissement mis dans le registre en application du paragraphe 43(2), y compris ses modifications qui sont mises dans celui-ci en application de l’article 45.</p>	<p>« programme de rétablissement » “recovery strategy”</p>
<p>“status report” « rapport de situation »</p>	<p>“status report” means a report, prepared in accordance with the requirements of regulations made under subsection 21(2), that contains a summary of the best available information on the status of a wildlife species, including scientific knowledge, community knowledge and aboriginal traditional knowledge.</p>	<p>« rapport de situation » Sommaire de la meilleure information accessible sur la situation d’une espèce sauvage, notamment les données scientifiques ainsi que les connaissances des collectivités et les connaissances traditionnelles des peuples autochtones, dont la forme et le contenu sont conformes aux exigences réglementaires prévues en application du paragraphe 21(2).</p>	<p>« rapport de situation » “status report”</p>
<p>“territorial minister” « ministre territorial »</p>	<p>“territorial minister” means any minister of the government of a territory who is responsible for the conservation and management of a wildlife species in that territory.</p>	<p>« registre » Le registre public dont l’établissement est prévu à l’article 120.</p>	<p>« registre » “public registry”</p>
<p>“threatened species” « espèce menacée »</p>	<p>“threatened species” means a wildlife species that is likely to become an endangered species if nothing is done to reverse the factors leading to its extirpation or extinction.</p>	<p>« résidence » Gîte — terrier, nid ou autre aire ou lieu semblable — occupé ou habituellement occupé par un ou plusieurs individus pendant tout ou partie de leur vie, notamment pendant la reproduction, l’élevage, les haltes migratoires, l’hivernage, l’alimentation ou l’hibernation.</p>	<p>« résidence » “residence”</p>
<p>“treaty” « traité »</p>	<p>“treaty” means a treaty within the meaning of section 35 of the <i>Constitution Act, 1982</i>.</p>	<p>« territoire domanial »</p>	<p>« territoire domanial » “federal land”</p>
<p>“wildlife management board” « conseil de gestion des ressources fauniques »</p>	<p>“wildlife management board” means any board or other body established under a land claims agreement that is authorized by the agreement to perform functions in respect of wildlife species.</p>	<p>a) Les terres qui appartiennent à Sa Majesté du chef du Canada ou qu’elle a le pouvoir d’aliéner, ainsi que leurs eaux et leur espace aérien;</p>	

“wildlife species”  
« espèce  
sauvage »

“wildlife species” means a species, subspecies, variety or geographically or genetically distinct population of animal, plant or other organism, other than a bacterium or virus, that is wild by nature and

(a) is native to Canada; or

(b) has extended its range into Canada without human intervention and has been present in Canada for at least 50 years.

b) les eaux intérieures et la mer territoriale du Canada;

c) les réserves ou autres terres qui ont été mises de côté à l’usage et au profit d’une bande en application de la *Loi sur les Indiens*, ainsi que leurs eaux et leur espace aérien.

« traité » Traité au sens de l’article 35 de la *Loi constitutionnelle de 1982*.

« traité »  
“treaty”

« vente » Sont assimilées à la vente l’offre de vente ou de location ainsi que la possession et la livraison en vue de la vente ou de la location.

« vente »  
“sell”

Deeming

(2) For the purposes of the definition “wildlife species” in subsection (1), a species, subspecies, variety or geographically or genetically distinct population is, in the absence of evidence to the contrary, presumed to have been present in Canada for at least 50 years.

(2) Dans la définition de « espèce sauvage » au paragraphe (1), une espèce, une sous-espèce, une variété ou une population géographiquement ou génétiquement distincte est, sauf preuve contraire, réputée être présente au Canada depuis au moins cinquante ans.

Présomption

Competent minister

(3) A reference to a competent minister in any provision of this Act is to be read as a reference to the competent minister in respect of the wildlife species, or the individuals of the wildlife species, to which the provision relates.

(3) La mention de ministre compétent dans une disposition de la présente loi vaut celle du ministre compétent à l’égard d’une espèce sauvage, ou des individus d’une telle espèce, auxquels la disposition s’applique.

Ministre  
compétent

Aboriginal and treaty rights

3. For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for existing aboriginal or treaty rights of the aboriginal peoples of Canada by the recognition and affirmation of those rights in section 35 of the *Constitution Act, 1982*.

3. Il est entendu que la présente loi ne porte pas atteinte à la protection des droits existants — ancestraux ou issus de traités — des peuples autochtones du Canada découlant de leur reconnaissance et de leur confirmation au titre de l’article 35 de la *Loi constitutionnelle de 1982*.

Droits des  
autochtones

Sedentary living organisms

4. (1) This Act also applies to sedentary living organisms on or under the continental shelf of Canada outside the exclusive economic zone.

4. (1) La présente loi s’applique aussi aux organismes vivants sédentaires se trouvant sur ou sous la partie du plateau continental du Canada située à l’extérieur de la zone économique exclusive.

Organismes  
vivants  
sédentaires

Meaning of “sedentary”

(2) For the purpose of subsection (1), a living organism is sedentary if it is, at the harvestable stage, either immobile on or under the seabed or is unable to move except in constant physical contact with the seabed or subsoil.

(2) Pour l’application du paragraphe (1), un organisme est sédentaire si, au stade où il peut être pêché, il est soit immobile sur le fond ou au-dessous du fond, soit incapable de se déplacer autrement qu’en restant constamment en contact avec le fond ou le sous-sol.

Sens de  
« sédentaire »

	HER MAJESTY	SA MAJESTÉ	
Binding on Her Majesty	<b>5.</b> This Act is binding on Her Majesty in right of Canada or a province.	<b>5.</b> La présente loi lie Sa Majesté du chef du Canada ou d'une province.	Obligation de Sa Majesté
	PURPOSES	OBJET	
Purposes	<b>6.</b> The purposes of this Act are to prevent wildlife species from being extirpated or becoming extinct, to provide for the recovery of wildlife species that are extirpated, endangered or threatened as a result of human activity and to manage species of special concern to prevent them from becoming endangered or threatened.	<b>6.</b> La présente loi vise à prévenir la disparition — de la planète ou du Canada seulement — des espèces sauvages, à permettre le rétablissement de celles qui, par suite de l'activité humaine, sont devenues des espèces disparues du pays, en voie de disparition ou menacées et à favoriser la gestion des espèces préoccupantes pour éviter qu'elles ne deviennent des espèces en voie de disparition ou menacées.	Objet
	CANADIAN ENDANGERED SPECIES CONSERVATION COUNCIL	CONSEIL CANADIEN POUR LA CONSERVATION DES ESPÈCES EN PÉRIL	
Composition	<b>7.</b> (1) The Canadian Endangered Species Conservation Council consists of the Minister of the Environment, the Minister of Fisheries and Oceans, the Minister of Canadian Heritage and ministers of the government of a province or a territory who are responsible for the conservation and management of a wild-life species in that province or territory.	<b>7.</b> (1) Le Conseil canadien pour la conservation des espèces en péril se compose du ministre de l'Environnement, du ministre des Pêches et des Océans et du ministre du Patrimoine canadien ainsi que des ministres d'une province ou d'un territoire chargés de la conservation et de la gestion d'une espèce sauvage dans la province ou dans le territoire.	Composition du conseil
Role	(2) The role of the Canadian Endangered Species Conservation Council is to (a) provide general direction on the activities of COSEWIC, the preparation of recovery strategies and the preparation and implementation of action plans; and (b) coordinate the activities of the various governments represented on the Council relating to the protection of species at risk.	(2) Le Conseil canadien pour la conservation des espèces en péril a pour mission : a) de diriger d'une façon générale les activités du COSEPAC, l'élaboration des programmes de rétablissement et l'élaboration et la mise en oeuvre des plans d'action; b) de coordonner les activités de protection des espèces en péril exercées par les divers gouvernements représentés au conseil.	Mission
	ADMINISTRATION OF ACT	APPLICATION DE LA LOI	
Responsibility of Minister	<b>8.</b> (1) The Minister is responsible for the administration of this Act, except in so far as this Act gives responsibility to another minister.	<b>8.</b> (1) Sous réserve des dispositions de la présente loi conférant une responsabilité particulière à un autre ministre, le ministre est responsable de l'application de la présente loi.	Responsabilité du ministre
Delegation	(2) The Minister, the Minister of Canadian Heritage or the Minister of Fisheries and Oceans may, after consultation with the other two ministers, delegate to any minister of the Crown in right of Canada or of a province or to any person who is employed by the Government of Canada, the government of a province or any other government in Canada	(2) Le ministre, le ministre du Patrimoine canadien ou le ministre des Pêches et des Océans peut, après consultation des deux autres ministres, déléguer à un ministre fédéral ou provincial ou à quiconque est à l'emploi du gouvernement du Canada, d'une province ou de tout autre gouvernement au Canada telle de ses attributions prévues par la présente loi	Délégation

any of that Minister's powers or functions under this Act, relating to its enforcement.

Agreement and reporting obligation

(3) The delegation must be the subject of an agreement between the delegating minister and the delegate and the agreement must provide that the delegate is to prepare an annual report for the delegating minister on the activities undertaken under the agreement. A copy of the agreement must be included in the public registry within 45 days after it is entered into, and a copy of every annual report must be included in the public registry within 45 days after it is received by the delegating minister.

en matière de contrôle d'application de celle-ci.

(3) La délégation se fait par la conclusion d'un accord, entre le délégant et le délégataire, stipulant que ce dernier fait rapport annuellement au premier sur les activités qu'il exerce dans le cadre de l'accord. Est mise dans le registre une copie de l'accord dans les quarante-cinq jours suivant sa conclusion et une copie de tout rapport annuel dans les quarante-cinq jours suivant sa réception par le délégant.

Accord et rapport annuel

National Aboriginal Council on Species at Risk

**8.1** The Minister shall establish a Council, to be known as the National Aboriginal Council on Species at Risk, consisting of six representatives of the aboriginal peoples of Canada selected by the Minister based upon recommendations from aboriginal organizations that the Minister considers appropriate. The role of the Council is to

- (a) advise the Minister on the administration of this Act; and
- (b) provide advice and recommendations to the Canadian Endangered Species Conservation Council.

**8.1** Le ministre constitue un conseil, dénommé Conseil autochtone national sur les espèces en péril, composé de six représentants des peuples autochtones du Canada choisis par lui sur recommandation des organisations autochtones qu'il juge indiquées. La mission du conseil est :

- a) de conseiller le ministre en matière d'application de la présente loi;
- b) de fournir au Conseil canadien pour la conservation des espèces en péril des conseils et des recommandations.

Conseil autochtone national sur les espèces en péril

Advisory committees to assist Minister

**9.** (1) The Minister may, after consultation with the Minister of Canadian Heritage and the Minister of Fisheries and Oceans, establish one or more committees to advise the Minister on the administration of this Act.

**9.** (1) Après consultation du ministre du Patrimoine canadien et du ministre des Pêches et des Océans, le ministre peut constituer un ou plusieurs comités pour le conseiller en matière d'application de la présente loi.

Comités consultatifs : ministre

Advisory committees to assist Council

(2) The Minister may, after consultation with the Minister of Canadian Heritage, the Minister of Fisheries and Oceans and the Canadian Endangered Species Conservation Council, establish one or more committees to advise the Council on matters related to the Council's role.

(2) Après consultation du ministre du Patrimoine canadien, du ministre des Pêches et des Océans et du Conseil canadien pour la conservation des espèces en péril, le ministre peut constituer un ou plusieurs comités pour conseiller ce dernier relativement à l'exécution de sa mission.

Comités consultatifs : Conseil

Administrative agreements

**10.** A competent minister may, after consultation with every other competent minister, enter into an agreement with any government in Canada, organization or wildlife management board with respect to the administration of any provision of this Act for which that competent minister has responsibility, including the preparation and implementation of recovery strategies, action plans and management plans.

**10.** Après consultation de tout autre ministre compétent, le ministre compétent peut conclure avec un gouvernement au Canada, un conseil de gestion des ressources fauniques ou une organisation un accord relatif à l'application des dispositions de la présente loi dont il est responsable, notamment en ce qui concerne l'élaboration et la mise en oeuvre de programmes de rétablissement, de plans d'action et de plans de gestion.

Accords sur l'application de la loi

## STEWARDSHIP ACTION PLAN

## PLAN D'ACTION POUR L'INTENDANCE

Stewardship  
action plan

**10.1** The Minister, after consultation with the Canadian Endangered Species Conservation Council, may establish a stewardship action plan that creates incentives and other measures to support voluntary stewardship actions taken by any government in Canada, organization or person. A copy of the stewardship action plan must be included in the public registry.

**10.1** Le ministre peut, après consultation du Conseil canadien pour la conservation des espèces en péril, établir un plan d'action pour l'intendance qui prévoit des incitatifs et d'autres mesures destinées à appuyer les activités volontaires d'intendance menées par tout gouvernement au Canada ou toute personne ou organisation. Le cas échéant, une copie du plan d'action pour l'intendance est mise dans le registre.

Plan d'action  
pour  
l'intendance

Contents

**10.2** The stewardship action plan must include, but is not limited to, commitments to

- (a) regularly examine incentives and programs that support actions taken by persons to protect species at risk;
- (b) provide information and increase public awareness about species at risk;
- (c) methods for sharing information about species at risk, including community and aboriginal traditional knowledge, that respect, preserve and maintain knowledge and promote their wider application with the approval of the holders of such knowledge, with other governments and persons;
- (d) create awards and recognition programs;
- (e) provide information respecting programs related to stewardship agreements, land conservation easements and other such agreements; and
- (f) provide information relating to the technical and scientific support available to persons engaged in stewardship activities.

**10.2** Le plan d'action pour l'intendance comporte notamment les engagements suivants :

- a) examiner périodiquement les incitatifs et les programmes d'appui aux activités menées par des personnes pour protéger les espèces en péril;
- b) fournir de l'information et accroître la sensibilisation du public sur les espèces en péril;
- c) les méthodes de partage, avec d'autres gouvernements et personnes, de l'information concernant les espèces en péril, y compris les connaissances des collectivités et les connaissances traditionnelles autochtones, lesquelles méthodes respectent, préservent et maintiennent les connaissances et favorisent leur application sur une plus grande échelle avec l'accord des dépositaires de ces connaissances;
- d) élaborer des programmes de reconnaissance et de récompense;
- e) fournir de l'information sur les programmes liés aux accords d'intendance, y compris les servitudes de conservation et tout autre accord semblable;
- f) fournir de l'information concernant l'appui technique et scientifique accessible aux personnes menant des activités d'intendance.

Contenu

## STEWARDSHIP

## INTENDANCE

Conservation  
agreements —  
species at risk

**11.** (1) A competent minister may, after consultation with every other competent minister, and with the Canadian Endangered Species Conservation Council or any of its

**11.** (1) Après consultation de tout autre ministre compétent et, s'il l'estime indiqué, du Conseil canadien pour la conservation des espèces en péril ou de tout membre de celui-ci,

Accord de  
conservation :  
espèce en  
péril



members if he or she considers it appropriate to do so, enter into a conservation agreement with any government in Canada, organization or person to benefit a species at risk or enhance its survival in the wild.

le ministre compétent peut conclure avec un gouvernement au Canada, une organisation ou une personne un accord de conservation qui est bénéfique pour une espèce en péril ou qui améliore ses chances de survie à l'état sauvage.

Contents

(2) The agreement must provide for the taking of conservation measures and any other measures consistent with the purposes of this Act, and may include measures with respect to

- (a) monitoring the status of the species;
- (b) developing and implementing education and public awareness programs;
- (c) developing and implementing recovery strategies, action plans and management plans;
- (d) protecting the species' habitat, including its critical habitat; or
- (e) undertaking research projects in support of recovery efforts for the species.

(2) L'accord doit prévoir des mesures de conservation et d'autres mesures compatibles avec l'objet de la présente loi, et peut prévoir des mesures en ce qui concerne :

- a) le suivi de la situation de l'espèce;
- b) l'élaboration et la mise en oeuvre de programmes d'éducation et de sensibilisation du public;
- c) l'élaboration et la mise en oeuvre de programmes de rétablissement, de plans d'action et de plans de gestion;
- d) la protection de l'habitat de l'espèce, notamment son habitat essentiel;
- e) la mise sur pied de projets de recherche visant à favoriser le rétablissement de l'espèce.

Contenu de l'accord

Conservation agreements — other species

**12.** (1) A competent minister may, after consultation with every other competent minister, and with the Canadian Endangered Species Conservation Council or any of its members if he or she considers it appropriate to do so, enter into an agreement with any government in Canada, organization or person to provide for the conservation of a wildlife species that is not a species at risk.

**12.** (1) Après consultation de tout autre ministre compétent et, s'il l'estime indiqué, du Conseil canadien pour la conservation des espèces en péril ou de tout membre de celui-ci, le ministre compétent peut conclure avec un gouvernement au Canada, une organisation ou une personne un accord portant sur la conservation d'une espèce sauvage qui n'est pas une espèce en péril.

Accord de conservation : autre espèce

Contents

(2) The agreement may provide for the taking of conservation measures and any other measures consistent with the purposes of this Act, including measures with respect to

- (a) monitoring the status of the species;
- (b) developing and implementing education and public awareness programs;
- (c) protecting the species' habitat; and
- (d) preventing the species from becoming a species at risk.

(2) L'accord peut prévoir des mesures de conservation et d'autres mesures compatibles avec l'objet de la présente loi, notamment en ce qui concerne :

- a) le suivi de la situation de l'espèce;
- b) l'élaboration et la mise en oeuvre de programmes d'éducation et de sensibilisation du public;
- c) la protection de l'habitat de l'espèce;
- d) la prévention, afin que l'espèce ne devienne pas une espèce en péril.

Contenu de l'accord

Funding agreements

**13.** (1) A competent minister may enter into an agreement with any government in Canada, organization or person to provide for the payment of contributions towards the costs of

**13.** (1) Le ministre compétent peut conclure avec un gouvernement au Canada, une organisation ou une personne un accord prévoyant le partage des coûts de la mise en oeuvre de

Accords de financement

programs and measures for the conservation of wildlife species, including programs and measures under an agreement entered into under subsection 11(1) or 12(1).

mesures et de programmes en matière de conservation des espèces sauvages, notamment des mesures et des programmes prévus dans un accord conclu au titre des paragraphes 11(1) ou 12(1).

Provisions to be included

- (2) The agreement must specify
- (a) the contribution towards the cost of the program or measure that is payable by any party and the time or times at which any amounts under the agreement will be paid;
  - (b) the authority or person who will be responsible for operating and maintaining the program or measure or any part of it;
  - (c) the proportions of any revenue from the program or measure that is payable to the parties; and
  - (d) the terms and conditions governing the operation and maintenance of the program or measure.

(2) L'accord doit préciser les points suivants :

- a) la quote-part des parties à l'accord, ainsi que la date du ou des versements correspondants;
- b) l'autorité ou la personne qui sera responsable de l'exécution de tout ou partie des mesures ou des programmes;
- c) la répartition entre les parties à l'accord des éventuelles recettes d'exploitation relatives aux mesures ou aux programmes;
- d) les modalités d'exécution des mesures ou des programmes.

Dispositions obligatoires

#### WILDLIFE SPECIES LISTING PROCESS

#### PROCESSUS D'INSCRIPTION DES ESPÈCES SAUVAGES

##### *Committee on the Status of Endangered Wildlife in Canada*

##### *Comité sur la situation des espèces en péril au Canada*

Establishment

**14.** The Committee on the Status of Endangered Wildlife in Canada is hereby established.

**14.** Est constitué le Comité sur la situation des espèces en péril au Canada.

Constitution

Functions

- 15.** (1) The functions of COSEWIC are to
- (a) assess the status of each wildlife species considered by COSEWIC to be at risk and, as part of the assessment, identify existing and potential threats to the species and
    - (i) classify the species as extinct, extirpated, endangered, threatened or of special concern,
    - (ii) indicate that COSEWIC does not have sufficient information to classify the species, or
    - (iii) indicate that the species is not currently at risk;
  - (b) determine when wildlife species are to be assessed, with priority given to those more likely to become extinct;
  - (c) conduct a new assessment of the status of species at risk and, if appropriate, reclassify or declassify them;

**15.** (1) Le COSEPAC a pour mission :

- a) d'évaluer la situation de toute espèce sauvage qu'il estime en péril ainsi que, dans le cadre de l'évaluation, de signaler les menaces réelles ou potentielles à son égard et d'établir, selon le cas :
  - (i) que l'espèce est disparue, disparue du pays, en voie de disparition, menacée ou préoccupante,
  - (ii) qu'il ne dispose pas de l'information voulue pour la classer,
  - (iii) que l'espèce n'est pas actuellement en péril;
- b) de déterminer le moment auquel doit être effectuée l'évaluation des espèces sauvages, la priorité étant donnée à celles dont la probabilité d'extinction est la plus grande;

Mission

(c.1) indicate in the assessment whether the wildlife species migrates across Canada's boundary or has a range extending across Canada's boundary;

(d) develop and periodically review criteria for assessing the status of wildlife species and for classifying them and recommend the criteria to the Minister and the Canadian Endangered Species Conservation Council; and

(e) provide advice to the Minister and the Canadian Endangered Species Conservation Council and perform any other functions that the Minister, after consultation with that Council, may assign.

c) d'évaluer de nouveau la situation des espèces en péril et, au besoin, de les reclassifier ou de les déclassifier;

c.1) de mentionner dans l'évaluation le fait que l'espèce sauvage traverse la frontière du Canada au moment de sa migration ou que son aire de répartition chevauche cette frontière, le cas échéant;

d) d'établir des critères, qu'il révisé périodiquement, en vue d'évaluer la situation des espèces sauvages et d'effectuer leur classification, ainsi que de recommander ces critères au ministre et au Conseil canadien pour la conservation des espèces en péril;

e) de fournir des conseils au ministre et au Conseil canadien pour la conservation des espèces en péril et d'exercer les autres fonctions que le ministre, après consultation du conseil, peut lui confier.

Best information and knowledge

(2) COSEWIC must carry out its functions on the basis of the best available information on the biological status of a species, including scientific knowledge, community knowledge and aboriginal traditional knowledge.

(2) Il exécute sa mission en se fondant sur la meilleure information accessible sur la situation biologique de l'espèce en question notamment les données scientifiques ainsi que les connaissances des collectivités et les connaissances traditionnelles des peuples autochtones.

Critères

Treaties and land claims agreements

(3) COSEWIC must take into account any applicable provisions of treaty and land claims agreements when carrying out its functions.

(3) Pour l'exécution de sa mission, il prend en compte les dispositions applicables des traités et des accords sur des revendications territoriales.

Traités et accords sur des revendications territoriales

Composition

**16.** (1) COSEWIC is to be composed of members appointed by the Minister after consultation with the Canadian Endangered Species Conservation Council and with any experts and expert bodies, such as the Royal Society of Canada, that the Minister considers to have relevant expertise.

**16.** (1) Le COSEPAC se compose de membres nommés par le ministre après consultation du Conseil canadien pour la conservation des espèces en péril et des experts et organismes d'experts — telle la Société royale du Canada — qui, de l'avis du ministre, possèdent l'expertise appropriée.

Composition

Qualifications of members

(2) Each member must have expertise drawn from a discipline such as conservation biology, population dynamics, taxonomy, systematics or genetics or from community knowledge or aboriginal traditional knowledge of the conservation of wildlife species.

(2) Chaque membre du COSEPAC possède une expertise liée soit à une discipline telle que la biologie de la conservation, la dynamique des populations, la taxinomie, la systématique ou la génétique, soit aux connaissances des collectivités ou aux connaissances traditionnelles des peuples autochtones en matière de conservation des espèces sauvages.

Critères d'admission

Term of appointment	(3) The members are to be appointed to hold office for renewable terms of not more than four years.	(3) Les membres sont nommés pour des mandats renouvelables d'au plus quatre ans.	Mandat
Not part of the public service of Canada	(4) The members are not, because of being a member, part of the public service of Canada.	(4) Ils ne font pas, en cette qualité, partie de l'administration publique fédérale.	Statut
Remuneration and expenses	(5) The members may be paid remuneration and expenses for their services in amounts that the Minister may set.	(5) Ils peuvent recevoir la rémunération et les indemnités que fixe le ministre.	Rémunération et indemnités
Discretion	(6) Each member of COSEWIC shall exercise his or her discretion in an independent manner.	(6) Chaque membre du COSEPAC exerce ses fonctions de façon indépendante.	Fonctions
Regulations and guidelines	<b>17.</b> The Minister may, after consultation with the Canadian Endangered Species Conservation Council and COSEWIC, establish regulations or guidelines respecting the appointment of members and the carrying out of COSEWIC's functions.	<b>17.</b> Après consultation du Conseil canadien pour la conservation des espèces en péril et du COSEPAC, le ministre peut prendre des règlements et élaborer des directives en ce qui concerne la nomination des membres et l'exécution de la mission du COSEPAC.	Règlement et directives
Subcommittees	<b>18.</b> (1) COSEWIC must establish subcommittees of specialists to assist in the preparation and review of status reports on wildlife species considered to be at risk, including subcommittees specializing in groups of wildlife species and a subcommittee specializing in aboriginal traditional knowledge, and it may establish other subcommittees to advise it or to exercise or perform any of its functions.	<b>18.</b> (1) Le COSEPAC est tenu de constituer des sous-comités de spécialistes chargés de l'assister dans l'élaboration et l'examen des rapports de situation portant sur des espèces sauvages qu'on estime être en péril — notamment des sous-comités compétents à l'égard de catégories d'espèces sauvages et un sous-comité compétent en matière de connaissances traditionnelles des peuples autochtones — et de le conseiller ou d'exercer telle de ses fonctions.	Sous-comités
Membership	(2) Each subcommittee must be presided over by a member of COSEWIC, but the subcommittee may include persons who are not members of COSEWIC.	(2) Les sous-comités sont présidés par un membre du COSEPAC et peuvent être composés de personnes qui n'en sont pas membres.	Membres
Aboriginal traditional knowledge subcommittee	(3) Subject to subsection (2), the chairperson and members of the aboriginal traditional knowledge subcommittee must be appointed by the Minister after consultation with any aboriginal organization he or she considers appropriate.	(3) Sous réserve du paragraphe (2), le président et les membres du sous-comité compétent en matière de connaissances traditionnelles des peuples autochtones sont nommés par le ministre après consultation de toute organisation autochtone qu'il estime indiquée.	Sous-comité compétent en matière de connaissances traditionnelles des peuples autochtones
Rules	<b>19.</b> COSEWIC may make rules respecting the holding of meetings and the general conduct of its activities, including rules respecting  (a) the selection of persons to chair its meetings; and	<b>19.</b> Le COSEPAC peut établir des règles régissant la tenue de ses réunions et la conduite de ses activités en général, notamment :  a) le choix des personnes devant présider ses réunions;	Règles

	(b) the meetings and activities of any of its subcommittees.	b) le déroulement des réunions et les activités de ses sous-comités.	
Staff and facilities	<b>20.</b> The Minister must provide COSEWIC with any professional, technical, secretarial, clerical and other assistance, and any facilities and supplies, that, in his or her opinion, are necessary to carry out its functions.	<b>20.</b> Le ministre fournit au COSEPAC le personnel — professionnels, techniciens, secrétaires, commis et autres personnes — et les installations et fournitures qu'il estime nécessaires à l'exécution de sa mission.	Personnel et installations
Status reports	<b>21.</b> (1) COSEWIC's assessment of the status of a wildlife species must be based on a status report on the species that COSEWIC either has had prepared or has received with an application.	<b>21.</b> (1) L'évaluation de la situation d'une espèce sauvage par le COSEPAC se fonde obligatoirement sur le rapport de situation relatif à l'espèce qu'il a soit fait rédiger, soit reçu à l'appui d'une demande.	Rapport de situation
Content	(2) The Minister may, after consultation with COSEWIC, the Minister of Canadian Heritage and the Minister of Fisheries and Oceans, make regulations establishing the content of status reports.	(2) Le ministre peut, par règlement pris après consultation du COSEPAC, du ministre du Patrimoine canadien et du ministre des Pêches et des Océans, prévoir le contenu des rapports de situation.	Contenu
Applications	<b>22.</b> (1) Any person may apply to COSEWIC for an assessment of the status of a wildlife species.	<b>22.</b> (1) Toute personne peut présenter au COSEPAC une demande d'évaluation de la situation d'une espèce sauvage.	Demandes du public
Regulations	(2) The Minister may, after consultation with the Minister of Canadian Heritage, the Minister of Fisheries and Oceans and the Canadian Endangered Species Conservation Council, make regulations respecting the making of applications to COSEWIC under subsection (1) and the dealing with of those applications by COSEWIC.	(2) Après consultation du ministre du Patrimoine canadien, du ministre des Pêches et des Océans et du Conseil canadien pour la conservation des espèces en péril, le ministre peut prendre des règlements concernant la présentation des demandes au COSEPAC en vertu du paragraphe (1) et le traitement des demandes par celui-ci.	Règlements
Time for assessment	<b>23.</b> (1) COSEWIC must assess the status of a wildlife species within one year after it receives a status report on the species, and it must provide reasons for its assessment.	<b>23.</b> (1) Le COSEPAC évalue, motifs à l'appui, la situation d'une espèce sauvage dans l'année suivant la réception du rapport de situation qui la concerne.	Délai d'évaluation
Notification of applicant	(2) If the assessment results from an application, COSEWIC must notify the applicant of the assessment and the reasons.	(2) Si l'évaluation fait suite à une demande, le COSEPAC la communique, motifs à l'appui, à l'auteur de la demande.	Communication au demandeur
	<i>Reviews and Reports</i>	<i>Révision et rapports</i>	
Review of classifications	<b>24.</b> COSEWIC must review the classification of each species at risk at least once every 10 years, or at any time if it has reason to believe that the status of the species has changed significantly.	<b>24.</b> Le COSEPAC révisé la classification de chaque espèce en péril s'il a des motifs de croire que sa situation a changé de façon significative, mais en tout état de cause au moins une fois tous les dix ans.	Révision de la classification
Copies to Minister and Council	<b>25.</b> (1) When COSEWIC completes an assessment of the status of a wildlife species, it must provide the Minister and the Canadian Endangered Species Conservation Council with a copy of the assessment and the reasons	<b>25.</b> (1) Dès qu'il termine l'évaluation de la situation d'une espèce sauvage, le COSEPAC en fournit une copie, motifs à l'appui, au ministre et au Conseil canadien pour la conservation des espèces en péril. Une copie en est mise dans le registre.	Rapport au ministre et au Conseil

for it. A copy of the assessment and the reasons must also be included in the public registry.

COSEWIC list

(2) COSEWIC must annually prepare a complete list of every wildlife species it has assessed since the coming into force of this section and a copy of that list must be included in the public registry.

(2) Le COSEPAC établit annuellement une liste complète des espèces sauvages dont la situation a été évaluée depuis l'entrée en vigueur du présent article. Une copie en est mise dans le registre.

Liste du COSEPAC

Report on response

(3) On receiving a copy of an assessment of the status of a wildlife species from COSEWIC under subsection (1), the Minister must, within 90 days, include in the public registry a report on how the Minister intends to respond to the assessment and, to the extent possible, provide time lines for action.

(3) Dans les quatre-vingt-dix jours suivant la réception de l'évaluation visée au paragraphe (1), le ministre est tenu de mettre dans le registre une déclaration énonçant comment il se propose de réagir à l'évaluation et, dans la mesure du possible, selon quel échéancier.

Réponse du ministre

Annual reports

**26.** COSEWIC must annually provide a report on its activities to the Canadian Endangered Species Conservation Council and a copy of that report must be included in the public registry.

**26.** Le COSEPAC présente annuellement au Conseil canadien pour la conservation des espèces en péril un rapport sur ses activités. Une copie en est mise dans le registre.

Rapport annuel

#### *List of Wildlife Species at Risk*

#### *Liste des espèces en péril*

Power to amend List

**27.** (1) The Governor in Council may, on the recommendation of the Minister, by order amend the List in accordance with subsections (1.1) and (1.2) by adding a wildlife species, by reclassifying a listed wildlife species or by removing a listed wildlife species, and the Minister may, by order, amend the List in a similar fashion in accordance with subsection (3).

**27.** (1) Sur recommandation du ministre, le gouverneur en conseil peut, par décret, modifier la liste conformément aux paragraphes (1.1) et (1.2) soit par l'inscription d'une espèce sauvage, soit par la reclassification ou la radiation d'une espèce sauvage inscrite et le ministre peut, par arrêté, modifier la liste conformément au paragraphe (3) de la même façon.

Modification de la liste

Decision in respect of assessment

(1.1) Subject to subsection (3), the Governor in Council, within nine months after receiving an assessment of the status of a species by COSEWIC, may review that assessment and may, on the recommendation of the Minister,

- (a) accept the assessment and add the species to the List;
- (b) decide not to add the species to the List; or
- (c) refer the matter back to COSEWIC for further information or consideration.

(1.1) Sous réserve du paragraphe (3), dans les neuf mois suivant la réception de l'évaluation de la situation d'une espèce faite par le COSEPAC, le gouverneur en conseil peut examiner l'évaluation et, sur recommandation du ministre :

- a) confirmer l'évaluation et inscrire l'espèce sur la liste;
- b) décider de ne pas inscrire l'espèce sur la liste;
- c) renvoyer la question au COSEPAC pour renseignements supplémentaires ou pour réexamen.

Gouverneur en conseil

Statement of reasons	(1.2) Where the Governor in Council takes a course of action under paragraph (1.1)(b) or (c), the Minister shall, after the approval of the Governor in Council, include a statement in the public registry setting out the reasons.	(1.2) Si le gouverneur en conseil prend des mesures en application des alinéas (1.1)b) ou c), le ministre est tenu, avec l'agrément du gouverneur en conseil, de mettre dans le registre une déclaration énonçant les motifs de la prise des mesures.	Ministre
Pre-conditions for recommendation	(2) Before making a recommendation in respect of a wildlife species or a species at risk, the Minister must  (a) take into account the assessment of COSEWIC in respect of the species; (b) consult the competent minister or ministers; and (c) if the species is found in an area in respect of which a wildlife management board is authorized by a land claims agreement to perform functions in respect of a wildlife species, consult the wildlife management board.	(2) Avant de faire une recommandation à l'égard d'une espèce sauvage ou d'une espèce en péril, le ministre :  a) prend en compte l'évaluation de la situation de l'espèce faite par le COSEPAC; b) consulte tout ministre compétent; c) si l'espèce se trouve dans une aire à l'égard de laquelle un conseil de gestion des ressources fauniques est habilité par un accord sur des revendications territoriales à exercer des attributions à l'égard d'espèces sauvages, consulte le conseil.	Conditions préalables à la recommandation
Amendment of List by Minister	(3) Where the Governor in Council has not taken a course of action under subsection (1.1) within nine months after receiving an assessment of the status of a species by COSEWIC, the Minister shall, by order, amend the List in accordance with COSEWIC's assessment.	(3) Si, dans les neuf mois après avoir reçu l'évaluation de la situation de l'espèce faite par le COSEPAC, le gouverneur en conseil n'a pas pris de mesures aux termes du paragraphe (1.1), le ministre modifie, par arrêté, la liste en conformité avec cette évaluation.	Modification de la liste
Applications for assessment of imminent threat	<b>28.</b> (1) Any person who considers that there is an imminent threat to the survival of a wildlife species may apply to COSEWIC for an assessment of the threat for the purpose of having the species listed on an emergency basis under subsection 29(1) as an endangered species.	<b>28.</b> (1) Toute personne estimant que la survie d'une espèce sauvage est menacée de façon imminente peut demander au COSEPAC d'évaluer la menace en vue de faire inscrire d'urgence l'espèce comme espèce en voie de disparition en application du paragraphe 29(1).	Demandes d'évaluation : menace imminente
Information to be included in application	(2) The application must include relevant information indicating that there is an imminent threat to the survival of the species.	(2) La demande doit comporter les renseignements pertinents indiquant que la survie de l'espèce est menacée de façon imminente.	Renseignements joints à la demande
Regulations	(3) The Minister may, after consultation with the Minister of Canadian Heritage, the Minister of Fisheries and Oceans and the Canadian Endangered Species Conservation Council, make regulations respecting the making of applications to COSEWIC under subsection (1) and the dealing with of those applications by COSEWIC.	(3) Le ministre, après consultation du ministre du Patrimoine canadien, du ministre des Pêches et des Océans et du Conseil canadien pour la conservation des espèces en péril, peut prendre des règlements concernant la présentation des demandes au COSEPAC en vertu du paragraphe (1) et le traitement des demandes par celui-ci.	Règlements

Notice	<p>(4) COSEWIC must provide the applicant, the Minister and the Canadian Endangered Species Conservation Council with a copy of its assessment. A copy of the assessment must be included in the public registry.</p>	<p>(4) Le COSEPAC remet une copie de l'évaluation à l'auteur de la demande, au ministre et au Conseil canadien pour la conservation des espèces en péril. Une copie de cette évaluation est mise dans le registre.</p>	Notification
Emergency listing	<p><b>29.</b> (1) If the Minister is of the opinion that there is an imminent threat to the survival of a wildlife species, the Minister must, on an emergency basis, after consultation with every other competent minister, make a recommendation to the Governor in Council that the List be amended to list the species as an endangered species.</p>	<p><b>29.</b> (1) Si le ministre est d'avis que la survie d'une espèce sauvage est menacée de façon imminente, il est tenu, après consultation de tout autre ministre compétent, de recommander d'urgence au gouverneur en conseil de modifier la liste pour y inscrire l'espèce comme espèce en voie de disparition.</p>	Inscription d'urgence
Formation of opinion	<p>(2) The Minister may arrive at that opinion on the basis of his or her own information or on the basis of COSEWIC's assessment.</p>	<p>(2) Le ministre peut fonder son avis soit sur l'information à laquelle il a accès, soit sur l'évaluation du COSEPAC.</p>	Fondement de l'arrêté
Exemption	<p>(3) If a recommendation is made under subsection (1), subsection 27(2) does not apply to any order that is made under subsection 27(1) on the basis of that recommendation, and the order is exempt from the application of section 3 of the <i>Statutory Instruments Act</i>.</p>	<p>(3) Le décret pris en vertu du paragraphe 27(1) sur le fondement de la recommandation visée au paragraphe (1) est soustrait à l'application du paragraphe 27(2) et de l'article 3 de la <i>Loi sur les textes réglementaires</i>.</p>	Exclusion
Review	<p><b>30.</b> (1) As soon as possible after an order is made on the basis of a recommendation referred to in subsection 29(1), COSEWIC must have a status report on the wildlife species prepared and, within one year after the making of the order, COSEWIC must, in a report in writing to the Minister,</p> <ul style="list-style-type: none"> <li>(a) confirm the classification of the species;</li> <li>(b) recommend to the Minister that the species be reclassified; or</li> <li>(c) recommend to the Minister that the species be removed from the List.</li> </ul>	<p><b>30.</b> (1) Dès que possible après la prise d'un décret sur le fondement de la recommandation visée au paragraphe 29(1), le COSEPAC fait préparer un rapport de situation concernant l'espèce sauvage et, au plus tard un an après la prise du décret, présente au ministre un rapport écrit comportant une des énonciations suivantes :</p> <ul style="list-style-type: none"> <li>a) la classification de l'espèce est confirmée;</li> <li>b) sa reclassification est recommandée au ministre;</li> <li>c) sa radiation de la liste est recommandée au ministre.</li> </ul>	Révision
Copy of report	<p>(2) Within 30 days after the report is received by the Minister, a copy of the report must be included in the public registry.</p>	<p>(2) Dans les trente jours suivant la réception du rapport par le ministre, une copie en est mise dans le registre.</p>	Copie du rapport
Recommendation to amend List	<p><b>31.</b> If COSEWIC makes a recommendation under paragraph 30(1)(b) or (c), the Minister may make a recommendation to the Governor in Council with respect to amending the List.</p>	<p><b>31.</b> Si le COSEPAC fait la recommandation visée aux alinéas 30(1)b) ou c), le ministre peut faire une recommandation au gouverneur en conseil concernant la modification de la liste.</p>	Modification de la liste



MEASURES TO PROTECT LISTED WILDLIFE  
SPECIESMESURES DE PROTECTION DES ESPÈCES  
SAUVAGES INSCRITES*General Prohibitions**Interdictions générales*Killing,  
harming, etc.,  
listed wildlife  
species

**32.** (1) No person shall kill, harm, harass, capture or take an individual of a wildlife species that is listed as an extirpated species, an endangered species or a threatened species.

**32.** (1) Il est interdit de tuer un individu d'une espèce sauvage inscrite comme espèce disparue du pays, en voie de disparition ou menacée, de lui nuire, de le harceler, de le capturer ou de le prendre.

Abattage,  
harcèlement,  
etc.Possession,  
collection, etc.

(2) No person shall possess, collect, buy, sell or trade an individual of a wildlife species that is listed as an extirpated species, an endangered species or a threatened species, or any part or derivative of such an individual.

(2) Il est interdit de posséder, de collectionner, d'acheter, de vendre ou d'échanger un individu — notamment partie d'un individu ou produit qui en provient — d'une espèce sauvage inscrite comme espèce disparue du pays, en voie de disparition ou menacée.

Possession,  
achat, etc.

Deeming

(3) For the purposes of subsection (2), any animal, plant or thing that is represented to be an individual, or a part or derivative of an individual, of a wildlife species that is listed as an extirpated species, an endangered species or a threatened species is deemed, in the absence of evidence to the contrary, to be such an individual or a part or derivative of such an individual.

(3) Pour l'application du paragraphe (2), tout animal, toute plante ou toute chose présentée comme un individu — notamment partie d'un individu ou produit qui en provient — d'une espèce sauvage inscrite comme espèce disparue du pays, en voie de disparition ou menacée est réputée, sauf preuve contraire, être tel individu, telle partie ou tel produit.

Présomption

Damage or  
destruction of  
residence

**33.** No person shall damage or destroy the residence of one or more individuals of a wildlife species that is listed as an endangered species or a threatened species, or that is listed as an extirpated species if a recovery strategy has recommended the reintroduction of the species into the wild in Canada.

**33.** Il est interdit d'endommager ou de détruire la résidence d'un ou de plusieurs individus soit d'une espèce sauvage inscrite comme espèce en voie de disparition ou menacée, soit d'une espèce sauvage inscrite comme espèce disparue du pays dont un programme de rétablissement a recommandé la réinsertion à l'état sauvage au Canada.

Endommagement  
ou destruction  
de la résidenceApplication —  
certain  
species in  
provinces

**34.** (1) With respect to individuals of a listed wildlife species that is not an aquatic species or a species of birds that are migratory birds protected by the *Migratory Birds Convention Act, 1994*, sections 32 and 33 do not apply in lands in a province that are not federal lands unless an order is made under subsection (2) to provide that they apply.

**34.** (1) S'agissant des individus d'une espèce sauvage inscrite, autre qu'une espèce aquatique ou une espèce d'oiseau migrateur protégée par la *Loi de 1994 sur la convention concernant les oiseaux migrateurs*, les articles 32 et 33 ne s'appliquent dans une province, ailleurs que sur le territoire domanial, que si un décret prévu au paragraphe (2) prévoit une telle application.

Application :  
certaines  
espèces dans  
une province

Order

(2) The Governor in Council may, on the recommendation of the Minister, by order, provide that sections 32 and 33, or either of them, apply in lands in a province that are not federal lands with respect to individuals of a listed wildlife species that is not an aquatic species or a species of birds that are migratory birds protected by the *Migratory Birds Convention Act, 1994*.

(2) Sur recommandation du ministre, le gouverneur en conseil peut prévoir, par décret, l'application des articles 32 et 33, ou de l'un de ceux-ci, dans une province, ailleurs que sur le territoire domanial, à l'égard des individus d'une espèce sauvage inscrite, autre qu'une espèce aquatique ou une espèce d'oiseau migrateur protégée par la *Loi de 1994 sur la*

Décret

Obligation to make recommendation	(3) The Minister must recommend that the order be made if the Minister is of the opinion that the laws of the province do not effectively protect the species or the residences of its individuals.	<i>convention concernant les oiseaux migrants.</i>	(3) S'il estime que le droit de la province ne protège pas efficacement l'espèce ou la résidence de ses individus, le ministre est tenu de recommander au gouverneur en conseil la prise du décret.	Obligation du ministre
Consultation	(4) Before recommending that the Governor in Council make an order under subsection (2), the Minister must consult <i>(a)</i> the appropriate provincial minister; and <i>(b)</i> if the species is found in an area in respect of which a wildlife management board is authorized by a land claims agreement to perform functions in respect of wildlife species, the wildlife management board.	(4) Le ministre ne recommande la prise du décret : <i>a)</i> qu'après avoir consulté le ministre provincial compétent; <i>b)</i> si l'espèce se trouve dans une aire à l'égard de laquelle un conseil de gestion des ressources fauniques est habilité par un accord sur des revendications territoriales à exercer des attributions à l'égard d'espèces sauvages, qu'après avoir consulté le conseil.	Consultation	
Application — certain species in territories	<b>35.</b> (1) Sections 32 and 33 apply in each of the territories in respect of a listed wildlife species only to the extent that the Governor in Council, on the recommendation of the Minister, makes an order providing that they, or any of them, apply.	<b>35.</b> (1) Les articles 32 et 33 ne s'appliquent dans un territoire à l'égard d'une espèce sauvage inscrite que si le gouverneur en conseil, sur recommandation du ministre, prend un décret prévoyant l'application de ces articles ou de l'un de ceux-ci.	Application : certaines espèces dans les territoires	
Exception	(2) Subsection (1) does not apply <i>(a)</i> in respect of individuals of aquatic species and their habitat or species of birds that are migratory birds protected by the <i>Migratory Birds Convention Act, 1994</i> ; or <i>(b)</i> on land under the authority of the Minister or the Parks Canada Agency.	(2) Le paragraphe (1) ne s'applique pas : <i>a)</i> à l'égard des individus d'une espèce aquatique et de leur habitat ou d'une espèce d'oiseau migrateur protégée par la <i>Loi de 1994 sur la convention concernant les oiseaux migrants</i> ; <i>b)</i> sur les terres relevant du ministre ou de l'Agence Parcs Canada.	Exception	
Obligation to make recommendation	(3) The Minister must recommend that the order be made if the Minister is of the opinion that the laws of the territory do not effectively protect the species or the residences of its individuals.	(3) S'il estime que le droit du territoire ne protège pas efficacement cette espèce ou la résidence de ses individus, le ministre est tenu de recommander au gouverneur en conseil la prise du décret.	Obligation du ministre	
Pre-conditions for recommendation	(4) Before recommending that an order be made under subsection (1), the Minister must <i>(a)</i> consult the appropriate territorial minister; and <i>(b)</i> if the species is found in an area in respect of which a wildlife management board is authorized by a land claims agreement to perform functions in respect	(4) Le ministre ne recommande la prise du décret : <i>a)</i> qu'après avoir consulté le ministre territorial compétent; <i>b)</i> si l'espèce se trouve dans une aire à l'égard de laquelle un conseil de gestion des ressources fauniques est habilité par un accord sur des revendications territoriales à exercer des attributions à l'égard d'espèces	Consultation	

Prohibitions re provincial and territorial classifications	of wildlife species, consult the wildlife management board.	sauvages, qu'après avoir consulté le conseil.	Interdictions : espèces provinciales ou territoriales
	<b>36.</b> (1) If a wildlife species that is not listed has been classified as an endangered species or a threatened species by a provincial or territorial minister, no person shall	<b>36.</b> (1) Si une espèce sauvage non inscrite est classée par un ministre provincial ou territorial comme espèce en voie de disparition ou menacée, il est interdit :	
	(a) kill, harm, harass, capture or take an individual of that species that is on federal lands in the province or territory;	a) de tuer un individu de cette espèce se trouvant sur le territoire domanial situé dans la province ou le territoire, de lui nuire, de le harceler, de le capturer ou de le prendre;	
	(b) possess, collect, buy, sell or trade an individual of that species that is on federal lands in the province or territory, or any part or derivative of such an individual; or	b) de posséder, de collectionner, d'acheter, de vendre ou d'échanger un individu — notamment partie d'un individu ou produit qui en provient — de cette espèce se trouvant sur le territoire domanial situé dans la province ou le territoire;	
	(c) damage or destroy the residence of one or more individuals of that species that is on federal lands in the province or territory.	c) d'endommager ou de détruire la résidence d'un ou de plusieurs individus de cette espèce se trouvant sur le territoire domanial situé dans la province ou le territoire.	
Application	(2) Subsection (1) applies only in respect of the portions of the federal lands that the Governor in Council may, on the recommendation of the competent minister, by order, specify.	(2) Le paragraphe (1) ne s'applique qu'aux parties du territoire domanial que le gouverneur en conseil désigne par décret pris sur recommandation du ministre compétent.	Application
	<i>Recovery of Endangered, Threatened and Extirpated Species</i>	<i>Rétablissement des espèces en voie de disparition, menacées et disparues du pays</i>	
	Recovery Strategy	Programme de rétablissement	
Preparation — endangered or threatened species	<b>37.</b> (1) If a wildlife species is listed as an extirpated species, an endangered species or a threatened species, the competent minister must prepare a strategy for its recovery.	<b>37.</b> (1) Si une espèce sauvage est inscrite comme espèce disparue du pays, en voie de disparition ou menacée, le ministre compétent est tenu d'élaborer un programme de rétablissement à son égard.	Élaboration
More than one competent minister	(2) If there is more than one competent minister with respect to the wildlife species, they must prepare the strategy together and every reference to competent minister in sections 38 to 46 is to be read as a reference to the competent ministers.	(2) Si plusieurs ministres compétents sont responsables de l'espèce sauvage, le programme de rétablissement est élaboré conjointement par eux. Le cas échéant, la mention du ministre compétent aux articles 38 à 46 vaut mention des ministres compétents.	Élaboration conjointe
Commitments to be considered	<b>38.</b> In preparing a recovery strategy, action plan or management plan, the competent minister must consider the commitment of the Government of Canada to conserving biological diversity and to the principle that, if there are threats of serious or irreversible damage to the listed wildlife species, cost-effective mea-	<b>38.</b> Pour l'élaboration d'un programme de rétablissement, d'un plan d'action ou d'un plan de gestion, le ministre compétent tient compte de l'engagement qu'a pris le gouvernement du Canada de conserver la diversité biologique et de respecter le principe selon lequel, s'il existe une menace d'atteinte grave	Engagements applicables

asures to prevent the reduction or loss of the species should not be postponed for a lack of full scientific certainty.

ou irréversible à l'espèce sauvage inscrite, le manque de certitude scientifique ne doit pas être prétexte à retarder la prise de mesures efficaces pour prévenir sa disparition ou sa décroissance.

Cooperation  
with others

**39.** (1) To the extent possible, the recovery strategy must be prepared in cooperation with

- (a) the appropriate provincial and territorial minister for each province and territory in which the listed wildlife species is found;
- (b) every minister of the Government of Canada who has authority over federal land or other areas on which the species is found;
- (c) if the species is found in an area in respect of which a wildlife management board is authorized by a land claims agreement to perform functions in respect of wildlife species, the wildlife management board;
- (d) every aboriginal organization that the competent minister considers will be directly affected by the recovery strategy; and
- (e) any other person or organization that the competent minister considers appropriate.

**39.** (1) Dans la mesure du possible, le ministre compétent élabore le programme de rétablissement en collaboration avec :

- a) le ministre provincial ou territorial compétent dans la province ou le territoire où se trouve l'espèce sauvage inscrite;
- b) tout ministre fédéral dont relèvent le territoire domanial ou les autres aires où se trouve l'espèce;
- c) si l'espèce se trouve dans une aire à l'égard de laquelle un conseil de gestion des ressources fauniques est habilité par un accord sur des revendications territoriales à exercer des attributions à l'égard d'espèces sauvages, le conseil;
- d) toute organisation autochtone qu'il croit directement touchée par le programme de rétablissement;
- e) toute autre personne ou organisation qu'il estime compétente.

Collaboration

Land claims  
agreement

(2) If the listed wildlife species is found in an area in respect of which a wildlife management board is authorized by a land claims agreement to perform functions in respect of wildlife species, the recovery strategy must be prepared, to the extent that it will apply to that area, in accordance with the provisions of the agreement.

(2) Si l'espèce sauvage inscrite se trouve dans une aire à l'égard de laquelle un conseil de gestion des ressources fauniques est habilité par un accord sur des revendications territoriales à exercer des attributions à l'égard d'espèces sauvages, le programme de rétablissement est élaboré, dans la mesure où il s'applique à cette aire, en conformité avec les dispositions de cet accord.

Accord sur des  
revendications  
territoriales

Consultation

(3) To the extent possible, the recovery strategy must be prepared in consultation with any landowners and other persons whom the competent minister considers to be directly affected by the strategy, including the government of any other country in which the species is found.

(3) Le programme de rétablissement est élaboré, dans la mesure du possible, en consultation avec les propriétaires fonciers et les autres personnes que le ministre compétent croit directement touchés par le programme, notamment le gouvernement de tout autre pays où se trouve l'espèce.

Consultation

Determination  
of feasibility

**40.** In preparing the recovery strategy, the competent minister must determine whether the recovery of the listed wildlife species is technically and biologically feasible. The determination must be based on the best available information, including information provided by COSEWIC.

**40.** Pour l'élaboration du programme de rétablissement, le ministre compétent vérifie si le rétablissement de l'espèce sauvage inscrite est réalisable au point de vue technique et biologique. Il fonde sa conclusion sur la meilleure information accessible, notamment les renseignements fournis par le COSEPAC.

Caractère  
réalisable du  
rétablissement

Contents if  
recovery  
feasible

**41.** (1) If the competent minister determines that the recovery of the listed wildlife species is feasible, the recovery strategy must address the threats to the survival of the species identified by COSEWIC, including any loss of habitat, and must include

(a) a description of the species and its needs that is consistent with information provided by COSEWIC;

(b) an identification of the threats to the survival of the species and threats to its habitat that is consistent with information provided by COSEWIC and a description of the broad strategy to be taken to address those threats;

(c) an identification of the species' critical habitat, to the extent possible, based on the best available information, including the information provided by COSEWIC, and examples of activities that are likely to result in its destruction;

(c.1) a schedule of studies to identify critical habitat, where available information is inadequate;

(d) a statement of the population and distribution objectives that will assist the recovery and survival of the species, and a general description of the research and management activities needed to meet those objectives;

(e) any other matters that are prescribed by the regulations;

(f) a statement about whether additional information is required about the species; and

(g) a statement of when one or more action plans in relation to the recovery strategy will be completed.

(2) If the competent minister determines that the recovery of the listed wildlife species is not feasible, the recovery strategy must include a description of the species and its needs, an identification of the species' critical habitat to the extent possible, and the reasons why its recovery is not feasible.

Contents if  
recovery not  
feasible

**41.** (1) Si le ministre compétent conclut que le rétablissement de l'espèce sauvage inscrite est réalisable, le programme de rétablissement doit traiter des menaces à la survie de l'espèce — notamment de toute perte de son habitat — précisées par le COSEPAC et doit comporter notamment :

a) une description de l'espèce et de ses besoins qui soit compatible avec les renseignements fournis par le COSEPAC;

b) une désignation des menaces à la survie de l'espèce et des menaces à son habitat qui soit compatible avec les renseignements fournis par le COSEPAC, et des grandes lignes du plan à suivre pour y faire face;

c) la désignation de l'habitat essentiel de l'espèce dans la mesure du possible, en se fondant sur la meilleure information accessible, notamment les informations fournies par le COSEPAC, et des exemples d'activités susceptibles d'entraîner sa destruction;

c.1) un calendrier des études visant à désigner l'habitat essentiel lorsque l'information accessible est insuffisante;

d) un énoncé des objectifs en matière de population et de dissémination visant à favoriser la survie et le rétablissement de l'espèce, ainsi qu'une description générale des activités de recherche et de gestion nécessaires à l'atteinte de ces objectifs;

e) tout autre élément prévu par règlement;

f) un énoncé sur l'opportunité de fournir des renseignements supplémentaires concernant l'espèce;

g) un exposé de l'échéancier prévu pour l'élaboration d'un ou de plusieurs plans d'action relatifs au programme de rétablissement.

(2) Si le ministre compétent conclut que le rétablissement de l'espèce sauvage inscrite est irréalisable, le programme de rétablissement doit comporter une description de l'espèce et de ses besoins, dans la mesure du possible, et la désignation de son habitat essentiel, ainsi que les motifs de la conclusion.

Rétablissement  
réalisable

Rétablissement  
irréalisable

Multi-species or ecosystem approach permissible	(3) The competent minister may adopt a multi-species or an ecosystem approach when preparing the recovery strategy if he or she considers it appropriate to do so.	(3) Pour l'élaboration du programme de rétablissement, le ministre compétent peut, s'il l'estime indiqué, traiter de plusieurs espèces simultanément ou de tout un écosystème.	Plusieurs espèces ou écosystème
Regulations	(4) The Governor in Council may, on the recommendation of the Minister after consultation with the Minister of Canadian Heritage and the Minister of Fisheries and Oceans, make regulations for the purpose of paragraph (1)(e) prescribing matters to be included in a recovery strategy.	(4) Sur recommandation faite par le ministre après consultation du ministre du Patrimoine canadien et du ministre des Pêches et des Océans, le gouverneur en conseil peut prévoir par règlement, pour l'application de l'alinéa (1)e), les éléments additionnels à inclure dans un programme de rétablissement.	Règlement
Proposed recovery strategy	<b>42.</b> (1) Subject to subsection (2), the competent minister must include a proposed recovery strategy in the public registry within one year after the wildlife species is listed, in the case of a wildlife species listed as an endangered species, and within two years after the species is listed, in the case of a wildlife species listed as a threatened species or an extirpated species.	<b>42.</b> (1) Sous réserve du paragraphe (2), le ministre compétent met le projet de programme de rétablissement dans le registre dans l'année suivant l'inscription de l'espèce sauvage comme espèce en voie de disparition ou dans les deux ans suivant l'inscription de telle espèce comme espèce menacée ou disparue du pays.	Projet de programme de rétablissement
First listed wildlife species	(2) With respect to wildlife species that are set out in Schedule 1 on the day section 27 comes into force, the competent minister must include a proposed recovery strategy in the public registry within three years after that day, in the case of a wildlife species listed as an endangered species, and within four years after that day, in the case of a wildlife species listed as a threatened species or an extirpated species.	(2) En ce qui concerne les espèces sauvages inscrites à l'annexe 1 à l'entrée en vigueur de l'article 27, le ministre compétent met le projet de programme de rétablissement dans le registre dans les trois ans suivant cette date dans le cas de l'espèce sauvage inscrite comme espèce en voie de disparition ou dans les quatre ans suivant cette date dans le cas de l'espèce sauvage inscrite comme espèce menacée ou disparue du pays.	Liste des espèces en péril originale
Comments	<b>43.</b> (1) Within 60 days after the proposed recovery strategy is included in the public registry, any person may file written comments with the competent minister.	<b>43.</b> (1) Dans les soixante jours suivant la mise du projet dans le registre, toute personne peut déposer par écrit auprès du ministre compétent des observations relativement au projet.	Observations
Finalization of recovery strategy	(2) Within 30 days after the expiry of the period referred to in subsection (1), the competent minister must consider any comments received, make any changes to the proposed recovery strategy that he or she considers appropriate and finalize the recovery strategy by including a copy of it in the public registry.	(2) Dans les trente jours suivant la fin du délai prévu au paragraphe (1), le ministre compétent étudie les observations qui lui ont été présentées, apporte au projet les modifications qu'il estime indiquées et met le texte définitif du programme de rétablissement dans le registre.	Texte définitif du programme de rétablissement
Existing plans	<b>44.</b> (1) If the competent minister is of the opinion that an existing plan relating to a wildlife species meets the requirements of subsection 41(1) or (2), and the plan is adopted	<b>44.</b> (1) Si le ministre compétent estime qu'un plan existant s'applique à l'égard d'une espèce sauvage et est conforme aux exigences des paragraphes 41(1) ou (2), et qu'il l'adopte	Plans existants

by the competent minister as the proposed recovery strategy, he or she must include it in the public registry as the proposed recovery strategy in relation to the species.

à titre de projet de programme de rétablissement, il en met une copie dans le registre pour tenir lieu de projet de programme de rétablissement de l'espèce.

Incorporation of existing plans

(2) The competent minister may incorporate any part of an existing plan relating to a wildlife species into a proposed recovery strategy for the species.

(2) Il peut incorporer toute partie d'un plan existant relatif à une espèce sauvage dans un projet de programme de rétablissement de celle-ci.

Incorporation d'un plan existant

Amendments

**45.** (1) The competent minister may at any time amend the recovery strategy. A copy of the amendment must be included in the public registry.

**45.** (1) Le ministre compétent peut modifier le programme de rétablissement. Une copie de la modification est mise dans le registre.

Modifications

Amendments relating to time for completing action plan

(2) If the amendment relates to the time for completing an action plan, the competent minister must provide reasons for the amendment and include a copy of the reasons in the public registry.

(2) Si la modification porte sur le délai pour terminer un plan d'action, le ministre compétent est tenu de fournir les motifs de la modification et de mettre une copie de ceux-ci dans le registre.

Modification du délai

Amendment procedure

(3) Sections 39 and 43 apply to amendments to a recovery strategy, with any modifications that the circumstances require.

(3) Les articles 39 et 43 s'appliquent, avec les adaptations nécessaires, à la modification du programme de rétablissement.

Procédure de modification

Exception

(4) Subsection (3) does not apply if the competent minister considers the amendment to be minor.

(4) Le paragraphe (3) ne s'applique pas si le ministre compétent estime que la modification est mineure.

Exception

Reporting

**46.** The competent minister must report on the implementation of the recovery strategy, and the progress towards meeting its objectives, within five years after it is included in the public registry and in every subsequent five-year period, until its objectives have been achieved or the species' recovery is no longer feasible. The report must be included in the public registry.

**46.** Il incombe au ministre compétent d'établir un rapport sur la mise en oeuvre du programme de rétablissement et sur les progrès effectués en vue des objectifs qu'il expose, à intervalles de cinq ans à compter de sa mise dans le registre, et ce, jusqu'à ce que ces objectifs soient atteints ou que le rétablissement de l'espèce ne soit plus réalisable. Il met son rapport dans le registre.

Suivi

### Action Plan

### Plan d'action

Preparation

**47.** The competent minister in respect of a recovery strategy must prepare one or more action plans based on the recovery strategy. If there is more than one competent minister with respect to the recovery strategy, they may prepare the action plan or plans together.

**47.** Le ministre compétent responsable d'un programme de rétablissement est tenu d'élaborer un ou plusieurs plans d'action sur le fondement de celui-ci. Si plusieurs ministres compétents sont responsables du programme, les plans d'action peuvent être élaborés conjointement par eux.

Élaboration

Cooperation with other ministers and governments

**48.** (1) To the extent possible, an action plan must be prepared in cooperation with

**48.** (1) Dans la mesure du possible, le plan d'action est élaboré en collaboration avec :

Collaboration

(a) the appropriate provincial and territorial minister of each province and territory in which the listed wildlife species is found;

a) le ministre provincial ou territorial compétent dans la province ou le territoire où se trouve l'espèce sauvage inscrite;

(b) every minister of the Government of Canada who has authority over federal land or other areas on which the species is found;

(c) if the species is found in an area in respect of which a wildlife management board is authorized by a land claims agreement to perform functions in respect of wildlife species, the wildlife management board;

(d) every aboriginal organization that the competent minister considers will be directly affected by the action plan; and

(e) any other person or organization that the competent minister considers appropriate.

b) tout ministre fédéral dont relève le territoire domanial ou les autres aires où se trouve l'espèce;

c) si l'espèce se trouve dans une aire à l'égard de laquelle un conseil de gestion des ressources fauniques est habilité par un accord sur des revendications territoriales à exercer des attributions à l'égard d'espèces sauvages, le conseil;

d) toute organisation autochtone que le ministre compétent croit directement touchée par le plan d'action;

e) toute autre personne ou organisation qu'il estime compétente.

Land claims agreement

(2) If the listed wildlife species is found in an area in respect of which a wildlife management board is authorized by a land claims agreement to perform functions in respect of wildlife species, an action plan must be prepared, to the extent that it will apply to that area, in accordance with the provisions of the agreement.

(2) Si l'espèce sauvage inscrite se trouve dans une aire à l'égard de laquelle un conseil de gestion des ressources fauniques est habilité par un accord sur des revendications territoriales à exercer des attributions à l'égard d'espèces sauvages, le plan d'action est élaboré, dans la mesure où il s'applique à cette aire, en conformité avec les dispositions de cet accord.

Accord sur des revendications territoriales

Consultation

(3) To the extent possible, an action plan must be prepared in consultation with any landowners, lessees and other persons whom the competent minister considers to be directly affected by, or interested in, the action plan, including the government of any other country in which the species is found.

(3) Le plan d'action est élaboré, dans la mesure du possible, en consultation avec les propriétaires fonciers, les locataires et les autres personnes que le ministre compétent croit directement touchés ou intéressés, notamment le gouvernement de tout autre pays où se trouve l'espèce.

Consultation

Contents

**49.** (1) An action plan must include, with respect to the area to which the action plan relates,

(a) an identification of the species' critical habitat, to the extent possible, based on the best available information and consistent with the recovery strategy, and examples of activities that are likely to result in its destruction;

(b) a statement of the measures that are proposed to be taken to protect the species' critical habitat, including the entering into of agreements under section 11;

(c) an identification of any portions of the species' critical habitat that have not been protected;

**49.** (1) Le plan d'action comporte notamment, en ce qui concerne l'aire à laquelle il s'applique :

a) la désignation de l'habitat essentiel de l'espèce dans la mesure du possible, en se fondant sur la meilleure information accessible et d'une façon compatible avec le programme de rétablissement, et des exemples d'activités susceptibles d'entraîner sa destruction;

b) un exposé des mesures envisagées pour protéger l'habitat essentiel de l'espèce, notamment la conclusion d'accords en application de l'article 11;

c) la désignation de toute partie de l'habitat essentiel de l'espèce qui n'est pas protégée;

Contenu du plan d'action



	<p>(d) a statement of the measures that are to be taken to implement the recovery strategy, including those that address the threats to the species and those that help to achieve the population and distribution objectives, as well as an indication as to when these measures are to take place;</p> <p>(d.1) the methods to be used to monitor the recovery of the species and its long-term viability;</p> <p>(e) an evaluation of the socio-economic costs of the action plan and the benefits to be derived from its implementation; and</p> <p>(f) any other matters that are prescribed by the regulations.</p>	<p>d) un exposé des mesures à prendre pour mettre en oeuvre le programme de rétablissement, notamment celles qui traitent des menaces à la survie de l'espèce et celles qui aident à atteindre les objectifs en matière de population et de dissémination, ainsi qu'une indication du moment prévu pour leur exécution;</p> <p>d.1) les méthodes à utiliser pour surveiller le rétablissement de l'espèce et sa viabilité à long terme;</p> <p>e) l'évaluation des répercussions socioéconomiques de sa mise en oeuvre et des avantages en découlant;</p> <p>f) tout autre élément prévu par règlement.</p>	
Regulations	(2) The Governor in Council may, on the recommendation of the Minister after consultation with the Minister of Canadian Heritage and the Minister of Fisheries and Oceans, make regulations for the purpose of paragraph (1)(f) prescribing matters to be included in an action plan.	(2) Sur recommandation faite par le ministre après consultation du ministre du Patrimoine canadien et du ministre des Pêches et des Océans, le gouverneur en conseil peut prévoir par règlement, pour l'application de l'alinéa (1)f), les éléments additionnels à inclure dans un plan d'action.	Règlement
Proposed action plan	<b>50.</b> (1) The competent minister must include a proposed action plan in the public registry.	<b>50.</b> (1) Le ministre compétent met le projet de plan d'action dans le registre.	Projet de plan d'action
Comments	(2) Within 60 days after the proposed action plan is included in the public registry, any person may file written comments with the competent minister.	(2) Dans les soixante jours suivant la mise du projet dans le registre, toute personne peut déposer par écrit auprès du ministre compétent des observations relativement au projet.	Observations
Finalization of action plan	(3) Within 30 days after the expiry of the period referred to in subsection (2), the competent minister must consider any comments received, make any changes to the proposed action plan that he or she considers appropriate and finalize the action plan by including a copy of it in the public registry.	(3) Dans les trente jours suivant la fin du délai prévu au paragraphe (2), le ministre compétent étudie les observations qui lui ont été présentées, apporte au projet les modifications qu'il estime indiquées et met le texte définitif du plan d'action dans le registre.	Texte définitif du plan d'action
Summary if action plan not completed in time	(4) If an action plan is not finalized in the time set out in the recovery strategy, the competent minister must include in the public registry a summary of what has been prepared with respect to the plan.	(4) Si le plan d'action n'est pas terminé dans le délai prévu par le programme de rétablissement, le ministre compétent est tenu de mettre dans le registre un sommaire des éléments du plan qui sont élaborés.	Sommaire en cas de retard
Existing plans	<b>51.</b> (1) If the competent minister is of the opinion that an existing plan relating to a wildlife species meets the requirements of section 49, and the plan is adopted by the competent minister as a proposed action plan, he or she must include it in the public registry	<b>51.</b> (1) Si le ministre compétent estime qu'un plan existant s'applique à l'égard d'une espèce sauvage et est conforme aux exigences de l'article 49, et qu'il l'adopte à titre de projet de plan d'action, il en met une copie dans le registre pour tenir lieu de projet de plan d'action à l'égard de l'espèce.	Plans existants

as a proposed action plan in relation to the species.

Incorporation of existing plans

(2) The competent minister may incorporate any part of an existing plan relating to a wildlife species into a proposed action plan for the species.

(2) Il peut incorporer toute partie d'un plan existant relatif à une espèce sauvage dans un projet de plan d'action portant sur celle-ci.

Incorporation d'un plan existant

Amendments

**52.** (1) The competent minister may at any time amend an action plan. A copy of the amendment must be included in the public registry.

**52.** (1) Le ministre compétent peut modifier le plan d'action. Une copie de la modification est mise dans le registre.

Modifications

Amendment procedure

(2) Section 48 applies to amendments to an action plan, with any modifications that the circumstances require.

(2) L'article 48 s'applique, avec les adaptations nécessaires, à la modification du plan d'action.

Procédure de modification

Exception

(3) Subsection (2) does not apply if the competent minister considers the amendment to be minor.

(3) Le paragraphe (2) ne s'applique pas si le ministre compétent estime que la modification est mineure.

Exception

Regulations

**53.** (1) The competent minister must, with respect to aquatic species, species of birds that are migratory birds protected by the *Migratory Birds Convention Act, 1994*, regardless of where they are located, or with respect to any other wildlife species on federal lands, make any regulations that are necessary in the opinion of the competent minister for the purpose of implementing the measures included in an action plan, but, if the measures relate to the protection of critical habitat on federal lands, the regulations must be made under section 59.

**53.** (1) Le ministre compétent prend, par règlement, à l'égard des espèces aquatiques, des espèces d'oiseaux migrateurs protégés par la *Loi de 1994 sur la convention concernant les oiseaux migrateurs*, où qu'elles se trouvent, ou de toute autre espèce sauvage se trouvant sur le territoire domanial, les mesures qu'il estime nécessaires pour la mise en oeuvre d'un plan d'action. Si les mesures concernent la protection de l'habitat essentiel sur le territoire domanial, les règlements sont pris en vertu de l'article 59.

Règlements

Consultation

(2) If the competent minister is of the opinion that a regulation would affect a reserve or any other lands that are set apart for the use and benefit of a band under the *Indian Act*, he or she must consult the Minister of Indian Affairs and Northern Development and the band before making the regulation.

(2) Si le ministre compétent estime que le règlement touchera une réserve ou une autre terre qui a été mise de côté à l'usage et au profit d'une bande en application de la *Loi sur les Indiens*, il est tenu de consulter le ministre des Affaires indiennes et du Nord canadien et la bande avant de le prendre.

Consultation

Consultation

(3) If the competent minister is of the opinion that a regulation would affect an area in respect of which a wildlife management board is authorized by a land claims agreement to perform functions in respect of wildlife species, he or she must consult the wildlife management board before making the regulation.

(3) Si le ministre compétent estime que le règlement touchera une aire à l'égard de laquelle un conseil de gestion des ressources fauniques est habilité par un accord sur des revendications territoriales à exercer des attributions à l'égard d'espèces sauvages, il est tenu de consulter le conseil avant de le prendre.

Consultation

Incorporation by reference	(4) The regulations may incorporate by reference any legislation of a province or territory, as amended from time to time, insofar as the regulations apply in that province or territory.	(4) Les règlements peuvent incorporer par renvoi, dans la mesure où ils s'appliquent à une province ou à un territoire, toute mesure législative de la province ou du territoire, avec ses modifications successives.	Incorporation par renvoi
Consultation	(5) If the competent minister is of the opinion that a regulation would affect land in a territory, he or she must consult the territorial minister before making the regulation.	(5) Si le ministre compétent estime que le règlement touchera des terres dans un territoire, il est tenu de consulter le ministre territorial avant de le prendre.	Application dans les territoires
Exception	(6) Subsection (5) does not apply (a) in respect of individuals of aquatic species and their habitat or species of birds that are migratory birds protected by the <i>Migratory Birds Convention Act, 1994</i> and their habitat; or (b) in respect of land under the authority of the Minister or the Parks Canada Agency.	(6) Le paragraphe (5) ne s'applique pas : a) à l'égard des individus d'une espèce aquatique ou d'une espèce d'oiseau migrateur protégée par la <i>Loi de 1994 sur la convention concernant les oiseaux migrateurs</i> , et de leur habitat; b) à l'égard des terres relevant du ministre ou de l'Agence Parcs Canada.	Exception
Use of powers under other Acts	<b>54.</b> For the purpose of implementing the measures included in an action plan, the competent minister may use any powers that he or she has under any other Act of Parliament.	<b>54.</b> Le ministre compétent peut, en vue de la mise en oeuvre d'un plan d'action, exercer tout pouvoir qui lui est conféré au titre d'une autre loi fédérale.	Pouvoirs conférés au titre d'autres lois
Monitoring and reporting	<b>55.</b> The competent minister must monitor the implementation of an action plan and the progress towards meeting its objectives and assess and report on its implementation and its ecological and socio-economic impacts five years after the plan comes into effect. A copy of the report must be included in the public registry.	<b>55.</b> Cinq ans après la mise du plan d'action dans le registre, il incombe au ministre compétent d'assurer le suivi de sa mise en oeuvre et des progrès réalisés en vue de l'atteinte de ses objectifs. Il l'évalue et établit un rapport, notamment sur ses répercussions écologiques et socioéconomiques. Il met une copie de son rapport dans le registre.	Suivi et rapport
<i>Protection of Critical Habitat</i>		<i>Protection de l'habitat essentiel</i>	
Codes of practice, national standards or guidelines	<b>56.</b> The competent minister may, after consultation with the Canadian Endangered Species Conservation Council and any person whom he or she considers appropriate, establish codes of practice, national standards or guidelines with respect to the protection of critical habitat.	<b>56.</b> Le ministre compétent peut, après consultation du Conseil canadien pour la conservation des espèces en péril et de toute personne qu'il estime compétente, élaborer des codes de pratique et des normes ou directives nationales en matière de protection de l'habitat essentiel.	Codes de pratique et normes ou directives nationales
Purpose	<b>57.</b> The purpose of section 58 is to ensure that, within 180 days after the recovery strategy or action plan that identified the critical habitat referred to in subsection 58(1) is included in the public registry, all of the critical habitat is protected by  (a) provisions in, or measures under, this or any other Act of Parliament, including agreements under section 11; or	<b>57.</b> L'article 58 a pour objet de faire en sorte que, dans les cent quatre-vingts jours suivant la mise dans le registre du programme de rétablissement ou du plan d'action ayant défini l'habitat essentiel visé au paragraphe 58(1), tout l'habitat essentiel soit protégé :  a) soit par des dispositions de la présente loi ou de toute autre loi fédérale, ou une mesure prise sous leur régime, notamment les accords conclus au titre de l'article 11;	Objet

(b) the application of subsection 58(1).

b) soit par l'application du paragraphe 58(1).

Destruction of critical habitat

**58.** (1) Subject to this section, no person shall destroy any part of the critical habitat of any listed endangered species or of any listed threatened species — or of any listed extirpated species if a recovery strategy has recommended the reintroduction of the species into the wild in Canada — if

**58.** (1) Sous réserve des autres dispositions du présent article, il est interdit de détruire un élément de l'habitat essentiel d'une espèce sauvage inscrite comme espèce en voie de disparition ou menacée — ou comme espèce disparue du pays dont un programme de rétablissement a recommandé la réinsertion à l'état sauvage au Canada :

Destruction de l'habitat essentiel

(a) the critical habitat is on federal land, in the exclusive economic zone of Canada or on the continental shelf of Canada;

a) si l'habitat essentiel se trouve soit sur le territoire domanial, soit dans la zone économique exclusive ou sur le plateau continental du Canada;

(b) the listed species is an aquatic species; or

b) si l'espèce inscrite est une espèce aquatique;

(c) the listed species is a species of migratory birds protected by the *Migratory Birds Convention Act, 1994*.

c) si l'espèce inscrite est une espèce d'oiseau migrateur protégée par la *Loi de 1994 sur la convention concernant les oiseaux migrateurs*.

Protected areas

(2) If the critical habitat or a portion of the critical habitat is in a national park of Canada named and described in Schedule 1 to the *Canada National Parks Act*, a marine protected area under the *Oceans Act*, a migratory bird sanctuary under the *Migratory Birds Convention Act, 1994* or a national wildlife area under the *Canada Wildlife Act*, the competent Minister must, within 90 days after the recovery strategy or action plan that identified the critical habitat is included in the public registry, publish in the *Canada Gazette* a description of the critical habitat or portion that is in that park, area or sanctuary.

(2) Si l'habitat essentiel ou une partie de celui-ci se trouve dans un parc national du Canada dénommé et décrit à l'annexe 1 de la *Loi sur les parcs nationaux du Canada*, une zone de protection marine sous le régime de la *Loi sur les océans*, un refuge d'oiseaux migrateurs sous le régime de la *Loi de 1994 sur la convention concernant les oiseaux migrateurs* ou une réserve nationale de la faune sous le régime de la *Loi sur les espèces sauvages du Canada*, le ministre compétent est tenu, dans les quatre-vingt-dix jours suivant la mise dans le registre du programme de rétablissement ou du plan d'action ayant défini l'habitat essentiel, de publier dans la *Gazette du Canada* une description de l'habitat essentiel ou de la partie de celui-ci qui se trouve dans le parc, la zone, le refuge ou la réserve.

Zone de protection

Application

(3) If subsection (2) applies, subsection (1) applies to the critical habitat or the portion of the critical habitat described in the *Canada Gazette* under subsection (2) 90 days after the description is published in the *Canada Gazette*.

(3) Le paragraphe (1) s'applique à l'habitat essentiel ou à la partie de celui-ci visés au paragraphe (2) après les quatre-vingt-dix jours suivant la publication de sa description dans la *Gazette du Canada* en application de ce paragraphe.

Application

Application

(4) If all of the critical habitat or any portion of the critical habitat is not in a place referred to in subsection (2), subsection (1) applies in respect of the critical habitat or portion of the

(4) Le paragraphe (1) s'applique à l'habitat essentiel ou à la partie de celui-ci qui ne se trouve pas dans un lieu visé au paragraphe (2), selon ce que précise un arrêté pris par le ministre compétent.

Application

critical habitat, as the case may be, specified in an order made by the competent minister.

Obligation to make order or statement

(5) Within 180 days after the recovery strategy or action plan that identified the critical habitat is included in the public registry, the competent minister must, after consultation with every other competent minister, with respect to all of the critical habitat or any portion of the critical habitat that is not in a place referred to in subsection (2),

(a) make the order referred to in subsection (4) if the critical habitat or any portion of the critical habitat is not legally protected by provisions in, or measures under, this or any other Act of Parliament, including agreements under section 11; or

(b) if the competent minister does not make the order, he or she must include in the public registry a statement setting out how the critical habitat or portions of it, as the case may be, are legally protected.

Habitat of migratory birds

(5.1) Despite subsection (4), with respect to the critical habitat of a species of bird that is a migratory bird protected by the *Migratory Birds Convention Act, 1994* that is not on federal land, in the exclusive economic zone of Canada, on the continental shelf of Canada or in a migratory bird sanctuary referred to in subsection (2), subsection (1) applies only to those portions of the critical habitat that are habitat to which that Act applies and that the Governor in Council may, by order, specify on the recommendation of the competent minister.

Obligation to make recommendation

(5.2) The competent minister must, within 180 days after the recovery strategy or action plan that identified the critical habitat that includes habitat to which the *Migratory Birds Convention Act, 1994* applies is included in the public registry, and after consultation with every other competent minister,

(a) make the recommendation if he or she is of the opinion there are no provisions in, or other measures under, this or any other Act of Parliament, including agreements under section 11, that legally protect any portion

(5) Dans les cent quatre-vingts jours suivant la mise dans le registre du programme de rétablissement ou du plan d'action ayant défini l'habitat essentiel, le ministre compétent est tenu, après consultation de tout autre ministre compétent, à l'égard de l'habitat essentiel ou de la partie de celui-ci qui ne se trouve pas dans un lieu visé au paragraphe (2) :

a) de prendre l'arrêté visé au paragraphe (4), si l'habitat essentiel ou la partie de celui-ci ne sont pas protégés légalement par des dispositions de la présente loi ou de toute autre loi fédérale, ou une mesure prise sous leur régime, notamment les accords conclus au titre de l'article 11;

b) s'il ne prend pas l'arrêté, de mettre dans le registre une déclaration énonçant comment l'habitat essentiel ou la partie de celui-ci sont protégés légalement.

Obligation : arrêté ou déclaration

(5.1) Par dérogation au paragraphe (4), en ce qui concerne l'habitat essentiel d'une espèce d'oiseaux migrateurs protégée par la *Loi de 1994 sur la convention concernant les oiseaux migrateurs* situé hors du territoire domanial, de la zone économique exclusive ou du plateau continental du Canada ou d'un refuge d'oiseaux migrateurs visé au paragraphe (2), le paragraphe (1) ne s'applique qu'aux parties de cet habitat essentiel — constituées de tout ou partie de l'habitat auquel cette loi s'applique — précisées par le gouverneur en conseil par décret pris sur recommandation du ministre compétent.

Habitat d'oiseaux migrateurs

(5.2) Dans les cent quatre-vingts jours suivant la mise dans le registre du programme de rétablissement ou du plan d'action ayant défini l'habitat essentiel qui comporte tout ou partie de l'habitat auquel la *Loi de 1994 sur la convention concernant les oiseaux migrateurs* s'applique, le ministre compétent est tenu, après consultation de tout autre ministre compétent :

a) de faire la recommandation si, à son avis, aucune disposition de la présente loi ou de toute autre loi fédérale, ni aucune mesure

Obligation : recommandation ou déclaration

or portions of the habitat to which that Act applies; or

(b) if the competent minister does not make the recommendation, he or she must include in the public registry a statement setting out how the critical habitat that is habitat to which that Act applies, or portions of it, as the case may be, are legally protected.

prise sous leur régime, notamment les accords conclus au titre de l'article 11, ne protège légalement toute partie de l'habitat auquel cette loi s'applique;

b) s'il ne fait pas la recommandation, de mettre dans le registre une déclaration énonçant comment est protégé légalement tout ou partie de l'habitat essentiel constitué de tout ou partie de l'habitat auquel cette loi s'applique.

Consultation

(6) If the competent minister is of the opinion that an order under subsection (4) or (5.1) would affect land in a territory that is not under the authority of the Minister or the Parks Canada Agency, he or she must consult the territorial minister before making the order under subsection (4) or the recommendation under subsection (5.2).

(6) Si le ministre compétent estime que l'arrêté visé au paragraphe (4) ou le décret visé au paragraphe (5.1) touchera des terres dans un territoire qui ne relèvent pas du ministre ou de l'Agence Parcs Canada, il est tenu de consulter le ministre territorial avant de prendre l'arrêté au titre du paragraphe (4) ou de faire la recommandation au titre du paragraphe (5.2).

Consultation

Consultation

(7) If the competent minister is of the opinion that an order under subsection (4) or (5.1) would affect a reserve or any other lands that are set apart for the use and benefit of a band under the *Indian Act*, he or she must consult the Minister of Indian Affairs and Northern Development and the band before making the order under subsection (4) or the recommendation under subsection (5.2).

(7) Si le ministre compétent estime que l'arrêté visé au paragraphe (4) ou le décret visé au paragraphe (5.1) touchera une réserve ou une autre terre qui a été mise de côté à l'usage et au profit d'une bande en application de la *Loi sur les Indiens*, il est tenu de consulter le ministre des Affaires indiennes et du Nord canadien et la bande avant de prendre l'arrêté au titre du paragraphe (4) ou de faire la recommandation au titre du paragraphe (5.2).

Consultation

Consultation

(8) If the competent minister is of the opinion that an order under subsection (4) or (5.1) would affect an area in respect of which a wildlife management board is authorized by a land claims agreement to perform functions in respect of wildlife species, he or she must consult the wildlife management board before making the order under subsection (4) or the recommendation under subsection (5.2).

(8) Si le ministre compétent estime que l'arrêté visé au paragraphe (4) ou le décret visé au paragraphe (5.1) touchera une aire à l'égard de laquelle un conseil de gestion des ressources fauniques est habilité par un accord sur des revendications territoriales à exercer des attributions à l'égard d'espèces sauvages, il est tenu de consulter le conseil avant de prendre l'arrêté au titre du paragraphe (4) ou de faire la recommandation au titre du paragraphe (5.2).

Consultation

Consultation

(9) If the competent minister is of the opinion that an order under subsection (4) or (5.1) would affect land that is under the authority of another federal minister, other than a competent minister, he or she must consult the other federal minister before making the order under subsection (4) or the recommendation under subsection (5.2).

(9) Si le ministre compétent estime que l'arrêté visé au paragraphe (4) ou le décret visé au paragraphe (5.1) touchera des terres relevant d'un autre ministre fédéral, sauf un ministre compétent, il est tenu de consulter cet autre ministre fédéral avant de prendre l'arrêté au titre du paragraphe (4) ou de faire la recommandation au titre du paragraphe (5.2).

Consultation

Regulations re federal lands	<b>59.</b> (1) The Governor in Council may, on the recommendation of the competent minister after consultation with every other competent minister, make regulations to protect critical habitat on federal lands.	<b>59.</b> (1) Sur recommandation faite par le ministre compétent après consultation de tout autre ministre compétent, le gouverneur en conseil peut, par règlement, prendre des mesures de protection de l'habitat essentiel sur le territoire domanial.	Règlements : territoire domanial
Obligation to make recommendation	(2) The competent minister must make the recommendation if the recovery strategy or an action plan identifies a portion of the critical habitat as being unprotected and the competent minister is of the opinion that the portion requires protection.	(2) Le ministre compétent est tenu de faire la recommandation si, d'une part, un programme de rétablissement ou un plan d'action désigne une partie de l'habitat essentiel comme non protégée et, d'autre part, il estime qu'il est nécessaire de la protéger.	Obligation du ministre compétent
Contents	(3) The regulations may include provisions requiring the doing of things that protect the critical habitat and provisions prohibiting activities that may adversely affect the critical habitat.	(3) Les règlements peuvent comporter des mesures visant à protéger l'habitat essentiel et d'autres interdisant les activités susceptibles de lui nuire.	Contenu des règlements
Consultation	(4) If the competent minister is of the opinion that a regulation would affect land in a territory that is not under the authority of the Minister or the Parks Canada Agency, he or she must consult the territorial minister before recommending the making of the regulation.	(4) Si le ministre compétent estime que le règlement touchera des terres dans un territoire qui ne relèvent pas du ministre ou de l'Agence Parcs Canada, il est tenu de consulter le ministre territorial avant d'en recommander la prise.	Consultation
Consultation	(5) If the competent minister is of the opinion that a regulation would affect a reserve or any other lands that are set apart for the use and benefit of a band under the <i>Indian Act</i> , he or she must consult the Minister of Indian Affairs and Northern Development and the band before recommending the making of the regulation.	(5) Si le ministre compétent estime que le règlement touchera une réserve ou une autre terre qui a été mise de côté à l'usage et au profit d'une bande en application de la <i>Loi sur les Indiens</i> , il est tenu de consulter le ministre des Affaires indiennes et du Nord canadien et la bande avant d'en recommander la prise.	Consultation
Consultation	(6) If the competent minister is of the opinion that a regulation would affect an area in respect of which a wildlife management board is authorized by a land claims agreement to perform functions in respect of wildlife species, he or she must consult the wildlife management board before recommending the making of the regulation.	(6) Si le ministre compétent estime que le règlement touchera une aire à l'égard de laquelle un conseil de gestion des ressources fauniques est habilité par un accord sur des revendications territoriales à exercer des attributions à l'égard d'espèces sauvages, il est tenu de consulter le conseil avant d'en recommander la prise.	Consultation
Provincial and territorial classifications	<b>60.</b> (1) If a wildlife species has been classified as an endangered species or a threatened species by a provincial or territorial minister, no person shall destroy any part of the habitat of that species that the provincial or territorial minister has identified as essential to the survival or recovery of the species and that is on federal lands in the province or territory.	<b>60.</b> (1) Si une espèce sauvage est classée comme espèce en voie de disparition ou menacée par un ministre provincial ou territorial, il est interdit de détruire un élément de l'habitat de cette espèce se trouvant sur le territoire domanial situé dans la province ou le territoire et désigné par le ministre provincial ou territorial comme nécessaire à la survie ou au rétablissement de l'espèce.	Classification par une province ou un territoire

Application	(2) Subsection (1) applies only to the portions of the habitat that the Governor in Council may, on the recommendation of the competent minister, by order, specify.	(2) Le paragraphe (1) ne s'applique qu'aux parties de l'habitat que le gouverneur en conseil désigne par décret pris sur recommandation du ministre compétent.	Application
Destruction of critical habitat	<b>61.</b> (1) No person shall destroy any part of the critical habitat of a listed endangered species or a listed threatened species that is in a province or territory and that is not part of federal lands.	<b>61.</b> (1) Il est interdit de détruire un élément de l'habitat essentiel d'une espèce en voie de disparition inscrite ou d'une espèce menacée inscrite se trouvant dans une province ou un territoire, ailleurs que sur le territoire domanial.	Destruction de l'habitat essentiel
Exception	(1.1) Subsection (1) does not apply in respect of (a) an aquatic species; or (b) the critical habitat of a species of bird that is a migratory bird protected by the <i>Migratory Birds Convention Act, 1994</i> that is habitat referred to in subsection 58(5.1).	(1.1) Le paragraphe (1) ne s'applique pas : a) aux espèces aquatiques; b) aux parties de l'habitat essentiel d'une espèce d'oiseaux migrateurs protégée par la <i>Loi de 1994 sur la convention concernant les oiseaux migrateurs</i> , étant l'habitat visé au paragraphe 58(5.1).	Non-application
Application	(2) Subsection (1) applies only to the portions of the critical habitat that the Governor in Council may, on the recommendation of the Minister, by order, specify.	(2) Le paragraphe (1) ne s'applique qu'aux parties de l'habitat essentiel que le gouverneur en conseil désigne par décret pris sur recommandation du ministre.	Application
Power to make recommendation	(3) The Minister may make a recommendation if (a) a provincial minister or territorial minister has requested that the recommendation be made; or (b) the Canadian Endangered Species Conservation Council has recommended that the recommendation be made.	(3) Le ministre peut faire la recommandation dans les cas suivants : a) un ministre provincial ou territorial a demandé qu'elle soit faite; b) le Conseil canadien pour la conservation des espèces en péril a recommandé qu'elle soit faite.	Pouvoir de recommandation
Obligation to make recommendation	(4) The Minister must make a recommendation if he or she is of the opinion, after consultation with the appropriate provincial or territorial minister, that (a) there are no provisions in, or other measures under, this or any other Act of Parliament that protect the particular portion of the critical habitat, including agreements under section 11; and (b) the laws of the province or territory do not effectively protect the critical habitat.	(4) Le ministre est tenu de faire la recommandation s'il estime, après avoir consulté le ministre provincial ou territorial compétent : a) d'une part, qu'aucune disposition de la présente loi ou de toute autre loi fédérale, ni aucune mesure prise sous leur régime — notamment les accords conclus au titre de l'article 11 —, ne protègent la partie de l'habitat essentiel; b) d'autre part, que le droit de la province ou du territoire ne protège pas efficacement cette partie.	Obligation de recommandation
Expiry and renewal of order	(5) An order made under subsection (2) expires five years after the day on which it is made or renewed, unless the Governor in Council, by order, renews it.	(5) La durée d'application du décret visé au paragraphe (2) est de cinq ans, sauf prorogation par décret.	Expiration et prorogation



Recommendation to repeal order	(6) If the Minister is of the opinion that an order made under subsection (2) is no longer necessary to protect the portion of the critical habitat to which the order relates or that the province or territory has brought into force laws that protect the portion, the Minister must recommend that the order be repealed.	(6) Le ministre est tenu de recommander l'abrogation du décret visé au paragraphe (2) s'il estime soit que son application n'est plus nécessaire pour la protection de la partie de l'habitat essentiel visée par le décret, soit que la province ou le territoire a pris les mesures législatives voulues pour protéger la partie visée.	Recommandation d'abrogation
Acquisition of lands	<b>62.</b> A competent minister may enter into an agreement with any government in Canada, organization or person to acquire any lands or interests in land for the purpose of protecting the critical habitat of any species at risk.	<b>62.</b> Le ministre compétent peut conclure avec un gouvernement au Canada, une organisation ou une personne un accord pour l'acquisition de terres ou de droits sur des terres en vue de la protection de l'habitat essentiel d'une espèce en péril.	Acquisition de terres
Progress reports on unprotected portions of critical habitat	<b>63.</b> If in the opinion of the Minister any portion of the critical habitat of a listed wildlife species remains unprotected 180 days after the recovery strategy or action plan that identified the critical habitat was included in the public registry, the Minister must include in that registry a report on the steps taken to protect the critical habitat. The Minister must continue to report with respect to every subsequent period of 180 days until the portion is protected or is no longer identified as critical habitat.	<b>63.</b> Si le ministre estime qu'une partie de l'habitat essentiel d'une espèce sauvage inscrite n'est pas encore protégée à l'expiration d'un délai de cent quatre-vingts jours suivant la mise dans le registre du programme de rétablissement ou du plan d'action dans lequel cet habitat a été désigné, il est tenu de mettre dans le registre un rapport sur les mesures prises pour le protéger à cette date et à des intervalles de cent quatre-vingts jours par la suite jusqu'à ce que la partie visée soit protégée ou que sa désignation soit révoquée.	Rapports sur la partie non protégée de l'habitat essentiel
Compensation	<b>64.</b> (1) The Minister may, in accordance with the regulations, provide fair and reasonable compensation to any person for losses suffered as a result of any extraordinary impact of the application of <i>(a)</i> section 58, 60 or 61; or <i>(b)</i> an emergency order in respect of habitat identified in the emergency order that is necessary for the survival or recovery of a wildlife species.	<b>64.</b> (1) Le ministre peut, en conformité avec les règlements, verser à toute personne une indemnité juste et raisonnable pour les pertes subies en raison des conséquences extraordinaires que pourrait avoir l'application : <i>a)</i> des articles 58, 60 ou 61; <i>b)</i> d'un décret d'urgence en ce qui concerne l'habitat qui y est désigné comme nécessaire à la survie ou au rétablissement d'une espèce sauvage.	Indemnisation
Regulations	(2) The Governor in Council shall make regulations that the Governor in Council considers necessary for carrying out the purposes and provisions of subsection (1), including regulations prescribing <i>(a)</i> the procedures to be followed in claiming compensation; <i>(b)</i> the methods to be used in determining the eligibility of a person for compensation, the amount of loss suffered by a person and the amount of compensation in respect of any loss; and	(2) Le gouverneur en conseil doit, par règlement, prendre toute mesure qu'il juge nécessaire à l'application du paragraphe (1), notamment fixer : <i>a)</i> la marche à suivre pour réclamer une indemnité; <i>b)</i> le mode de détermination du droit à indemnité, de la valeur de la perte subie et du montant de l'indemnité pour cette perte; <i>c)</i> les modalités de l'indemnisation.	Règlements

(c) the terms and conditions for the provision of compensation.

*Management of Species of Special Concern*

Preparation of management plan

**65.** If a wildlife species is listed as a species of special concern, the competent minister must prepare a management plan for the species and its habitat. The plan must include measures for the conservation of the species that the competent minister considers appropriate and it may apply with respect to more than one wildlife species.

Cooperation with other ministers and governments

**66.** (1) To the extent possible, the management plan must be prepared in cooperation with

(a) the appropriate provincial and territorial minister of each province and territory in which the listed wildlife species is found;

(b) every minister of the Government of Canada who has authority over federal land or other areas on which the species is found;

(c) if the species is found in an area in respect of which a wildlife management board is authorized by a land claims agreement to perform functions in respect of wildlife species, the wildlife management board;

(d) every aboriginal organization that the competent minister considers will be directly affected by the management plan; and

(e) any other person or organization that the competent minister considers appropriate.

Land claims agreement

(2) If the listed wildlife species is found in an area in respect of which a wildlife management board is authorized by a land claims agreement to perform functions in respect of wildlife species, the management plan must be prepared, to the extent that it will apply to that area, in accordance with the provisions of the agreement.

Consultation

(3) To the extent possible, the management plan must be prepared in consultation with any landowners, lessees and other persons whom the competent minister considers to be directly affected by, or interested in, the management plan, including the government of any other country in which the species is found.

*Gestion des espèces préoccupantes*

Élaboration du plan de gestion

**65.** Dans le cas où une espèce sauvage est inscrite comme espèce préoccupante, le ministre compétent est tenu d'élaborer un plan de gestion comportant les mesures qu'il estime indiquées pour la conservation de l'espèce et celle de son habitat. Le plan peut s'appliquer à plus d'une espèce.

Collaboration

**66.** (1) Dans la mesure du possible, le plan de gestion est élaboré en collaboration avec :

a) le ministre provincial ou territorial compétent dans la province ou le territoire où se trouve l'espèce sauvage inscrite;

b) tout ministre fédéral dont relèvent le territoire domanial ou les autres aires où se trouve l'espèce;

c) si l'espèce se trouve dans une aire à l'égard de laquelle un conseil de gestion des ressources fauniques est habilité par un accord sur des revendications territoriales à exercer des attributions à l'égard d'espèces sauvages, le conseil;

d) toute organisation autochtone que le ministre compétent croit directement touchée par le plan de gestion;

e) toute autre personne ou organisation qu'il estime compétente.

Accord sur des revendications territoriales

(2) Si l'espèce sauvage inscrite se trouve dans une aire à l'égard de laquelle un conseil de gestion des ressources fauniques est habilité par un accord sur des revendications territoriales à exercer des attributions à l'égard d'espèces sauvages, le plan de gestion est élaboré, dans la mesure où il s'applique à cette aire, en conformité avec les dispositions de cet accord.

Consultation

(3) Le plan de gestion est élaboré, dans la mesure du possible, en consultation avec les propriétaires fonciers, les locataires et les autres personnes que le ministre compétent croit directement touchés ou intéressés, notamment le gouvernement de tout autre pays où se trouve l'espèce.

Multi-species or ecosystem approach permissible	<b>67.</b> The competent minister may adopt a multi-species or an ecosystem approach when preparing the management plan if he or she considers it appropriate to do so.	<b>67.</b> Pour l'élaboration du plan de gestion, le ministre compétent peut, s'il l'estime indiqué, traiter de plusieurs espèces simultanément ou de tout un écosystème.	Plusieurs espèces ou écosystème
Proposed management plan	<b>68.</b> (1) Subject to subsection (2), the competent minister must include a proposed management plan in the public registry within three years after the wildlife species is listed as a species of special concern.	<b>68.</b> (1) Sous réserve du paragraphe (2), le ministre compétent met le projet de plan de gestion dans le registre dans les trois ans suivant l'inscription de l'espèce sauvage comme espèce préoccupante.	Projet de plan de gestion
First listed species	(2) With respect to a wildlife species that is set out in Schedule 1 as a species of special concern on the day section 27 comes into force, the competent minister must include a proposed management plan in the public registry within five years after that day.	(2) En ce qui concerne les espèces sauvages inscrites à l'annexe 1 à l'entrée en vigueur de l'article 27 comme espèces préoccupantes, le ministre compétent met le projet de plan de gestion dans le registre dans les cinq ans suivant cette date.	Espèces déjà inscrites
Comments	(3) Within 60 days after the proposed management plan is included in the public registry, any person may file written comments with the competent minister.	(3) Dans les soixante jours suivant la mise du projet dans le registre, toute personne peut déposer par écrit auprès du ministre compétent des observations relativement au projet.	Observations
Finalization of management plan	(4) Within 30 days after the expiry of the period referred to in subsection (3), the competent minister must consider any comments received, make any changes to the proposed management plan that he or she considers appropriate and finalize the management plan by including a copy of it in the public registry.	(4) Dans les trente jours suivant la fin du délai prévu au paragraphe (3), le ministre compétent étudie les observations qui lui ont été présentées, apporte au projet les modifications qu'il estime indiquées et met le texte définitif du plan de gestion dans le registre.	Texte définitif du plan de gestion
Existing plans	<b>69.</b> (1) If the competent minister is of the opinion that an existing plan relating to a wildlife species includes adequate measures for the conservation of the species and the competent minister adopts the existing plan as the proposed management plan, he or she must include a copy of it in the public registry as the proposed management plan in relation to the species.	<b>69.</b> (1) Si le ministre compétent estime qu'un plan existant s'applique à l'égard d'une espèce sauvage et comporte les mesures voulues pour la conservation de l'espèce et de son habitat, il en met une copie dans le registre pour tenir lieu de projet de plan de gestion à l'égard de l'espèce.	Plans existants
Incorporation of existing plans	(2) The competent minister may incorporate any part of an existing plan relating to a wildlife species into a proposed management plan for the species.	(2) Il peut incorporer toute partie d'un plan existant relatif à une espèce sauvage dans un projet de plan de gestion portant sur celle-ci.	Incorporation d'un plan existant
Amendments	<b>70.</b> (1) The competent minister may at any time amend a management plan. A copy of the amendment must be included in the public registry.	<b>70.</b> (1) Le ministre compétent peut modifier le plan de gestion. Une copie de la modification est mise dans le registre.	Modifications

Amendment procedure	(2) Section 66 applies to amendments to the management plan, with any modifications that the circumstances require.	(2) L'article 66 s'applique, avec les adaptations nécessaires, à la modification du plan de gestion.	Procédure de modification
Exception	(3) Subsection (2) does not apply if the competent minister considers the amendment to be minor.	(3) Le paragraphe (2) ne s'applique pas si le ministre compétent estime que la modification est mineure.	Exception
Regulations	<b>71.</b> (1) The Governor in Council may, on the recommendation of the competent minister, make any regulations with respect to aquatic species or species of birds that are migratory birds protected by the <i>Migratory Birds Convention Act, 1994</i> , regardless of where they are located, or with respect to any other wildlife species on federal lands, that the Governor in Council considers appropriate for the purpose of implementing the measures included in the management plan.	<b>71.</b> (1) Sur recommandation du ministre compétent, le gouverneur en conseil peut, à l'égard des espèces aquatiques ou des espèces d'oiseaux migrateurs protégées par la <i>Loi de 1994 sur la convention concernant les oiseaux migrateurs</i> , où qu'elles se trouvent, ou à l'égard de toute autre espèce sauvage se trouvant sur le territoire domanial, prendre les règlements qu'il estime indiqués pour la mise en oeuvre du plan de gestion.	Règlements
Consultation	(2) If the competent minister is of the opinion that a regulation would affect a reserve or any other lands that are set apart for the use and benefit of a band under the <i>Indian Act</i> , he or she must consult the Minister of Indian Affairs and Northern Development and the band before recommending the making of the regulation.	(2) Si le ministre compétent estime que le règlement touchera une réserve ou une autre terre qui a été mise de côté à l'usage et au profit d'une bande en application de la <i>Loi sur les Indiens</i> , il est tenu de consulter le ministre des Affaires indiennes et du Nord canadien et la bande avant d'en recommander la prise.	Consultation
Consultation	(3) If the competent minister is of the opinion that a regulation would affect an area in respect of which a wildlife management board is authorized by a land claims agreement to perform functions in respect of wildlife species, he or she must consult the wildlife management board before recommending the making of the regulation.	(3) Si le ministre compétent estime que le règlement proposé touche une aire à l'égard de laquelle un conseil de gestion des ressources fauniques est habilité par un accord sur des revendications territoriales à exercer des attributions à l'égard d'espèces sauvages, il est tenu de consulter le conseil avant d'en recommander la prise.	Consultation
Incorporation by reference	(4) The regulations may incorporate by reference any legislation of a province or territory, as amended from time to time, insofar as the regulations apply in that province or territory.	(4) Les règlements peuvent incorporer par renvoi, dans la mesure où ils s'appliquent à une province ou à un territoire, toute mesure législative de la province ou du territoire, avec ses modifications successives.	Incorporation par renvoi
Consultation	(5) If the competent minister is of the opinion that a regulation would affect land in a territory, he or she must consult the territorial minister before recommending the making of the regulation.	(5) Si le ministre compétent estime que le règlement touchera des terres dans un territoire, il est tenu de consulter le ministre territorial avant d'en recommander la prise.	Application dans les territoires
Exception	(6) Subsection (5) does not apply (a) in respect of individuals of aquatic species and their habitat or species of birds that are migratory birds protected by the <i>Migratory Birds Convention Act, 1994</i> and their habitat; or	(6) Le paragraphe (5) ne s'applique pas : a) à l'égard des individus d'une espèce aquatique ou d'une espèce d'oiseau migrateur protégée par la <i>Loi de 1994 sur la convention concernant les oiseaux migrateurs</i> , et de leur habitat;	Exception

(b) in respect of land under the authority of the Minister or the Parks Canada Agency.

b) à l'égard des terres relevant du ministre ou de l'Agence Parcs Canada.

Monitoring

**72.** The competent minister must monitor the implementation of the management plan and must assess its implementation five years after the plan is included in the public registry, and in every subsequent five-year period, until its objectives have been achieved. The report must be included in the public registry.

**72.** Il incombe au ministre compétent d'assurer le suivi de la mise en oeuvre du plan de gestion et d'évaluer celle-ci cinq ans après sa mise dans le registre et à intervalles de cinq ans par la suite, jusqu'à ce que ses objectifs soient atteints. Il doit également verser au registre un rapport de chaque évaluation.

Suivi

#### *Agreements and Permits*

#### *Accords et permis*

Powers of competent minister

**73.** (1) The competent minister may enter into an agreement with a person, or issue a permit to a person, authorizing the person to engage in an activity affecting a listed wildlife species, any part of its critical habitat or the residences of its individuals.

**73.** (1) Le ministre compétent peut conclure avec une personne un accord l'autorisant à exercer une activité touchant une espèce sauvage inscrite, tout élément de son habitat essentiel ou la résidence de ses individus, ou lui délivrer un permis à cet effet.

Pouvoirs du ministre compétent

Purpose

(2) The agreement may be entered into, or the permit issued, only if the competent minister is of the opinion that

(2) Cette activité ne peut faire l'objet de l'accord ou du permis que si le ministre compétent estime qu'il s'agit d'une des activités suivantes :

Activités visées

(a) the activity is scientific research relating to the conservation of the species and conducted by qualified persons;

a) des recherches scientifiques sur la conservation des espèces menées par des personnes compétentes;

(b) the activity benefits the species or is required to enhance its chance of survival in the wild; or

b) une activité qui profite à l'espèce ou qui est nécessaire à l'augmentation des chances de survie de l'espèce à l'état sauvage;

(c) affecting the species is incidental to the carrying out of the activity.

c) une activité qui ne touche l'espèce que de façon incidente.

Pre-conditions

(3) The agreement may be entered into, or the permit issued, only if the competent minister is of the opinion that

(3) Le ministre compétent ne conclut l'accord ou ne délivre le permis que s'il estime que :

Conditions préalables

(a) all reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution has been adopted;

a) toutes les solutions de rechange susceptibles de minimiser les conséquences négatives de l'activité pour l'espèce ont été envisagées et la meilleure solution retenue;

(b) all feasible measures will be taken to minimize the impact of the activity on the species or its critical habitat or the residences of its individuals; and

b) toutes les mesures possibles seront prises afin de minimiser les conséquences négatives de l'activité pour l'espèce, son habitat essentiel ou la résidence de ses individus;

(c) the activity will not jeopardize the survival or recovery of the species.

c) l'activité ne mettra pas en péril la survie ou le rétablissement de l'espèce.

Explanation in public registry

(3.1) If an agreement is entered into or a permit is issued, the competent minister must include in the public registry an explanation of why it was entered into or issued, taking into account the matters referred to in paragraphs (3)(a), (b) and (c).

(3.1) Si un accord est conclu ou un permis délivré, le ministre compétent met dans le registre les raisons pour lesquelles l'accord a été conclu ou le permis délivré, compte tenu des considérations mentionnées aux alinéas (3)a) à c).

Raisons dans le registre

Consultation	(4) If the species is found in an area in respect of which a wildlife management board is authorized by a land claims agreement to perform functions in respect of wildlife species, the competent minister must consult the wildlife management board before entering into an agreement or issuing a permit concerning that species in that area.	(4) Si l'espèce se trouve dans une aire à l'égard de laquelle un conseil de gestion des ressources fauniques est habilité par un accord sur des revendications territoriales à exercer des attributions à l'égard d'espèces sauvages, le ministre compétent est tenu de consulter le conseil avant de conclure un accord ou de délivrer un permis concernant cette espèce dans cette aire.	Consultation
Consultation	(5) If the species is found in a reserve or any other lands that are set apart for the use and benefit of a band under the <i>Indian Act</i> , the competent minister must consult the band before entering into an agreement or issuing a permit concerning that species in that reserve or those other lands.	(5) Si l'espèce se trouve dans une réserve ou sur une autre terre qui a été mise de côté à l'usage et au profit d'une bande en application de la <i>Loi sur les Indiens</i> , le ministre compétent est tenu de consulter la bande avant de conclure un accord ou de délivrer un permis concernant cette espèce dans la réserve ou sur l'autre terre.	Consultation
Terms and conditions	(6) The agreement or permit must contain any terms and conditions governing the activity that the competent minister considers necessary for protecting the species, minimizing the impact of the authorized activity on the species or providing for its recovery.	(6) Le ministre compétent assortit l'accord ou le permis de toutes les conditions — régissant l'exercice de l'activité — qu'il estime nécessaires pour assurer la protection de l'espèce, minimiser les conséquences négatives de l'activité pour elle ou permettre son rétablissement.	Conditions
Review of agreements and permits	(7) The competent minister must review the agreement or permit if an emergency order is made with respect to the species.	(7) Le ministre compétent est tenu de réviser l'accord ou le permis si un décret d'urgence est pris à l'égard de l'espèce.	Révision des accords et permis
Amendment of agreements and permits	(8) The competent minister may revoke or amend an agreement or a permit to ensure the survival or recovery of a species.	(8) Il peut révoquer ou modifier l'accord ou le permis au besoin afin d'assurer la survie ou le rétablissement d'une espèce.	Modification des accords et permis
Maximum term	(9) No agreement may be entered into for a term longer than five years and no permit may be issued for a term longer than three years.	(9) La durée maximale de validité d'un permis est de trois ans et celle d'un accord, de cinq ans.	Durée de validité
Regulations	(10) The Minister may, after consultation with the Minister of Canadian Heritage and the Minister of Fisheries and Oceans, make regulations respecting the entering into of agreements, the issuance of permits and the renewal, revocation, amendment and suspension of agreements and permits.	(10) Le ministre peut par règlement, après consultation du ministre du Patrimoine canadien et du ministre des Pêches et des Océans, régir la conclusion des accords et la délivrance des permis, ainsi que leur renouvellement, annulation, modification et suspension.	Règlement
Competent minister acting under other Acts	<b>74.</b> An agreement, permit, licence, order or other similar document authorizing a person or organization to engage in an activity affecting a listed wildlife species, any part of its critical habitat or the residences of its individuals that is entered into, issued or made by the competent minister under another Act of Parliament has the same effect as an agreement or permit under subsection 73(1) if	<b>74.</b> A le même effet qu'un accord ou permis visé au paragraphe 73(1) tout accord, tout permis, toute licence ou tout arrêté — ou autre document semblable — conclu, délivré ou pris par le ministre compétent en application d'une autre loi fédérale et ayant pour objet d'autoriser l'exercice d'une activité touchant une espèce sauvage inscrite, tout élément de	Autres lois fédérales : ministres compétents

(a) before it is entered into, issued or made, the competent minister is of the opinion that the requirements of subsections 73(2) to (6) and (9) are met; and

(b) after it is entered into, issued or made, the competent minister complies with the requirements of subsection 73(7).

Adding terms and conditions

**75.** (1) A competent minister may add terms and conditions to protect a listed wildlife species, any part of its critical habitat or the residences of its individuals to any agreement, permit, licence, order or other similar document authorizing a person to engage in an activity affecting the species, any part of its critical habitat or the residences of its individuals that is entered into, issued or made by the competent minister under another Act of Parliament.

Amending terms and conditions

(2) A competent minister may also revoke or amend any term or condition in any of those documents to protect a listed wildlife species, any part of its critical habitat or the residences of its individuals.

Treaties and land claims agreements

(3) The competent minister must take into account any applicable provisions of treaty and land claims agreements when carrying out his or her powers under this section.

Exemption for existing agreements, permits, etc.

**76.** The Governor in Council may, on the recommendation of a competent minister, by order, provide that section 32, 33, 36, 58, 60 or 61, or any regulation made under section 53, 59 or 71, does not apply, for a period of up to one year from the date of listing of a wildlife species, to agreements, permits, licences, orders or other similar documents authorizing persons to engage in an activity affecting the listed wildlife species, any part of its critical habitat or the residences of its individuals that were entered into, issued or made under another Act of Parliament before the species was listed.

son habitat essentiel ou la résidence de ses individus, si :

a) avant la conclusion, la délivrance ou la prise, le ministre compétent estime que les exigences des paragraphes 73(2) à (6) et (9) sont remplies;

b) après la conclusion, la délivrance ou la prise, le ministre compétent se conforme aux exigences du paragraphe 73(7).

**75.** (1) Le ministre compétent peut ajouter des conditions visant la protection d'une espèce sauvage inscrite, de tout élément de son habitat essentiel ou de la résidence de ses individus à tout accord, tout permis, toute licence ou tout arrêté — ou autre document semblable — conclu, délivré ou pris par lui en application d'une autre loi fédérale et ayant pour objet d'autoriser l'exercice d'une activité touchant l'espèce, tout élément de son habitat essentiel ou la résidence de ses individus.

Adjonction de conditions

(2) Il peut aussi annuler ou modifier les conditions d'un tel document pour protéger une espèce sauvage inscrite, tout élément de son habitat essentiel ou la résidence de ses individus.

Modification de conditions

(3) Pour l'exercice des pouvoirs qui lui sont conférés en vertu du présent article, le ministre compétent prend en compte les dispositions applicables des traités et des accords sur des revendications territoriales.

Traités et accords sur des revendications territoriales

**76.** Sur recommandation du ministre compétent, le gouverneur en conseil peut, par décret, soustraire, pendant tout ou partie de l'année suivant l'inscription d'une espèce sauvage, à l'application de l'un ou l'autre des articles 32, 33, 36, 58, 60 et 61 ou des règlements pris en vertu des articles 53, 59 ou 71 tout accord, tout permis, toute licence ou tout arrêté — ou autre document semblable — conclu, délivré ou pris en application d'une autre loi fédérale avant l'inscription de l'espèce et ayant pour objet d'autoriser l'exercice d'une activité touchant l'espèce, tout élément de son habitat essentiel ou la résidence de ses individus.

Exemption : accords ou permis existants

Licences, permits, etc., under other Acts of Parliament

**77.** (1) Despite any other Act of Parliament, any person or body, other than a competent minister, authorized under any Act of Parliament, other than this Act, to issue or approve a licence, a permit or any other authorization that authorizes an activity that may result in the destruction of any part of the critical habitat of a listed wildlife species may enter into, issue, approve or make the authorization only if the person or body has consulted with the competent minister, has considered the impact on the species' critical habitat and is of the opinion that

- (a) all reasonable alternatives to the activity that would reduce the impact on the species' critical habitat have been considered and the best solution has been adopted; and
- (b) all feasible measures will be taken to minimize the impact of the activity on the species' critical habitat.

Application of section 58

(2) For greater certainty, section 58 applies even though a licence, a permit or any other authorization has been issued in accordance with subsection (1).

Agreements and permits under other provincial and territorial Acts

**78.** (1) An agreement, permit, licence, order or other similar document authorizing a person to engage in an activity affecting a listed wildlife species, any part of its critical habitat or the residences of its individuals that is entered into, issued or made under an Act of the legislature of a province or a territory by a provincial or territorial minister with whom a competent minister has entered into an agreement under section 10 has the same effect as an agreement or permit under subsection 73(1) if

- (a) before it is entered into, issued or made, the provincial or territorial minister determines that the requirements of subsections 73(2), (3), (6) and (9) are met; and
- (b) after it is entered into, issued or made, the provincial or territorial minister complies with the requirements of subsection 73(7).

**77.** (1) Malgré toute autre loi fédérale, toute personne ou tout organisme, autre qu'un ministre compétent, habilité par une loi fédérale, à l'exception de la présente loi, à délivrer un permis ou une autre autorisation, ou à y donner son agrément, visant la mise à exécution d'une activité susceptible d'entraîner la destruction d'un élément de l'habitat essentiel d'une espèce sauvage inscrite ne peut le faire que s'il a consulté le ministre compétent, s'il a envisagé les conséquences négatives de l'activité pour l'habitat essentiel de l'espèce et s'il estime, à la fois :

- a) que toutes les solutions de rechange susceptibles de minimiser les conséquences négatives de l'activité pour l'habitat essentiel de l'espèce ont été envisagées, et la meilleure solution retenue;
- b) que toutes les mesures possibles seront prises afin de minimiser les conséquences négatives de l'activité pour l'habitat essentiel de l'espèce.

(2) Il est entendu que l'article 58 s'applique même si l'autorisation a été délivrée ou l'agrément a été donné en conformité avec le paragraphe (1).

**78.** (1) A le même effet qu'un accord ou permis visé au paragraphe 73(1) tout accord, tout permis, toute licence ou tout arrêté — ou autre document semblable — conclu, délivré ou pris en application d'une loi provinciale ou territoriale par un ministre provincial ou territorial avec lequel le ministre compétent a conclu un accord au titre de l'article 10 et ayant pour objet d'autoriser l'exercice d'une activité touchant une espèce sauvage inscrite, tout élément de son habitat essentiel ou la résidence de ses individus, si :

- a) avant la conclusion, la délivrance ou la prise, le ministre provincial ou territorial s'assure que les exigences des paragraphes 73(2), (3), (6) et (9) sont remplies;
- b) après la conclusion, la délivrance ou la prise, le ministre provincial ou territorial se conforme aux exigences du paragraphe 73(7).

Permis prévus par une autre loi fédérale

Application de l'interdiction

Accords et permis au titre de lois provinciales ou territoriales



Interpretation

(2) For the purpose of subsection (1), the references to “competent minister” in subsections 73(2), (3), (6) and (7) are to be read as references to “provincial minister” or “territorial minister”, as the case may be.

(2) Pour l’application du paragraphe (1), la mention du ministre compétent aux paragraphes 73(2), (3), (6) et (7) vaut, selon le cas, mention du ministre provincial ou du ministre territorial.

Interprétation

### *Project Review*

### *Révision des projets*

Notification of Minister

**79.** (1) Every person who is required by or under an Act of Parliament to ensure that an assessment of the environmental effects of a project is conducted must, without delay, notify the competent minister or ministers in writing of the project if it is likely to affect a listed wildlife species or its critical habitat.

**79.** (1) Toute personne tenue, sous le régime d’une loi fédérale, de veiller à ce qu’il soit procédé à l’évaluation des effets environnementaux d’un projet notifie sans tarder à tout ministre compétent tout projet susceptible de toucher une espèce sauvage inscrite ou son habitat essentiel.

Notification du ministre

Required action

(2) The person must identify the adverse effects of the project on the listed wildlife species and its critical habitat and, if the project is carried out, must ensure that measures are taken to avoid or lessen those effects and to monitor them. The measures must be taken in a way that is consistent with any applicable recovery strategy and action plans.

(2) La personne détermine les effets nocifs du projet sur l’espèce et son habitat essentiel et, si le projet est réalisé, veille à ce que des mesures compatibles avec tout programme de rétablissement et tout plan d’action applicable soient prises en vue de les éviter ou de les amoindrir et les contrôler.

Réalizations escomptées

Definitions

(3) The definitions in this subsection apply in this section.

(3) Les définitions qui suivent s’appliquent au présent article.

Définitions

“person”  
« *personne* »

“person” includes an association or organization, and a responsible authority as defined in subsection 2(1) of the *Canadian Environmental Assessment Act*.

« personne » S’entend notamment d’une association de personnes ou d’une organisation et d’une autorité responsable au sens du paragraphe 2(1) de la *Loi canadienne sur l’évaluation environnementale*.

« *personne* »  
“*person*”“project”  
« *projet* »

“project” means a project as defined in subsection 2(1) of the *Canadian Environmental Assessment Act*.

« projet » S’entend au sens du paragraphe 2(1) de la *Loi canadienne sur l’évaluation environnementale*.

« *projet* »  
“*project*”

### *Emergency Orders*

### *Décrets d’urgence*

Emergency order

**80.** (1) The Governor in Council may, on the recommendation of the competent minister, make an emergency order to provide for the protection of a listed wildlife species.

**80.** (1) Sur recommandation du ministre compétent, le gouverneur en conseil peut prendre un décret d’urgence visant la protection d’une espèce sauvage inscrite.

Décrets d’urgence

Obligation to make recommendation

(2) The competent minister must make the recommendation if he or she is of the opinion that the species faces imminent threats to its survival or recovery.

(2) Le ministre compétent est tenu de faire la recommandation s’il estime que l’espèce est exposée à des menaces imminentes pour sa survie ou son rétablissement.

Recommandation obligatoire

Consultation

(3) Before making a recommendation, the competent minister must consult every other competent minister.

(3) Avant de faire la recommandation, il consulte tout autre ministre compétent.

Consultation

- (4) The emergency order may
- (a) in the case of an aquatic species,
- (i) identify habitat that is necessary for the survival or recovery of the species in the area to which the emergency order relates, and
- (ii) include provisions requiring the doing of things that protect the species and that habitat and provisions prohibiting activities that may adversely affect the species and that habitat;
- (b) in the case of a species that is a species of migratory birds protected by the *Migratory Birds Convention Act, 1994*,
- (i) on federal land or in the exclusive economic zone of Canada,
- (A) identify habitat that is necessary for the survival or recovery of the species in the area to which the emergency order relates, and
- (B) include provisions requiring the doing of things that protect the species and that habitat and provisions prohibiting activities that may adversely affect the species and that habitat, and
- (ii) on land other than land referred to in subparagraph (i),
- (A) identify habitat that is necessary for the survival or recovery of the species in the area to which the emergency order relates, and
- (B) include provisions requiring the doing of things that protect the species and provisions prohibiting activities that may adversely affect the species and that habitat; and
- (c) with respect to any other species,
- (i) on federal land, in the exclusive economic zone of Canada or on the continental shelf of Canada,
- (A) identify habitat that is necessary for the survival or recovery of the species in the area to which the emergency order relates, and

- (4) Le décret peut :
- a) dans le cas d'une espèce aquatique :
- (i) désigner l'habitat qui est nécessaire à la survie ou au rétablissement de l'espèce dans l'aire visée par le décret,
- (ii) imposer des mesures de protection de l'espèce et de cet habitat, et comporter des dispositions interdisant les activités susceptibles de leur nuire;
- b) dans le cas d'une espèce d'oiseau migrateur protégée par la *Loi de 1994 sur la convention concernant les oiseaux migrateurs* se trouvant :
- (i) sur le territoire domanial ou dans la zone économique exclusive du Canada :
- (A) désigner l'habitat qui est nécessaire à la survie ou au rétablissement de l'espèce dans l'aire visée par le décret,
- (B) imposer des mesures de protection de l'espèce et de cet habitat, et comporter des dispositions interdisant les activités susceptibles de leur nuire,
- (ii) ailleurs que sur le territoire visé au sous-alinéa (i) :
- (A) désigner l'habitat qui est nécessaire à la survie ou au rétablissement de l'espèce dans l'aire visée par le décret,
- (B) imposer des mesures de protection de l'espèce, et comporter des dispositions interdisant les activités susceptibles de nuire à l'espèce et à cet habitat;
- c) dans le cas de toute autre espèce se trouvant :
- (i) sur le territoire domanial, dans la zone économique exclusive ou sur le plateau continental du Canada :
- (A) désigner l'habitat qui est nécessaire à la survie ou au rétablissement de l'espèce dans l'aire visée par le décret,
- (B) imposer des mesures de protection de l'espèce et de cet habitat, et comporter des dispositions interdisant les activités susceptibles de leur nuire,
- (ii) ailleurs que sur le territoire visé au sous-alinéa (i) :

(B) include provisions requiring the doing of things that protect the species and that habitat and provisions prohibiting activities that may adversely affect the species and that habitat, and

(ii) on land other than land referred to in subparagraph (i),

(A) identify habitat that is necessary for the survival or recovery of the species in the area to which the emergency order relates, and

(B) include provisions prohibiting activities that may adversely affect the species and that habitat.

(A) désigner l'habitat qui est nécessaire à la survie ou au rétablissement de l'espèce dans l'aire visée par le décret,

(B) comporter des dispositions interdisant les activités susceptibles de nuire à l'espèce et à cet habitat.

Exemption

(5) An emergency order is exempt from the application of section 3 of the *Statutory Instruments Act*.

(5) Les décrets d'urgence sont soustraits à l'application de l'article 3 de la *Loi sur les textes réglementaires*.

Exclusion

Equivalent measures

**81.** Despite subsection 80(2), the competent minister is not required to make a recommendation for an emergency order if he or she is of the opinion that equivalent measures have been taken under another Act of Parliament to protect the wildlife species.

**81.** Malgré le paragraphe 80(2), le ministre compétent n'est pas tenu de recommander la prise d'un décret d'urgence s'il estime que des mesures équivalentes ont été prises en vertu d'une autre loi fédérale pour protéger l'espèce sauvage.

Mesures équivalentes

Recommendation to repeal

**82.** If the competent minister is of the opinion that the species to which the emergency order relates would no longer face imminent threats to its survival or recovery even if the order were repealed, he or she must make a recommendation to the Governor in Council that the emergency order be repealed.

**82.** Si le ministre compétent estime que l'espèce sauvage visée par un décret d'urgence ne serait plus exposée à des menaces imminentes pour sa survie ou son rétablissement si le décret était abrogé, il est tenu de recommander au gouverneur en conseil de l'abroger.

Recommandation d'abrogation

### Exceptions

General exceptions

**83.** (1) Subsections 32(1) and (2), section 33, subsections 36(1), 58(1), 60(1) and 61(1), regulations made under section 53, 59 or 71 and emergency orders do not apply to a person who is engaging in

(a) activities related to public safety, health or national security, that are authorized by or under any other Act of Parliament or activities under the *Health of Animals Act* and the *Plant Protection Act* for the health of animals and plants; or

(b) activities authorized under section 73, 74 or 78 by an agreement, permit, licence, order or similar document.

### Exceptions

**83.** (1) Les paragraphes 32(1) et (2), l'article 33, les paragraphes 36(1), 58(1), 60(1) et 61(1), les règlements pris en vertu des articles 53, 59 ou 71 et les décrets d'urgence ne s'appliquent pas à une personne exerçant des activités :

a) en matière soit de sécurité ou de santé publiques ou de sécurité nationale autorisées sous le régime de toute autre loi fédérale, soit de santé des animaux et des végétaux autorisées sous le régime de la *Loi sur la santé des animaux* et la *Loi sur la protection des végétaux*;

b) autorisées par un accord, un permis, une licence, un arrêté ou un autre document visé aux articles 73, 74 ou 78.

Exceptions générales

Authorization of activities under other Acts

(2) A power under an Act described in paragraph (1)(a) may be used to authorize an activity prohibited by subsection 32(1) or (2), section 33, subsection 36(1), 58(1), 60(1) or 61(1), a regulation made under section 53, 59 or 71 or an emergency order only if the person exercising the power

(a) determines that the activity is necessary for the protection of public safety, health, including animal and plant health, or national security; and

(b) respects the purposes of this Act to the greatest extent possible.

Exceptions — land claims agreements

(3) Subsections 32(1) and (2), section 33, subsections 36(1), 58(1), 60(1) and 61(1) and regulations made under section 53, 59 or 71 do not apply to a person who is engaging in activities in accordance with conservation measures for wildlife species under a land claims agreement.

Exemptions for permitted activities

(4) Subsections 32(1) and (2), section 33 and subsections 36(1), 58(1), 60(1) and 61(1) do not apply to a person who is engaging in activities that are permitted by a recovery strategy, an action plan or a management plan and who is also authorized under an Act of Parliament to engage in that activity, including a regulation made under section 53, 59 or 71.

Additional possession exceptions

(5) Subsection 32(2) and paragraph 36(1)(b) do not apply to a person who possesses an individual of a listed extirpated, endangered or threatened species, or any part or derivative of such an individual, if

(a) it was in the person's possession when the species was listed;

(b) it is used by an aboriginal person for ceremonial or medicinal purposes, or it is part of ceremonial dress used for ceremonial or cultural purposes by an aboriginal person;

(c) the person acquired it legally in another country and imported it legally into Canada;

(2) Toute activité interdite aux termes des paragraphes 32(1) ou (2), de l'article 33, des paragraphes 36(1), 58(1), 60(1) ou 61(1), des règlements pris en vertu des articles 53, 59 ou 71 ou d'un décret d'urgence peut être autorisée au titre d'une loi visée à l'alinéa (1)a) si la personne qui l'autorise :

a) conclut qu'elle est nécessaire à la protection de la sécurité ou de la santé publiques — notamment celle des animaux et des végétaux — ou de la sécurité nationale;

b) respecte, dans la mesure du possible, l'objet de la présente loi.

(3) Les paragraphes 32(1) et (2), l'article 33, les paragraphes 36(1), 58(1), 60(1) et 61(1) et les règlements pris en vertu des articles 53, 59 ou 71 ne s'appliquent pas à une personne exerçant des activités conformes aux régimes de conservation des espèces sauvages dans le cadre d'un accord sur des revendications territoriales.

(4) Les paragraphes 32(1) et (2), l'article 33, les paragraphes 36(1), 58(1), 60(1) et 61(1) ne s'appliquent pas à une personne exerçant des activités autorisées, d'une part, par un programme de rétablissement, un plan d'action ou un plan de gestion et, d'autre part, sous le régime d'une loi fédérale, notamment au titre d'un règlement pris en vertu des articles 53, 59 ou 71.

(5) Le paragraphe 32(2) et l'alinéa 36(1)b) ne s'appliquent pas à une personne qui possède un individu — notamment partie d'un individu ou produit qui en provient — d'une espèce sauvage inscrite comme espèce disparue du pays, en voie de disparition ou menacée si, selon le cas :

a) la personne l'avait en sa possession au moment de l'inscription de l'espèce;

b) l'individu ou l'article est utilisé par une personne autochtone à des fins cérémonielles ou médicinales, ou fait partie d'un habit cérémonial utilisé à des fins cérémonielles ou culturelles par une personne autochtone;

c) la personne l'a légalement acquis à l'extérieur du Canada, puis l'y a importé légalement;

Autorisation au titre d'une autre loi

Exception : accords sur des revendications territoriales

Exemptions : activités autorisées

Exception supplémentaire : possession

(d) the person acquired it by succession from someone who was entitled to possess it under this Act;

(e) the person acquired it under circumstances that would afford them a defence under section 100 and the person possesses it only for as long as is necessary to donate it to a museum, a zoo, an educational institution, a scientific society or a government;

(f) the person is, or is acting on behalf of, a museum, zoo, educational institution, scientific society or government and the person acquired it from someone who was entitled to possess it under this Act; or

(g) it or the person is otherwise exempt by the regulations.

d) elle en a hérité d'une personne qui avait droit à sa possession au titre de la présente loi;

e) d'une part, elle l'a acquis dans des circonstances qui lui permettraient de se disculper au titre de l'article 100 et, d'autre part, elle ne l'a en sa possession que le temps nécessaire pour en faire don à un musée, un jardin zoologique, un établissement d'enseignement, une association scientifique ou un gouvernement;

f) elle est un musée, un jardin zoologique, un établissement d'enseignement, une association scientifique, un gouvernement ou une personne agissant pour le compte de ces derniers et elle l'a acquis d'une personne qui avait droit à sa possession au titre de la présente loi;

g) l'individu ou le possesseur bénéficiaire par ailleurs d'une exemption réglementaire.

Regulations

**84.** The Governor in Council may, on the recommendation of the Minister after consultation with the Minister of Canadian Heritage and the Minister of Fisheries and Oceans, make regulations for the purpose of paragraph 83(5)(g).

**84.** Sur recommandation faite par le ministre après consultation du ministre du Patrimoine canadien et du ministre des Pêches et des Océans, le gouverneur en conseil peut, par règlement, prendre des mesures d'application de l'alinéa 83(5)g).

Règlement

## ENFORCEMENT MEASURES

## CONTRÔLE D'APPLICATION

*Enforcement Officers**Agents de l'autorité*

Enforcement officers

**85.** (1) A competent minister may designate any person or person of a class of persons to act as enforcement officers for the purposes of this Act.

**85.** (1) Le ministre compétent peut désigner, individuellement ou par catégorie, les agents de l'autorité chargés de contrôler l'application de la présente loi.

Désignation

Designation of provincial or territorial government employees

(2) The competent minister may not designate any person or person of a class of persons employed by the government of a province or a territory unless that government agrees.

(2) La désignation de fonctionnaires provinciaux ou territoriaux est toutefois subordonnée à l'agrément du gouvernement provincial ou territorial intéressé.

Fonctionnaires provinciaux

Certificate of designation

(3) An enforcement officer must be provided with a certificate of designation as an enforcement officer in a form approved by the competent minister and, on entering any place under this Act, the officer must, if so requested, show the certificate to the occupant or person in charge of the place.

(3) Les agents sont munis d'un certificat de désignation en la forme approuvée par le ministre compétent qu'ils présentent, sur demande, au responsable ou à l'occupant du lieu visité.

Présentation du certificat

Powers

(4) For the purposes of this Act, enforcement officers have all the powers of a peace officer, but the competent minister may specify limits on those powers when designating any person or person of a class of persons to act as enforcement officers.

(4) Pour l'application de la présente loi, les agents ont tous les pouvoirs d'un agent de la paix; le ministre compétent peut toutefois restreindre ceux-ci lors de la désignation.

Pouvoirs

Exemptions for law enforcement activities

(5) For the purpose of investigations and other law enforcement activities under this Act, a competent minister may, on any terms and conditions that he or she considers necessary, exempt from the application of any provision of this Act, the regulations or an emergency order enforcement officers whom the competent minister has designated and who are carrying out duties or functions under this Act and persons acting under the direction and control of such enforcement officers.

(5) Pour les enquêtes et autres mesures de contrôle d'application de la présente loi, le ministre compétent peut, aux conditions qu'il juge nécessaires, soustraire tout agent désigné par lui agissant dans l'exercice de ses fonctions — ainsi que toute autre personne agissant sous la direction ou l'autorité de celui-ci — à l'application de la présente loi, des règlements ou des décrets d'urgence, ou de telle de leurs dispositions.

Exemption

### Inspections

Inspections

**86.** (1) For the purpose of ensuring compliance with any provision of this Act, the regulations or an emergency order, an enforcement officer may, subject to subsection (3), at any reasonable time enter and inspect any place in which the enforcement officer believes, on reasonable grounds, there is any thing to which the provision applies or any document relating to its administration, and the enforcement officer may

- (a) open or cause to be opened any container that the enforcement officer believes, on reasonable grounds, contains that thing or document;
- (b) inspect the thing and take samples free of charge;
- (c) require any person to produce the document for inspection or copying, in whole or in part; and
- (d) seize any thing by means of or in relation to which the enforcement officer believes, on reasonable grounds, the provision has been contravened or that the enforcement officer believes, on reasonable grounds, will provide evidence of a contravention.

### Visite

Visite

**86.** (1) En vue de faire observer toute disposition de la présente loi, des règlements et des décrets d'urgence, l'agent de l'autorité peut, à toute heure convenable et sous réserve du paragraphe (3), procéder à la visite de tout lieu s'il a des motifs raisonnables de croire que s'y trouve un objet visé par la disposition ou un document relatif à son application. Il peut :

- a) ouvrir ou faire ouvrir tout contenant où, à son avis, se trouve un tel objet ou document;
- b) examiner l'objet et en prélever gratuitement des échantillons;
- c) exiger la communication du document, pour examen ou reproduction totale ou partielle;
- d) saisir tout objet qui, à son avis, a servi ou donné lieu à une contravention à la disposition ou qui peut servir à la prouver.

L'avis de l'agent doit être fondé sur des motifs raisonnables.

Conveyance

(2) For the purposes of carrying out the inspection, the enforcement officer may stop a conveyance or direct that it be moved to a place where the inspection can be carried out.

(2) L'agent peut procéder à l'immobilisation du moyen de transport qu'il entend visiter et le faire conduire en tout lieu où il peut effectuer la visite.

Moyens de transport

Dwelling-place

(3) The enforcement officer may not enter a dwelling-place except with the consent of the occupant or person in charge of the dwelling-place or under the authority of a warrant.

(3) Dans le cas d'une maison d'habitation, l'agent ne peut procéder à la visite sans l'autorisation du responsable ou de l'occupant que s'il est muni d'un mandat.

Maison d'habitation

Authority to issue warrant for inspection of dwelling-place

(4) On an *ex parte* application, a justice, as defined in section 2 of the *Criminal Code*, may issue a warrant, subject to any conditions specified in it, authorizing an enforcement officer to enter a dwelling-place, if the justice is satisfied by information on oath that

(4) Sur demande *ex parte*, le juge de paix — au sens de l'article 2 du *Code criminel* — peut décerner un mandat autorisant, sous réserve des conditions éventuellement fixées, l'agent à procéder à la visite d'une maison d'habitation s'il est convaincu, sur la foi d'une dénonciation faite sous serment, que sont réunis les éléments suivants :

Mandat de perquisition

(a) the conditions for entry described in subsection (1) exist in relation to the dwelling-place;

a) les circonstances prévues au paragraphe (1) existent;

(b) entry to the dwelling-place is necessary for the purposes of the administration of this Act, the regulations or an emergency order; and

b) la visite est nécessaire pour l'application de la présente loi, des règlements ou des décrets d'urgence;

(c) entry to the dwelling-place has been refused or there are reasonable grounds for believing that entry will be refused.

c) un refus a été opposé à la visite ou il y a des motifs raisonnables de croire que tel sera le cas.

Authority to issue warrant for inspection of non-dwellings

(5) On an *ex parte* application, a justice, as defined in section 2 of the *Criminal Code*, may issue a warrant, subject to any conditions specified in it, authorizing an enforcement officer to enter a place other than a dwelling-place, if the justice is satisfied by information on oath that

(5) Sur demande *ex parte*, le juge de paix — au sens de l'article 2 du *Code criminel* — peut décerner un mandat autorisant, sous réserve des conditions éventuellement fixées, l'agent à procéder à la visite d'un lieu autre qu'une maison d'habitation, s'il est convaincu, sur la foi d'une dénonciation faite sous serment, que sont réunis les éléments suivants :

Mandat autorisant la visite d'un lieu autre qu'une maison d'habitation

(a) the conditions for entry described in subsection (1) exist in relation to that place;

a) les circonstances prévues au paragraphe (1) existent;

(b) entry to that place is necessary for the purposes of the administration of this Act, the regulations or an emergency order;

b) la visite est nécessaire pour l'application de la présente loi, des règlements ou des décrets d'urgence;

(c) entry to that place has been refused, the enforcement officer is not able to enter without the use of force or the place was abandoned; and

c) un refus a été opposé à la visite, l'agent ne peut y procéder sans recourir à la force ou le lieu est abandonné;

(d) subject to subsection (6), all reasonable attempts were made to notify the owner, operator or person in charge of the place.

d) sous réserve du paragraphe (6), le nécessaire a été fait pour aviser le propriétaire, l'exploitant ou le responsable du lieu.

Waiving notice

(6) The justice may waive the requirement to give notice referred to in subsection (5) if the justice is satisfied that attempts to give the notice would be unsuccessful because the owner, operator or person in charge is absent from the jurisdiction of the justice or that it is not in the public interest to give the notice.

(6) Le juge de paix peut supprimer l'obligation d'aviser le propriétaire, l'exploitant ou le responsable du lieu s'il est convaincu soit qu'on ne peut les joindre parce qu'ils se trouvent hors de son ressort, soit qu'il n'est pas dans l'intérêt public de le faire.

Avis non requis

Use of force

(7) In executing a warrant issued under subsection (4) or (5), an enforcement officer may not use force unless the use of force has been specifically authorized in the warrant.

(7) L'agent ne peut recourir à la force dans l'exécution du mandat que si celui-ci en autorise expressément l'usage.

Usage de la force

Operation of computer system and copying equipment

(8) In carrying out an inspection of a place under this section, an enforcement officer may

(a) use or cause to be used any computer system at the place to examine any data contained in or available to the computer system;

(b) reproduce any record or cause it to be reproduced from the data in the form of a printout or other intelligible output;

(c) take a printout or other output for examination or copying; and

(d) use or cause to be used any copying equipment at the place to make copies of the record.

(8) Au cours de la visite, l'agent peut, pour l'application de la présente loi :

a) utiliser ou faire utiliser tout ordinateur se trouvant dans le lieu visité pour vérifier les données que celui-ci contient ou auxquelles il donne accès;

b) à partir de ces données, reproduire ou faire reproduire un document sous forme d'imprimé ou toute autre forme intelligible;

c) emporter tout imprimé ou sortie de données pour examen ou reproduction;

d) utiliser ou faire utiliser le matériel de reproduction pour faire des copies du document.

Usage d'un système informatique

Duty of person in possession or control

(9) Every person who is in possession or control of a place being inspected under this section must permit the enforcement officer to do anything referred to in subsection (8).

(9) Le responsable du lieu visité doit faire en sorte que l'agent puisse procéder aux opérations mentionnées au paragraphe (8).

Obligation du responsable

#### *Disposition of Things Seized*

Custody of things seized

**87.** (1) Subject to subsections (2) to (4), if an enforcement officer seizes a thing under this Act or under a warrant issued under the *Criminal Code*,

(a) sections 489.1 and 490 of the *Criminal Code* apply; and

(b) the enforcement officer, or any person that the officer may designate, must retain custody of the thing subject to any order made under section 490 of the *Criminal Code*.

#### *Destination des objets saisis*

**87.** (1) Sous réserve des paragraphes (2) à (4) :

a) les articles 489.1 et 490 du *Code criminel* s'appliquent en cas de saisie d'objets effectuée par l'agent de l'autorité en vertu de la présente loi ou d'un mandat délivré au titre du *Code criminel*;

b) la garde de ces objets incombe, sous réserve d'une ordonnance rendue en application de l'article 490 du *Code criminel*, à l'agent ou à la personne qu'il désigne.

Garde

Forfeiture if ownership not ascertainable

(2) If the lawful ownership of or entitlement to the seized thing cannot be ascertained within 30 days after its seizure, the thing or any proceeds of its disposition are forfeited to Her Majesty in right of Canada, if the thing was seized by an enforcement officer employed in the public service of Canada or by the government of a territory, or to Her Majesty in right of a province, if the thing was seized by an enforcement officer employed by the government of that province.

(2) Dans le cas où leur propriétaire légitime — ou la personne qui a légitimement droit à leur possession — ne peut être identifié dans les trente jours suivant la saisie, les objets, ou le produit de leur aliénation, sont confisqués au profit de Sa Majesté du chef du Canada ou d'une province, selon que l'agent saisissant est un fonctionnaire de l'administration publique fédérale ou d'un territoire ou un fonctionnaire de la province en question.

Confiscation de plein droit



Perishable things	(3) If the seized thing is perishable, the enforcement officer may dispose of it or destroy it, and any proceeds of its disposition must be paid to the lawful owner or person lawfully entitled to possession of the thing, unless proceedings under this Act are commenced within 90 days after its seizure, in which case the proceeds must be retained by the enforcement officer pending the outcome of the proceedings.	(3) L'agent peut aliéner ou détruire les objets périssables saisis; le produit de l'aliénation est soit remis à leur propriétaire légitime ou à la personne qui a légitimement droit à leur possession, soit, lorsque des poursuites fondées sur la présente loi ont été intentées dans les quatre-vingt-dix jours suivant la saisie, retenu par l'agent jusqu'au règlement de l'affaire.	Biens périssables
Release of individual	(4) An enforcement officer who seizes an individual of a species at risk may, at the time of the seizure, return the individual to the wild if the enforcement officer believes the individual to be alive.	(4) L'agent peut, au moment de la saisie d'un individu d'une espèce en péril, le remettre à l'état sauvage s'il l'estime encore vivant.	Remise des individus saisis
Abandonment	(5) The owner of the seized thing may abandon it to Her Majesty in right of Canada or a province.	(5) Le propriétaire légitime de tout objet saisi peut l'abandonner au profit de Sa Majesté du chef du Canada ou d'une province.	Abandon
Disposition by competent minister	<b>88.</b> Any thing that has been forfeited or abandoned under this Act is to be dealt with and disposed of as the competent minister may direct.	<b>88.</b> Il est disposé des objets confisqués ou abandonnés ou du produit de leur aliénation conformément aux instructions du ministre compétent.	Instructions pour disposition
Liability for costs	<b>89.</b> The lawful owner and any person lawfully entitled to possession of any thing seized, forfeited or abandoned under this Act and who has been convicted of an offence under this Act in relation to that thing, are jointly and severally, or solidarily, liable for all the costs of inspection, seizure, abandonment, forfeiture or disposition incurred by Her Majesty in excess of any proceeds of disposition of the thing that have been forfeited to Her Majesty under this Act.	<b>89.</b> Le propriétaire légitime et toute personne ayant légitimement droit à la possession des objets saisis, abandonnés ou confisqués au titre de la présente loi et qui a été reconnue coupable d'une infraction à la présente loi relativement à ces objets sont solidairement responsables de toute partie des frais — liés à la visite, à l'abandon, à la saisie, à la confiscation ou à l'aliénation — supportés par Sa Majesté qui excède le produit de l'aliénation.	Frais
<i>Assistance to Enforcement Officers</i>		<i>Aide à donner aux agents de l'autorité</i>	
Right of passage	<b>90.</b> An enforcement officer may, while carrying out powers, duties or functions under this Act, enter on and pass through or over private property without being liable for trespass or without the owner of the property having the right to object to that use of the property.	<b>90.</b> L'agent de l'autorité peut, dans l'exercice des fonctions que lui confère la présente loi, pénétrer dans une propriété privée et y circuler sans encourir de poursuites pour violation du droit de propriété.	Droit de passage
Assistance	<b>91.</b> The owner or the person in charge of a place entered by an enforcement officer under section 86, and every person found in the place, must  (a) give the enforcement officer all reasonable assistance to enable the enforcement	<b>91.</b> Le propriétaire ou le responsable du lieu visité en vertu de l'article 86, ainsi que quiconque s'y trouve, sont tenus :  a) de prêter à l'agent de l'autorité toute l'assistance possible dans l'exercice de ses fonctions;	Aide à donner

officer to carry out duties and functions under this Act; and

(b) provide the enforcement officer with any information in relation to the administration of this Act, the regulations or an emergency order that the enforcement officer may reasonably require.

Obstruction

**92.** While an enforcement officer is exercising powers or carrying out duties or functions under this Act, no person shall

(a) knowingly make any false or misleading statement, either orally or in writing, to the enforcement officer; or

(b) otherwise obstruct or hinder the enforcement officer.

b) de donner à l'agent les renseignements qu'il peut valablement exiger quant à l'exécution de la présente loi, des règlements ou des décrets d'urgence.

**92.** Lorsque l'agent de l'autorité agit dans l'exercice des fonctions que lui confère la présente loi, il est interdit :

a) de lui faire sciemment, oralement ou par écrit, une déclaration fausse ou trompeuse;

b) d'une façon générale, d'entraver son action.

Entrave

### Investigations

Application for investigation

**93.** (1) A person who is a resident of Canada and at least 18 years of age may apply to the competent minister for an investigation of whether an alleged offence has been committed or whether anything directed towards its commission has been done.

Statement to accompany application

(2) The application must be in a form approved by the competent minister and must include a solemn affirmation or declaration containing

(a) the name and address of the applicant;

(b) a statement that the applicant is at least 18 years old and a resident of Canada;

(c) a statement of the nature of the alleged offence and the name of each person alleged to be involved;

(d) a summary of the evidence supporting the allegations;

(e) the name and address of each person who might be able to give evidence about the alleged offence, together with a summary of the evidence that the person might give, to the extent that information is available to the applicant;

(f) a description of any document or other material that the applicant believes should be considered in the investigation and, if possible, a copy of the document; and

### Enquêtes

**93.** (1) Toute personne âgée d'au moins dix-huit ans et résidant au Canada peut demander au ministre compétent l'ouverture d'une enquête visant à vérifier si une infraction a été perpétrée ou si un acte concourant à la perpétration d'une infraction a été commis.

Demande d'enquête

(2) La demande, établie en la forme approuvée par le ministre compétent, est accompagnée d'une affirmation ou déclaration solennelle qui énonce :

Contenu

a) les nom et adresse de l'auteur de la demande;

b) le fait que l'auteur de la demande a au moins dix-huit ans et réside au Canada;

c) la nature de l'infraction reprochée et le nom des personnes à qui elle est imputée;

d) les éléments de preuve à l'appui de la demande, sous forme de bref exposé;

e) les nom et adresse de chaque personne qui pourrait être en mesure de témoigner au sujet de l'infraction imputée, ainsi que les éléments de preuve, sous forme de bref exposé, qu'elle pourrait fournir, dans la mesure où ces renseignements sont connus de l'auteur de la demande;

f) une description de tout document ou autre pièce dont, selon l'auteur de la demande, il faudrait tenir compte dans le cadre de l'enquête de même que, si possible, une copie de tel document;

(g) details of any previous contact between the applicant and the competent minister about the alleged offence.

g) le détail de toute communication antérieure de l'auteur de la demande avec le ministre compétent au sujet de l'infraction reprochée.

Investigation

**94.** (1) The competent minister must acknowledge receipt of the application within 20 days after receiving it and, subject to subsections (2) and (3), investigate all matters that he or she considers necessary to determine the facts relating to the alleged offence.

**94.** (1) Le ministre compétent accuse réception de la demande dans les vingt jours et fait, sous réserve des paragraphes (2) et (3), enquête sur tous les éléments qu'il juge indispensables pour établir les faits relatifs à l'infraction reprochée.

Enquête

Frivolous or vexatious applications

(2) No investigation is required if the competent minister decides that the application is frivolous or vexatious.

(2) Le ministre compétent ne fait pas enquête s'il estime que la demande est futile ou vexatoire.

Demande futile ou vexatoire

Notice of decision

(3) If the competent minister decides not to conduct an investigation, he or she must, within 60 days after the application for investigation is received, give notice of the decision, with reasons, to the applicant.

(3) S'il décide qu'une enquête n'est pas requise, le ministre compétent donne, dans les soixante jours suivant réception de la demande, un avis de la décision, motifs à l'appui, à l'auteur de la demande.

Avis de la décision de ne pas enquêter

When notice need not be given

(4) The competent minister need not give the notice if an investigation in relation to the alleged offence is ongoing apart from the application.

(4) Le ministre compétent n'est pas tenu de donner l'avis si l'infraction reprochée dans la demande fait déjà l'objet d'une enquête indépendante de la demande.

Absence d'avis

Competent minister may send evidence to Attorney General

**95.** At any stage of the investigation, the competent minister may send any documents or other evidence to the Attorney General for a consideration of whether an offence has been or is about to be committed, and for any action that the Attorney General may wish to take.

**95.** Le ministre compétent peut, à toute étape de l'enquête, transmettre des documents ou autres éléments de preuve au procureur général pour lui permettre de décider si une infraction a été commise ou est sur le point de l'être et de prendre les mesures de son choix.

Communication de documents au procureur général

Suspension or conclusion of investigation

**96.** (1) The competent minister may suspend or conclude the investigation if he or she is of the opinion that the alleged offence does not require further investigation or the investigation does not substantiate the alleged offence or any other offence.

**96.** (1) Le ministre compétent peut interrompre ou clore l'enquête s'il estime que l'infraction reprochée ne justifie plus sa poursuite ou que ses résultats ne permettent pas de conclure à la perpétration d'une infraction.

Interruption ou clôture de l'enquête

Report if investigation suspended

(2) If the investigation is suspended, the competent minister must prepare a written report describing the information obtained during the investigation and stating the reasons for its suspension and the action, if any, that the competent minister has taken or proposes to take and send a copy of the report to the applicant. The competent minister must notify the applicant if the investigation is subsequently resumed.

(2) En cas d'interruption de l'enquête, il établit un rapport écrit exposant l'information recueillie, les motifs de l'interruption et les mesures qu'il a prises ou entend prendre, et en envoie copie à l'auteur de la demande; le cas échéant, il lui notifie la reprise de l'enquête.

Rapport en cas d'interruption

Report when investigation concluded

(3) When the investigation is concluded, the competent minister must prepare a written report describing the information obtained during the investigation and stating the reasons for its conclusion and the action, if any, that the competent minister has taken or proposes to take and send a copy of the report to the applicant and to each person whose conduct was investigated.

(3) Une fois l'enquête close, il établit un rapport écrit exposant l'information recueillie, les motifs de la clôture et les mesures qu'il a prises ou entend prendre, et en envoie copie à l'auteur de la demande et aux personnes dont la conduite a fait l'objet de l'enquête.

Rapport de clôture d'enquête

Personal information not to be disclosed

(4) A copy of the report sent to a person whose conduct was investigated must not disclose the name or address of the applicant or any other personal information about him or her.

(4) La copie du rapport envoyée aux personnes dont la conduite a fait l'objet de l'enquête ne doit dévoiler ni les nom et adresse de l'auteur de la demande, ni aucun autre renseignement personnel à son sujet.

Renseignements personnels

When report need not be sent

(5) If another investigation in relation to the alleged offence is ongoing apart from the application, the competent minister need not send copies of a report described in subsection (2) or (3) until the other investigation is suspended or concluded.

(5) Si l'infraction reprochée fait déjà l'objet d'une enquête indépendante de la demande, il peut attendre l'interruption ou la clôture de cette enquête avant d'envoyer copie du rapport visé au paragraphe (2) ou (3).

Absence de rapport

#### OFFENCES AND PUNISHMENT

#### INFRACTIONS ET PEINES

Contraventions

**97.** (1) Every person who contravenes subsection 32(1) or (2), section 33, subsection 36(1), 58(1), 60(1) or 61(1) or section 91 or 92 or any prescribed provision of a regulation or an emergency order, or who fails to comply with an alternative measures agreement the person has entered into under this Act,

(a) is guilty of an offence punishable on summary conviction and is liable

(i) in the case of a corporation, other than a non-profit corporation, to a fine of not more than \$300,000,

(ii) in the case of a non-profit corporation, to a fine of not more than \$50,000, and

(iii) in the case of any other person, to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both; or

(b) is guilty of an indictable offence and is liable

(i) in the case of a corporation, other than a non-profit corporation, to a fine of not more than \$1,000,000,

Infractions

**97.** (1) Quiconque contrevient aux paragraphes 32(1) ou (2), à l'article 33, aux paragraphes 36(1), 58(1), 60(1) ou 61(1), aux articles 91 ou 92, à toute disposition d'un règlement ou d'un décret d'urgence prévue par ce règlement ou ce décret ou contrevient à un accord sur des mesures de rechange conclu sous le régime de la présente loi commet une infraction et encourt, sur déclaration de culpabilité :

a) par procédure sommaire :

(i) dans le cas d'une personne morale autre qu'une personne morale sans but lucratif, une amende maximale de 300 000 \$,

(ii) dans le cas d'une personne morale sans but lucratif, une amende maximale de 50 000 \$,

(iii) dans le cas d'une personne physique, une amende maximale de 50 000 \$ et un emprisonnement maximal d'un an, ou l'une de ces peines;

b) par mise en accusation :

(i) dans le cas d'une personne morale autre qu'une personne morale sans but

	<p>(ii) in the case of a non-profit corporation, to a fine of not more than \$250,000, and</p> <p>(iii) in the case of any other person, to a fine of not more than \$250,000 or to imprisonment for a term of not more than five years, or to both.</p>	<p>lucratif, une amende maximale de 1 000 000 \$,</p> <p>(ii) dans le cas d'une personne morale sans but lucratif, une amende maximale de 250 000 \$,</p> <p>(iii) dans le cas d'une personne physique, une amende maximale de 250 000 \$ et un emprisonnement maximal de cinq ans, ou l'une de ces peines.</p>	
Prescription of provisions	(2) A regulation or emergency order may prescribe which of its provisions may give rise to an offence.	(2) Le règlement ou le décret d'urgence peut préciser lesquelles de ses dispositions créent une infraction.	Infraction : règlement ou décret
Subsequent offence	(3) If a person is convicted of an offence a subsequent time, the amount of the fine for the subsequent offence may, despite subsection (1), be double the amount set out in that subsection.	(3) Le montant des amendes prévues au paragraphe (1) peut être doublé en cas de récidive.	Récidive
Continuing offence	(4) A person who commits or continues an offence on more than one day is liable to be convicted for a separate offence for each day on which the offence is committed or continued.	(4) Il est compté une infraction distincte pour chacun des jours au cours desquels se commet ou se continue l'infraction.	Infraction continue
Fines cumulative	(5) A fine imposed for an offence involving more than one animal, plant or other organism may be calculated in respect of each one as though it had been the subject of a separate information and the fine then imposed is the total of that calculation.	(5) En cas de déclaration de culpabilité pour une infraction visant plusieurs animaux, végétaux ou autres organismes, l'amende peut être calculée pour chacun d'eux, comme s'ils avaient fait l'objet de dénonciations distinctes; l'amende finale infligée est alors la somme totale obtenue.	Amendes cumulatives
Additional fine	(6) If a person is convicted of an offence and the court is satisfied that monetary benefits accrued to the person as a result of the commission of the offence, the court may order the person to pay an additional fine in an amount equal to the court's estimation of the amount of the monetary benefits, which additional fine may exceed the maximum amount of any fine that may otherwise be imposed under this Act.	(6) Le tribunal peut, s'il constate que le contrevenant a tiré des avantages financiers de la perpétration de l'infraction, lui infliger, en sus de l'amende maximale prévue par la présente loi, une amende supplémentaire correspondant à son évaluation de ces avantages.	Amende supplémentaire
Meaning of "non-profit corporation"	(7) For the purposes of subparagraphs (1)(a)(i), (ii) and (iii) and (b)(i), (ii) and (iii), "non-profit corporation" means a corporation, no part of the income of which is payable to, or is otherwise available for, the personal benefit of any proprietor, member or shareholder of the corporation.	(7) Pour l'application des sous-alinéas (1)a)(i), (ii) et (iii) et b)(i), (ii) et (iii), « personne morale sans but lucratif » s'entend d'une personne morale dont aucune partie du revenu n'est payable à un propriétaire, membre ou actionnaire de celle-ci, ou ne peut par ailleurs servir au profit personnel de ceux-ci.	Définition de « personne morale sans but lucratif »

Officers, etc.,  
of corporations

**98.** If a corporation commits an offence, any officer, director, agent or mandatory of the corporation who directed, authorized, assented to, or acquiesced or participated in, the commission of the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence, whether or not the corporation has been prosecuted or convicted.

**98.** En cas de perpétration d'une infraction par une personne morale, ceux de ses dirigeants, administrateurs, agents ou mandataires qui l'ont ordonnée ou autorisée, ou qui y ont consenti ou participé, sont considérés comme des coauteurs de l'infraction et encourrent, sur déclaration de culpabilité, la peine prévue, que la personne morale ait été ou non poursuivie ou déclarée coupable.

Dirigeants  
d'une  
personne  
morale

Offences by  
employees or  
agents

**99.** In any prosecution for an offence, the accused may be convicted of the offence if it is established that it was committed by an employee, agent or mandatory of the accused, whether or not the employee, agent or mandatory has been prosecuted for the offence.

**99.** Dans les poursuites pour infraction, il suffit, pour établir la culpabilité de l'accusé, de prouver que l'infraction a été commise par son agent ou mandataire, que celui-ci ait ou non été poursuivi.

Infraction :  
agent ou  
mandataire

Due diligence

**100.** Due diligence is a defence in a prosecution for an offence.

**100.** La prise de précautions voulues peut être opposée en défense à toute accusation portée au titre de la présente loi.

Disculpation

Venue

**101.** A prosecution for an offence may be instituted, heard and determined in the place where the offence was committed, the subject-matter of the prosecution arose, the accused was apprehended or the accused happens to be or is carrying on business.

**101.** La poursuite d'une infraction peut être intentée, entendue et jugée soit au lieu de la perpétration, soit au lieu où a pris naissance l'objet de la poursuite, soit encore au lieu où l'accusé est appréhendé, se trouve ou exerce ses activités.

Ressort

Sentencing  
considerations

**102.** A court that imposes a sentence shall take into account, in addition to any other principles that it is required to consider, the following factors:

- (a) the harm or risk of harm caused by the commission of the offence;
- (b) whether the offender was found to have committed the offence intentionally, recklessly or inadvertently;
- (c) whether the offender was found by the court to have been negligent or incompetent or to have shown a lack of concern with respect to the commission of the offence;
- (d) any property, benefit or advantage received or receivable by the offender to which, but for the commission of the offence, the offender would not have been entitled;
- (e) any evidence from which the court may reasonably conclude that the offender has a history of non-compliance with legislation designed to protect wildlife species; and

**102.** Le tribunal détermine la peine à infliger compte tenu — en plus des principes qu'il doit prendre en considération — des facteurs suivants :

- a) le dommage ou le risque de dommage que cause l'infraction;
- b) le caractère intentionnel, imprudent ou fortuit de l'infraction;
- c) la conclusion du tribunal selon laquelle le contrevenant a fait preuve d'incompétence, de négligence ou d'insouciance;
- d) tout avantage procuré par la perpétration de l'infraction;
- e) tout élément de preuve l'incitant raisonnablement à croire que le contrevenant a, dans le passé, accompli des actes contraires aux lois portant protection des espèces sauvages;
- f) l'examen de toutes les sanctions applicables qui sont justifiées dans les circonstances, plus particulièrement en ce qui concerne les délinquants autochtones.

Facteurs à  
considérer

(f) all available sanctions that are reasonable in the circumstances, with particular attention to the circumstances of aboriginal offenders.

Forfeiture

**103.** (1) If a person is convicted of an offence, the convicting court may, in addition to any punishment imposed, order that any seized thing by means of or in relation to which the offence was committed, or any proceeds of its disposition, be forfeited to Her Majesty.

**103.** (1) Sur déclaration de culpabilité du contrevenant, le tribunal peut prononcer, en sus de toute autre peine, la confiscation au profit de Sa Majesté des objets saisis ou du produit de leur aliénation.

Confiscation

Return if no forfeiture ordered

(2) If the convicting court does not order the forfeiture, the seized thing, or the proceeds of its disposition, must be returned to its lawful owner or the person lawfully entitled to it.

(2) S'il ne prononce pas la confiscation, les objets saisis, ou le produit de leur aliénation, sont restitués au propriétaire légitime ou à la personne qui a légitimement droit à leur possession.

Restitution d'un objet non confisqué

Retention or sale

**104.** If a fine is imposed on a person convicted of an offence, any seized thing, or any proceeds of its disposition, may be retained until the fine is paid or the thing may be sold in satisfaction of the fine and the proceeds applied, in whole or in part, in payment of the fine.

**104.** En cas de déclaration de culpabilité, les objets saisis, ou le produit de leur aliénation, peuvent être retenus jusqu'au paiement de l'amende; ces objets peuvent être vendus, s'ils ne l'ont pas déjà été, et le produit de leur aliénation peut être affecté en tout ou en partie au paiement de l'amende.

Rétention ou vente

Orders of court

**105.** If a person is convicted of an offence, the court may, in addition to any punishment imposed and having regard to the nature of the offence and the circumstances surrounding its commission, make an order having any or all of the following effects:

**105.** En sus de toute autre peine et compte tenu de la nature de l'infraction ainsi que des circonstances de sa perpétration, le tribunal peut rendre une ordonnance imposant au contrevenant tout ou partie des obligations suivantes :

Ordonnance du tribunal

(a) prohibiting the person from doing any act or engaging in any activity that could, in the opinion of the court, result in the continuation or repetition of the offence;

a) s'abstenir de tout acte ou activité risquant d'entraîner, selon le tribunal, la continuation de l'infraction ou la récidive;

(b) directing the person to take any action that the court considers appropriate to remedy or avoid any harm to any wildlife species that resulted or may result from the commission of the offence;

b) prendre les mesures que le tribunal juge indiquées pour réparer ou éviter toute atteinte aux espèces sauvages résultant ou pouvant résulter de la perpétration de l'infraction;

(c) directing the person to have an environmental audit conducted by a person of a class and at the times specified by the court and directing the person to remedy any deficiencies revealed during the audit;

c) faire effectuer, à des moments déterminés, une vérification environnementale par une personne appartenant à la catégorie de personnes désignée, et prendre les mesures appropriées pour remédier aux défauts constatés;

(d) directing the person to publish, in any manner that the court considers appropriate, the facts relating to the commission of the offence;

d) publier, de la façon que le tribunal juge indiquée, les faits liés à la perpétration de l'infraction;

- (e) directing the person to perform community service in accordance with any conditions that the court considers reasonable;
- (f) directing the person to submit to the competent minister, on application to the court by the competent minister within three years after the conviction, any information about the activities of the person that the court considers appropriate;
- (g) directing the person to pay a competent minister or the government of a province or a territory an amount for all or any of the cost of remedial or preventive action taken, or to be taken, by or on behalf of the competent minister or that government as a result of the commission of the offence;
- (h) directing the person to pay, in the manner prescribed by the court, an amount for the purpose of conducting research into the protection of the wildlife species in respect of which the offence was committed;
- (i) directing the person to pay, in the manner prescribed by the court, an amount to an educational institution for scholarships for students enrolled in environmental studies;
- (j) directing the person to post a bond or pay to the court an amount that the court considers appropriate for the purpose of ensuring compliance with any prohibition, direction or requirement under this section; and
- (k) requiring the person to comply with any other conditions that the court considers appropriate for securing the person's good conduct and for preventing the person from repeating the offence or committing other offences.

**106.** (1) If a person is convicted of an offence and the court suspends the passing of sentence under paragraph 731(1)(a) of the *Criminal Code*, the court may, in addition to any probation order made under that Act, make an order containing one or more of the prohibitions, directions or requirements mentioned in section 105.

- e) exécuter des travaux d'intérêt collectif aux conditions que le tribunal estime raisonnables;
- f) fournir au ministre compétent, sur demande présentée par celui-ci dans les trois ans suivant la déclaration de culpabilité, les renseignements relatifs à ses activités que le tribunal estime justifiés en l'occurrence;
- g) indemniser le ministre compétent ou le gouvernement de la province ou du territoire, en tout ou en partie, des frais supportés ou devant être supportés pour la réparation ou la prévention des dommages résultant ou pouvant résulter de la perpétration de l'infraction;
- h) verser, selon les modalités prescrites par le tribunal, une somme d'argent destinée à permettre des recherches sur la protection de l'espèce sauvage à l'égard de laquelle l'infraction a été commise;
- i) verser à un établissement d'enseignement, selon les modalités prescrites par le tribunal, une somme d'argent destinée à créer des bourses d'études attribuées à quiconque suit un programme d'études dans un domaine lié à l'environnement;
- j) en garantie de l'exécution des obligations imposées au titre du présent article, fournir le cautionnement ou déposer auprès du tribunal le montant que celui-ci juge indiqué;
- k) satisfaire aux autres exigences que le tribunal estime justifiées pour assurer sa bonne conduite et empêcher toute récidive.

**106.** (1) Lorsque, en vertu de l'alinéa 731(1)a) du *Code criminel*, il sursoit au prononcé de la peine, le tribunal, en plus de toute ordonnance de probation rendue au titre de cette loi, peut, par ordonnance, enjoindre au contrevenant de se conformer à l'une ou plusieurs des obligations visées à l'article 105.

Condamnation  
avec sursis

Suspended  
sentence



Imposition of sentence

(2) If the person does not comply with the order or is convicted of another offence, within three years after the order is made, the court may, on the application of the prosecution, impose any sentence that could have been imposed if the passing of sentence had not been suspended.

(2) Sur demande de la poursuite, le tribunal peut, lorsque la personne visée par l'ordonnance ne se conforme pas aux modalités de celle-ci ou est déclarée coupable d'une autre infraction dans les trois ans qui suivent la date de l'ordonnance, prononcer la peine qui aurait pu lui être infligée s'il n'y avait pas eu sursis.

Prononcé de la peine

Limitation period

**107.** (1) Proceedings by way of summary conviction in respect of an offence may be commenced at any time within, but not later than, two years after the day on which the subject-matter of the proceedings became known to the competent minister.

**107.** (1) Les poursuites visant une infraction punissable sur déclaration de culpabilité par procédure sommaire se prescrivent par deux ans à compter de la date où les éléments constitutifs de l'infraction sont venus à la connaissance du ministre compétent.

Prescription

Competent minister's certificate

(2) A document appearing to have been issued by the competent minister, certifying the day on which the subject-matter of any proceedings became known to the competent minister, is admissible in evidence without proof of the signature or official character of the person appearing to have signed the document and is proof of the matter asserted in it.

(2) Le document paraissant délivré par le ministre compétent et attestant la date où les éléments sont venus à sa connaissance est admissible en preuve et fait foi de son contenu sans qu'il soit nécessaire de prouver l'authenticité de la signature qui y est apposée ou la qualité officielle du signataire.

Certificat

References to the competent minister

(3) A reference to the competent minister in this section includes a provincial or territorial minister if the competent minister has delegated responsibility for the enforcement of this Act, the regulations or an emergency order in the province or territory to the provincial or territorial minister and the offence is alleged to have been committed in 30 the province or territory.

(3) Au présent article, toute mention du ministre compétent vise également le ministre provincial ou le ministre territorial si le ministre compétent lui a délégué ses attributions relativement aux mesures d'application de la présente loi, des règlements ou des décrets d'urgence dans la province ou le territoire où l'infraction aurait été commise.

Ministre provincial ou territorial

#### ALTERNATIVE MEASURES

When alternative measures may be used

**108.** (1) Alternative measures may be used to deal with a person who is alleged to have committed an offence, but only if it is not inconsistent with the purposes of this Act to do so and the following conditions are met:

- (a) the measures are part of a program of alternative measures authorized by the Attorney General, after consultation with the competent minister;
- (b) an information has been laid in respect of the offence;
- (c) the Attorney General, after consultation with the competent minister, is satisfied that the alternative measures would be appropriate, having regard to the nature of the

#### MESURES DE RECHANGE

**108.** (1) Le recours à des mesures de rechange à l'égard d'une personne accusée d'une infraction n'est possible, compte tenu de l'objet de la présente loi, que si les conditions suivantes sont réunies :

- a) les mesures font partie d'un programme autorisé par le procureur général après consultation du ministre compétent;
- b) une dénonciation a été déposée à l'égard de l'infraction;
- c) le procureur général, après consultation du ministre compétent, est convaincu que les mesures de rechange sont indiquées, compte tenu de la nature de l'infraction, des circonstances de sa perpétration et des éléments suivants :

Application

offence, the circumstances surrounding its commission and the following factors, namely,

- (i) the protection of species at risk,
  - (ii) the person's history of compliance with this Act,
  - (iii) whether the offence is a repeated occurrence,
  - (iv) any allegation that information is being or was concealed or other attempts to subvert the purposes and requirements of this Act are being or have been made, and
  - (v) whether any remedial or preventive action has been taken by or on behalf of the person in relation to the offence;
- (d) the person applies, in accordance with regulations made under paragraph 119(a), to participate in the alternative measures after having been informed of them;
- (e) the person and the Attorney General have concluded an agreement respecting the alternative measures within 180 days after the person has, with respect to the offence, been served with a summons, been issued an appearance notice or entered into a promise to appear or a recognizance;
- (f) before consenting to participate in the alternative measures, the person has been advised of the right to be represented by counsel;
- (g) the person accepts responsibility for the act or omission that forms the basis of the offence;
- (h) there is, in the opinion of the Attorney General, sufficient evidence to proceed with the prosecution of the offence; and
- (i) the prosecution of the offence is not barred at law.

- (i) la protection des espèces en péril,
- (ii) les antécédents du suspect en ce qui concerne l'observation de la présente loi,
- (iii) la question de savoir si l'infraction constitue une récidive,
- (iv) toute prétendue tentative — passée ou actuelle — d'action contraire aux objets ou exigences de la présente loi, notamment toute prétendue dissimulation de renseignements,
- (v) la question de savoir si des mesures préventives ou correctives ont été prises par le suspect — ou en son nom — à l'égard de l'infraction;

d) le suspect demande, en conformité avec les règlements pris en vertu de l'alinéa 119a), à collaborer à la mise en oeuvre des mesures de rechange;

e) il a conclu avec le procureur général un accord sur les mesures de rechange dans les cent quatre-vingts jours suivant la signification d'une sommation ou la délivrance d'une citation à comparaître ou la remise par lui d'une promesse de comparaître ou d'un engagement;

f) il a été informé de son droit d'être représenté par un avocat avant de consentir à collaborer à la mise en oeuvre des mesures de rechange;

g) il se reconnaît responsable de l'acte ou de l'omission à l'origine de l'infraction;

h) le procureur général estime qu'il y a des preuves suffisantes justifiant des poursuites relatives à l'infraction;

i) aucune règle de droit ne fait obstacle aux poursuites relatives à l'infraction.

Restriction on use

(2) Alternative measures may not be used to deal with a person who

- (a) denies participation or involvement in the commission of the alleged offence; or
- (b) expresses the wish to have any charge against them dealt with by the court.

(2) Il ne peut y avoir de mesures de rechange lorsque le suspect :

- a) soit nie toute participation à la perpétration de l'infraction reprochée;
- b) soit manifeste le désir de voir déférer au tribunal toute accusation portée contre lui.

Restrictions

Admissions not admissible in evidence

(3) No admission, confession or statement accepting responsibility for a given act or omission made by a person as a condition of being dealt with by alternative measures is admissible in evidence against the person in any civil or criminal proceedings.

(3) Les aveux de culpabilité ou les déclarations de responsabilité faits pour pouvoir bénéficier de mesures de rechange ne sont pas admissibles en preuve dans les actions civiles ou les poursuites pénales engagées contre leur auteur.

Non-admissibilité des aveux

Dismissal of charge

(4) A court must dismiss a charge laid against a person in respect of an offence if alternative measures have been used to deal with the person in respect of the alleged offence and

(4) Dans le cas où il y a eu recours aux mesures de rechange, le tribunal rejette l'accusation portée contre le suspect, s'il est convaincu, selon la prépondérance des probabilités :

Accusation rejetée

(a) the court is satisfied on a balance of probabilities that the person has totally complied with the agreement; or

a) soit que celui-ci a entièrement respecté l'accord;

(b) the court is satisfied on a balance of probabilities that the person has partially complied with the agreement and, in the opinion of the court, the prosecution of the charge would be unfair, having regard to the circumstances and the person's performance with respect to the agreement.

b) soit qu'il a partiellement respecté l'accord, la poursuite étant, à son avis, injuste eu égard aux circonstances et au degré d'exécution de celui-ci.

No bar to proceedings

(5) The use of alternative measures in respect of a person who is alleged to have committed an offence is not a bar to any proceedings against the person under this Act.

(5) Le recours aux mesures de rechange n'empêche pas l'exercice de poursuites dans le cadre de la présente loi.

Possibilité de mesures de rechange et poursuites

Laying of information, etc.

(6) This section does not prevent any person from laying an information, obtaining the issue or confirmation of any process, or proceeding with the prosecution of any offence, in accordance with law.

(6) Le présent article n'a pas pour effet d'empêcher, s'ils sont conformes à la loi, les dénonciations, l'obtention ou la confirmation d'un acte judiciaire ou l'engagement de poursuites.

Dénonciation

Terms and conditions in agreement

**109.** (1) An alternative measures agreement may contain any terms and conditions, including

**109.** (1) L'accord peut être assorti de conditions, notamment en ce qui touche :

Conditions de l'accord

(a) terms and conditions having any or all of the effects set out in section 105 or any other terms and conditions having any of the effects prescribed by regulations that the Attorney General, after consultation with the competent minister, considers appropriate; and

a) l'assujettissement du suspect à tout ou partie des obligations visées à l'article 105 ou à toute autre obligation réglementaire que le procureur général estime indiquée après consultation du ministre compétent;

(b) terms and conditions relating to the costs associated with ensuring compliance with the agreement.

b) les frais entraînés par le contrôle du respect de l'accord.

Supervision of compliance

(2) Any governmental organization may supervise compliance with the agreement.

(2) Tout organisme gouvernemental peut contrôler le respect de l'accord.

Organisme de contrôle

Duration of agreement

**110.** An alternative measures agreement comes into effect on the day on which it is concluded or on any later day that is specified in the agreement and continues in effect for a period of not more than three years.

**110.** L'accord entre en vigueur à la date de sa conclusion ou à la date ultérieure qui y est fixée et demeure en vigueur pendant la période — d'au plus trois ans — qui y est fixée.

Durée de l'accord

Filing in court for purpose of public access

**111.** (1) The Attorney General must consult the competent minister before concluding an alternative measures agreement and, subject to subsection (5), must have the agreement filed with the court in which the information was laid within 30 days after the agreement is concluded. The agreement is to be filed as part of the court record of the proceedings to which the public has access.

**111.** (1) Le procureur général consulte le ministre compétent avant de conclure un accord et, sous réserve du paragraphe (5) et dans les trente jours suivant la conclusion de l'accord, fait déposer celui-ci auprès du tribunal saisi de la dénonciation, comme partie du dossier judiciaire de la procédure auquel le public a accès.

Dépôt auprès du tribunal

Reports

(2) A report relating to the administration of, and compliance with, the agreement must be filed with the same court by the Attorney General immediately after all the terms and conditions of the agreement have been complied with or the charges in respect of which the agreement was entered into have been dismissed.

(2) Un rapport relatif à l'application et au respect de l'accord est déposé auprès du même tribunal par le procureur général dès que les conditions dont il est assorti sont exécutées ou que les accusations ayant occasionné sa conclusion sont rejetées.

Rapport

Third party information

(3) Subject to subsection (4), if any of the following information is to be part of the agreement or the report, it must be set out in a schedule to the agreement or to the report:

(3) Sous réserve du paragraphe (4), les renseignements suivants sont énoncés en annexe de l'accord ou du rapport :

Renseignements confidentiels

- (a) trade secrets of any person;
- (b) financial, commercial, scientific or technical information that is confidential information and is treated consistently in a confidential manner by any person;
- (c) information the disclosure of which could reasonably be expected to result in material financial loss or gain to any person, or could reasonably be expected to prejudice the competitive position of any person; or
- (d) information the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of any person.

- a) les secrets industriels de toute personne;
- b) les renseignements financiers, commerciaux, scientifiques ou techniques qui sont de nature confidentielle et qui sont traités comme tels de façon constante par toute personne;
- c) les renseignements dont la communication risquerait vraisemblablement de causer des pertes ou de faire réaliser des profits financiers appréciables à toute personne ou de nuire à sa compétitivité;
- d) les renseignements dont la communication risquerait vraisemblablement d'entraver des négociations menées par toute personne en vue de la conclusion de contrats ou à d'autres fins.

Agreement on information to be in schedule

(4) The parties to the agreement must agree on which information that is to be part of the agreement or the report is information that meets the requirements of paragraphs (3)(a) to (d).

(4) Les parties à l'accord s'entendent sur la question de savoir quels renseignements correspondent aux catégories précisées par les alinéas (3)a) à d).

Entente sur les renseignements à énoncer en annexe

How schedule is to be kept secret	(5) The schedule is confidential and must not be filed with the court.	(5) L'annexe est confidentielle et n'est pas déposée auprès du tribunal.	Façon d'assurer le secret de l'annexe
Prohibition of disclosure	(6) The competent minister must not disclose any information set out in a schedule to the agreement or to the report, except as authorized by section 117 or the <i>Access to Information Act</i> .	(6) Le ministre compétent ne peut communiquer les renseignements contenus dans l'annexe que dans le cadre de l'article 117 ou de la <i>Loi sur l'accès à l'information</i> .	Interdiction de communication
Stay of proceedings	<b>112.</b> (1) Despite section 579 of the <i>Criminal Code</i> , the Attorney General must, on filing an alternative measures agreement, stay the proceedings in respect of the alleged offence, or apply to the court for an adjournment of the proceedings, for a period of not more than one year after the expiry of the agreement.	<b>112.</b> (1) Par dérogation à l'article 579 du <i>Code criminel</i> , le procureur général suspend, sur dépôt de l'accord, l'instance à l'égard de l'infraction reprochée — ou demande au tribunal de l'ajourner — jusqu'au plus tard un an après l'expiration de l'accord.	Suspension d'instance
Recommencement of proceedings	(2) Proceedings stayed under subsection (1) may be recommenced without laying a new information or preferring a new indictment, as the case may be, by the Attorney General giving notice of the recommencement to the clerk of the court in which the stay of the proceedings was entered. If no such notice is given within one year after the expiry of the agreement, the proceedings are deemed to have never been commenced.	(2) Il peut reprendre l'instance suspendue, sans que soit nécessaire une nouvelle dénonciation ou un nouvel acte d'accusation, selon le cas, simplement en donnant avis au greffier du tribunal où elle a été suspendue; cependant, lorsqu'un tel avis n'est pas donné dans l'année qui suit l'expiration de l'accord, la poursuite est réputée n'avoir jamais été engagée.	Reprise de l'instance
Application to vary agreement	<b>113.</b> (1) Subject to subsections 111(2) and (3), the Attorney General may vary the terms and conditions of an alternative measures agreement on application by the person bound by the agreement and after consultation with the competent minister. The Attorney General must be of the opinion that the variation is desirable because of a material change in the circumstances since the agreement was concluded or last varied. The variation may include (a) decreasing the period for which the agreement is to remain in force; and (b) relieving the person of compliance with any condition that is specified in the agreement, either absolutely or partially or for any period that the Attorney General considers desirable.	<b>113.</b> (1) Sur demande de la personne liée par un accord, le procureur général peut, sous réserve des paragraphes 111(2) et (3) et après consultation du ministre compétent, modifier les conditions de l'accord dans le sens qui lui paraît justifié par tout changement important en l'espèce depuis la conclusion ou la dernière modification de l'accord : a) soit en raccourcissant sa période de validité; b) soit en dégageant la personne, absolument, partiellement ou pour une durée limitée, de l'obligation de se conformer à telle de ses conditions.	Demande de modification de l'accord
Filing varied agreement	(2) An agreement that has been varied must be filed in accordance with section 111 with the court in which the original agreement was filed.	(2) L'accord modifié est déposé en conformité avec l'article 111 auprès du tribunal devant lequel il a initialement été déposé.	Dépôt de l'accord modifié

Application of provisions dealing with records

**114.** Sections 115 to 117 apply only in respect of persons who have entered into an alternative measures agreement, regardless of the degree of their compliance with the terms and conditions of the agreement.

**114.** Les articles 115 à 117 ne s'appliquent qu'aux personnes qui ont conclu un accord, qu'elles se conforment ou non aux conditions de cet accord.

Dossier des suspects

Disclosure of information by peace officer or enforcement officer

**115.** Where it is necessary in the conduct of an investigation of an offence, a peace officer or enforcement officer may disclose to a department or agency of a government in Canada any information in a record relating to an offence alleged to have been committed by a person, including the original or a copy of any fingerprints or photographs of the person.

**115.** L'agent de la paix ou l'agent de l'autorité peut communiquer à tout ministère ou organisme public canadien l'information contenue dans le dossier relatif à une infraction qu'aurait commise une personne, notamment l'original ou une reproduction des empreintes digitales ou de toute photographie de celle-ci, si la communication s'impose pour la conduite d'une enquête sur l'infraction.

Communication par un agent de la paix ou un agent de l'autorité

Government records

**116.** (1) The competent minister, any enforcement officer and any department or agency of a government in Canada with which the competent minister has entered into an agreement under section 10 may keep records and use information obtained as a result of the use of alternative measures to deal with a person

**116.** (1) Le ministre compétent, les agents de l'autorité et tout ministère ou organisme public canadien avec qui le ministre compétent a conclu un accord en vertu de l'article 10 peuvent conserver les dossiers qui sont en leur possession par suite du recours à des mesures de rechange et utiliser l'information qu'ils contiennent pour les besoins :

Dossiers gouvernementaux

- (a) for the purposes of an inspection under this Act or an investigation of an offence alleged to have been committed by a person;
- (b) in proceedings against a person under this Act;
- (c) for the purpose of the administration of alternative measures programs; or
- (d) otherwise for the administration of this Act.

- a) d'une visite faite en vertu de la présente loi ou d'une enquête sur une infraction;
- b) d'une poursuite engagée contre une personne sous le régime de la présente loi;
- c) de l'administration de programmes de mesures de rechange;
- d) de l'application de la présente loi en général.

Private records

(2) Any person or organization may keep records of information obtained by them as a result of supervising compliance with an alternative measures agreement and use the information for the purpose of supervising such compliance.

(2) Toute personne ou organisation peut conserver les dossiers qui sont en sa possession par suite du contrôle du respect de l'accord et utiliser l'information qu'ils contiennent dans le cadre de ce contrôle.

Dossiers privés

Disclosure of records

**117.** (1) A record or information referred to in section 115 or 116 may be made available to

**117.** (1) Ont accès à tout dossier visé aux articles 115 ou 116 :

Accès au dossier

- (a) any judge or court for any purpose with respect to proceedings relating to offences under this or any other Act committed or alleged to have been committed by the person to whom the record relates;

- a) tout juge ou tribunal, dans le cadre de poursuites relatives à des infractions — à la présente loi ou à d'autres lois — commises par la personne visée par le dossier ou qui lui sont imputées;
- b) un agent de la paix, un agent de l'autorité ou un poursuivant, dans le cadre :

(b) any peace officer, enforcement officer or prosecutor

(i) for the purpose of investigating an offence under this or any other Act that the person is suspected on reasonable grounds of having committed, or in respect of which the person has been arrested or charged, or

(ii) for any purpose related to the administration of the case to which the record relates;

(c) any member of a department or agency of a government in Canada, or any agent of such a government, that is

(i) engaged in the administration of alternative measures in respect of the person, or

(ii) preparing a report in respect of the person under this Act; or

(d) any other person who is deemed, or any person within a class of persons that is deemed, by a judge of a court to have a valid interest in the record, to the extent directed by the judge, if

(i) the judge is satisfied that the disclosure is desirable in the public interest for research or statistical purposes or in the interest of the proper administration of justice, and

(ii) the person gives a written undertaking not to subsequently disclose the information except in accordance with subsection (2).

Subsequent disclosure for research or statistical purposes

(2) If a record is made available for inspection to any person under paragraph (1)(d) for research or statistical purposes, that person may subsequently disclose information contained in the record, but may not disclose the information in any form that would reasonably be expected to identify the person to whom it relates.

Information, copies

(3) A person to whom a record is authorized to be made available under this section may be given any information contained in the record and may be given a copy of any part of the record.

(i) d'une enquête sur une infraction — à la présente loi ou à une autre loi — que l'on soupçonne, pour des motifs raisonnables, d'avoir été commise par cette personne ou relativement à laquelle elle a été arrêtée ou inculpée,

(ii) de l'administration de l'affaire visée par le dossier;

c) tout mandataire ou membre du personnel d'un ministère ou d'un organisme public canadien chargé :

(i) de l'application de mesures de rechange concernant la personne,

(ii) de l'établissement d'un rapport sur celle-ci en application de la présente loi;

d) toute autre personne — individuellement ou au titre de son appartenance à une catégorie déterminée — qui s'engage par écrit à s'abstenir de toute communication postérieure, sauf en conformité avec le paragraphe (2), et que le juge d'un tribunal estime avoir un intérêt valable dans le dossier selon la mesure qu'il détermine s'il est convaincu que la communication est souhaitable, selon le cas :

(i) dans l'intérêt public, à des fins statistiques ou de recherche,

(ii) dans l'intérêt de la bonne administration de la justice.

Révélation postérieure

(2) Quiconque ayant, aux termes de l'alinéa (1)d), accès à un dossier peut postérieurement communiquer l'information qui y est contenue, mais seulement d'une manière qui, normalement, ne permet pas d'identifier la personne en cause.

Communication d'information et de copies

(3) Les personnes qui peuvent, en vertu du présent article, avoir accès à un dossier ont le droit d'obtenir tout extrait de celui-ci ou toute l'information s'y trouvant.

Evidence

(4) This section does not authorize the introduction into evidence of any part of a record that would not otherwise be admissible in evidence.

(4) Le présent article n'autorise pas la production en preuve des pièces d'un dossier qui, par ailleurs, ne seraient pas admissibles en preuve.

Production en preuve

Exception for public access to court record

(5) For greater certainty, this section does not apply in respect of an alternative measures agreement, a varied alternative measures agreement or a report that is filed with the court in accordance with section 111.

(5) Il est entendu que le présent article ne s'applique pas à l'accord — notamment dans sa version modifiée — ou au rapport déposé auprès du tribunal en conformité avec l'article 111.

Exception

Information exchange agreements

**118.** The competent minister may enter into an agreement with a department or agency of a government in Canada respecting the exchange of information for the purpose of administering alternative measures or preparing a report in respect of a person's compliance with an alternative measures agreement.

**118.** Le ministre compétent peut conclure avec un ministère ou un organisme public canadien un accord visant l'échange d'information en vue de l'administration des mesures de rechange et de l'établissement d'un rapport concernant le respect par une personne d'un accord sur les mesures de rechange.

Accord d'échange d'information

Regulations

**119.** The competent minister may make regulations respecting the alternative measures that may be used for the purposes of this Act including regulations respecting

**119.** Le ministre compétent peut prendre des règlements concernant les mesures de rechange qui peuvent être prises pour l'application de la présente loi, notamment des règlements visant :

Règlements

(a) the form and manner in which and the period within which an application to participate in the alternative measures is to be made, and the information that must be contained in or accompany the application;

a) les modalités de forme, de présentation et de contenu de la demande en vue de collaborer à la mise en oeuvre de mesures de rechange, le délai imparti pour la présenter et les documents qui doivent l'accompagner;

(b) the manner of preparing and filing reports relating to the administration of and compliance with alternative measures agreements;

b) les modalités d'établissement et de dépôt des rapports relatifs à l'application et au respect des accords;

(c) the types of costs, and the manner of paying the costs, associated with ensuring compliance with alternative measures agreements; and

c) les catégories et les modalités de paiement des frais entraînés par le contrôle du respect des accords;

(d) the terms and conditions that may be included in an alternative measures agreement and the effects of those terms and conditions.

d) les conditions dont peuvent être assortis les accords et les obligations qu'elles imposent.

## PUBLIC REGISTRY

## REGISTRE

Public registry

**120.** The Minister must establish a public registry for the purpose of facilitating access to documents relating to matters under this Act.

**120.** Le ministre établit un registre public afin de faciliter l'accès aux documents traitant des questions régies par la présente loi.

Établissement du registre

Regulations

**121.** The Governor in Council may, on the recommendation of the Minister after consultation with the Minister of Canadian Heritage and the Minister of Fisheries and Oceans,

**121.** Sur recommandation faite par le ministre après consultation du ministre du Patrimoine canadien et du ministre des Pêches et des Océans, le gouverneur en conseil peut,

Règlements



make regulations respecting the form of the public registry, the keeping of the public registry and access to it.

Protection from proceedings

**122.** Despite any other Act of Parliament, no civil or criminal proceedings may be brought against Her Majesty in right of Canada, the Minister, the Minister of Canadian Heritage, the Minister of Fisheries and Oceans or any person acting on behalf of or under the direction of any of them for the full or partial disclosure in good faith of any notice or other document through the public registry or any consequences of its disclosure.

Documents to be in public registry

**123.** The public registry shall contain every document required to be included in the public registry by this Act and the following documents, or a copy of the following documents:

- (a) regulations and orders made under this Act;
- (b) agreements entered into under section 10;
- (c) COSEWIC's criteria for the classification of wildlife species;
- (d) status reports on wildlife species that COSEWIC has had prepared or has received with an application;
- (e) the List of Wildlife Species at Risk;
- (f) codes of practice, national standards or guidelines established under this Act;
- (g) agreements and reports filed under section 111 or subsection 113(2) or notices that those agreements or reports have been filed in court and are available to the public; and
- (h) every report made under sections 126 and 128.

Restriction

**124.** The Minister, on the advice of COSEWIC, may restrict the release of any information required to be included in the public registry if that information relates to the location of a wildlife species or its habitat and restricting its release would be in the best interests of the species.

par règlement, fixer les modalités de forme et de tenue du registre, ainsi que les modalités d'accès à celui-ci.

Immunité

**122.** Malgré toute autre loi fédérale, Sa Majesté du chef du Canada de même que le ministre, le ministre du Patrimoine canadien et le ministre des Pêches et des Océans ainsi que les personnes qui agissent en leur nom ou sous leurs ordres bénéficient de l'immunité en matière civile ou pénale pour la communication totale ou partielle d'un avis ou autre document faite de bonne foi par la voie du registre ainsi que pour les conséquences qui en découlent.

Documents à mettre dans le registre

**123.** Le registre comporte les documents qui doivent y être mis en application de la présente loi et une copie des documents suivants :

- a) les règlements, décrets et arrêtés pris en vertu de la présente loi;
- b) les accords conclus en application de l'article 10;
- c) les critères établis par le COSEPAC pour la classification des espèces sauvages;
- d) les rapports de situation relatifs aux espèces sauvages que le COSEPAC a soit fait rédiger, soit reçu à l'appui d'une demande;
- e) la Liste des espèces en péril;
- f) les codes de pratique et les normes ou directives nationales élaborés sous le régime de la présente loi;
- g) soit les accords — dans leurs versions successives — et les rapports visés à l'article 111 ou au paragraphe 113(2), soit un avis portant que ces accords ou rapports ont été déposés auprès du tribunal et sont donc accessibles au public;
- h) tout rapport établi aux termes des articles 126 et 128.

Limitation de la communication de certains renseignements

**124.** Sur l'avis du COSEPAC, le ministre peut limiter la communication de tout renseignement mis dans le registre si ce renseignement concerne l'aire où se trouve une espèce sauvage ou son habitat et si la limitation de sa divulgation est à l'avantage de cette espèce.

## FEES AND CHARGES

## FRAIS ET DROITS

Regulations

**125.** (1) The Governor in Council may, on the recommendation of the Minister and the President of the Treasury Board, after the Minister has consulted the Minister of Canadian Heritage and the Minister of Fisheries and Oceans, make regulations

- (a) prescribing the fees and charges, or the manner of determining them, that may be charged for agreements or permits under section 73, for amendments to or for the renewal of such agreements or permits, for copies of documents in the public registry and for the inclusion of a document in the public registry;
- (b) exempting any person or class of persons from the requirement to pay any of those fees or charges; and
- (c) generally, in respect of any condition or any other matter in relation to the payment of those fees or charges.

Recovery of fees

(2) A fee or charge required by the regulations to be paid constitutes a debt due to Her Majesty in right of Canada and may be recovered in any court of competent jurisdiction.

Annual report to Parliament

**126.** The Minister must annually prepare a report on the administration of this Act during the preceding calendar year and must have a copy of the report tabled in each House of Parliament within the first 15 days that it is sitting after the completion of the report. The report must include a summary addressing the following matters:

- (a) COSEWIC's assessments and the Minister's response to each of them;
- (b) the preparation and implementation of recovery strategies, action plans and management plans;
- (c) all agreements made under sections 10 to 13;
- (d) all agreements entered into and permits issued under section 73 and all agreements and permits amended under section 75 or exempted under section 76;

## REPORTS AND REVIEW OF ACT

## RAPPORTS ET EXAMEN DE LA LOI

Règlements

**125.** (1) Sur recommandation du ministre et du président du Conseil du Trésor, faite après consultation par le ministre du ministre du Patrimoine canadien et du ministre des Pêches et des Océans, le gouverneur en conseil peut prendre des règlements :

- a) prévoyant les frais et droits, ou leur mode de calcul, qui peuvent être imposés pour les accords et les permis visés à l'article 73, notamment pour leur renouvellement ou modification, de même que pour la mise de tout document dans le registre ou l'obtention d'une copie d'un document qui s'y trouve;
- b) exemptant certaines personnes ou catégories de personnes de l'obligation de paiement;
- c) concernant toute condition ou autre question se rapportant au paiement des frais ou des droits.

Recouvrement

(2) Les frais et droits réglementaires constituent des créances de Sa Majesté du chef du Canada dont le recouvrement peut être poursuivi à ce titre devant tout tribunal compétent.

Rapport annuel au Parlement

**126.** Le ministre établit chaque année un rapport sur l'application de la présente loi au cours de la précédente année civile. Il le fait déposer devant chaque chambre du Parlement dans les quinze premiers jours de séance de celle-ci suivant son achèvement. Ce rapport comporte un sommaire relativement aux objets suivants :

- a) les évaluations faites par le COSEPAC et la réponse du ministre à chacune de ces évaluations;
- b) l'élaboration et la mise en oeuvre des programmes de rétablissement, des plans d'action et des plans de gestion;
- c) les accords conclus en vertu des articles 10 à 13;
- d) les accords conclus et les permis délivrés en vertu de l'article 73, modifiés en vertu de l'article 75, et les exonérations prévues à l'article 76;

(e) enforcement and compliance actions taken, including the response to any requests for investigation;

(f) regulations and emergency orders made under this Act; and

(g) any other matters that the Minister considers relevant.

Convening round table

**127.** (1) The Minister must, at least once every two years, convene a round table of persons interested in matters respecting the protection of wildlife species at risk in Canada to advise the Minister on those matters.

Recommendations to be in public registry

(2) Any written recommendations from the round table must be included in the public registry.

Response of Minister

(3) The Minister must respond to any written recommendations from the round table within 180 days after receiving them and a copy of the Minister's response must be included in the public registry.

Reports on status of wildlife species

**128.** Five years after this section comes into force and at the end of each subsequent period of five years, the Minister must prepare a general report on the status of wildlife species. The Minister must have the report tabled in each House of Parliament within the first 15 days that it is sitting after the completion of the report.

Parliamentary review of Act

**129.** Five years after this section comes into force, a committee of the House of Commons, of the Senate or of both Houses of Parliament is to be designated or established for the purpose of reviewing this Act.

#### ASSESSMENT OF WILDLIFE SPECIES MENTIONED IN THE SCHEDULES

Assessment of status

**130.** (1) COSEWIC must assess the status of each wildlife species set out in Schedule 2 or 3, and, as part of the assessment, identify existing and potential threats to the species and

(a) classify the species as extinct, extirpated, endangered, threatened or of special concern;

(b) indicate that COSEWIC does not have sufficient information to classify the species; or

e) les activités d'application et d'observation de la présente loi, y compris la suite donnée aux demandes d'enquête;

f) les règlements, décrets et arrêtés d'urgence pris en vertu de la présente loi;

g) tout autre sujet que le ministre juge pertinent.

Organisation de tables rondes

**127.** (1) Le ministre organise au moins tous les deux ans une table ronde réunissant des personnes concernées par les questions de protection des espèces sauvages en péril au Canada et chargée de l'aviser sur ces questions.

Mise dans le registre

(2) Les recommandations faites par écrit par la table ronde et présentées au ministre sont mises dans le registre.

Réponse du ministre

(3) Le ministre répond aux recommandations dans les cent quatre-vingts jours suivant leur réception. Une copie de sa réponse est mise dans le registre.

Rapport sur la situation des espèces sauvages

**128.** Cinq ans après l'entrée en vigueur du présent article, et à intervalles de cinq ans par la suite, le ministre établit un rapport général sur la situation des espèces sauvages. Il le fait déposer devant chaque chambre du Parlement dans les quinze premiers jours de séance de celle-ci suivant son achèvement.

Examen de la loi

**129.** Cinq ans après l'entrée en vigueur du présent article, le comité de la Chambre des communes, du Sénat ou des deux chambres désigné ou constitué à cette fin entreprend l'examen de l'application de la présente loi.

#### ÉVALUATION DES ESPÈCES SAUVAGES FIGURANT AUX ANNEXES

Évaluation de la situation

**130.** (1) Le COSEPAC évalue la situation de chaque espèce sauvage visée aux annexes 2 ou 3 ainsi que, dans le cadre de l'évaluation, signale les menaces réelles ou potentielles à son égard et établit, selon le cas :

a) que l'espèce est disparue, disparue du pays, en voie de disparition, menacée ou préoccupante;

b) qu'il ne dispose pas de l'information voulue pour la classer;

	(c) indicate that the species is not currently at risk.	c) que l'espèce n'est pas actuellement en péril.	
Time for assessment — Schedule 2	(2) In the case of a species set out in Schedule 2, the assessment must be completed within 30 days after section 14 comes into force.	(2) Dans le cas d'une espèce visée à l'annexe 2, l'évaluation doit être terminée dans les trente jours suivant l'entrée en vigueur de l'article 14.	Délai d'évaluation : annexe 2
Deemed classification	(3) If an assessment of a wildlife species set out in Schedule 2 is not completed within the required time or, if there has been an extension, within the extended time, COSEWIC is deemed to have classified the species as indicated in Schedule 2.	(3) Si l'évaluation d'une espèce visée à l'annexe 2 n'est pas terminée dans le délai imparti ou prorogé, le COSEPAC est réputé avoir classifié cette espèce selon ce qui est indiqué à cette annexe.	Présomption de classification
Time for assessment — Schedule 3	(4) In the case of a species set out in Schedule 3, the assessment must be completed within one year after the competent minister requests the assessment. If there is more than one competent minister with respect to the species, they must make the request jointly.	(4) Dans le cas d'une espèce visée à l'annexe 3, l'évaluation doit être terminée dans l'année suivant la date à laquelle le ministre compétent en fait la demande. Si plusieurs ministres compétents sont responsables de l'espèce, la demande est présentée conjointement par eux.	Délai d'évaluation : annexe 3
Extension	(5) The Governor in Council may, on the recommendation of the Minister after consultation with the competent minister or ministers, by order, extend the time provided for the assessment of any species set out in Schedule 2 or 3. The Minister must include a statement in the public registry setting out the reasons for the extension.	(5) Sur recommandation faite par le ministre après consultation de tout ministre compétent, le gouverneur en conseil peut, par décret, proroger le délai prévu pour l'évaluation d'une espèce visée aux annexes 2 ou 3. Le ministre met dans le registre une déclaration énonçant les motifs de la prorogation.	Prorogation
Provisions apply	(6) Subsections 15(2) and (3) and 21(1) and section 25 apply with respect to assessments under subsection (1).	(6) Les paragraphes 15(2) et (3) et 21(1) et l'article 25 s'appliquent à l'évaluation faite au titre du paragraphe (1).	Dispositions applicables
Recent reports	(7) In making its assessment of a wildlife species, COSEWIC may take into account and rely on any report on the species that was prepared in the two-year period before this Act receives royal assent.	(7) Le COSEPAC peut, pour l'évaluation d'une espèce sauvage, prendre en compte et se fonder sur tout rapport portant sur l'espèce qui a été élaboré dans les deux ans précédant la sanction de la présente loi.	Rapports récents
Section 27 applies	<b>131.</b> Section 27 applies in respect of a wildlife species referred to in section 130 that COSEWIC classifies as extinct, extirpated, endangered, threatened or of special concern or that is deemed to have been so classified.	<b>131.</b> L'article 27 s'applique à l'égard d'une espèce sauvage visée à l'article 130 que le COSEPAC classe comme espèce disparue, disparue du pays, en voie de disparition, menacée ou préoccupante ou qu'il est réputé avoir classée ainsi.	Application de l'article 27
Time for recovery strategy	<b>132.</b> If a wildlife species is added to the List by the Governor in Council as the result of an assessment under section 130, the recovery strategy for the species must be prepared within three years after the listing in the case of an endangered species, and within four years in the case of a threatened species.	<b>132.</b> Si l'inscription d'une espèce sauvage par le gouverneur en conseil découle d'une évaluation faite par le COSEPAC en application de l'article 130, le programme de rétablissement est élaboré dans les trois ans suivant l'inscription en ce qui concerne une espèce en voie de disparition et dans les quatre ans en ce qui concerne une espèce menacée.	Délais : programme de rétablissement

Time for  
management  
plan

**133.** If a wildlife species is added to the List by the Governor in Council as a species of special concern as the result of an assessment under section 130, the management plan for the species must be prepared within five years after the listing.

**133.** Si l'inscription d'une espèce sauvage comme espèce préoccupante par le gouverneur en conseil découle d'une évaluation faite par le COSEPAC en application de l'article 130, le plan de gestion est élaboré dans les cinq ans suivant l'inscription.

Délai : plan  
de gestion

RELATED AMENDMENTS

MODIFICATIONS CONNEXES

R.S., c. W-9;  
1994, c. 23,  
s. 2(F)

*Canada Wildlife Act*

*Loi sur les espèces sauvages du Canada*

L.R.,  
ch. W-9;  
1994, ch. 23,  
art. 2(F)

**134. Section 4 of the *Canada Wildlife Act* is amended by adding the following after subsection (2):**

**134. L'article 4 de la *Loi sur les espèces sauvages du Canada* est modifié par adjonction, après le paragraphe (2), de ce qui suit :**

Powers in  
relation to  
lands  
administered  
by other  
ministers

(3) If public lands under the administration of a minister of the Crown other than the Minister are, in the opinion of the Minister and the other minister, required for wildlife research, conservation or interpretation, the Governor in Council may, on the recommendation of both ministers, by order, authorize the Minister to exercise, with the concurrence of the other minister, the powers referred to in subsection (2) in relation to those lands or any portion of them specified in the order.

(3) Si des terres domaniales dont la gestion est confiée à un ministre fédéral autre que le ministre sont, de l'avis des deux ministres, nécessaires aux activités de recherche, de conservation ou d'information concernant les espèces sauvages, le gouverneur en conseil peut, sur leur recommandation, prendre un décret autorisant le ministre à exercer, avec l'assentiment de l'autre ministre, les pouvoirs prévus au paragraphe (2) à l'égard de tout ou partie des terres spécifiées.

Pouvoirs sur  
les terres  
domaniales  
sous gestion  
d'un autre  
ministre

**135. The Act is amended by adding the following after section 4.1:**

**135. La même loi est modifiée par adjonction, après l'article 4.1, de ce qui suit :**

Delegation by  
Minister

**4.2** (1) The Minister may delegate to any minister of the Crown in right of Canada any power conferred on the Minister under this Act. The other minister may then exercise the power subject to any terms and conditions that the Minister specifies.

**4.2** (1) Le ministre peut déléguer à tout autre ministre fédéral tel de ses pouvoirs prévus par la présente loi. Le mandat est à exécuter en conformité avec la délégation.

Délégation

Sub-delegation

(2) The other minister may delegate any power delegated under subsection (1) to any person employed in any department for which that other minister is responsible.

(2) Le ministre déléguataire au titre du paragraphe (1) peut déléguer les pouvoirs qui lui ont été délégués à une personne employée dans un ministère qui relève de lui.

Sous-délégation

1991, c. 50,  
s. 48(1)

**136. (1) Paragraph 12(a) of the Act is replaced by the following:**

**136. (1) L'alinéa 12a) de la même loi est remplacé par ce qui suit :**

1991, ch. 50,  
par. 48(1)

(a) prohibiting entry, generally or for any specified period or purpose, of any person on lands under the administration of the Minister, or on public lands referred to in an order made under subsection 4(3), or on any part of those lands;

a) interdire, de manière générale ou pour une période ou un objet déterminés, l'accès à la totalité ou à une partie des terres dont la gestion est confiée au ministre ou des terres domaniales visées par un décret pris au titre du paragraphe 4(3);

1994, c. 23,  
s. 14(3)

**(2) Paragraphs 12(i) and (j) of the Act are replaced by the following:**

**(2) Les alinéas 12i) et j) de la même loi sont remplacés par ce qui suit :**

1994, ch. 23,  
par. 14(3)

(i) prescribing measures for the conservation of wildlife

(i) on public lands the administration of which has been assigned to the Minister pursuant to any federal law,

(ii) on public lands referred to in an order made under subsection 4(3), or

(iii) in any protected marine areas established pursuant to subsection 4.1(1); and

(j) respecting the establishment of facilities or the construction, maintenance and operation of works for wildlife research, conservation and interpretation

(i) on public lands the administration of which has been assigned to the Minister pursuant to any federal law,

(ii) on public lands referred to in an order made under subsection 4(3), or

(iii) in any protected marine areas established pursuant to subsection 4.1(1).

i) prendre des mesures pour la conservation des espèces sauvages :

(i) sur les terres domaniales dont la gestion est confiée au ministre en application de toute règle de droit fédérale,

(ii) sur les terres domaniales visées par un décret pris au titre du paragraphe 4(3),

(iii) dans les zones marines protégées constituées au titre du paragraphe 4.1(1);

j) régir la mise sur pied d'installations ou la construction, l'entretien et l'exploitation d'ouvrages destinés aux activités de recherche, de conservation ou d'information concernant les espèces sauvages :

(i) sur les terres domaniales dont la gestion est confiée au ministre en application de toute règle de droit fédérale,

(ii) sur les terres domaniales visées par un décret pris au titre du paragraphe 4(3),

(iii) dans les zones marines protégées constituées au titre du paragraphe 4.1(1).

1992, c. 37

*Canadian Environmental Assessment Act*

**137. The definition “environmental effect” in subsection 2(1) of the *Canadian Environmental Assessment Act* is replaced by the following:**

“environmental effect”  
« effets environnementaux »

“environmental effect” means, in respect of a project,

(a) any change that the project may cause in the environment, including any change it may cause to a listed wildlife species, its critical habitat or the residences of individuals of that species, as those terms are defined in subsection 2(1) of the *Species at Risk Act*,

(b) any effect of any change referred to in paragraph (a) on

(i) health and socio-economic conditions,

(ii) physical and cultural heritage,

(iii) the current use of lands and resources for traditional purposes by aboriginal persons, or

*Loi canadienne sur l'évaluation environnementale*

**137. La définition de « effets environnementaux », au paragraphe 2(1) de la *Loi canadienne sur l'évaluation environnementale*, est remplacée par ce qui suit :**

« effets environnementaux » Que ce soit au Canada ou à l'étranger, les changements que la réalisation d'un projet risque de causer à l'environnement — notamment à une espèce sauvage inscrite, à son habitat essentiel ou à la résidence des individus de cette espèce, au sens du paragraphe 2(1) de la *Loi sur les espèces en péril* — les répercussions de ces changements soit en matière sanitaire et socioéconomique, soit sur l'usage courant de terres et de ressources à des fins traditionnelles par les autochtones, soit sur une construction, un emplacement ou une chose d'importance en matière historique, archéologique, paléontologique ou architecturale, ainsi que les changements susceptibles d'être apportés au projet du fait de l'environnement.

1992, ch. 37

« effets environnementaux »  
“environmental effect”

(iv) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance, or

(c) any change to the project that may be caused by the environment,

whether any such change or effect occurs within or outside Canada;

1994, c. 22

*Migratory Birds Convention Act, 1994*

*Loi de 1994 sur la convention concernant les oiseaux migrateurs*

1994, ch. 22

**138. The *Migratory Birds Convention Act, 1994* is amended by adding the following after section 11:**

**138. La *Loi de 1994 sur la convention concernant les oiseaux migrateurs* est modifiée par adjonction, après l'article 11, de ce qui suit :**

Delegation by Minister

**11.1** The Minister may delegate to any minister of the Crown in right of Canada or of a province or to any person who is employed by the Government of Canada, the government of a province or any other government in Canada any power conferred on the Minister under this Act relating to its enforcement or the issuance, renewal, revocation and suspension of permits. The minister or other person to whom the power is delegated may then exercise the power subject to any terms and conditions that the Minister specifies.

**11.1** Le ministre peut déléguer à un ministre fédéral ou provincial ou à quiconque est à l'emploi du gouvernement du Canada ou d'une province ou de tout autre gouvernement au Canada tel de ses pouvoirs prévus par la présente loi en matière de contrôle d'application de celle-ci ou de délivrance, de renouvellement, d'annulation ou de suspension des permis. Le mandat est à exécuter en conformité avec la délégation.

Délégation

1992, c. 52

*Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*

*Loi sur la protection d'espèces animales ou végétales sauvages et la réglementation de leur commerce international et interprovincial*

1992, ch. 52

**139. Section 10 of the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* is amended by adding the following after subsection (3):**

**139. L'article 10 de la *Loi sur la protection d'espèces animales ou végétales sauvages et la réglementation de leur commerce international et interprovincial* est modifié par adjonction, après le paragraphe (3), de ce qui suit :**

Delegation by Minister

(4) The Minister may delegate to any minister of the Crown in right of Canada or of a province or to any person who is employed by the Government of Canada, the government of a province or any other government in Canada any power conferred on the Minister under this section relating to permits. The minister or other person to whom the power is delegated may then exercise the power subject to any terms and conditions that the Minister specifies.

(4) Le ministre peut déléguer à un ministre fédéral ou provincial ou à quiconque est à l'emploi du gouvernement du Canada, d'une province ou de tout autre gouvernement au Canada tel de ses pouvoirs prévus par le présent article en matière de permis. Le mandat est à exécuter en conformité avec la délégation.

Délégation

**140. Paragraph 21(1)(c) of the Act is amended by striking out the word “and” at the end of subparagraph (iii), by adding the word “and” at the end of subparagraph (iv) and by adding the following after subparagraph (iv):**

(v) for the purposes of section 8;

**141. The Act is amended by adding the following after section 21:**

**21.1** (1) The Governor in Council may, on the recommendation of the Minister, by order, amend the definition “animal” or “plant” in section 2 for the purposes of subsection 6(2).

(2) If the Minister is of the opinion that the import of any specimen, living or dead, would be harmful to Canadian ecosystems or to any species in Canada and that urgent action is needed, the Minister may recommend that an order be made under subsection (1).

(3) The amendment made by the order applies for the period specified in the order, which period may not be longer than one year from the day the order is made.

(4) The order is exempt from the application of section 3 of the *Statutory Instruments Act*.

COORDINATING AMENDMENT

**141.1 If Bill C-10, introduced in the 1st Session of the 37th Parliament and entitled the *Canada National Marine Conservation Areas Act*, receives royal assent, then, on the later of the coming into force of subsection 34(2) of that Act and the definition “competent minister” in subsection 2(1) of this Act, paragraph (a) of the definition “competent minister” in subsection 2(1) of this Act is replaced by the following:**

(a) the Minister of Canadian Heritage with respect to individuals in or on federal lands that are administered by that Minister and that are national parks, national historic sites, national marine conservation areas or other protected heritage areas as those expressions are defined in subsection 2(1) of the *Parks Canada Agency Act*.

**140. L’alinéa 21(1)c) de la même loi est modifié par adjonction, après le sous-alinéa (iv), de ce qui suit :**

(v) pour l’application de l’article 8;

**141. La même loi est modifiée par adjonction, après l’article 21, de ce qui suit :**

**21.1** (1) Sur recommandation du ministre, le gouverneur en conseil peut, par décret, pour l’application du paragraphe 6(2), modifier les définitions de « animal » ou « végétal » à l’article 2.

(2) Si le ministre estime que l’importation d’un spécimen, vivant ou mort, mettrait en danger des espèces ou des écosystèmes canadiens et qu’il y a lieu de prendre des mesures d’urgence pour parer à ce danger, il peut recommander la prise du décret prévu au paragraphe (1).

(3) Le décret s’applique à compter de sa prise pour la période, d’au plus un an, qu’il fixe.

(4) Le décret est soustrait à l’application de l’article 3 de la *Loi sur les textes réglementaires*.

DISPOSITION DE COORDINATION

**141.1 En cas de sanction du projet de loi C-10, déposé au cours de la 1<sup>re</sup> session de la 37<sup>e</sup> législature et intitulé *Loi sur les aires marines nationales de conservation du Canada*, à l’entrée en vigueur du paragraphe 34(2) de cette loi ou à celle de la définition de « ministre compétent » au paragraphe 2(1) de la présente loi, la dernière en date étant à retenir, l’alinéa a) de la définition de « ministre compétent », au paragraphe 2(1) de la présente loi est remplacé par ce qui suit :**

a) En ce qui concerne les individus présents dans les parcs nationaux, les lieux historiques nationaux, les aires marines nationales de conservation et les autres lieux patrimoniaux protégés, au sens du paragraphe 2(1) de la *Loi sur*

Order

Recommendation

Duration of amendment

Exemption

Bill C-10

Décret

Fondement de la recommandation

Durée d’application

Exclusion

Projet de loi C-10



*l'Agence Parcs Canada*, qui sont des terres domaniales dont la gestion relève du ministre du Patrimoine canadien, ce ministre.

## COMING INTO FORCE

Order of  
Governor in  
Council

**142. Except for section 141.1, the provisions of this Act come into force on a day or days to be fixed by order of the Governor in Council.**

## ENTRÉE EN VIGUEUR

Décret

**142. Les dispositions de la présente loi, à l'exception de l'article 141.1, entrent en vigueur à la date ou aux dates fixées par décret.**

SCHEDULE 1  
(Subsections 2(1), 42(2) and 68(2))

LIST OF WILDLIFE SPECIES AT RISK

PART 1

EXTIRPATED SPECIES

**MAMMALS**

Bear, Grizzly (*Ursus arctos*) Prairie population

*Ours grizzli* population des Prairies

Ferret, Black-footed (*Mustela nigripes*)

*Putois d'Amérique*

Walrus, Atlantic (*Odobenus rosmarus rosmarus*) Northwest Atlantic population

*Morse de l'Atlantique* population de l'Atlantique Nord-Ouest

Whale, Grey (*Eschrichtius robustus*) Atlantic population

*Baleine grise de Californie* population de l'Atlantique

**BIRDS**

Grouse, Sage (*Centrocercus urophasianus phaios*) British Columbia population

*Tétras des armoises* population de la Colombie-Britannique

Prairie-Chicken, Greater (*Tympanuchus cupido*)

*Tétras des prairies*

**AMPHIBIANS**

Salamander, Tiger (*Ambystoma tigrinum*) Great Lakes population

*Salamandre tigrée* population des Grands Lacs

**REPTILES**

Lizard, Pygmy Short-horned (*Phrynosoma douglassii douglassii*) British Columbia population

*Iguane pygmée à cornes courtes* population de la Colombie-Britannique

Rattlesnake, Timber (*Crotalus horridus*)

*Crotale des bois*

**FISH**

Chub, Gravel (*Erimystax x-punctatus*)

*Gravelier*

Paddlefish (*Polyodon spathula*)

*Spatulaire*

**MOLLUSCS**

Wedgemussel, Dwarf (*Alasmidonta heterodon*)

*Alasmidonte naine*

ANNEXE 1  
(paragraphes 2(1), 42(2) et 68(2))

LISTE DES ESPÈCES EN PÉRIL

PARTIE 1

ESPÈCES DISPARUES DU PAYS

**MAMMIFÈRES**

Baleine grise de Californie (*Eschrichtius robustus*) population de l'Atlantique

*Whale, Grey* Atlantic population

Morse de l'Atlantique (*Odobenus rosmarus rosmarus*) population de l'Atlantique Nord-Ouest

*Walrus, Atlantic* Northwest Atlantic population

Ours grizzli (*Ursus arctos*) population des Prairies

*Bear, Grizzly* Prairie population

Putois d'Amérique (*Mustela nigripes*)

*Ferret, Black-footed*

**OISEAUX**

Tétras des armoises (*Centrocercus urophasianus phaios*) population de la Colombie-Britannique

*Grouse, Sage* British Columbia population

Tétras des prairies (*Tympanuchus cupido*)

*Prairie-Chicken, Greater*

**AMPHIBIENS**

Salamandre tigrée (*Ambystoma tigrinum*) population des Grands Lacs

*Salamander, Tiger* Great Lakes population

**REPTILES**

Crotale des bois (*Crotalus horridus*)

*Rattlesnake, Timber*

Iguane pygmée à cornes courtes (*Phrynosoma douglassii douglassii*) population de la Colombie-Britannique

*Lizard, Pygmy Short-horned* British Columbia population

**POISSONS**

Gravelier (*Erimystax x-punctatus*)

*Chub, Gravel*

Spatulaire (*Polyodon spathula*)

*Paddlefish*

**MOLLUSQUES**

Alasmidonte naine (*Alasmidonta heterodon*)

*Wedgemussel, Dwarf*

**LEPIDOPTERANS**

Blue, Karner (*Lycæides melissa samuelis*)

*Mélissa bleu*

Elfin, Frosted (*Callophrys irus, Incisalia irus*)

*Lutin givré*

Marble, Island (*Euchloe ausonides*)

*Marbré insulaire*

**PLANTS**

Mary, Spring Blue-eyed (*Collinsia verna*)

*Collinsie printanière*

Tick-trefoil, Illinois (*Desmodium illinoense*)

*Desmodie d'Illinois*

## PART 2

## ENDANGERED SPECIES

**MAMMALS**

Badger *jacksoni* subspecies, American (*Taxidea taxus jacksoni*)

*Blaireau d'Amérique, jacksoni*

Badger *jeffersonii* subspecies, American (*Taxidea taxus jeffersonii*)

*Blaireau d'Amérique, jeffersonii*

Caribou, Woodland (*Rangifer tarandus caribou*) Atlantic — Gaspésie population

*Caribou des bois* population de la Gaspésie — Atlantique

Fox, Swift (*Vulpes velox*)

*Renard véloce*

Marmot, Vancouver Island (*Marmota vancouverensis*)

*Marmotte de l'île Vancouver*

Marten, American (*Martes americana atrata*) Newfoundland population

*Martre d'Amérique* population de Terre-Neuve

Whale, Killer (*Orcinus orca*) Northeast Pacific southern resident population

*Épaulard* population résidente du Sud du Pacifique Nord-Est

**BIRDS**

Chat, Western Yellow-breasted (*Icteria virens auricollis*) British Columbia population

*Paruline polyglotte de l'Ouest* population de la Colombie-Britannique

Crane, Whooping (*Grus americana*)

*Grue blanche*

Curlew, Eskimo (*Numenius borealis*)

*Courlis esquimau*

Flycatcher, Acadian (*Empidonax virescens*)

*Moucherolle vert*

**LÉPIDOPTÈRES**

Lutin givré (*Callophrys irus, Incisalia irus*)

*Elfin, Frosted*

Marbré insulaire (*Euchloe ausonides*)

*Marble, Island*

Mélissa bleu (*Lycæides melissa samuelis*)

*Blue, Karner*

**PLANTES**

Collinsie printanière (*Collinsia verna*)

*Mary, Spring Blue-eyed*

Desmodie d'Illinois (*Desmodium illinoense*)

*Tick-trefoil, Illinois*

## PARTIE 2

## ESPÈCES EN VOIE DE DISPARITION

**MAMMIFÈRES**

Blaireau d'Amérique, *jacksoni* (*Taxidea taxus jacksoni*)

*Badger jacksoni* subspecies, American

Blaireau d'Amérique, *jeffersonii* (*Taxidea taxus jeffersonii*)

*Badger jeffersonii* subspecies, American

Caribou des bois (*Rangifer tarandus caribou*) population de la Gaspésie — Atlantique

*Caribou, Woodland* Atlantic — Gaspésie population

Épaulard (*Orcinus orca*) population résidente du Sud du Pacifique Nord-Est

*Whale, Killer* Northeast Pacific southern resident population

Marmotte de l'île Vancouver (*Marmota vancouverensis*)

*Marmot, Vancouver Island*

Martre d'Amérique (*Martes americana atrata*) population de Terre-Neuve

*Marten, American* Newfoundland population

Renard véloce (*Vulpes velox*)

*Fox, Swift*

**OISEAUX**

Bruant de Henslow (*Ammodramus henslowii*)

*Sparrow, Henslow's*

Chevêche des terriers (*Speotyto cunicularia*)

*Owl, Burrowing*

Chouette tachetée du Nord (*Strix occidentalis caurina*)

*Owl, Northern Spotted*

Courlis esquimau (*Numenius borealis*)

*Curlew, Eskimo*

Effraie des clochers (*Tyto alba*) population de l'Est

*Owl, Barn* Eastern population

Grouse, Sage (*Centrocercus urophasianus urophasianus*)  
Prairie population

*Tétras des armoises* population des Prairies

Owl, Barn (*Tyto alba*) Eastern population

*Effraie des clochers* population de l'Est

Owl, Burrowing (*Speotyto cunicularia*)

*Chevêche des terriers*

Owl, Northern Spotted (*Strix occidentalis caurina*)

*Chouette tachetée du Nord*

Plover, Mountain (*Charadrius montanus*)

*Pluvier montagnard*

Plover circumcinctus subspecies, Piping (*Charadrius melodus circumcinctus*)

*Pluvier siffleur, circumcinctus*

Plover melodus subspecies, Piping (*Charadrius melodus melodus*)

*Pluvier siffleur, melodus*

Rail, King (*Rallus elegans*)

*Râle élégant*

Shrike, Eastern Loggerhead (*Lanius ludovicianus migrans*)

*Pie-grièche migratrice de l'Est*

Sparrow, Henslow's (*Ammodramus henslowii*)

*Bruant de Henslow*

Tern, Roseate (*Sterna dougallii*)

*Sterne de Dougall*

Thrasher, Sage (*Oreoscoptes montanus*)

*Moqueur des armoises*

Warbler, Kirtland's (*Dendroica kirtlandii*)

*Paruline de Kirtland*

Warbler, Prothonotary (*Protonotaria citrea*)

*Paruline orangée*

Woodpecker, White-headed (*Picoides albolarvatus*)

*Pic à tête blanche*

#### AMPHIBIANS

Frog, Northern Cricket (*Acris crepitans*)

*Rainette grillon*

Frog, Northern Leopard (*Rana pipiens*) Southern Mountain population

*Grenouille léopard* population des montagnes du Sud

Frog, Oregon Spotted (*Rana pretiosa*)

*Grenouille maculée de l'Oregon*

Frog, Rocky Mountain Tailed (*Ascaphus montanus*)

*Grenouille-à-queue des Rocheuses*

Salamander, Tiger (*Ambystoma tigrinum*) Southern Mountain population

*Salamandre tigrée* population des montagnes du Sud

Grue blanche (*Grus americana*)

*Crane, Whooping*

Moqueur des armoises (*Oreoscoptes montanus*)

*Thrasher, Sage*

Moucherolle vert (*Empidonax vireescens*)

*Flycatcher, Acadian*

Paruline de Kirtland (*Dendroica kirtlandii*)

*Warbler, Kirtland's*

Paruline orangée (*Protonotaria citrea*)

*Warbler, Prothonotary*

Paruline polyglotte de l'Ouest (*Icteria virens auricollis*) population de la Colombie-Britannique

*Chat, Western Yellow-breasted British Columbia population*

Pic à tête blanche (*Picoides albolarvatus*)

*Woodpecker, White-headed*

Pie-grièche migratrice de l'Est (*Lanius ludovicianus migrans*)

*Shrike, Eastern Loggerhead*

Pluvier montagnard (*Charadrius montanus*)

*Plover, Mountain*

Pluvier siffleur, circumcinctus (*Charadrius melodus circumcinctus*)

*Plover circumcinctus subspecies, Piping*

Pluvier siffleur, melodus (*Charadrius melodus melodus*)

*Plover melodus subspecies, Piping*

Râle élégant (*Rallus elegans*)

*Rail, King*

Sterne de Dougall (*Sterna dougallii*)

*Tern, Roseate*

Tétras des armoises (*Centrocercus urophasianus urophasianus*) population des Prairies

*Grouse, Sage Prairie population*

#### AMPHIBIENS

Grenouille léopard (*Rana pipiens*) population des montagnes du Sud

*Frog, Northern Leopard Southern Mountain population*

Grenouille maculée de l'Oregon (*Rana pretiosa*)

*Frog, Oregon Spotted*

Grenouille-à-queue des Rocheuses (*Ascaphus montanus*)

*Frog, Rocky Mountain Tailed*

Rainette grillon (*Acris crepitans*)

*Frog, Northern Cricket*

Salamandre tigrée (*Ambystoma tigrinum*) population des montagnes du Sud

*Salamander, Tiger Southern Mountain population*

**REPTILES**Snake, Sharp-tailed (*Contia tenuis*)*Couleuvre à queue fine*Turtle, Leatherback (*Dermochelys coriacea*)*Tortue luth*Snake, Night (*Hypsiglena torquata*)*Couleuvre nocturne***FISH**Dace, Nooksack (*Rhinichthys* sp.)*Naseux de Nooksack*Lamprey, Morrison Creek (*Lampetra richardsoni*)*Lamproie du ruisseau Morrison*Salmon, Atlantic (*Salmo salar*)*Saumon d'Atlantique* populations de l'intérieur de la baie de FundyStickleback, Benthic Paxton Lake (*Gasterosteus* sp.)*Épinoche benthique du lac Paxton*Stickleback, Benthic Vananda Creek (*Gasterosteus* sp.)*Épinoche benthique du ruisseau Vananda*Stickleback, Limnetic Paxton Lake (*Gasterosteus* sp.)*Épinoche limnétique du lac Paxton*Stickleback, Limnetic Vananda Creek (*Gasterosteus* sp.)*Épinoche limnétique du ruisseau Vananda*Trout, Aurora (*Salvelinus fontinalis timagamiensis*)*Ombles Aurora*Whitefish, Atlantic (*Coregonus huntsmani*)*Corégone de l'Atlantique***MOLLUSCS**Bean, Rayed (*Villosa fabalis*)*Villeuse haricot*Lampmussel, Wavy-rayed (*Lampsilis fasciola*)*Lampsile fasciolée*Mussel, Mudpuppy (*Simpsonais ambigua*)*Mulette du Necturus*Physa, Hotwater (*Physella wrighti*)*Physe d'eau chaude*Riffleshell, Northern (*Epioblasma torulosa rangiana*)*Dysnomie ventrue jaune*Snail, Banff Springs (*Physella johnsoni*)*Physe des fontaines de Banff*Snuffbox (*Epioblasma triquetra*)*Epioblasme tricorne***LEPIDOPTERANS**Blue, Island (*Plebejus saepiolus insulanus*)*Bleu insulaire***REPTILES**Couleuvre à queue fine (*Contia tenuis*)*Snake, Sharp-tailed*Couleuvre nocturne (*Hypsiglena torquata*)*Snake, Night*Tortue luth (*Dermochelys coriacea*)*Turtle, Leatherback***POISSONS**Corégone de l'Atlantique (*Coregonus huntsmani*)*Whitefish, Atlantic*Épinoche benthique du lac Paxton (*Gasterosteus* sp.)*Stickleback, Benthic Paxton Lake*Épinoche benthique du ruisseau Vananda (*Gasterosteus* sp.)*Stickleback, Benthic Vananda Creek*Épinoche limnétique du lac Paxton (*Gasterosteus* sp.)*Stickleback, Limnetic Paxton Lake*Épinoche limnétique du ruisseau Vananda (*Gasterosteus* sp.)*Stickleback, Limnetic Vananda Creek*Lamproie du ruisseau Morrison (*Lampetra richardsoni*)*Lamprey, Morrison Creek*Naseux de Nooksack (*Rhinichthys* sp.)*Dace, Nooksack*Ombles Aurora (*Salvelinus fontinalis timagamiensis*)*Trout, Aurora*Saumon d'Atlantique (*Salmo salar*) populations de l'intérieur de la baie de Fundy*Salmon, Atlantic* Inner Bay of Fundy populations**MOLLUSQUES**Dysnomie ventrue jaune (*Epioblasma torulosa rangiana*)*Riffleshell, Northern*Epioblasme tricorne (*Epioblasma triquetra*)*Snuffbox*Lampsile fasciolée (*Lampsilis fasciola*)*Lampmussel, Wavy-rayed*Mulette du Necturus (*Simpsonais ambigua*)*Mussel, Mudpuppy*Physe d'eau chaude (*Physella wrighti*)*Physa, Hotwater*Physe des fontaines de Banff (*Physella johnsoni*)*Snail, Banff Springs*Villeuse haricot (*Villosa fabalis*)*Bean, Rayed***LÉPIDOPTÈRES**Bleu insulaire (*Plebejus saepiolus insulanus*)*Blue, Island*

Checkerspot, Taylor's (*Euphydryas editha taylori*)  
*Damier de Taylor*

Ringlet, Maritime (*Coenonympha tullia nipisiquit*)  
*Satyre fauve des Maritimes*

#### PLANTS

Agalinis, Gattinger's (*Agalinis gattingeri*)  
*Gérardie de Gattinger*

Agalinis, Skinner's (*Agalinis skinneriana*)  
*Gérardie de Skinner*

Ammania, Scarlet (*Ammannia robusta*)  
*Ammannie robuste*

Avens, Eastern Mountain (*Geum peckii*)  
*Benoîte de Peck*

Balsamroot, Deltoid (*Balsamorhiza deltoidea*)  
*Balsamorhize à feuilles deltoïdes*

Bluehearts (*Buchnera americana*)  
*Buchnera d'Amérique*

Braya, Long's (*Braya longii*)  
*Braya de Long*

Bugbane, Tall (*Cimicifuga elata*)  
*Cimicaire élevée*

Bulrush, Bashful (*Trichophorum planifolium*)  
*Scirpe timide*

Bush-Clover, Slender (*Lespedeza virginica*)  
*Léspédèze de Virginie*

Buttercup, Water-plantain (*Ranunculus alismaefolius* var.  
*alismaefolius*)  
*Renoncule à feuilles d'alisme*

Cactus, Eastern Prickly Pear (*Opuntia humifusa*)  
*Oponce de l'Est*

Coreopsis, Pink (*Coreopsis rosea*)  
*Coréopsis rose*

Cryptanthe, Tiny (*Cryptantha minima*)  
*Cryptanthe minuscule*

Fern, Southern Maidenhair (*Adiantum capillus-veneris*)  
*Adiante cheveux-de-Vénus*

Gentian, White Prairie (*Gentiana alba*)  
*Gentiane blanche*

Ginseng, American (*Panax quinquefolium*)  
*Ginseng à cinq folioles*

Goldenrod, Showy (*Solidago speciosa* var. *rigidiuscula*)  
*Verge d'or voyante*

Damier de Taylor (*Euphydryas editha taylori*)  
*Checkerspot, Taylor's*

Satyre fauve des Maritimes (*Coenonympha tullia nipisiquit*)  
*Ringlet, Maritime*

#### PLANTES

Adiante cheveux-de-Vénus (*Adiantum capillus-veneris*)  
*Fern, Southern Maidenhair*

Ammannie robuste (*Ammannia robusta*)  
*Ammania, Scarlet*

Balsamorhize à feuilles deltoïdes (*Balsamorhiza deltoidea*)  
*Balsamroot, Deltoid*

Benoîte de Peck (*Geum peckii*)  
*Avens, Eastern Mountain*

Braya de Long (*Braya longii*)  
*Braya, Long's*

Buchnera d'Amérique (*Buchnera americana*)  
*Bluehearts*

Carex des genévriers (*Carex juniperorum*)  
*Sedge, Juniper*

Carex faux-lupulina (*Carex lupuliformis*)  
*Sedge, False Hop*

Castilléjie dorée (*Castilleja levisecta*)  
*Paintbrush, Golden*

Chardon de Pitcher (*Cirsium pitcheri*)  
*Thistle, Pitcher's*

Chimaphile maculé (*Chimaphila maculata*)  
*Wintergreen, Spotted*

Cimicaire élevée (*Cimicifuga elata*)  
*Bugbane, Tall*

Coréopsis rose (*Coreopsis rosea*)  
*Coreopsis, Pink*

Cryptanthe minuscule (*Cryptantha minima*)  
*Cryptanthe, Tiny*

Cypripède blanc (*Cypripedium candidum*)  
*Lady's-slipper, Small White*

Droséra filiforme (*Drosera filiformis*)  
*Sundew, Thread-leaved*

Éléocharide fausse-prêle (*Eleocharis equisetoides*)  
*Spike-rush, Horsetail*

Gentiane blanche (*Gentiana alba*)  
*Gentian, White Prairie*

Gérardie de Gattinger (*Agalinis gattingeri*)

Lady's-slipper, Small White ( <i>Cypripedium candidum</i> ) <i>Cypripède blanc</i>	<i>Agalinis, Gattinger's</i>
Lotus, Seaside Birds-foot ( <i>Lotus formosissimus</i> ) <i>Lotier splendide</i>	Gérardie de Skinner ( <i>Agalinis skinneriana</i> ) <i>Agalinis, Skinner's</i>
Lousewort, Furbish's ( <i>Pedicularis furbishiae</i> ) <i>Pédiculaire de Furbish</i>	Ginseng à cinq folioles ( <i>Panax quinquefolium</i> ) <i>Ginseng, American</i>
Lupine, Prairie ( <i>Lupinus lepidus</i> var. <i>lepidus</i> ) <i>Lupin élégant</i>	Isoète d'Engelmann ( <i>Isoëtes engelmannii</i> ) <i>Quillwort, Engelmann's</i>
Milkwort, Pink ( <i>Polygala incarnata</i> ) <i>Polygale incarnat</i>	Isotrie fausse-médéole ( <i>Isotria medeoloides</i> ) <i>Pogonia, Small Whorled</i>
Mountain-Mint, Hoary ( <i>Pycnanthemum incanum</i> ) <i>Pycnanthème gris</i>	Isotrie verticillée ( <i>Isotria verticillata</i> ) <i>Pogonia, Large Whorled</i>
Mulberry, Red ( <i>Morus rubra</i> ) <i>Mûrier rouge</i>	Lespédèze de Virginie ( <i>Lespedeza virginica</i> ) <i>Bush-Clover, Slender</i>
Orchid, Western Prairie Fringed ( <i>Platanthera praeclara</i> ) <i>Platanthère blanchâtre de l'Ouest</i>	Liparis à feuilles de lis ( <i>Liparis liliifolia</i> ) <i>Twayblade, Purple</i>
Owl-Clover, Bearded ( <i>Triphysaria versicolor</i> ssp. <i>versicolor</i> ) <i>Triphysaire versicolore</i>	Lotier splendide ( <i>Lotus formosissimus</i> ) <i>Lotus, Seaside Birds-foot</i>
Paintbrush, Golden ( <i>Castilleja levisecta</i> ) <i>Castilléjie dorée</i>	Lupin élégant ( <i>Lupinus lepidus</i> var. <i>lepidus</i> ) <i>Lupine, Prairie</i>
Plantain, Heart-leaved ( <i>Plantago cordata</i> ) <i>Plantain à feuilles cordées</i>	Magnolia acuminé ( <i>Magnolia acuminata</i> ) <i>Tree, Cucumber</i>
Pogonia, Large Whorled ( <i>Isotria verticillata</i> ) <i>Isotrie verticillée</i>	Mûrier rouge ( <i>Morus rubra</i> ) <i>Mulberry, Red</i>
Pogonia, Nodding ( <i>Triphora trianthophora</i> ) <i>Triphore penché</i>	Oponce de l'Est ( <i>Opuntia humifusa</i> ) <i>Cactus, Eastern Prickly Pear</i>
Pogonia, Small Whorled ( <i>Isotria medeoloides</i> ) <i>Isotrie fausse-médéole</i>	Pédiculaire de Furbish ( <i>Pedicularis furbishiae</i> ) <i>Lousewort, Furbish's</i>
Quillwort, Engelmann's ( <i>Isoëtes engelmannii</i> ) <i>Isoète d'Engelmann</i>	Plantain à feuilles cordées ( <i>Plantago cordata</i> ) <i>Plantain, Heart-leaved</i>
Sanicle, Bear's-foot ( <i>Sanicula arctopoides</i> ) <i>Sanicle patte-d'ours</i>	Platanthère blanchâtre de l'Ouest ( <i>Platanthera praeclara</i> ) <i>Orchid, Western Prairie Fringed</i>
Sedge, False Hop ( <i>Carex lupuliformis</i> ) <i>Carex faux-lupulina</i>	Polygale incarnat ( <i>Polygala incarnata</i> ) <i>Milkwort, Pink</i>
Sedge, Juniper ( <i>Carex juniperorum</i> ) <i>Carex des Génévriers</i>	Psilocarpe élevé ( <i>Psilocarphus elatior</i> ) population du Pacifique <i>Woolly-heads, Tall Pacific population</i>
Spike-rush, Horsetail ( <i>Eleocharis equisetoides</i> ) <i>Éléocharide fausse-prêle</i>	Pycnanthème gris ( <i>Pycnanthemum incanum</i> ) <i>Mountain-Mint, Hoary</i>
Sundew, Thread-leaved ( <i>Drosera filiformis</i> ) <i>Droséra filiforme</i>	Renoncule à feuilles d'alisme ( <i>Ranunculus alismaefolius</i> var. <i>alismaefolius</i> ) <i>Buttercup, Water-plantain</i>
Thistle, Pitcher's ( <i>Cirsium pitcheri</i> ) <i>Chardon de Pitcher</i>	Rotala rameux ( <i>Rotala ramosior</i> ) <i>Toothcup</i>
Toothcup ( <i>Rotala ramosior</i> )	Sanicle patte-d'ours ( <i>Sanicula arctopoides</i> )

*Rotala rameux*  
 Tree, Cucumber (*Magnolia acuminata*)  
*Magnolia acuminé*  
 Trillium, Drooping (*Trillium flexipes*)  
*Trille à pédoncule incliné*  
 Twayblade, Purple (*Liparis liliifolia*)  
*Liparis à feuilles de lis*  
 Virginia Goat's-rue (*Tephrosia virginiana*)  
*Téphrosie de Virginie*  
 Willow, Barrens (*Salix jejunata*)  
*Saule des landes*  
 Wintergreen, Spotted (*Chimaphila maculata*)  
*Chimaphile maculé*  
 Wood-Poppy (*Stylophorum diphyllum*)  
*Stylophore à deux feuilles*  
 Woodsia, Blunt-lobed (*Woodsia obtusa*)  
*Woodsie obtuse*  
 Woolly-heads, Tall (*Psilocarphus elatior*) Pacific population  
*Psilocarpe élevé population du Pacifique*

**LICHENS**

Seaside Centipede (*Heterodermia sitchensis*)  
*Hétérodermie maritime*

**MOSESSES**

Moss, Poor Pocket (*Fissidens pauperculus*)  
*Fissident appauvri*  
 Moss, Rigid Apple (*Bartramia stricta*)  
*Bartramie à feuilles dressées*

## PART 3

## THREATENED SPECIES

**MAMMALS**

Bat, Pallid (*Antrozous pallidus*)  
*Chauve-souris blonde*  
 Bison, Wood (*Bison bison athabasca*)  
*Bison des bois*  
 Caribou, Woodland (*Rangifer tarandus caribou*) Boreal population  
*Caribou des bois population boréale*  
 Caribou, Woodland (*Rangifer tarandus caribou*) Southern Mountain population  
*Caribou des bois population des montagnes du Sud*  
 Ermine haidarum subspecies (*Mustela erminea haidarum*)  
*Hermine, haidarum*

*Sanicle, Bear's-foot*  
 Saule des landes (*Salix jejunata*)  
*Willow, Barrens*  
 Scirpe timide (*Trichophorum planifolium*)  
*Bulrush, Bashful*  
 Stylophore à deux feuilles (*Stylophorum diphyllum*)  
*Wood-Poppy*  
 Téphrosie de Virginie (*Tephrosia virginiana*)  
*Virginia Goat's-rue*  
 Trille à pédoncule incliné (*Trillium flexipes*)  
*Trillium, Drooping*  
 Triphore penché (*Triphora trianthophora*)  
*Pogonia, Nodding*  
 Triphysaire versicolore (*Triphysaria versicolor* ssp. *versicolor*)  
*Owl-Clover, Bearded*  
 Verge d'or voyante (*Solidago speciosa* var. *rigidiuscula*)  
*Goldenrod, Showy*  
 Woodsie obtuse (*Woodsia obtusa*)  
*Woodsia, Blunt-lobed*

**LICHENS**

Hétérodermie maritime (*Heterodermia sitchensis*)  
*Seaside Centipede*

**MOUSSES**

Bartramie à feuilles dressées (*Bartramia stricta*)  
*Moss, Rigid Apple*  
 Fissident appauvri (*Fissidens pauperculus*)  
*Moss, Poor Pocket*

## PARTIE 3

## ESPÈCES MENACÉES

**MAMMIFÈRES**

Bison des bois (*Bison bison athabasca*)  
*Bison, Wood*  
 Caribou des bois (*Rangifer tarandus caribou*) population boréale  
*Caribou, Woodland Boreal population*  
 Caribou des bois (*Rangifer tarandus caribou*) population des montagnes du Sud  
*Caribou, Woodland Southern Mountain population*  
 Chauve-souris blonde (*Antrozous pallidus*)  
*Bat, Pallid*  
 Épaulard (*Orcinus orca*) population migratrice du Pacifique Nord-Est



Otter, Sea (*Enhydra lutris*)

*Loutre de mer*

Shrew, Pacific Water (*Sorex bendirii*)

*Musaraigne de Bendire*

Whale, Killer (*Orcinus orca*) Northeast Pacific northern resident population

*Épaulard* population résidente du Nord Pacifique Nord-Est

Whale, Killer (*Orcinus orca*) Northeast Pacific transient population

*Épaulard* population migratrice du Pacifique Nord-Est

#### BIRDS

Bittern, Least (*Ixobrychus exilis*)

*Petit Blongios*

Falcon, Anatum Peregrine (*Falco peregrinus anatum*)

*Faucon pèlerin, anatum*

Goshawk, Queen Charlotte (*Accipiter gentilis laingi*)

*Autour des palombes* des îles de la Reine-Charlotte

Gull, Ross's (*Rhodostethia rosea*)

*Mouette rosée*

Murrelet, Marbled (*Brachyramphus marmoratus*)

*Guillemot marbré*

Pipit, Sprague's (*Anthus spragueii*)

*Pipit de Sprague*

Warbler, Hooded (*Wilsonia citrina*)

*Paruline à capuchon*

#### AMPHIBIANS

Great Basin Spadefoot (*Spea intermontana*)

*Crapaud du Grand Bassin*

Salamander, Allegheny Mountain Dusky (*Desmognathus ochrophaeus*)

*Salamandre sombre des montagnes*

Salamander, Jefferson (*Ambystoma jeffersonianum*)

*Salamandre de Jefferson*

Salamander, Pacific Giant (*Dicamptodon tenebrosus*)

*Grande salamandre*

Toad, Fowler's (*Bufo fowleri*)

*Crapaud de Fowler*

#### REPTILES

Gartersnake, Butler's (*Thamnophis butleri*)

*Couleuvre à petite tête*

Snake, Black Rat (*Elaphe obsoleta obsoleta*)

*Couleuvre obscure*

Snake, Eastern Fox (*Elaphe vulpina gloydi*)

*Couleuvre fauve de l'Est*

Whale, Killer Northeast Pacific transient population

*Épaulard* (*Orcinus orca*) population résidente du Nord du Pacifique Nord-Est

Whale, Killer Northeast Pacific northern resident population

Hermine, haidarum (*Mustela erminea haidarum*)

*Ermine haidarum subspecies*

Loutre de mer (*Enhydra lutris*)

*Otter, Sea*

Musaraigne de Bendire (*Sorex bendirii*)

*Shrew, Pacific Water*

#### OISEAUX

Autour des palombes (*Accipiter gentilis laingi*) population des îles de la Reine-Charlotte

*Goshawk, Queen Charlotte*

Faucon pèlerin, anatum (*Falco peregrinus anatum*)

*Falcon, Anatum Peregrine*

Guillemot marbré (*Brachyramphus marmoratus*)

*Murrelet, Marbled*

Mouette rosée (*Rhodostethia rosea*)

*Gull, Ross's*

Paruline à capuchon (*Wilsonia citrina*)

*Warbler, Hooded*

Petit Blongios (*Ixobrychus exilis*)

*Bittern, Least*

Pipit de Sprague (*Anthus spragueii*)

*Pipit, Sprague's*

#### AMPHIBIENS

Crapaud de Fowler (*Bufo fowleri*)

*Toad, Fowler's*

Crapaud du Grand Bassin (*Spea intermontana*)

*Great Basin Spadefoot*

Grande salamandre (*Dicamptodon tenebrosus*)

*Salamander, Pacific Giant*

Salamandre de Jefferson (*Ambystoma jeffersonianum*)

*Salamander, Jefferson*

Salamandre sombre des montagnes (*Desmognathus ochrophaeus*)

*Salamander, Allegheny Mountain Dusky*

#### REPTILES

Couleuvre à nez plat (*Heterodon platirhinos*)

*Snake, Eastern Hog-nosed*

Couleuvre à petite tête (*Thamnophis butleri*)

*Gartersnake, Butler's*

Couleuvre fauve de l'Est (*Elaphe vulpina gloydi*)

Snake, Eastern Hog-nosed (*Heterodon platirhinos*)

*Couleuvre à nez plat*

Snake, Queen (*Regina septemvittata*)

*Couleuvre royale*

#### FISH

Chubsucker, Lake (*Erimyzon sucetta*)

*Sucet de lac*

Darter, Eastern Sand (*Ammocrypta pellucida*)

*Dard de sable*

Gar, Spotted (*Lepisosteus oculatus*)

*Lépisosté tacheté*

Lamprey, Cowichan Lake (*Lampetra macrostoma*)

*Lamproie du lac Cowichan*

Minnow, Western Silvery (*Hybognathus argyritis*)

*Méné d'argent de l'Ouest*

Sculpin, Cultus Pygmy (*Cottus* sp.)

*Chabot pygmé*

Sculpin, Shorthead (*Cottus confusus*)

*Chabot à tête courte*

Shiner, Rosyface (*Notropis rubellus*) Eastern population

*Tête rose* population de l'Est

Smelt, Lake Utopia Dwarf (*Osmerus* sp.)

*Éperlan nain du lac Utopia*

Wolffish, Northern (*Anarhichas denticulatus*)

*Loup à tête large*

Spotted Wolffish (*Anarhichas minor*)

*Loup tacheté*

#### MOLLUSCS

Abalone, Northern (*Haliotis kamtschatkana*)

*Haliotide pie*

#### LEPIDOPTERANS

Hairstreak, Behr's (Columbia) (*Satyrium behrii columbia*)

*Porte-queue de Colombie-Britannique*

Skipper, Dun (*Euphyes vestris*) Western population

*Hespérie rurale* population de l'Ouest

#### PLANTS

Aster, Anticosti (*Symphyotrichum anticostense*)

*Aster d'Anticosti*

Aster, Western Silver-leaved (*Symphyotrichum sericeum*)

*Aster soyeux*

Aster, White-top (*Sericocarpus rigidus*)

*Aster rigide*

Blue-Flag, Western (*Iris missouriensis*)

*Snake, Eastern Fox*

*Couleuvre obscure (Elaphe obsoleta obsoleta)*

*Snake, Black Rat*

*Couleuvre royale (Regina septemvittata)*

*Snake, Queen*

#### POISSONS

Chabot à tête courte (*Cottus confusus*)

*Sculpin, Shorthead*

Chabot pygmé (*Cottus* sp.)

*Sculpin, Cultus Pygmy*

Dard de sable (*Ammocrypta pellucida*)

*Darter, Eastern Sand*

Éperlan nain du lac Utopia (*Osmerus* sp.)

*Smelt, Lake Utopia Dwarf*

Lamproie du lac Cowichan (*Lampetra macrostoma*)

*Lamprey, Cowichan Lake*

Lépisosté tacheté (*Lepisosteus oculatus*)

*Gar, Spotted*

Loup à tête large (*Anarhichas denticulatus*)

*Wolffish, Northern*

Loup tacheté (*Anarhichas minor*)

*Wolffish, Spotted*

Méné d'argent de l'Ouest (*Hybognathus argyritis*)

*Minnow, Western Silvery*

Sucet de lac (*Erimyzon sucetta*)

*Chubsucker, Lake*

Tête rose (*Notropis rubellus*) population de l'Est

*Shiner, Rosyface* Eastern population

#### MOLLUSQUES

Haliotide pie (*Haliotis kamtschatkana*)

*Abalone, Northern*

#### LÉPIDOPTÈRES

Hespérie rurale (*Euphyes vestris*) population de l'Ouest

*Skipper, Dun* Western population

Porte-queue de Colombie-Britannique (*Satyrium behrii columbia*)

*Hairstreak, Behr's (Columbia)*

#### PLANTES

Airelle à longues étamines (*Vaccinium stamineum*)

*Deerberry*

Aletris farineux (*Aletris farinosa*)

*Colicroot*

Aster d'Anticosti (*Symphyotrichum anticostense*)

*Aster, Anticosti*

- Iris du Missouri*
- Braya, Fernald's (*Braya fernaldii*)  
*Braya de Fernald*
- Buffalograss (*Buchloë dactyloides*)  
*Buchloë faux-dactyle*
- Coffee-tree, Kentucky (*Gymnocladus dioicus*)  
*Chicot févier*
- Colicroot (*Aletris farinosa*)  
*Aletris farineux*
- Corydalis, Scouler's (*Corydalis scouleri*)  
*Corydale de Scouler*
- Deerberry (*Vaccinium stamineum*)  
*Airelle à longues étamines*
- Fern, Mexican Mosquito (*Azolla mexicana*)  
*Azolle du Mexique*
- Gentian, Plymouth (*Sabatia kennedyana*)  
*Sabatie de Kennedy*
- Golden Crest (*Lophiola aurea*)  
*Lophiolie dorée*
- Goldenseal (*Hydrastis canadensis*)  
*Hydraste du Canada*
- Greenbrier, Round-leaved (*Smilax rotundifolia*) Great Lakes Plains population  
*Smilax à feuilles rondes* population des plaines des Grands Lacs
- Lily, Lyall's Mariposa (*Calochortus lyallii*)  
*Calochorte de Lyall*
- Mouse-ear-cress, Slender (*Halimolobos virgata*)  
*Halimolobos mince*
- Orchid, Phantom (*Cephalanthera austiniæ*)  
*Cephalanthère d'Austin*
- Prairie-clover, Hairy (*Dalea villosa* var. *villosa*)  
*Dalée velue*
- Redroot (*Lachnanthes caroliana*)  
*Lachnanthe de Caroline*
- Sanicle, Purple (*Sanicula bipinnatifida*)  
*Sanicle bipinnatifide*
- Soapweed (*Yucca glauca*)  
*Yucca glauque*
- Spike-rush, Tubercled (*Eleocharis tuberculosa*)  
*Éléocharide tuberculée*
- Star, Dense Blazing (*Liatris spicata*)  
*Liatris à épi*
- Violet, Yellow Montane (*Viola praemorsa* ssp. *praemorsa*)
- Aster rigide (*Sericocarpus rigidus*)  
*Aster, White-top*
- Aster soyeux (*Symphyotrichum sericeum*)  
*Aster, Western Silver-leaved*
- Azolle du Mexique (*Azolla mexicana*)  
*Fern, Mexican Mosquito*
- Braya de Fernald (*Braya fernaldii*)  
*Braya, Fernald's*
- Buchloë faux-dactyle (*Buchloë dactyloides*)  
*Buffalograss*
- Calochorte de Lyall (*Calochortus lyallii*)  
*Lilly, Lyall's Mariposa*
- Carmantine d'Amérique (*Justicia americana*)  
*Water-willow, American*
- Cephalanthère d'Austin (*Cephalanthera austiniæ*)  
*Orchid, Phantom*
- Chicot févier (*Gymnocladus dioicus*)  
*Coffee-tree, Kentucky*
- Corydale de Scouler (*Corydalis scouleri*)  
*Corydalis, Scouler's*
- Dalée velue (*Dalea villosa* var. *villosa*)  
*Prairie-clover, Hairy*
- Éléocharide tuberculée (*Eleocharis tuberculosa*)  
*Spike-rush, Tubercled*
- Halimolobos mince (*Halimolobos virgata*)  
*Mouse-ear-cress, Slender*
- Hydraste du Canada (*Hydrastis canadensis*)  
*Goldenseal*
- Hydrocotyle à ombelle (*Hydrocotyle umbellata*)  
*Water-pennywort*
- Iris du Missouri (*Iris missouriensis*)  
*Blue-Flag, Western*
- Lachnanthe de Caroline (*Lachnanthes caroliana*)  
*Redroot*
- Liatris à épi (*Liatris spicata*)  
*Star, Dense Blazing*
- Lophiolie dorée (*Lophiola aurea*)  
*Golden Crest*
- Sabatie de Kennedy (*Sabatia kennedyana*)  
*Gentian, Plymouth*
- Sanicle bipinnatifide (*Sanicula bipinnatifida*)  
*Sanicle, Purple*
- Smilax à feuilles rondes (*Smilax rotundifolia*) population des plaines des Grands Lacs

*Violette jaune des monts*

Water-pennywort (*Hydrocotyle umbellata*)

*Hydrocotyle à ombelle*

Water-willow, American (*Justicia americana*)

*Carmantine d'Amérique*

#### **MOSSES**

Moss, Haller's Apple (*Bartramia halleriana*)

*Bartramie de Haller*

#### PART 4

#### SPECIAL CONCERN

#### **MAMMALS**

Beaver, Mountain (*Aplodontia rufa*)

*Castor de montagne*

Mole, Eastern (*Scalopus aquaticus*)

*Taupe à queue glabre*

Prairie Dog, Black-tailed (*Cynomys ludovicianus*)

*Chien de prairie*

Vole, Woodland (*Microtus pinetorum*)

*Campagnol sylvestre*

Whale, Killer (*Orcinus orca*) Northeast Pacific offshore population

*Épaulard* population au large du Pacifique Nord-Est

Wolf, Eastern (*Canis lupus lycaon*)

*Loup de l'Est*

#### **BIRDS**

Chat, Eastern Yellow-breasted (*Icteria virens virens*)

*Paruline polyglotte de l'Est*

Duck, Harlequin (*Histrionicus histrionicus*) Eastern population

*Arlequin plongeur* population de l'Est

Falcon, Peale's Peregrine (*Falco peregrinus pealei*)

*Faucon pèlerin, pealei*

Goldeneye, Barrow's (*Bucephala islandica*) Eastern population

*Garrot d'Islande* population de l'Est

Gull, Ivory (*Pagophila eburnea*)

*Mouette blanche*

Owl, Barn (*Tyto alba*) Western population

*Effraie des clochers* population de l'Ouest

Owl, Flammulated (*Otus flammeolus*)

*Petit-duc nain*

Rail, Yellow (*Coturnicops noveboracensis*)

*Râle jaune*

*Greenbrier, Round-leaved* Great Lakes Plains population

*Violette jaune des monts* (*Viola praemorsa* ssp. *praemorsa*)

*Violet, Yellow Montane*

*Yucca glauque* (*Yucca glauca*)

*Soapweed*

#### **MOUSSES**

*Bartramie de Haller* (*Bartramia halleriana*)

*Moss, Haller's Apple*

#### PARTIE 4

#### ESPÈCES PRÉOCCUPANTES

#### **MAMMIFÈRES**

*Campagnol sylvestre* (*Microtus pinetorum*)

*Vole, Woodland*

*Castor de montagne* (*Aplodontia rufa*)

*Beaver, Mountain*

*Chien de prairie* (*Cynomys ludovicianus*)

*Prairie Dog, Black-tailed*

*Épaulard* (*Orcinus orca*) population au large du Pacifique Nord-Est

*Whale, Killer* Northeast Pacific offshore population

*Loup de l'Est* (*Canis lupus lycaon*)

*Wolf, Eastern*

*Taupe à queue glabre* (*Scalopus aquaticus*)

*Mole, Eastern*

#### **OISEAUX**

*Arlequin plongeur* (*Histrionicus histrionicus*) population de l'Est

*Duck, Harlequin* Eastern population

*Bruant des prés, princeps* (*Passerculus sandwichensis princeps*)

*Sparrow, "Ipswich" Savannah*

*Effraie des clochers* (*Tyto alba*) population de l'Ouest

*Owl, Barn* Western population

*Faucon pèlerin, pealei* (*Falco peregrinus pealei*)

*Falcon, Peale's Peregrine*

*Garrot d'Islande* (*Bucephala islandica*) population de l'Est

*Goldeneye, Barrow's* Eastern population

*Mouette blanche* (*Pagophila eburnea*)

*Gull, Ivory*

*Paruline polyglotte de l'Est* (*Icteria virens virens*)

*Chat, Eastern Yellow-breasted*

*Petit-duc nain* (*Otus flammeolus*)

*Owl, Flammulated*

Sparrow, “Ipswich” Savannah (*Passerculus sandwichensis princeps*)

*Bruant des prés, princeps*

Woodpecker, Lewis’s (*Melanerpes lewis*)

*Pic de Lewis*

#### AMPHIBIANS

Frog, Coast Tailed (*Ascaphus truei*)

*Grenouille-à-queue côtière*

Salamander, Coeur d’Alène (*Plethodon idahoensis*)

*Salamandre Coeur d’Alène*

#### FISH

Chub, Silver (*Macrhybopsis storeriana*)

*Méné à grandes écailles*

Minnow, Pugnose (*Opsopoeodus emiliae*)

*Petit-bec*

Sculpin, Columbia Mottled (*Cottus bairdi hubbsi*)

*Chabot tacheté de Columbia*

Shiner, Bridle (*Notropis bifrenatus*)

*Méné d’herbe*

Sucker, Spotted (*Minytrema melanops*)

*Meunier tacheté*

Topminnow, Blackstripe (*Fundulus notatus*)

*Fondule rayé*

Warmouth (*Lepomis gulosus*)

*Crapet sac-à-lait*

Wolffish, Atlantic (*Anarhichas lupus*)

*Loup Atlantique*

#### MOLLUSCS

Oyster, Olympia (*Ostrea conchaphila*)

*Huître plate du Pacifique*

#### LEPIDOPTERANS

Admiral, Weidemeyer’s (*Limenitis weidemeyerii*)

*Amiral de Weidemeyer*

Monarch (*Danaux plexippus*)

*Monarque*

#### PLANTS

Ash, Blue (*Fraxinus quadrangulata*)

*Frêne bleu*

Beggarticks, Vancouver Island (*Bidens amplissima*)

*Grand bident*

Fern, American Hart’s-tongue (*Asplenium scolopendrium* var. *americanum*)

*Scolopendre d’Amérique*

Fern, Coastal Wood (*Dryopteris arguta*)

Pic de Lewis (*Melanerpes lewis*)

*Woodpecker, Lewis’s*

Râle jaune (*Coturnicops noveboracensis*)

*Rail, Yellow*

#### AMPHIBIENS

Grenouille-à-queue côtière (*Ascaphus truei*)

*Frog, Coast Tailed*

Salamandre Coeur d’Alène (*Plethodon idahoensis*)

*Salamander, Coeur d’Alène*

#### POISSONS

Chabot tacheté de Columbia (*Cottus bairdi hubbsi*)

*Sculpin, Columbia Mottled*

Crapet sac-à-lait (*Lepomis gulosus*)

*Warmouth*

Fondule rayé (*Fundulus notatus*)

*Topminnow, Blackstripe*

Loup Atlantique (*Anarhichas lupus*)

*Wolffish, Atlantic*

Méné à grandes écailles (*Macrhybopsis storeriana*)

*Chub, Silver*

Méné d’herbe (*Notropis bifrenatus*)

*Shiner, Bridle*

Meunier tacheté (*Minytrema melanops*)

*Sucker, Spotted*

Petit-bec (*Opsopoeodus emiliae*)

*Minnow, Pugnose*

#### MOLLUSQUES

Huître plate du Pacifique (*Ostrea conchaphila*)

*Oyster, Olympia*

#### LÉPIDOPTÈRES

Amiral de Weidemeyer (*Limenitis weidemeyerii*)

*Admiral, Weidemeyer’s*

Monarque (*Danaux plexippus*)

*Monarch*

#### PLANTES

Achillée à gros capitules (*Achillea millefolium* var. *megacephalum*)

*Yarrow, Large-headed Woolly*

Astragale de Fernald (*Astragalus robbinsii* var. *fernaldii*)

*Milk-vetch, Fernald’s*

Clèthre à feuilles d’aulne (*Clethra alnifolia*)

*Pepperbush, Sweet*

Deschampsie du bassin du Mackenzie (*Deschampsia mackenzieana*)

<i>Dryoptèreide côtière</i>	<i>Hairgrass, Mackenzie</i>
Goldenrod, Riddell's ( <i>Solidago riddellii</i> )	Dryoptéride côtière ( <i>Dryopteris arguta</i> )
<i>Verge d'or de Riddell</i>	<i>Fern, Coastal Wood</i>
Hairgrass, Mackenzie ( <i>Deschampsia mackenzieana</i> )	Frêne bleu ( <i>Fraxinus quadrangulata</i> )
<i>Deschampsie du bassin du Mackenzie</i>	<i>Ash, Blue</i>
Milk-vetch, Fernald's ( <i>Astragalus robbinsii</i> var. <i>fernaldii</i> )	Grand bident ( <i>Bidens amplissima</i> )
<i>Astragale de Fernald</i>	<i>Beggarticks, Vancouver Island</i>
Pepperbush, Sweet ( <i>Clethra alnifolia</i> )	Psilocarpe élevé ( <i>Psilocarphus elatior</i> ) population des Prairies
<i>Clèthre à feuilles d'aulne</i>	<i>Woolly-heads, Tall Prairie population</i>
Tansy, Floccose ( <i>Tanacetum huronense</i> var. <i>floccosum</i> )	Saule de Turnor ( <i>Salix turnorii</i> )
<i>Tanaisie floconneuse</i>	<i>Willow, Turnor's</i>
Willow, Felt-leaf ( <i>Salix silicicola</i> )	Saule psammophile ( <i>Salix brachycarpa</i> var. <i>psammophila</i> )
<i>Saule silicicole</i>	<i>Willow, Sand-dune Short-capsuled</i>
Willow, Sand-dune Short-capsuled ( <i>Salix brachycarpa</i> var. <i>psammophila</i> )	Saule silicicole ( <i>Salix silicicola</i> )
<i>Saule psammophile</i>	<i>Willow, Felt-leaf</i>
Willow, Turnor's ( <i>Salix turnorii</i> )	Scolopendre d'Amérique ( <i>Asplenium scolopendrium</i> var. <i>americanum</i> )
<i>Saule de Turnor</i>	<i>Fern, American Hart's-tongue</i>
Woolly-heads, Tall ( <i>Psilocarphus elatior</i> ) Prairie population	Tanaisie floconneuse ( <i>Tanacetum huronense</i> var. <i>floccosum</i> )
<i>Psilocarpe élevé population des Prairies</i>	<i>Tansy, Floccose</i>
Yarrow, Large-headed Woolly ( <i>Achillea millefolium</i> var. <i>megacephalum</i> )	Verge d'or de Riddell ( <i>Solidago riddellii</i> )
<i>Achillée à gros capitules</i>	<i>Goldenrod, Riddell's</i>

SCHEDULE 2  
(Section 130)

## PART 1

## ENDANGERED SPECIES

**MAMMALS**

Caribou, Peary (*Rangifer tarandus pearyi*) Banks Island population

*Caribou de Peary* population de l'île Banks

Caribou, Peary (*Rangifer tarandus pearyi*) High Arctic population

*Caribou de Peary* population du haut Arctique

Whale, Beluga (*Delphinapterus leucas*) St. Lawrence River population

*Béluga* population du fleuve St-Laurent

Whale, Beluga (*Delphinapterus leucas*) Ungava Bay population

*Béluga* population de la baie d'Ungava

Whale, Beluga (*Delphinapterus leucas*) Southeast Baffin Island - Cumberland Sound population

*Béluga* population du sud-est de l'île de Baffin et de la baie Cumberland

Whale, Bowhead (*Balaena mysticetus*) Eastern Arctic population

*Baleine boréale* population de l'Arctique de l'Est

Whale, Bowhead (*Balaena mysticetus*) Western Arctic population

*Baleine boréale* population de l'Arctique de l'Ouest

Whale, Right (*Eubalaena glacialis*)

*Baleine noire*

Wolverine (*Gulo gulo*) Eastern population

*Carcajou* population de l'Est

**BIRDS**

Bobwhite, Northern (*Colinus virginianus*)

*Colin de Virginie*

**REPTILES**

Racer, Blue (*Coluber constrictor foxii*)

*Couleuvre agile bleue*

Snake, Lake Erie Water (*Nerodia sipedon insularum*)

*Couleuvre d'eau du lac Érié*

**FISH**

Sucker, Salish (*Catostomus* sp.)

*Meunier de Salish*

ANNEXE 2  
(article 130)

## PARTIE 1

## ESPÈCES EN VOIE DE DISPARITION

**MAMMIFÈRES**

Baleine boréale (*Balaena mysticetus*) population de l'Arctique de l'Est

*Whale, Bowhead* Eastern Arctic population

Baleine boréale (*Balaena mysticetus*) population de l'Arctique de l'Ouest

*Whale, Bowhead* Western Arctic population

Baleine noire (*Eubalaena glacialis*)

*Whale, Right*

Béluga (*Delphinapterus leucas*) population de la baie d'Ungava

*Whale, Beluga* Ungava Bay population

Béluga (*Delphinapterus leucas*) population du fleuve St-Laurent

*Whale, Beluga* St. Lawrence River population

Béluga (*Delphinapterus leucas*) population du sud-est de l'île de Baffin et de la baie Cumberland

*Whale, Beluga* Southeast Baffin Island - Cumberland Sound population

Carcajou (*Gulo gulo*) population de l'Est

*Wolverine* Eastern population

Caribou de Peary (*Rangifer tarandus pearyi*) population de l'île Banks

*Caribou, Peary* Banks Island population

Caribou de Peary (*Rangifer tarandus pearyi*) population du haut Arctique

*Caribou, Peary* High Arctic population

**OISEAUX**

Colin de Virginie (*Colinus virginianus*)

*Bobwhite, Northern*

**REPTILES**

Couleuvre agile bleue (*Coluber constrictor foxii*)

*Racer, Blue*

Couleuvre d'eau du lac Érié (*Nerodia sipedon insularum*)

*Snake, Lake Erie Water*

**POISSONS**

Meunier de Salish (*Catostomus* sp.)

*Sucker, Salish*

## PART 2

## THREATENED SPECIES

**MAMMALS**

Caribou, Peary (*Rangifer tarandus pearyi*) Low Arctic population

*Caribou de Peary* population du bas Arctique

Mole, Townsend's (*Scapanus townsendii*)

*Taupe de Townsend*

Porpoise, Harbour (*Phocoena phocoena*) Northwest Atlantic population

*Marsouin commun* population du Nord-Ouest de l'Atlantique

Whale, Beluga (*Delphinapterus leucas*) Eastern Hudson Bay population

*Béluga* population de l'est de la baie d'Hudson

Whale, Humpback (*Megaptera novaeangliae*) North Pacific population

*Rorqual à bosse* population du Pacifique Nord

**BIRDS**

Shrike, Prairie Loggerhead (*Lanius ludovicianus excubitorides*)

*Pie-grièche migratrice des Prairies*

**REPTILES**

Rattlesnake, Eastern Massasauga (*Sistrurus catenatus catenatus*)

*Crotale Massasauga de l'Est*

Turtle, Blanding's (*Emydoidea blandingi*) Nova Scotia population

*Tortue mouchetée* population de la Nouvelle-Écosse

Turtle, Spiny Softshell (*Apalone spinifera*)

*Tortue molle à épines*

**FISH**

Cisco, Blackfin (*Coregonus nigripinnis*)

*Cisco à nageoires noires*

Cisco, Shortjaw (*Coregonus zenithicus*)

*Cisco à mâchoires égales*

Cisco, Shortnose (*Coregonus reighardi*)

*Cisco à museau court*

Darter, Channel (*Percina copelandi*)

*Fouille-roche gris*

Madtom, Margined (*Noturus insignis*)

*Chat-fou liséré*

Redhorse, Black (*Moxostoma duquesnei*)

*Chevalier noir*

## PARTIE 2

## ESPÈCES MENACÉES

**MAMMIFÈRES**

Béluga (*Delphinapterus leucas*) population de l'est de la baie d'Hudson

*Whale, Beluga* Eastern Hudson Bay population

Caribou de Peary (*Rangifer tarandus pearyi*) population du bas Arctique

*Caribou, Peary* Low Arctic population

Marsouin commun (*Phocoena phocoena*) population du Nord-Ouest de l'Atlantique

*Porpoise, Harbour* Northwest Atlantic population

Rorqual à bosse (*Megaptera novaeangliae*) population du Pacifique Nord

*Whale, Humpback* North Pacific population

Taupe de Townsend (*Scapanus townsendii*)

*Mole, Townsend's*

**OISEAUX**

Pie-grièche migratrice des Prairies (*Lanius ludovicianus excubitorides*)

*Shrike, Prairie Loggerhead*

**REPTILES**

Crotale Massasauga de l'Est (*Sistrurus catenatus catenatus*)

*Rattlesnake, Eastern Massasauga*

Tortue molle à épines (*Apalone spinifera*)

*Turtle, Spiny Softshell*

Tortue mouchetée (*Emydoidea blandingi*) population de la Nouvelle-Écosse

*Turtle, Blanding's* Nova Scotia population

**POISSONS**

Chabot de profondeur des Grands Lacs (*Myoxocephalus thompsoni*) population des Grands Lacs

*Sculpin, Deepwater* Great Lakes population

Chat-fou liséré (*Noturus insignis*)

*Madtom, Margined*

Chevalier cuivré (*Moxostoma hubbsi*)

*Redhorse, Copper*

Chevalier noir (*Moxostoma duquesnei*)

*Redhorse, Black*

Cisco à mâchoires égales (*Coregonus zenithicus*)

*Cisco, Shortjaw*



Redhorse, Copper (*Moxostoma hubbsi*)  
*Chevalier cuivré*

Sculpin, Deepwater (*Myoxocephalus thompsoni*) Great Lakes population  
*Chabot de profondeur des Grands Lacs* population des Grands Lacs

Sticklebacks, Enos Lake (*Gasterosteus* spp.)  
*Épinoches du lac Enos*

Whitefish, Lake (*Coregonus clupeaformis*) Lake Simcoe population  
*Grand corégone* population du lac Simcoe

**PLANTS**

Aster, White Wood (*Eurybia divaricatas*)  
*Aster divariqué*

Chestnut, American (*Castanea dentata*)  
*Châtaignier d'Amérique*

Jacob's Ladder, van Brunt's (*Polemonium van-bruntiae*)  
*Polémoine de van Brunt*

Lipocarpa, Small-flowered (*Lipocarpa micrantha*)  
*Lipocarphe à petites fleurs*

Spiderwort, Western (*Tradescantia occidentalis*)  
*Tradescantie de l'Ouest*

Verbena, Sand (*Abronia micrantha*)  
*Abronie à petites fleurs*

Violet, Bird's-foot (*Viola pedata*)  
*Violette pédalée*

Cisco à museau court (*Coregonus reighardi*)  
*Cisco, Shortnose*

Cisco à nageoires noires (*Coregonus nigripinnis*)  
*Cisco, Blackfin*

Épinoches du lac Enos (*Gasterosteus* spp.)  
*Sticklebacks, Enos Lake*

Fouille-roche gris (*Percina copelandi*)  
*Darter, Channel*

Grand corégone (*Coregonus clupeaformis*) population du lac Simcoe  
*Whitefish, Lake* Lake Simcoe population

**PLANTES**

Abronie à petites fleurs (*Abronia micrantha*)  
*Verbena, Sand*

Aster divariqué (*Eurybia divaricata*)  
*Aster, White Wood*

Châtaignier d'Amérique (*Castanea dentata*)  
*Chestnut, American*

Lipocarphe à petites fleurs (*Lipocarpa micrantha*)  
*Lipocarpa, Small-flowered*

Polémoine de van Brunt (*Polemonium van-bruntiae*)  
*Jacob's Ladder, van Brunt's*

Tradescantie de l'Ouest (*Tradescantia occidentalis*)  
*Spiderwort, Western*

Violette pédalée (*Viola pedata*)  
*Violet, Bird's-foot*

SCHEDULE 3  
(Section 130)

SPECIAL CONCERN

**MAMMALS**

- Bat, Fringed (*Myotis thysanodes*)  
*Chauve-souris à queue frangée*
- Bat, Keen's Long-eared (*Myotis keenii*)  
*Chauve-souris de Keen*
- Bat, Spotted (*Euderma maculatum*)  
*Oreillard maculé*
- Bear, Grizzly (*Ursus arctos*)  
*Ours grizzli*
- Bear, Polar (*Ursus maritimus*)  
*Ours polaire*
- Cottontail, Nuttall's (*Sylvilagus nuttallii nuttallii*) British Columbia population  
*Lapin de Nuttall* population de la Colombie-Britannique
- Fox, Grey (*Urocyon cinereoargenteus*)  
*Renard gris*
- Kangaroo Rat, Ord's (*Dipodomys ordii*)  
*Rat kangourou d'Ord*
- Mouse, Western Harvest (*Reithrodontomys megalotis megalotis*) British Columbia population  
*Souris des moissons* population de la Colombie-Britannique
- Seal, Harbour (*Phoca vitulina mellonae*) Lacs des Loups Marins landlocked population  
*Phoque commun* population confinée aux lacs des Loups Marins
- Shrew, Gaspé (*Sorex gaspensis*)  
*Musaraigne de Gaspé*
- Squirrel, Southern Flying (*Glaucomys volans*)  
*Petit polatouche*
- Whale, Beluga (*Delphinapterus leucas*) Eastern High Arctic/Baffin Bay population  
*Béluga* population de l'Est du haut Arctique et de la baie de Baffin
- Whale, Blue (*Balaenoptera musculus*)  
*Rorqual bleu*
- Whale, Fin (*Balaenoptera physalus*)  
*Rorqual commun*
- Whale, Humpback (*Megaptera novaeangliae*) Western North Atlantic population  
*Rorqual à bosse* population du Nord-Ouest de l'Atlantique

ANNEXE 3  
(article 130)

ESPÈCES PRÉOCCUPANTES

**MAMMIFÈRES**

- Baleine à bec commune (*Hyperoodon ampullatus*) population du ravin océanique  
*Whale, Northern Bottlenose* Gully population
- Baleine à bec de Sowerby (*Mesoplodon bidens*)  
*Whale, Sowerby's Beaked*
- Béluga (*Delphinapterus leucas*) population de l'Est du haut Arctique et de la baie de Baffin  
*Whale, Beluga* Eastern High Arctic/Baffin Bay population
- Carcajou (*Gulo gulo*) population de l'Ouest  
*Wolverine* Western population
- Chauve-souris à queue frangée (*Myotis thysanodes*)  
*Bat, Fringed*
- Chauve-souris de Keen (*Myotis keenii*)  
*Bat, Keen's Long-eared*
- Lapin de Nuttall (*Sylvilagus nuttallii nuttallii*) population de la Colombie-Britannique  
*Cottontail, Nuttall's* British Columbia population
- Musaraigne de Gaspé (*Sorex gaspensis*)  
*Shrew, Gaspé*
- Oreillard maculé (*Euderma maculatum*)  
*Bat, Spotted*
- Ours grizzli (*Ursus arctos*)  
*Bear, Grizzly*
- Ours polaire (*Ursus maritimus*)  
*Bear, Polar*
- Petit polatouche (*Glaucomys volans*)  
*Squirrel, Southern Flying*
- Phoque commun (*Phoca vitulina mellonae*) population confinée aux lacs des Loups Marins  
*Seal, Harbour* Lacs des Loups Marins landlocked population
- Rat kangourou d'Ord (*Dipodomys ordii*)  
*Kangaroo Rat, Ord's*
- Renard gris (*Urocyon cinereoargenteus*)  
*Fox, Grey*
- Rorqual à bosse (*Megaptera novaeangliae*) population du Nord-Ouest de l'Atlantique  
*Whale, Humpback* Western North Atlantic population

Whale, Northern Bottlenose (*Hyperoodon ampullatus*) Gully population

*Baleine à bec commune* population du ravin océanique

Whale, Sowerby's Beaked (*Mesoplodon bidens*)

*Baleine à bec de Sowerby*

Wolverine (*Gulo gulo*) Western population

*Carcajou* population de l'Ouest

#### BIRDS

Curlew, Long-billed (*Numenius americanus*)

*Courlis à long bec*

Falcon, Tundra Peregrine (*Falco peregrinus tundrius*)

*Faucon pèlerin, toundra*

Hawk, Ferruginous (*Buteo regalis*)

*Buse rouilleuse*

Hawk, Red-shouldered (*Buteo lineatus*)

*Buse à épaulettes*

Heron, Pacific Great Blue (*Ardea herodias fannini*)

*Grand héron* population de la côte du Pacifique

Murrelet, Ancient (*Synthliboramphus antiquus*)

*Guillemot à cou blanc*

Owl, Short-eared (*Asio flammeus*)

*Hibou des marais*

Thrush, Bicknell's (*Catharus bicknelli*)

*Grive de Bicknell*

Warbler, Cerulean (*Dendroica cerulea*)

*Paruline azurée*

Waterthrush, Louisiana (*Seiurus motacilla*)

*Paruline hochequeue*

Woodpecker, Red-headed (*Melanerpes erythrocephalus*)

*Pic à tête rouge*

#### AMPHIBIANS

Frog, Northern Leopard (*Rana pipiens*) Prairie population

*Grenouille léopard* population des Prairies

Frog, Northern Red-legged (*Rana aurora*)

*Grenouille du Nord à pattes rouges*

Salamander, Smallmouth (*Ambystoma texanum*)

*Salamandre à nez court*

Salamander, Spring (*Gyrinophilus porphyriticus*)

*Salamandre pourpre*

Toad, Great Plains (*Bufo cognatus*)

*Crapaud des steppes*

Rorqual bleu (*Balaenoptera musculus*)

*Whale, Blue*

Rorqual commun (*Balaenoptera physalus*)

*Whale, Fin*

Souris des moissons (*Reithrodontomys megalotis megalotis*) population de la Colombie-Britannique

*Mouse, Western Harvest* British Columbia population

#### OISEAUX

Buse à épaulettes (*Buteo lineatus*)

*Hawk, Red-shouldered*

Buse rouilleuse (*Buteo regalis*)

*Hawk, Ferruginous*

Courlis à long bec (*Numenius americanus*)

*Curlew, Long-billed*

Faucon pèlerin, toundra (*Falco peregrinus tundrius*)

*Falcon, Tundra Peregrine*

Grand héron (*Ardea herodias fannini*) population de la côte du Pacifique

*Heron, Pacific Great Blue*

Grive de Bicknell (*Catharus bicknelli*)

*Thrush, Bicknell's*

Guillemot à cou blanc (*Synthliboramphus antiquus*)

*Murrelet, Ancient*

Hibou des marais (*Asio flammeus*)

*Owl, Short-eared*

Paruline azurée (*Dendroica cerulea*)

*Warbler, Cerulean*

Paruline hochequeue (*Seiurus motacilla*)

*Waterthrush, Louisiana*

Pic à tête rouge (*Melanerpes erythrocephalus*)

*Woodpecker, Red-headed*

#### AMPHIBIENS

Crapaud des steppes (*Bufo cognatus*)

*Toad, Great Plains*

Grenouille du Nord à pattes rouges (*Rana aurora*)

*Frog, Northern Red-legged*

Grenouille léopard (*Rana pipiens*) population des Prairies

*Frog, Northern Leopard* Prairie population

Salamandre à nez court (*Ambystoma texanum*)

*Salamander, Smallmouth*

Salamandre pourpre (*Gyrinophilus porphyriticus*)

*Salamander, Spring*

**REPTILES**

- Lizard, Eastern Short-horned (*Phrynosoma douglassii brevirostre*)  
*Phrynosome de Douglas de l'Est*
- Racer, Eastern Yellow-bellied (*Coluber constrictor flaviventris*)  
*Couleuvre agile à ventre jaune de l'Est*
- Skink, Five-lined (*Eumeces fasciatus*)  
*Scinque pentaligne*
- Skink, Northern Prairie (*Eumeces septentrionalis septentrionalis*)  
*Scinque des Prairies*
- Turtle, Spotted (*Clemmys guttata*)  
*Tortue ponctuée*
- Turtle, Wood (*Clemmys insculpta*)  
*Tortue des bois*

**FISH**

- Buffalo, Bigmouth (*Ictiobus cyprinellus*)  
*Buffalo à grande bouche*
- Buffalo, Black (*Ictiobus niger*)  
*Buffalo noir*
- Cisco, Spring (*Coregonus* sp.)  
*Cisco de printemps*
- Cod, Atlantic (*Gadus morhua*)  
*Morue franche*
- Dace, Redside (*Clinostomus elongatus*)  
*Méné long*
- Dace, Speckled (*Rhinichthys osculus*)  
*Naseux moucheté*
- Dace, Umatilla (*Rhinichthys umatilla*)  
*Naseux d'Umatilla*
- Darter, Greenside (*Etheostoma blennioides*)  
*Dard vert*
- Killifish, Banded (*Fundulus diaphanus*) Newfoundland population  
*Fondule barré population de Terre-Neuve*
- Kiyi (*Coregonus kiyi*)  
*Kiyi*
- Lamprey, Chestnut (*Ichthyomyzon castaneus*)  
*Lamproie brune*
- Lamprey, Northern Brook (*Ichthyomyzon fossor*)  
*Lamproie du Nord*
- Madtom, Northern (*Noturus stigmosus*)  
*Chat-fou du Nord*

**REPTILES**

- Couleuvre agile à ventre jaune de l'Est (*Coluber constrictor flaviventris*)  
*Racer, Eastern Yellow-bellied*
- Phrynosome de Douglas de l'Est (*Phrynosoma douglassii brevirostre*)  
*Lizard, Eastern Short-horned*
- Scinque des Prairies (*Eumeces septentrionalis septentrionalis*)  
*Skink, Northern Prairie*
- Scinque pentaligne (*Eumeces fasciatus*)  
*Skink, Five-lined*
- Tortue des bois (*Clemmys insculpta*)  
*Turtle, Wood*
- Tortue ponctuée (*Clemmys guttata*)  
*Turtle, Spotted*

**POISSONS**

- Buffalo à grande bouche (*Ictiobus cyprinellus*)  
*Buffalo, Bigmouth*
- Buffalo noir (*Ictiobus niger*)  
*Buffalo, Black*
- Chabosseau à quatre cornes (*Myoxocephalus quadricornis*) forme d'eau douce  
*Sculpin, Fourhorn Freshwater form*
- Chat-fou du Nord (*Noturus stigmosus*)  
*Madtom, Northern*
- Chevalier de rivière (*Moxostoma carinatum*)  
*Redhorse, River*
- Cisco de printemps (*Coregonus* sp.)  
*Cisco, Spring*
- Corégone du Squanga (*Coregonus* sp.)  
*Whitefish, Squanga*
- Crapet menu (*Lepomis humilis*)  
*Sunfish, Orangespotted*
- Crapet rouge (*Lepomis auritus*)  
*Sunfish, Redbreast*
- Dard vert (*Etheostoma blennioides*)  
*Darter, Greenside*
- Épinoche géante (*Gasterosteus* sp.)  
*Stickleback, Giant*
- Épinoche lisse des îles de la Reine-Charlotte (*Gasterosteus aculeatus*)  
*Stickleback, Charlotte Unarmoured*
- Esturgeon à museau court (*Acipenser brevirostrum*)  
*Sturgeon, Shortnose*

Prickleback, Pighead (*Acantholumpenus mackayi*)  
*Terrassier à six lignes*

Redhorse, River (*Moxostoma carinatum*)  
*Chevalier de rivière*

Sardine, Pacific (*Sardinops sagax*)  
*Sardine du Pacifique*

Sculpin, Fourhorn (*Myoxocephalus quadricornis*) Freshwater form  
*Chaboisseau à quatre cornes forme d'eau douce*

Shiner, Bigmouth (*Notropis dorsalis*)  
*Méné à grande bouche*

Shiner, Pugnose (*Notropis anogenus*)  
*Méné camus*

Shiner, Silver (*Notropis photogenis*)  
*Méné miroir*

Stickleback, Charlotte Unarmoured (*Gasterosteus aculeatus*)  
*Épinoche lisse des îles de la Reine-Charlotte*

Stickleback, Giant (*Gasterosteus* sp.)  
*Épinoche géante*

Sturgeon, Green (*Acipenser medirostris*)  
*Esturgeon vert*

Sturgeon, Shortnose (*Acipenser brevirostrum*)  
*Esturgeon à museau court*

Sturgeon, White (*Acipenser transmontanus*)  
*Esturgeon blanc*

Sunfish, Orangespotted (*Lepomis humilis*)  
*Crapet menu*

Sunfish, Redbreast (*Lepomis auritus*)  
*Crapet rouge*

Whitefish, Squanga (*Coregonus* sp.)  
*Corégone du Squanga*

Wolfish, Bering (*Anarhichas orientalis*)  
*Loup de Bering*

**PLANTS**

Aster, Bathurst (*Symphyotrichum subulatum*) Bathurst population  
*Aster subulé* population de Bathurst

Aster, Crooked-stemmed (*Symphyotrichum prenanthoides*)  
*Aster fausse-prenanthe*

Aster, Gulf of St. Lawrence (*Symphyotrichum laurentianum*)  
*Aster du Golfe St-Laurent*

Aster, Willow (*Symphyotrichum praealtum*)  
*Aster très élevé*

Esturgeon blanc (*Acipenser transmontanus*)  
*Sturgeon, White*

Esturgeon vert (*Acipenser medirostris*)  
*Sturgeon, Green*

Fondule barré (*Fundulus diaphanus*) population de Terre-Neuve  
*Killifish, Banded Newfoundland population*

Kiyi (*Coregonus kiyi*)  
*Kiyi*

Lamproie brune (*Ichthyomyzon castaneus*)  
*Lamprey, Chestnut*

Lamproie du Nord (*Ichthyomyzon fossor*)  
*Lamprey, Northern Brook*

Loup de Bering (*Anarhichas orientalis*)  
*Wolfish, Bering*

Méné à grande bouche (*Notropis dorsalis*)  
*Shiner, Bigmouth*

Méné camus (*Notropis anogenus*)  
*Shiner, Pugnose*

Méné long (*Clinostomus elongatus*)  
*Dace, Redside*

Méné miroir (*Notropis photogenis*)  
*Shiner, Silver*

Morue franche (*Gadus morhua*)  
*Cod, Atlantic*

Naseux d'Umatilla (*Rhinichthys umatilla*)  
*Dace, Umatilla*

Naseux moucheté (*Rhinichthys osculus*)  
*Dace, Speckled*

Sardine du Pacifique (*Sardinops sagax*)  
*Sardine, Pacific*

Terrassier à six lignes (*Acantholumpenus mackayi*)  
*Prickleback, Pighead*

**PLANTES**

Arisème dragon (*Arisaema dracontium*)  
*Green Dragon*

Armeria de l'Athabasca (*Armeria maritima* ssp. *interior*)  
*Thrift, Athabasca*

Arnoglosse plantain (*Arnoglossum plantagineum*)  
*Indian-plantain, Tuberous*

Aster du Golfe St-Laurent (*Symphyotrichum laurentianum*)  
*Aster, Gulf of St. Lawrence*

Aster fausse-prenanthe (*Symphyotrichum prenanthoides*)  
*Aster, Crooked-stemmed*

- Bartonia, Branched (*Bartonia paniculata* ssp. *paniculata*)  
*Bartonie paniculé*
- Bulrush, Long's (*Scirpus longii*)  
*Scirpe de Long*
- Columbo, American (*Frasera caroliniensis*)  
*Frasère de Caroline*
- Fern, Broad Beech (*Phegopteris hexagonoptera*)  
*Phégoptéride à hexagones*
- Fleabane, Provancher's (*Erigeron philadelphicus* ssp. *provancheri*)  
*Vergerette de Provancher*
- Gentian, Victorin's (*Gentianopsis victorinii*)  
*Gentiane de Victorin*
- Goosefoot, Smooth (*Chenopodium subglabrum*)  
*Chénopode glabre*
- Green Dragon (*Arisaema dracontium*)  
*Arisème dragon*
- Hackberry, Dwarf (*Celtis tenuifolia*)  
*Micocoulier rabougri*
- Helleborine, Giant (*Epipactis gigantea*)  
*Épipactis géant*
- Hop-tree, Common (*Ptelea trifoliata*)  
*Ptéléa trifolié*
- Hyacinth, Wild (*Camassia scilloides*)  
*Camassie faux-scille*
- Indian-plantain, Tuberous (*Arnoglossum plantagineum*)  
*Arnoglosse plantain*
- Lilaeopsis (*Lilaeopsis chinensis*)  
*Liléopsis de l'Est*
- Locoweed, Hare-footed (*Oxytropis lagopus*)  
*Oxytrope patte-de-lièvre*
- Meadowfoam, Macoun's (*Limnanthes macounii*)  
*Limnanthe de Macoun*
- Oak, Shumard (*Quercus shumardii*)  
*Chêne de Shumard*
- Orchid, Eastern Prairie Fringed (*Platanthera leucophaea*)  
*Platanthère blanchâtre de l'Est*
- Pondweed, Hill's (*Potamogeton hillii*)  
*Potamot de Hill*
- Quillwort, Bolander's (*Isoetes bolanderi*)  
*Isoète de Bolander*
- Rose, Climbing Prairie (*Rosa setigera*)  
*Rosier sétigère*
- Aster subulé (*Symphotrichum subulatum*) population de Bathurst  
*Aster, Bathurst* Bathurst population
- Aster très élevé (*Symphotrichum praealtum*)  
*Aster, Willow*
- Bartonie paniculé (*Bartonia paniculata* ssp. *paniculata*)  
*Bartonia, Branched*
- Camassie faux-scille (*Camassia scilloides*)  
*Hyacinth, Wild*
- Chêne de Shumard (*Quercus shumardii*)  
*Oak, Shumard*
- Chénopode glabre (*Chenopodium subglabrum*)  
*Goosefoot, Smooth*
- Cicutaire de Victorin (*Cicuta maculata* var. *victorinii*)  
*Water-hemlock, Victorin's*
- Épipactis géant (*Epipactis gigantea*)  
*Helleborine, Giant*
- Frasère de Caroline (*Frasera caroliniensis*)  
*Columbo, American*
- Gentiane de Victorin (*Gentianopsis victorinii*)  
*Gentian, Victorin's*
- Isoète de Bolander (*Isoetes bolanderi*)  
*Quillwort, Bolander's*
- Isopyre à feuilles biternées (*Enemion biternatum*)  
*Rue-anemone, False*
- Jonc du New Jersey (*Juncus caesariensis*)  
*Rush, New Jersey*
- Ketmie des marais (*Hibiscus moscheutos*)  
*Rose-mallow, Swamp*
- Liléopsis de l'Est (*Lilaeopsis chinensis*)  
*Lilaeopsis*
- Limnanthe de Macoun (*Limnanthes macounii*)  
*Meadowfoam, Macoun's*
- Micocoulier rabougri (*Celtis tenuifolia*)  
*Hackberry, Dwarf*
- Oxytrope patte-de-lièvre (*Oxytropis lagopus*)  
*Locoweed, Hare-footed*
- Phégoptéride à hexagones (*Phegopteris hexagonoptera*)  
*Fern, Broad Beech*
- Platanthère blanchâtre de l'Est (*Platanthera leucophaea*)  
*Orchid, Eastern Prairie Fringed*
- Potamot de Hill (*Potamogeton hillii*)  
*Pondweed, Hill's*

Rose-mallow, Swamp (*Hibiscus moscheutos*)

*Ketmie des marais*

Rue-anemone, False (*Enemion biternatum*)

*Isopyre à feuilles biternées*

Rush, New Jersey (*Juncus caesariensis*)

*Jonc du New Jersey*

Thrift, Athabasca (*Armeria maritima* ssp. *interior*)

*Armeria de l'Athabasca*

Water-hemlock, Victorin's (*Cicuta maculata* var. *victorinii*)

*Cicutaire de Victorin*

#### LICHENS

Cryptic Paw (*Nephroma occultum*)

*Lichen cryptique*

Oldgrowth Specklebelly (*Pseudocyphellaria rainierensis*)

*Pseudocyphellie des forêts surannées*

Seaside Bone (*Hypogymnia heterophylla*)

*Hypogymnie maritime*

Ptéléa trifolié (*Ptelea trifoliata*)

*Hop-tree, Common*

Rosier sétigère (*Rosa setigera*)

*Rose, Climbing Prairie*

Scirpe de Long (*Scirpus longii*)

*Bulrush, Long's*

Vergerette de Provancher (*Erigeron philadelphicus* ssp. *provancheri*)

*Fleabane, Provancher's*

#### LICHENS

Hypogymnie maritime (*Hypogymnia heterophylla*)

*Seaside Bone*

Lichen cryptique (*Nephroma occultum*)

*Cryptic Paw*

Pseudocyphellie des forêts surannées (*Pseudocyphellaria rainierensis*)

*Oldgrowth Specklebelly*



# Agricultural Marshland Conservation Act

CHAPTER 22

OF THE

ACTS OF 2000

amended 2001, c. 1, ss. 2, 3; 2001, c. 6, s. 96; 2004, c. 38, s. 26

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## An Act for the Conservation of Agricultural Marshland

### Short title

1 This Act may be cited as the *Agricultural Marshland Conservation Act, 2000, c. 22, s. 1.*

### Interpretation

2 In this Act,

- (a) "Commission" means the Agricultural Marshlands Conservation Commission;
- (b) "development" includes the erection, construction, alteration, placement, location, replacement or relocation of, or addition to, a structure or a change or alteration in the use made of lands or structures;
- (c) "marsh body" means a marsh body incorporated pursuant to this Act or continued by this Act;
- (d) "marshland" means land that is



(i) subject to periodic tidal flooding, and

(ii) designated by the Minister as marshland pursuant to this Act or Chapter 274 of the Revised Statutes, 1989, the Marshland Reclamation Act;

(e) "Marshland Administrator" means the Marshland Administrator appointed pursuant to this Act and includes a person acting under the supervision and direction of the Marshland Administrator;

(f) "marshland section" means an area of marshland that may be effectively dealt with as a unit in the construction and maintenance of works;

(g) "Minister" means the Minister of Agriculture and Fisheries;

(h) "rates" means rates levied pursuant this Act, including interest on rates;

(i) "works" includes dykes, aboiteaux, breakwaters, canals, ditches, drains, roads and other structures, excavations and facilities for the conservation, development, improvement or protection of marshland to a standard appropriate for agricultural purposes. *2000, c. 22, s. 2.*

### **Supervision and management**

3 The Minister has the general supervision and management of this Act. *2000, c. 22, s. 3.*

### **Powers of Minister**

4 (1) Subject to the approval of the Governor in Council, the Minister may construct works to develop marshland for agricultural purposes.

(2) The Minister may reconstruct, repair, operate and maintain any works for the protection, drainage and improvement of marshland for agricultural purposes.

(3) The costs and expenses incurred as a result of the activities carried out pursuant to subsections (1) and (2) shall be paid from moneys appropriated annually by the Legislature.

(4) For the purpose of carrying out the activities authorized by this Section, the Minister may

(a) enter into agreements with the Government of Canada, the government of any other province of Canada, any department, body or person;

(b) purchase, dispose of or rent real and personal property;

(c) engage all necessary employees, consultants, contractors or other persons;

(d) take or authorize any person to take any action that may be necessary for carrying out the purpose of this Act. *2000, c. 22, s. 4 .*

## **Designations**

5 (1) The Minister may, by order, designate and fix the boundaries of any marshland section for the purpose of carrying out any works or projects pursuant to this Act.

(2) A marshland section designated pursuant to subsection (1) may include any lands adjacent to the marshland that the Minister considers necessary for the construction and maintenance of any works.

(3) Where the designation of a marshland section has been made pursuant to this Section, the Minister shall

(a) publish a notice containing a description of the marshland section in the Royal Gazette;

(b) deposit a description of the marshland section in the office of the registrar of deeds for the registration district in which the marshland section is situate or where the marshland section is located in one or more parcels of land registered pursuant to the Land Registration Act, record the legal description in the register or registers established for that parcel or those parcels pursuant to that Act ; and

(c) give notice of the designation and a description of the marshland section to the owner of the marshland section. *2000, c. 22, s. 5; 2001, c. 6, s. 96; 2004, c. 38, s. 26.*

## **Effect of designation**

6 Any area designated by the Minister as a marshland section pursuant to Section 5 is marshland for the purpose of this Act. *2000, c. 22, s. 6.*

## **AGRICULTURAL MARSHLAND CONSERVATION COMMISSION**

### **Composition, remuneration and staff**

7 (1) The Governor in Council may appoint an Agricultural Marshland Conservation Commission consisting of not more than five members.

(2) The Governor in Council shall appoint one member to be the Chair of the Commission.

(3) The Governor in Council shall appoint, from the public service of the Province, a suitable person to be the Secretary of the Commission.

(4) A majority of members of the Commission constitutes a quorum.

(5) Each member of the Commission shall be paid such remuneration as determined by the Governor in Council.

(6) Each member of the Commission shall be reimbursed as determined by the Governor in Council for reasonable travel and other expenses incurred by that member in carrying out the duties of a member of the Commission.

(7) Each member of the Commission holds office for a period of up to three years unless the appointment is revoked and is eligible for re-appointment.

(8) A vacancy on the Commission does not impair the ability of the Commission to act. *2000, c. 22, s. 7.*

### **Duties of Commission**

8 The Commission shall

(a) advise the Minister on matters related to the conservation and protection of marshland and its development and maintenance;

(b) hear appeals pursuant to this Act;

(c) study and examine proposals for the construction, reconstruction, recondition, repair, maintenance, conduct or operation of works and make recommendations to the Minister;

(d) approve rules made by a marsh body respecting works and land within a marshland section; and

(e) perform such further or other duties as may be assigned to it by this Act or the regulations. *2000, c. 22, s. 8.*

### **Expenses**

9 The administration expenses of the Commission are administration expenses of the Department of Agriculture and Fisheries. *2000, c. 22, s. 9.*

## MARSHLAND ADMINISTRATOR

### **Appointment and duties**

10 The Minister shall appoint from the public service of the Province a suitable person to be the Marshland Administrator who shall perform such duties as are imposed by this Act or the regulations. *2000, c. 22, s. 10.*

## MARSH BODIES

### **Incorporation of marsh bodies**

11 (1) The owners of marshland in any marshland section may petition the Commission requesting that they be incorporated as a marsh body for that marshland section.

(2) The petition shall set forth

(a) the boundaries and size of the marshland section;

(b) the names and addresses of all persons believed to be, after due inquiry, the owners of marshland within the marshland section;

(c) the approximate amount of marshland owned by each owner within the marshland section;

(d) the proposed name of the marsh body; and

(e) the names of not more than nine persons to be the provisional executive committee of the marsh body.

(3) Subject to subsection (4), where the Minister is satisfied that

(a) the petition is signed by not less than two thirds of the owners of marshland within the marshland section;

(b) the persons signing the petition are the owners of not less than one half of the marshland within the marshland section; and

(c) the Commission recommends that the owners be constituted as a marsh body,

the Minister may, by issuing a certificate in a form prescribed by the regulations, constitute the owners of land within the marshland section as a body corporate under the name set out in the certificate.

(4) Except in exceptional circumstances, a marsh body may not be incorporated for any marshland other than a marshland section, but in such circumstances a certificate of incorporation may be issued for marshland that comprises less than a marshland section or that comprises more than one marshland section.

(5) A certificate of incorporation issued pursuant to this Act shall be published in the Royal Gazette.

(6) Each marsh body incorporated pursuant to Chapter 274 of the Revised Statutes, 1989, the Marshland Reclamation Act, and in existence immediately before the coming into force of this Act is continued as a body corporate with the same powers and functions as a marsh body incorporated pursuant to this Act. *2000, c. 22, s. 11.*

### **Membership of bodies**

12 (1) Every person who is an owner of marshland in a marshland section is a voting member of the marsh body incorporated for the marshland.

(2) A member of a marsh body may, by instrument in writing filed with the secretary of the marsh body, nominate another person who is a tenant, occupant or manager of the marshland owned by the member to represent the member at meetings of members of the marsh body.

(3) A person nominated is, until the nomination is rescinded, a member of the marsh body and, without restricting the generality of the foregoing, has, at meetings of members of the marsh body, all the rights and privileges of the member represented and is eligible for election to and to serve as a member of the executive committee of the marsh body.

(4) At any meeting of the marsh body, a member that is a corporation may vote in the manner prescribed by the by-laws of the marsh body. *2000, c. 22, s. 12.*

### **Variation of boundaries**

13 (1) The Minister may vary the boundaries of a marshland section for which a marsh body is incorporated by adding marshland to the section or excluding marshland from the section where

(a) the Commission recommends that the Minister make the variation; and

(b) the Minister is satisfied that

(i) a resolution requesting the variation has been passed at a general or special meeting of the members of the marsh body by a vote of not fewer than two thirds of the members of the marsh body present at the meeting, and

(ii) the owners of not less than two thirds of the marshland proposed to be added or excluded favour the variation.

(2) Where the Minister varies the boundaries of a marshland section for which a marsh body was incorporated,

(a) each owner of marshland added to the marshland section is a member of the marsh body;

(b) any marshland added to the marshland section is subject to this Act;

(c) each owner of marshland excluded from the marshland section ceases to be a member of the marsh body if, as a result of the variation, the owner ceases to own any land in the marshland section; and

(d) any marshland excluded from the marshland section ceases to be subject to this Act.

(3) Where a variation is made pursuant to this Section, the Minister shall insert a notice containing a description of the area in of the Royal Gazette. *2000, c. 22, s. 13.*

## **Powers of marsh bodies**

14 A marsh body may

- (a) acquire, use, sell and lease real and personal property;
- (b) construct, reconstruct, recondition, repair, maintain, conduct and operate works;
- (c) enter into agreements with the Minister or other persons for the construction, reconstruction, reconditioning, repairing, maintenance, conduct or operation of works;
- (d) make by-laws not inconsistent with this Act for the regulation of its business and affairs;
- (e) subject to the approval of the Commission, make rules respecting works and land within or affecting the marshland section;
- (f) raise money for its purposes by borrowing or by the levying of rates pursuant to this Act;
- (g) prepare a mission or an objectives statement;
- (h) do and perform all other acts and things incidental or conducive to the attainment of its objects. *2000, c. 22, s. 14.*

## **Executive Committee**

15 (1) Each marsh body shall have an executive committee.

(2) The executive committee consists of such number of members of the marsh body as are prescribed by the by-laws of the marsh body.

(3) The executive committee has the management and direction of the business and affairs of the marsh body. *2000, c. 22, s. 15 .*

## **Execution of document**

16 All documents to which a marsh body is a party shall be executed on behalf of the marsh body by the chair and the secretary of the executive committee of the marsh body or by such members of the executive committee as the executive committee may authorize. *2000, c. 22, s. 16.*

## **Provisional executive committee**

17 (1) Those persons who are, in a petition requesting the incorporation of a marsh body, named as the provisional executive committee of the marsh body constitute the provisional executive committee of the marsh body and are the first executive committee of the marsh body.

(2) The members of the provisional executive committee hold office and are the executive committee of the marsh body until their successors are elected pursuant to the by-laws of the marsh body.

(3) The provisional executive committee shall elect from their number a chair and a secretary.

(4) The provisional executive committee shall call an organization meeting of the members of the marsh body, not later than three months from the date of publication of the certificate of incorporation.

(5) At the organization meeting, by-laws of the marsh body shall be adopted and an executive committee consisting of the number of persons prescribed by the by-laws shall be elected.

(6) A member of the executive committee elected at a general meeting of the marsh body holds office for a term as prescribed by the by-laws and may be re-elected. *2000, c. 22, s. 17.*

### **Chair and secretary of executive committee**

18 (1) The members of the executive committee of a marsh body shall, at their first meeting after the organization meeting of the marsh body and, after each general meeting, elect one of their number to be chair of the executive committee.

(2) The chair of the executive committee is also the chair of the marsh body and shall preside over meetings of the executive committee and the marsh body.

(3) At the same meeting, the executive committee of a marsh body shall elect a secretary.

(4) The secretary of the executive committee is also the secretary of the marsh body. *2000, c. 22, s. 18.*

### **Filling of vacancies**

19 When a vacancy occurs on the executive committee of a marsh body, the remaining members may appoint a successor to the member whose office becomes vacant, and the person appointed holds office until the next general meeting of the marsh body, when the vacancy shall be filled for the unexpired portion of the term. *2000, c. 22, s. 19.*

### **Frequency of meetings**

20 The executive committee of a marsh body shall meet as frequently as may be necessary to attend to the business and affairs of the marsh body, and shall be convened by the chair of the executive committee at any time when at least two members of the marsh body request the meeting in writing. *2000, c. 22, s. 20.*

### **Quorum**

21 A majority of the members of the executive committee of a marsh body constitutes a quorum. *2000, c. 22, s. 21.*

### **Fiscal year**

22 The financial year of a marsh body shall be fixed by the by-laws of the marsh body. *2000, c. 22, s. 22.*

### **Meetings of members of body**

23 (1) There shall be general meetings of the members of a marsh body as prescribed by the by-laws of the marsh body and at a time and place determined by the executive committee of the marsh body.

(2) A special meeting of the members of the marsh body may be called and held in the manner prescribed by the by-laws of the marsh body. *2000, c. 22, s. 23.*

### **Voting rights**

24 (1) At an organization meeting and at any other meeting of a marsh body within one year after its incorporation each member of the marsh body may vote.

(2) Notwithstanding subsection (1), a member may not vote at a meeting of the marsh body if, after one year from the date of its incorporation, all rates levied upon the member's land, pursuant to this Act, prior to one year before the date of the meeting have not been paid. *2000, c. 22, s. 24.*

### **Notice of time and place of meeting**

25 The chair or secretary of the executive committee of a marsh body shall give notice of the time and place of each general or special meeting of the marsh body by mailing a notice to each owner at the owner's last known address at least ten days before the date of the meeting. *2000, c. 22, s. 25.*

### **Report of executive committee**

26 The executive committee of a marsh body shall, at each general meeting of the marsh body, present a report of its administration of the affairs of the marsh body and an audited financial statement covering its administration since the last general meeting. *2000, c. 22, s. 26.*

### **Auditor**

27 (1) The members of a marsh body shall, at the organization meeting and at each general meeting of the marsh body, appoint an auditor or auditors who shall examine the accounts of the marsh body.



(2) The auditor shall have free access at all times to the books, accounts and vouchers of the marsh body and may require from the officers and secretary of the marsh body any information and explanation necessary for the performance of the duties of the auditor.

(3) The auditor may be paid for services such compensation as the executive committee of the marsh body determines.

(4) The executive committee of the marsh body shall publish the auditor's report and provide each member with a copy of the report. *2000, c. 22, s. 27.*

### **Estimates and reserve fund**

28 (1) The executive committee of a marsh body shall annually prepare estimates of the amount required for the purposes of the marsh body for the ensuing year, making allowances for losses and expenses that may occur in the collection of rates pursuant to this Act and for rates that may not be collected or collectable, and shall present the estimates to a general meeting of the marsh body for approval of the marsh body.

(2) In preparing its estimates, the executive committee may make provision for the raising of an amount that is not less than one per cent of the value at which all marshland within the marshland section is assessed for the purpose of levying rates pursuant to this Act to be placed in a special reserve fund.

(3) The executive committee may invest the special reserve fund in investments authorized by the Trustee Act.

(4) The special reserve fund may be used only for the payment of the cost of extraordinary work and no withdrawals shall be made from it without the approval in writing of the Commission. *2000, c. 22, s. 28.*

## ASSESSMENT AND RATING

### **Preparation of lists and valuations**

29 The executive committee of a marsh body shall

(a) in such manner as is prescribed by the regulations, prepare and make available for inspection by the owners an assessment list containing the name of each person who is, the owner of marshland for which the marsh body was incorporated, the owner's address, the number of hectares owned by the owner; and

(b) establish the value at which the land is assessed by the executive committee for the purpose of levying rates pursuant to this Act. *2000, c. 22, s. 29.*

### **Right to appeal**

30 (1) Any person complaining of being wrongfully inserted or omitted in an assessment list may appeal to the executive committee of the marsh body.

(2) An appeal may be taken by giving notice of the appeal to the secretary of the executive committee within thirty days after the assessment list was made available for inspection.

(3) The executive committee, for the purpose of an appeal, may examine witnesses on oath or affirmation, administered by the chair of the committee, and the person appealing or any person interested in the appeal may call and examine witnesses on oath.

(4) The executive committee may, on an appeal or on its own motion,

(a) confirm or vary the number of hectares owned by any person;

(b) confirm or vary the value per hectare at which the land is assessed;

(c) add to the assessment list the name and assessment of any person improperly left off the assessment list if the person has been given notice of the addition and has had a reasonable opportunity to be heard; or

(d) strike off the assessment list the name and assessment of any person improperly entered.  
*2000, c. 22, s. 30.*

### **Certification of lists**

31 (1) The secretary of the executive committee of a marsh body shall certify that the assessment list was approved by the executive committee, and it shall be open to inspection at the office of the secretary by any owner of land within the marshland section.

(2) The assessment list after being certified binds all owners assessed on the list. *2000, c. 22, s. 31.*

### **Rates**

32 (1) The executive committee of a marsh body may, no later than April 15th in each year, levy a rate on each owner of land included in the marsh section for which the marsh body was incorporated in such an amount that the aggregate of all rates so levied is sufficient to raise the amount estimated by the executive committee as the amount of money required for the purposes of the marsh body for the ensuing year.

(2) The rate shall be

(a) based on the area of the land and expressed as so much per hectare of land; or

(b) based on the value of the land as established for the purpose of levying a rate pursuant to this Act and expressed as so much on each dollar of the value of the land.

(3) In subsection (2), "land" does not include

(a) buildings;

(b) utility poles;

(c) structures to be used for the generation of power; and

(d) such structures as the regulations may designate.

(4) A rate based on the value of the land may not be levied without the approval of the Commission.

(5) When the rate is fixed, the secretary of the executive committee shall have every owner rated in the assessment list served with a notice either personally or by mail showing the amount of the rate assessed for the current year as well as all arrears of the rate unpaid. *2000, c. 22, s. 32.*

### **Recovery of rate**

33 The amount due by any owner for a rate is a charge on the land and is a debt due to the marsh body and may be sued for and recovered as an ordinary debt in any court of competent jurisdiction. *2000, c. 22, s. 33.*

### **Certificate as proof**

34 In any action or proceeding for the recovery of a rate, a certificate appearing to be signed by the secretary of the executive committee of a marsh body is prima facie proof of the amount of the rate due and of the liability of the owner named in the certificate without proof of the signature or appointment of the secretary. *2000, c. 22, s. 34.*

### **Collection of arrears**

35 (1) Where an owner does not pay the rate assessed against that owner by July 1st in the year in which the rate has been levied, the secretary of the executive committee of the marsh body may issue a warrant for collection of the rate and of any arrears of the rate unpaid by the owner directed to any officer having jurisdiction in the place where the marshland section is situated.

(2) The officer shall, under the warrant, levy the amount mentioned in the warrant with costs and expenses of the collection by distress and sale of the goods and chattels of the owner named in the warrant.

(3) When the officer distrains upon goods or chattels, the officer shall advertise the sale for ten days in advance of the sale in a conspicuous place and, where the rate and the costs and expenses are not paid at or before the time appointed for the sale, or any adjournment of the sale, the goods and chattels shall be sold at public auction.

(4) The officer shall apply the proceeds of the sale toward payment of the rate and the costs and expenses incurred in the issue of the warrant, the making of the levy and the holding of the sale and, where any balance remains, it shall be paid to the owner assessed for the rate. *2000, c. 22, s. 35.*

### **Power of sale**

36 (1) In addition to the other remedies provided in this Act for the collection of rates, the secretary of the executive committee of a marsh body may, in the manner provided by the Municipal Government Act for the sale of land for rates and taxes, sell or cause to be sold any marshland with respect to which rates are in arrears for a period of one year or more.

2) For the purpose of a sale of land pursuant to this Section, the chair and the secretary of the executive committee have all the powers, privileges and authority of the mayor and treasurer, respectively, of a town.

(3) The secretary shall apply the proceeds of any sale in the following order:

(a) first, in payment of the costs and expenses of the sale;

(b) second, in payment of the rate and interest due the marsh body; and

(c) third, in payment of municipal taxes and interest on the land sold,

and the balance, if any, shall be paid to the prothonotary of the Supreme Court of Nova Scotia of the justice centre area in which the land is situate to be paid out by the prothonotary as directed by an order of the Supreme Court. *2000, c. 22, s. 36.*

### **Manner of pursuing remedies**

37 The remedies provided in this Act for the collection of rates may be pursued consecutively and in the order the executive committee of a marsh body deems best, but no land shall be sold in the manner provided for arrears of rates for which a judgment has been obtained. *2000, c. 22, s. 37.*

## **BORROWING POWERS**

### **Powers of executive committee**

38 With the approval of the Commission, the executive committee of a marsh body may, in the name of the marsh body, borrow money for the purpose of defraying expenditures of the marsh body. *2000, c. 22, s. 38.*

## **ENTRY AND DEVELOPMENT**

### **Power of entry**

39 Where the executive committee of a marsh body considers it is necessary for any purpose relating to the construction, maintenance or repair of works it may, without the consent of the owner, enter on any lands within the marshland section for which the marsh body was incorporated and do any work the executive committee considers necessary for its purposes. *2000, c. 22, s. 39.*

### **Expropriation**

40 A marsh body may expropriate an easement in, over or relating to land for any purpose relating to the construction, maintenance or repair of works. *2000, c. 22, s. 40.*

### **Requirement for permit**

41 (1) Notwithstanding the Municipal Government Act or any other provision of this Act, no development shall, on and after November 7, 2000, be carried out in a marshland section unless

(a) a permit for variance authorizing the development is granted by the Marshland Administrator; or

(b) the development

(i) conforms with generally accepted farming practices that do not require structures to be built,

(ii) is necessary for the protection of the marshland section,

(iii) was lawfully commenced before November 7, 2000,

(iv) was not commenced before November 7, 2000, but could have been lawfully commenced before November 7, 2000, or

(v) has been exempted from the application of this Section pursuant to subsection (2).

(2) The Governor in Council may exempt a development from the application of this Section where

(a) the development consists of the construction of roads, the installation of utility poles or the installation or construction of structures to be used for the generation of power; and

(b) the Governor in Council considers that it is in the public interest to grant the exemption.

(3) Within ten working days after receiving an application for a permit for variance, the Marshland Administrator shall

(a) determine if the application is complete; and

(b) where the application is incomplete, notify the applicant in writing advising what is required to complete the application.

(4) Within fifteen working days after receiving a completed application for a permit for variance, the Marshland Administrator shall either grant the permit or inform the applicant of the reasons for not granting the permit.

(5) The applicant may appeal the refusal of a permit for variance to the Commission who, within sixty working days of receiving the appeal, shall

(a) confirm the decision of the Marshland Administrator; or

(b) allow the appeal and order that the permit for variance be granted.

(6) Subsection (1) does not apply to non-agricultural uses existing on the coming into force of this Act on lands specified in the regulations. *2000, c. 22, s. 41.*

### **Offence and remedies**

42 (1) Everyone who violates subsection 41(1) is guilty of an offence.

(2) Where there is an offence under subsection (1), the Minister may apply to the Supreme Court of Nova Scotia for any or all of the remedies provided by this Section.

(3) The Supreme Court of Nova Scotia may hear and determine the matter at any time and, in addition to any other remedy or relief, may make an order

(a) restraining the continuance or repetition of the offence with respect to the same property;

(b) directing the removal or destruction of any structure or part of a structure that was constructed in violation of subsection 41(1) and authorizing the Minister, where an order is not complied with, to enter upon the land and premises with necessary workers and equipment and remove and destroy the structure, or part of it, at the expense of the owner;

(c) as to the recovery of the expense of removal and destruction and for the enforcement of this Section and for costs as is deemed proper,

and an order may be interlocutory, interim or final.

(4) Where, after the proceeding is commenced,

(a) the offence that was the subject of the proceeding may have been done or committed by a person other than the defendant;

(b) the title to the property, or part or any interest in it, that vested or was vested at the time of the commencement of the proceeding in the defendant, has since become vested in a person other than the defendant; or

(c) there has been a fresh offence by the same person or by another person with respect to the same property,

it is not necessary to bring another application and the original application may be amended from time to time and at any time before final judgment to include all parties and all offences and the whole matter of the offences shall be heard, dealt with and determined.

(5) Where the owner of any property where an offence under subsection (1) is taking place or has taken place cannot be found, the Minister may post a notice of the offence and upon the application upon the property, and the posting of the notice and the application is deemed to be personal service of the notice and the application on that owner. *2000, c. 22, s. 42.*

### **Liability to repair**

43 Marshland or works damaged as a result of use authorized by a permit granted to a person pursuant to Section 41 or exempted from the application of Section 41 pursuant to subsection 41(2), shall be repaired by the person and, where necessary repairs are not carried out within thirty days of being brought to the attention of the person by the marsh body, the marsh body may make the repairs and may recover the cost of repairs by an action in debt against the person in any court and the court may make such orders as to cost it may determine. *2000, c. 22, s. 43.*

### **Supervision of executive committee**

44 (1) Where at any time a marsh body defaults in the performance of any of the terms of an agreement with the Minister for the construction, reconstruction, reconditioning, repairing, maintaining or operating of any work or works and it appears to the Governor in Council that permanent damage or injury may result to any marshland, the Governor in Council may, by order published in the Royal Gazette, suspend the powers and authority of the executive committee of the marsh body from a date set out in the order whereupon the powers and authority of the executive committee are suspended and are vested in and may be exercised by the Commission or its nominee or nominees.

(2) The Governor in Council may revoke an order made pursuant to subsection (1) and, upon such revocation, the powers and authorities of the executive committee revert to and may be exercised by the executive committee. *2000, c. 22, s. 44.*

## **SURRENDER AND REVOCATION OF CERTIFICATE**

### **Effect of surrender or revocation**

45 (1) A marsh body may surrender to the Minister its certificate of incorporation if

- (a) the Commission approves of the surrender;
- (b) no debts or liabilities of the marsh body are outstanding;
- (c) a resolution authorizing the surrender of the certificate is passed at a general or special meeting of the marsh body by a vote of not fewer than two thirds of the members of the marsh body who own not less than half of the marshland section for which the marsh body was incorporated; and
- (d) at least thirty days before the meeting a notice has been given to all members of the marsh body stating
  - (i) the time and place of the meeting, and
  - (ii) that such a resolution will be considered by the meeting.

(2) Where the Minister is satisfied that the marsh body has surrendered its certificate of incorporation in accordance with subsection (1), the Minister may, by order, accept the surrender and thereupon the marsh body is dissolved on and from such date as is set out in the order.

(3) Where a marsh body fails to comply with this Act or defaults on any agreement it has with the Minister, the Minister, after having given the members of the marsh body notice that the Minister intends to revoke the marsh body's certificate of incorporation, may, by order, revoke the certificate of incorporation, if

- (a) the Minister is satisfied that
  - (i) the Commission approves of the revocation, and
  - (ii) no debts or liabilities of the marsh body are outstanding;

and

(b) the Minister has, at least thirty days before revoking the certificate, given notice of intention to revoke the certificate to each member of the marsh body.

(4) Where an order is made pursuant to subsection (3) revoking the certificate of incorporation of a marsh body, the marsh body is dissolved on and after such date as is set out in the order.

(5) Acceptance of the surrender or the revocation of the certificate of incorporation by the Minister and of the dissolution of the marsh body shall be published in the Royal Gazette. *2000, c. 22, s. 45.*

### **Effect of surrender or revocation**



46 Where a certificate of incorporation of a marsh body is surrendered or revoked and sixty days public notice is given, the Minister may, with the approval of Governor in Council, cease to maintain works for the marshland section for which the marsh body was incorporated. *2000, c. 22, s. 46.*

## GENERAL

### **Penalty and separate offences**

47 (1) Any person who contravenes this Act or the regulations is liable on summary conviction to a penalty of not more than three thousand dollars and in default of payment to imprisonment for a term of not more than two years less a day.

(2) Where a person violates this Act on more than one day, each day constitutes a separate offence. *2000, c. 22, s. 47.*

### **Conveyance of land**

48 When lands that have been conveyed to Her Majesty in right of the Province pursuant to an agreement between the Minister and a person are required by the agreement to be reconveyed to the marsh body or the person, the Governor in Council may grant and convey the lands to the person and may authorize a member of the Executive Council to execute and deliver the necessary deed or deeds of conveyance in the name of Her Majesty in right of the Province. *2000, c. 22, s. 48.*

### **Conflict**

49 Where there is a conflict between any provision of this Act or the regulations and a more stringent provision of any other enactment, the more stringent provision prevails. *2000, c. 22, s. 49.*

### **Immunity from liability**

50 Neither Her Majesty in right of the Province nor any marsh body is liable to pay compensation for any damages caused by flooding as a result of activities undertaken pursuant to this Act. *2000, c. 22, s. 50.*

### **Regulations**

51 (1) The Minister may make regulations

(a) prescribing accounting and bookkeeping methods and systems to be adopted by marsh bodies;

(b) requiring marsh bodies to make reports and returns to the Commission;

- (c) prescribing and amending forms and agreements;
  - (d) prescribing the terms and conditions for the issuing of permits for variance;
  - (e) prescribing the procedures for hearing appeals by the Commission;
  - (f) prescribing the manner in which the names and addresses of owners and the area of land is to be determined pursuant to Section 29;
  - (g) providing for the examination and audit of accounts of marsh bodies and for the inspection and examination of works;
  - (h) prescribing further or other or additional functions, duties or powers of the Commission;
  - (i) designating structures that are not included within the meaning of "land" for the purpose of subsections 32(2) and (3);
  - (ia) specifying land for the purpose of subsection 41(6);
  - (j) respecting any other matter or thing that the Minister considers necessary or advisable to carry out effectively the intent and purpose of this Act.
- (2) In making a regulation pursuant to clauses (1)(d) or (e), the Minister shall consult with each marsh body affected by the regulation and with each municipality in which lands affected by the regulation are located.
- (3) Where there is a conflict between a regulation made by the Minister pursuant to this Act and a rule made by a marsh body pursuant to this Act, the regulation prevails.
- (4) The exercise by the Minister of the authority contained in subsection (1) is regulations within the meaning of the Regulations Act. *2000, c. 22, s. 51; 2001, c. 1, s. 2.*

### **By-laws**

52 (1) A marsh body may make by-laws

- (a) prescribing the number of members on the executive committee of the marsh body and their terms of office;
- (b) providing for the manner of calling meetings of members of the marsh body and of the executive committee and the procedure at such meetings;
- (c) fixing the financial year of the marsh body;
- (d) prescribing the frequency of general meetings of the marsh body;

- (e) prescribing the frequency of reports and estimates;
- (f) providing for the manner of voting at meetings of the marsh body;
- (g) prescribing the procedures respecting the assessment list inspection and appeals;
- (h) imposing an interest charge at the rate fixed by the by-law upon rates that are unpaid on July 1st or such later date in any year as is fixed by the by-law;
- (i) repealed 2001, c. 1, s. 3.
- (j) generally for the management and conduct of its business and affairs.

(2) The secretary of a marsh body shall file with the Commission a copy of by-laws and amendments made by the marsh body.

(3) The secretary of the Commission shall file with the Registrar of Regulations a copy of each rule made by a marsh body pursuant to clause 14(e) and publication in the Royal Gazette is proof of approval by the Commission. *2000, c. 22, s. 52; 2001, c. 1, s. 3.*

### **Continuation of agreements**

53 Each agreement made pursuant to the Marsh Act or the Marshland Reclamation Act and in effect immediately before the coming into force of this Act is hereby continued. *2000, c. 22, s. 53.*

### **Designation not injurious affection**

54 Property is deemed not to be injuriously affected by any designation referred to in clause 2(d). *2000, c. 22, s. 54.*

### **Repeal**

55 (1) Chapter 273 of the Revised Statutes, 1989, the Marsh Act, is repealed.

(2) Chapter 274 of the Revised Statutes, 1989, the Marshland Reclamation Act is repealed. *2000, c. 22, s. 55.*

### **Effective dates**

56 Sections 41, 42 and 43 have effect on and after November 7, 2000. *2000, c. 22, s. 56.*



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# Beaches Act

CHAPTER 32

OF THE

REVISED STATUTES, 1989

amended 1993, c. 9, s. 9

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## An Act to Preserve and Protect the Beaches of Nova Scotia

### Short title

**1** This Act may be cited as the *Beaches Act*. R.S., c. 32, s. 1.

### Dedication of beaches

**2 (1)** The beaches of Nova Scotia are dedicated in perpetuity for the benefit, education and enjoyment of present and future generations of Nova Scotians.

### Purpose of Act

**(2)** The purpose of this Act is to

(a) provide for the protection of beaches and associated dune systems as significant and sensitive environmental and recreational resources;

(b) provide for the regulation and enforcement of the full range of land-use activities on beaches, including aggregate removal, so as to leave them unimpaired for the benefit and enjoyment of future generations;

(c) control recreational and other uses of beaches that may cause undesirable impacts on beach and associated dune systems. R.S., c. 32, s. 2.

### **Interpretation**

**3** In this Act,

(a) "beach" means that area of land on the coastline lying to the seaward of the mean high watermark and that area of land to landward immediately adjacent thereto to the distance determined by the Governor in Council, and includes any lakeshore area declared by the Governor in Council to be a beach;

(b) "Minister" means the Minister of Lands and Forests;

(c) "peace officer" includes a member of the Royal Canadian Mounted Police, a police officer appointed by a city, incorporated town or municipality of a county or district and a conservation officer as defined in the *Crown Lands Act*, *Forests Act* and *Wildlife Act*;

(d) "vehicle" means a vehicle propelled or driven otherwise than by muscular power, whether or not the vehicle is registered pursuant to the *Motor Vehicle Act*, and includes an airplane;

(e) "vessel" means a means of conveyance of a kind used on water and includes an accessory to the vessel. R.S., c. 32, s. 3.

### **Administration**

**4 (1)** The administration, management and control of beaches shall be under the direction of the Minister.

### **Natural Resources Advisory Council**

**(2)** The Minister may refer matters relating to beaches to the Natural Resources Advisory Council established pursuant to the *Natural Resources Advisory Council Act* and the Council shall advise the Minister on such matters.

### **Other services**

(3) The Minister may utilize, upon such terms and conditions as the Minister deems fit, the services of such persons as the Minister considers necessary for the efficient carrying out of the purpose of this Act and the regulations.

### **Agreements**

(4) The Minister may, for the effective management of beaches, enter into agreements with the Government of Canada or an agency thereof, with a provincial or municipal government or an agency thereof or with a person for the purposes of this Act or the regulations.

### **Agreements to manage or preserve land**

(5) Without restricting the generality of subsection (4), the Minister may enter into an agreement with the owner or occupier of land adjacent to a beach to manage or preserve that land so that it complements the beach.

### **Acquisition of land**

(6) The Minister, with the consent of the Governor in Council, may acquire land or an interest in land to provide public access to and from a beach and to provide facilities there.

### **Authorized services**

(7) The Minister may authorize lifeguard and other services on a beach.

### **Studies and research**

(8) The Minister may undertake studies and carry out research on beaches in the Province.

### **Educational programs**

(9) In an effort to create greater public awareness and understanding of the beaches in the Province, the Minister may promote educational programs that emphasize the importance of conserving beaches and using them for recreational and other purposes in such a manner as to maintain their environmental integrity. R.S., c. 32, s. 4; 1993, c. 9, s. 9.

### **Determination of beach area**

5 (1) The Governor in Council, on the recommendation of the Minister, may determine what area of land to the landward of mean high watermark and immediately adjacent thereto and what lakeshore area is a beach within the meaning of this Act.

### **Notice of beach area**

(2) When the Governor in Council determines pursuant to subsection (1) that an area of land to the landward of mean high watermark is a beach, the Minister shall

- (a) publish a notice containing a description of the beach in the Royal Gazette and in a newspaper circulated in the county or counties to which the beach is contiguous;
- (b) deposit a description and plan of the beach in the office of the registrar of deeds for the registration district in which the beach is situated, signed either by him or the Deputy Minister of Lands and Forests or by a Nova Scotia Land Surveyor;
- (c) give notice to the owner of the beach if the owner is known, by serving upon him or by mailing by registered post addressed to him at his last known place of abode, a notice containing a description of the beach and notifying him that the beach is a beach under this Act; and
- (d) post signs about the beach indicating that it is a beach and that no sand, gravel, stone or other material may be removed from it without the consent of the Minister.

### **Evidence of sign as prima facie proof**

(3) Evidence that a sign has been posted is *prima facie* proof that the sign has been posted pursuant to clause (d) of subsection (2).

### **Certified description as prima facie proof**

(4) A description and plan of a beach, appearing to be certified by the Minister or the Registrar of Crown Lands appointed pursuant to the *Crown Lands Act*, shall be received as evidence without proof of the signature of the Minister or Registrar of Crown Lands and the designation of any lands on the plan as a beach is *prima facie* proof that the lands so designated are a beach. R.S., c. 32, s. 5.

### **Prohibited removal of sand**

6 (1) No person shall wilfully take or remove any sand, gravel, stone or other material from a beach without the permission of the Minister.

### **Ballast for lobster pot**

(2) Nothing in this Section shall prevent or restrict a fisherman from removing from a beach rocks for ballast for his lobster pots. R.S., c. 32, s. 6.

### **Powers of peace officer**

7 (1) A peace officer may

(a) search without a warrant and seize a vehicle including an off-highway vehicle, vessel or other property where the peace officer has reasonable and probable grounds to believe that an offence has been committed pursuant to this Act or any other enactment, if the offence is committed on a beach, and may detain the same for a period not exceeding twenty-four hours where the peace



officer has reasonable and probable grounds to believe the seizure and detention is necessary to prevent the continuation or repetition of the offence;

(b) order a person removing or displacing sand, gravel, stone or other material from a beach without a permit or lawful authorization to return it to the general area from where it was removed;

(c) arrest without warrant a person a peace officer finds committing an offence pursuant to this Act or the regulations or any other enactment if the offence is committed on a beach;

(d) exercise all the powers of a peace officer as defined in the *Criminal Code* (Canada).

### **Costs of impounding and storing**

(2) Where a vehicle, vessel or other property is seized and detained pursuant to this Act, the costs of impounding and storing it shall be paid by the person to whom the seized property is to be released before it is released.

### **Duty of registered owner to identify operator**

(3) Where the registered owner of the seized property wilfully fails to identify the person in charge of the vehicle or vessel at the time at which it is operated in violation of a provision of this Act or the regulations within forty-eight hours of a demand by a peace officer, the registered owner is guilty of an offence.

### **Liability of registered owner**

(4) The registered owner of a vehicle or vessel is liable to incur the penalties provided for a violation of this Act or the regulations unless, at the time of the violation, the vehicle or vessel was in the possession of a person without the registered owners consent, either expressed or implied.

### **Presence of registered owner**

(5) Where the registered owner of a vehicle or vessel is present on or in the vehicle or vessel at the time of the violation of a provision of this Act or the regulations by another person operating that vehicle or vessel, the registered owner, as well as the operator, is guilty of the offence.

### **Summary Proceedings Act**

(6) Where not inconsistent with this Act, the *Summary Proceedings Act* and forms authorized thereunder applies *mutatis mutandis* to all prosecutions and proceedings pursuant to this Act.

### **Offence**

(7) Any person who fails to comply with an order made pursuant to clause (b) of subsection (1) is guilty of an offence. R.S., c. 32, s. 7.

### **Prohibited activities**

**8 (1)** No person shall, while on a beach,

(a) be impaired by alcohol or drugs;

(b) act in a noisy or disorderly manner;

(c) create a disturbance;

(d) pursue a course of conduct that is detrimental to the safety of other beach users or their enjoyment of the beach and its facilities;

(e) wilfully destroy property and other natural resources found on or adjacent to a beach;

(f) dump or deposit garbage or other material on a beach other than in a receptacle so provided;

(g) engage in any other activity prohibited by regulation.

### **Order by Minister**

(2) Where there is reasonable and probable grounds to believe that a person has violated or is about to violate any provision of this Act or the regulations, or that the entry upon or remaining within a beach by any person may be detrimental to the safety of other beach users or their enjoyment of the beach, the Minister or a person authorized to act on the Ministers behalf may, without notice or hearing, issue a verbal or written order prohibiting that person from entering upon or being within a beach specified in the order for a period specified therein.

### **Duty to observe order**

(3) Any person having knowledge of an order made pursuant to subsection (2) shall observe that order, and in the event the person is within a beach when the order is made, shall leave forthwith. R.S., c. 32, s. 8.

### **Offence**

**9** Every person contravening any provision of this Act or of the regulations shall be guilty of an offence, and every violation in connection with a separate taking or removing of sand, gravel, stone or other material from a beach shall be a separate offence. R.S., c. 32, s. 9.

### **Penalty**

**10 (1)** Any person who violates this Act is liable upon summary conviction to a penalty of not more than two thousand dollars and in default of payment thereof to imprisonment for not more than ninety days.

### **Additional orders**

**(2)** In addition to any penalty imposed, the court may order a person convicted of an offence pursuant to this Act to restore the beach as nearly as possible to the condition it was in before the offence was committed and pay an amount equal to twice the market value of any aggregate or other property, damaged or removed. R.S., c. 32, s. 10.

### **Permission for removal of sand**

**11** The Minister, upon such terms and conditions as the Governor in Council from time to time prescribes, may grant permission for the removal of sand, gravel, stone or other material from a beach. R.S., c. 32, s. 11.

### **No compensation entitlement**

**12** No person affected by this Act shall be entitled to compensation for any restriction, encumbrance or use or lack of use, of any nature or kind whatsoever, of a beach that may result or results from the enacting of this Act. R.S., c. 32, s. 12.

### **Regulations**

**13** The Governor in Council may make regulations

- (a) for the preservation, control and management of beaches;
- (b) for the granting of leases, licences and permits authorizing the removal of sand, gravel, stone or other material from beaches and determining the fees and charges for such leases, licences and permits;
- (c) providing for the removal from a beach, by specified persons or persons in specified trades or occupations, of quantities of sand, gravel, stone or other material in such amount as he determines;
- (d) exempting any beach from the operation of this Act and the regulations hereto;
- (e) to preserve and protect flora and fauna located on a beach;
- (f) to restrict or regulate traffic by vehicles, vessels or pedestrians on a beach;
- (g) to restrict or regulate certain activities on a beach;
- (h) to prevent the disposal of garbage on a beach;

(i) prescribing a minimum penalty of not less than fifty dollars and a maximum penalty of not more than two thousand dollars for offences contrary to the regulations;

(j) respecting the management or preservation of lands adjacent to a beach in accordance with an agreement made pursuant to Section 4 or where the lands are owned or occupied by Her Majesty in right of the Province;

(k) defining any word or expression used in this Act but not defined herein;

(l) respecting such other matters as he deems necessary for the carrying out of the intent and purposes of this Act. R.S., c. 32, s. 13.

### **Regulations Act**

**14** The exercise by the Governor in Council of the authority set forth in Section 13 shall be regulations within the meaning of the *Regulations Act*. R.S., c. 32, s. 14.





# Cemeteries Protection Act

CHAPTER 9

OF THE

ACTS OF 1998

amended 2001, c. 6, s. 99

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## An Act to Provide for the Protection of Cemeteries

### Short title

1 This Act may be cited as the *Cemeteries Protection Act, 1998, c. 9, s. 1.*

### Interpretation

2 In this Act,

- (a) "abandoned cemetery" means a cemetery that is declared to be an abandoned cemetery pursuant to this Act;
- (b) "cemetery" means land that is set apart or used as a place for the burial of human remains and, for greater certainty, includes all tombstones, gravemarkers and other monuments located thereon and any buildings or structures located thereon for the permanent placement of human remains;
- (c) "Minister" means the Minister of Education and Culture. *1998, c. 9, s. 2.*

## **Supervision and management of Act**

3 The Minister has the general supervision and management of this Act. *1998, c. 9, s. 3.*

## **Declaration**

4 (1) Where the Governor in Council is satisfied that

(a) a cemetery is no longer being used for the burial or permanent placement of human remains;

(b) the owner of the cemetery is unknown, cannot be found or is unable to maintain the cemetery; and

(c) the cemetery is not subject to active management,

the Governor in Council may, by order, declare the cemetery to be an abandoned cemetery and permit persons to enter the cemetery and carry out such work as the Governor in Council thinks necessary to restore, preserve and protect the cemetery.

(2) An order made pursuant to subsection (1) is ineffective unless and until the order is deposited in the manner prescribed by the regulations in the registry of deeds for the registration district in which the cemetery is located.

(2A) Where real property has been registered pursuant to the *Land Registration Act*, an order made pursuant to subsection (1) is ineffective unless and until the order is recorded in the register for the parcel established pursuant to that Act in which the real property is located in the manner prescribed by the *Land Registration Act* for the registration district in which the cemetery is located.

(3) No action lies against a person by reason only of acting in accordance with an order made pursuant to this Section. *1998, c. 9, s. 4; 2001, c. 6, s. 99.*

## **Right to pass**

5 Any person may go on foot upon and across any uncultivated lands or Crown lands for the purpose of visiting a cemetery during daylight hours for purposes usually associated with cemetery visits. *1998, c. 9, s. 5.*

## **Power to grant right-of-way**

6 (1) Notwithstanding the *Private Ways Act*, any person may present a petition to the Governor in Council pursuant to that Act for an order in council declaring that the person is entitled to acquire under Part I of that Act a right to pass and repass over lands for the purpose of gaining access to an abandoned cemetery from a public street or road and egress from the abandoned cemetery to a public street or road, and the *Private Ways Act* applies to the petition as if the

petition were a petition referred to in subsection 2(1) of that Act, except that clause 2(2)(a) of that Act does not apply to the petition.

(2) An order in council pursuant to subsection (1) is ineffective unless and until it is registered in accordance with Section 13 of the *Private Ways Act, 1998, c. 9, s. 6*.

### **Limitation on use of cemetery**

7 (1) No person may use a cemetery for any purpose other than for the burial or permanent placement of human remains or memorialization.

(2) Subsection (1) does not apply to a person who, for valuable consideration, acquires an interest in property without notice that the property is set apart or used as a place for the burial or permanent placement of human remains, unless at the time of the acquisition, an order relating to the property, made pursuant to Section 4, is on deposit in a registry of deeds in accordance with Section 4.

(3) Where real property is registered pursuant to the *Land Registration Act*, subsection (1) does not apply to a person who, for valuable consideration, acquires an interest in property without notice that the property is set apart or used as a place for the burial or permanent placement of human remains, unless at the time of the acquisition, an order relating to the property, made pursuant to Section 4, is recorded in accordance with Section 4 in the register for the parcel established pursuant to that Act. *1998, c. 9, s. 7; 2001, c. 6, s. 99*.

### **Consequences of discovery of human remains**

8 (1) Where there is no evidence on the surface of land that the land is a cemetery, but a person discovers, under the surface, human remains, that person shall

(a) immediately report the discovery to the Minister; and

(b) except to the extent permitted by the Minister, not carry out any activity that would result in disturbing the remains.

(2) Every person who violates subsection (1) is guilty of an offence against this Act. *1998, c. 9, s. 8*.

### **Offence**

9 Every person who desecrates, damages or destroys a cemetery is guilty of an offence against this Act. *1998, c. 9, s. 9*.

### **Preservation of existing powers of court**

10 Nothing in this Act shall be construed as limiting or modifying the power or authority of a court to order the disinterment and removal of remains from a cemetery and interment of those remains in a suitable location. *1998, c. 9, s. 10.*

### **Penalty**

11 Every person who is guilty of an offence against this Act is liable, on summary conviction, to a fine not exceeding two thousand dollars or, on default of payment, imprisonment for a period not exceeding six months. *1998, c. 9, s. 11.*

### **Regulations**

12 (1) The Governor in Council may make regulations

(a) prescribing the manner in which an order made pursuant to this Act shall be deposited and preserved in a registry of deeds;

(b) defining any word or expression used but not defined in this Act;

(c) respecting any matter deemed necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. *1998, c. 9, s. 12.*





# Emergency Management Act

CHAPTER 8

OF THE

ACTS OF 1990

amended 2005, c. 48, ss. 1-6; 2007, c. 10, s. 2; 2009, c. 12

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## An Act to Provide for a Prompt and Co-ordinated Response to a State of Emergency

### Short title

1 This Act may be cited as the Emergency Management Act. *1990, c. 8, s. 1; 2005, c. 48, s. 1.*

### Interpretation

2 In this Act,

(a) repealed 2005, c. 48, s. 2.

(b) "emergency" means a present or imminent event in respect of which the Minister or a municipality, as the case may be, believes prompt co-ordination of action or regulation of persons or property must be undertaken to protect property or the health, safety or welfare of people in the Province;

(c) "Emergency Management Office" means the Emergency Management Office established pursuant to the Public Service Act;

(d) "emergency management plan" means any plan, program or procedure prepared by the Province or a municipality, as the case may be, that is intended to mitigate the effects of an emergency or disaster and to provide for the safety, health or welfare of the civil population and the protection of property in the event of such an occurrence;

(e) "Fire Marshal" means the Fire Marshal appointed pursuant to the Fire Prevention Act;

(f) "mayor or warden" includes an alderman or councillor acting in the stead of the mayor or warden, as the case may be;

(g) "Minister" means the Minister of Emergency Management;

(h) "municipality" means a city, an incorporated town or a municipality of a county or district;

(i) "police officer" means a member of the Royal Canadian Mounted Police and a police officer of a municipality;

(j) "state of emergency" means a state of emergency declared by the Minister or renewed by the Minister pursuant to this Act;

(k) "state of local emergency" means a state of local emergency declared by a municipality or renewed by it pursuant to this Act. *1990, c. 8, s. 2; 2005, c. 48, ss. 2, 6.*

### **Act prevails and Minister's authority**

3 (1) Where there is a conflict or inconsistency between this Act or the regulations and any other enactment respecting emergencies, this Act and the regulations prevail.

(2) The Minister has authority over all matters respecting emergency planning, preparedness, response, mitigation, recovery and emergencies in the Province.

(3) The Minister's authority under subsection (2) includes

(a) the general supervision and management of this Act;

(b) the co-ordination of emergency management plans within the Province; and

(c) authority to delegate powers vested in the Minister by or pursuant to this Act. *2009, c. 12, s. 1.*

### **Emergency Management Office**

4 The Emergency Management Office has and shall exercise and perform such powers and duties as are vested in it by or under this Act and those assigned to it by the Minister. *2005, c. 48, s. 3.*

#### **Advisory committee appointed by Governor in Council**

5 The Governor in Council may appoint, from among the members of the Executive Council, a committee to advise the Governor in Council on matters relating to emergencies. *1990, c. 8, s. 5.*

#### **Executive Emergency Management Committee**

5A (1) There shall be an Executive Emergency Management Committee consisting of

- (a) the Minister, who is the Chair;
- (b) the Deputy Minister of Treasury Board;
- (c) the Deputy Minister of the Office of the Premier;
- (d) the Deputy Minister of Justice;
- (e) the Chief Executive Officer of the Emergency Management Office;
- (f) such experts as appointed by the Minister.

(2) The Executive Emergency Management Committee shall provide oversight and direction to the Minister regarding emergency preparedness, response, mitigation and recovery. *2009, c. 12, s. 2.*

#### **Advisory committees appointed by Emergency Management Office**

6 (1) The Emergency Management Office may appoint such committees as it considers necessary or desirable to advise or assist the Emergency Management Office, the Minister or the Governor in Council.

(2) A member of a committee appointed pursuant to subsection (1) may, if the member is not an employee of Her Majesty or an agency thereof, be paid such remuneration and expenses as the Governor in Council determines. *1990, c. 8, s. 6; 2005, c. 48, s. 6.*

#### **Agreements and acquisition of property**

7 (1) Subject to the approval of the Governor in Council, the Minister may, on behalf of the Province,

(a) enter into agreements with the Government of Canada, a province or a municipality, a state of the United States of America, or an agent of any of them, in respect of emergency management plans or provision of emergency services;

(b) enter into agreements with a board, commission, agency or Crown corporation of the Government of Canada, of a province or of a municipality, or an agent of any of them, in respect of emergency management plans;

(c) enter into agreements with the Government of Canada and the Workers' Compensation Board for the administration and payment of compensation benefits to persons engaged in training or carrying out duties related to a state of emergency or a state of local emergency;

(d) acquire, by purchase or lease, real and personal property for the purpose of administering the Emergency Management Office.

(1A) Subject to the regulations, a person sent to the Province under an agreement entered into under clause (a) of subsection (1), who holds a licence, certificate or permit respecting the person's profession, trade or other qualifications from a jurisdiction that is a party to the agreement is deemed to be similarly qualified in the Province when providing assistance during a state of emergency or a state of local emergency.

(2) The Workers' Compensation Board may execute and administer an agreement referred to in this Section. *1990, c. 8, s. 7; 2005, c. 48, ss. 4, 6.*

### **Powers of Emergency Management Office**

8 The Emergency Management Office may, subject to the approval of the Minister,

(a) review and approve, or require modification to Provincial and municipal emergency management plans;

(b) make surveys and studies to identify and record actual and potential hazards that may cause an emergency;

(c) make surveys and studies of resources and facilities to provide information for the effective preparation of emergency management plans;

(d) conduct public information programs related to the prevention and mitigation of damage during an emergency;

(e) conduct training and training exercises for the effective implementation of emergency management plans;

(f) procure food, clothing, medicines, equipment and goods of any nature or kind for the purposes of emergencies;

(g) authorize or require the implementation of any emergency management plan;

(h) enter into agreements with any persons, organizations or associations in respect of emergency management plans. *1990, c. 8, s. 8; 2005, c. 48, s. 6.*

### **Powers of Minister**

9 The Minister may

(a) divide the Province into districts and subdistricts for the purpose of this Act;

(b) after consultation with the municipalities concerned, designate a combination of municipalities or parts thereof as a municipality for the purpose of this Act and determine the respective responsibilities of municipalities in the designated area;

(c) require municipalities to prepare emergency management plans, including mutual aid programs, and to submit such plans to the Emergency Management Office for review for adequacy and integration with the Provincial emergency management plans;

(d) establish procedures for the prompt and efficient implementation of emergency management plans;

(e) require any person to develop emergency management plans in conjunction with the Emergency Management Office or the municipalities to remedy or alleviate any hazard to persons or property that is or may be created by

(i) a condition that exists or may exist on that person's property,

(ii) that person's use of property,

(iii) an operation in which that person is or may be engaged, or

(iv) a process that that person is or may be utilizing,

except where an enactment of the Province or a municipal by-law provides a procedure for dealing with the hazard. *1990, c. 8, s. 9; 2005, c. 48, s. 6.*

### **Medal for long service**

9A (1) In recognition of a significant contribution to the protection of persons and property by a member of a ground search and rescue crew or other person involved in the provision of emergency services, the Minister or a person designated by the Minister, on the recommendation of the Emergency Management Office, may issue a medal for long service.

(2) Where the Minister or the Minister's designate has issued a medal for long service, the Minister or the designate, on the recommendation of the Emergency Management Office, may issue a bar for further service to accompany the medal. *2007, c. 10, s. 2.*

### **Powers and duties of municipalities**

10 (1) Within one year after the coming into force of this Act, each municipality shall

- (a) subject to the approval of the Minister, establish and maintain a municipal emergency by-law;
- (b) establish and maintain a municipal emergency management organization;
- (c) appoint a co-ordinator of the municipal emergency management organization and prescribe the duties of the co-ordinator which shall include the preparation and co-ordination of emergency management plans for the municipality;
- (d) appoint a committee consisting of members of the municipal council to advise it on the development of emergency management plans; and
- (e) prepare and approve emergency management plans.

(2) The municipality may

- (a) pay the reasonable expenses of members of the organization or members of the committee appointed pursuant to clause (b) or (d) of subsection (1);
- (b) enter into agreements with and make payments to persons and organizations for the provision of services in the development and implementation of emergency management plans;
- (c) enter into an arrangement or agreement with any other municipality respecting a common organization, plan or program;
- (d) appropriate and expend sums approved by it for the purpose of this Section. *1990, c. 8, s. 10; 2005, c. 48, s. 6.*

### **Municipality to report emergency**

10A Every municipality shall, immediately upon becoming aware of it, inform the Emergency Management Office of any real or anticipated event or emergency that could impact the health, safety or welfare of Nova Scotians, their property or the environment. *2009, c. 12, s. 3.*

### **Police**

11 (1) The Minister may appoint persons trained for police duties as auxiliary police officers for the purpose of this Act.

(2) Police officers and auxiliary police officers have such powers, duties and responsibilities as the regulations prescribe and shall be organized and operate in accordance with the regulations.

(3) A police officer or auxiliary police officer, in carrying out duties pursuant to this Act and the regulations, has and may exercise in any part of the Province all the powers, authorities and immunities of a peace officer as defined in the Criminal Code (Canada).

(4) The protection afforded by this Act and any other enactment to a police officer or auxiliary police officer extends to any other person while and to the extent that that person is in the course of assisting a police officer or auxiliary police officer under the police officer's or auxiliary police officer's direction. *1990, c. 8, s. 11.*

### **State of emergency or state of local emergency**

12 (1) The Minister, after consulting, if it is practical to do so, with a majority of the members of a committee established pursuant to Section 5 or a quorum of the Executive Council and, if the Minister is satisfied that an emergency exists or may exist, may declare a state of emergency in respect of all or any district, subdistrict or area of the Province.

(2) A municipal council may, when satisfied that an emergency exists or may exist in all or any area of that municipality, declare a state of local emergency in respect of that municipality or area thereof.

(3) If a municipal council is unable to act promptly, the mayor or warden may exercise the authority of the municipal council contained in subsection (2) after consulting, if it is practical to do so, with a majority of the members of the council's committee to advise on the development of emergency management plans.

(4) A declaration pursuant to this Section shall identify the nature of the emergency and the area in which it exists.

(5) Nothing in this Section prevents the Minister from declaring a state of emergency whether a state of local emergency has been declared or not. *1990, c. 8, s. 12; 2005, c. 48, s. 6.*

### **Publication of declaration or termination**

13 When a state of emergency or a state of local emergency has been declared or terminated pursuant to this Act, the Minister or the municipality, as the case may be, shall immediately cause the details of the declaration or termination to be communicated or published by such means as the Minister or the municipality, respectively, considers the most likely to make the contents of the declaration or termination known to the people of the area affected. *1990, c. 8, s. 13.*

### **Protection of property and health or safety**

14 Upon a state of emergency being declared in respect to the Province or an area thereof, or upon a state of local emergency being declared in respect to a municipality or an area thereof, the Minister may, during the state of emergency, in respect of the Province or an area thereof, or the mayor or warden, as the case may be, may, during the state of local emergency, in respect of such municipality or an area thereof, as the case may be, do everything necessary for the protection of property and the health or safety of persons therein and, without restricting the generality of the foregoing, may

- (a) cause an emergency management plan or any part thereof to be implemented;
- (b) acquire or utilize or cause the acquisition or utilization of personal property by confiscation or any means considered necessary;
- (c) authorize or require a qualified person to render aid of such type as that person may be qualified to provide;
- (d) control or prohibit travel to or from an area or on a road, street or highway;
- (e) provide for the maintenance and restoration of essential facilities, the distribution of essential supplies and the maintenance and co-ordination of emergency medical, social and other essential services;
- (f) cause or order the evacuation of persons and the removal of livestock and personal property threatened by an emergency and make arrangements for the adequate care and protection thereof;
- (g) authorize the entry by a person into any building or upon land without warrant;
- (h) cause or order the demolition or removal of any thing where the demolition or removal is necessary or advisable for the purpose of reaching the scene of an emergency, of attempting to forestall its occurrence or of combating its progress;
- (i) order the assistance of persons needed to carry out the provisions mentioned in this Section;
- (j) regulate the distribution and availability of essential goods, services and resources;
- (k) authorize and make emergency payments;
- (l) assess damage to any works, property or undertaking and the costs to repair, replace or restore the same;
- (m) assess damage to the environment and the costs and methods to eliminate or alleviate the damage. *1990, c. 8, s. 14; 2005, c. 48, s. 6.*

#### **Duty of mayor or warden and delegation of Section 14 powers**

15 (1) Upon declaring a state of local emergency, a mayor or warden, as the case may be,



(a) shall immediately forward a copy of the declaration to the Minister; and

(b) may authorize any person or committee to exercise any power vested in the mayor or warden, respectively, by Section 14.

(2) Upon declaring a state of emergency, the Minister may authorize any person or committee to exercise any power vested in the Minister by Section 14. *1990, c. 8, s. 15.*

### **Prices**

16 (1) During a state of emergency or a state of local emergency, no person in the Province may charge higher prices for food, clothing, fuel, equipment, medical or other essential supplies or for the use of property, services, resources or equipment than the fair market value of the same thing immediately before the emergency.

(2) A contract that is contrary to subsection (1) is voidable at the option of the purchaser if the purchaser repudiates the contract within one month after the termination of the state of emergency or state of local emergency. *1990, c. 8, s. 16.*

### **Fires and law enforcement**

17 During a state of emergency,

(a) the Fire Marshal is the co-ordinator of all efforts in relation to the suppression and prevention of fires, and every fire brigade, fire department and firefighter in the area in which the state of emergency exists is subject to the direction and control of the Fire Marshal; and

(b) a peace officer designated for this purpose by the Solicitor General is the co-ordinator of all efforts in relation to law enforcement and every police officer and auxiliary police officer in the area in which the state of emergency exists is subject to the direction and control of that officer. *1990, c. 8, s. 17.*

### **Termination of state of emergency or state of local emergency**

18 (1) The Minister may

(a) terminate a state of emergency with respect to an area identified by the Minister in a declaration of a state of emergency when, in the Minister's opinion, an emergency no longer exists in such area; and

(b) terminate a state of local emergency with respect to an area identified by a municipality in its declaration of a state of local emergency when, in the Minister's opinion, an emergency no longer exists in such area.

(2) A municipality may terminate a state of local emergency with respect to an area identified by it in its declaration of a state of local emergency when, in its opinion, an emergency no longer exists in such area. *1990, c. 8, s. 18.*

### **Termination within fourteen days and renewal**

19 (1) A state of emergency terminates fourteen days after the day on which it was declared unless it is renewed or terminated by the Minister.

(2) A state of emergency may be renewed by the Minister with the approval of the Governor in Council.

(3) The provisions of this Act respecting a state of emergency and the declaration thereof apply, with the necessary changes, to a renewal of a state of emergency. *1990, c. 8, s. 19.*

### **Termination of state of local emergency and renewal**

20 (1) A state of local emergency terminates

(a) when the area identified by the municipality in its declaration of a state of local emergency is included in an area identified by the Minister in a declaration of a state of emergency;

(b) when it is terminated by the Minister or by the municipality;

(c) seven days after the day on which it was declared unless it is renewed in accordance with this Act.

(2) A state of local emergency may be renewed by the municipality with the approval of the Minister.

(3) The provisions of this Act respecting a state of local emergency or the declaration thereof apply, with the necessary changes, to a renewal of a state of local emergency. *1990, c. 8, s. 20.*

### **No liability**

21 The Minister, a mayor or warden, a municipality, the Emergency Management Office, a committee established pursuant to this Act or a member thereof, or any other person

(a) is not liable for any damage arising out of any action taken pursuant to this Act or the regulations; and

(b) is not subject to any proceedings by prohibition, certiorari, mandamus or injunction with respect to any action taken pursuant to this Act or the regulations. *1990, c. 8, s. 21; 2005, c. 48, s. 6.*

### **Entry upon property**

22 Any person in the course of implementing an emergency management plan pursuant to this Act or the regulations may, at any time, enter upon any property. *1990, c. 8, s. 22; 2005, c. 48, s. 6.*

### **Offence of obstruction**

23 Any person who obstructs the Minister, a municipality, the Emergency Management Office, a committee established pursuant to this Act or any person in the performance of any action, matter or thing authorized by this Act or who contravenes or fails to comply

(a) with any provision of this Act or any regulation; or

(b) with any direction, order or requirement made pursuant to this Act or the regulations,

is guilty of an offence and liable on summary conviction

(c) in the case of an individual, to a fine not exceeding ten thousand dollars; or

(d) in the case of a corporation, to a fine not exceeding one hundred thousand dollars,

or to imprisonment of not more than six months or both. *1990, c. 8, s. 23; 2005, c. 48, s. 6; 2009, c. 12, s. 4.*

### **Additional penalty**

23A In addition to any penalty imposed under Section 23, a court may increase the fine imposed on a person by an amount equal to the financial benefit that was acquired by or that accrued to the person as a result of the commission of the offence. *2009, c. 12, s. 5.*

### **Absence from employment**

24 Every person who with proper authority is absent from that person's accustomed employment and is on duty authorized by the Minister or by the council of a municipality for the purpose of this Act shall, while so absent, for all purposes relative to retention of employment, of seniority rights and of superannuation benefits, be deemed to have been in that person's accustomed employment during the period of absence. *1990, c. 8, s. 24.*

### **Regulations**

25 (1) The Governor in Council may make regulations

(a) respecting emergency planning for the continuity of functions of departments, boards, commissions, corporations and other agencies of the Province;

(b) respecting the vesting of special powers and duties in various departments and agencies of the Province for the purposes of emergency planning and the implementation of emergency management plans;

(ba) respecting the recognition of the professional, trade or other qualifications of persons sent to the Province by another jurisdiction under an agreement entered into under clause (a) of subsection (1) of Section 7 during a state of emergency or state of local emergency;

(bb) requiring municipalities to assess their level of preparedness and report their findings to the Emergency Management Office;

(bc) respecting the emergency planning, evaluation, and level of preparedness required of municipalities;

(bd) respecting emergency plans to be submitted by municipalities to the Emergency Management Office;

(c) respecting the organization, responsibilities, powers, duties and operation of police officers and auxiliary police officers throughout the Province or any part thereof for the purpose of this Act;

(ca) respecting emergency planning, evaluation and reporting for non-governmental entities;

(d) respecting authority to be delegated pursuant to this Act;

(e) prescribing the forms to be used for a declaration of a state of emergency and renewals and ~~termination~~ [termination] of the same;

(f) respecting the establishment, operation, liability and responsibilities of ground search and rescue organizations;

(g) prescribing renewal periods for states of emergency;

(h) defining any word or expression used in this Act but not defined herein;

(i) respecting any matter or thing that the Governor in Council deems necessary for the administration of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) shall be regulations within the meaning of the Regulations Act.

(3) An order or regulation made under this Act may be made retroactive to the date in the order or regulation.

(4) Notwithstanding the Regulations Act, an order or regulation made under this Act during a state of emergency or a state of local emergency comes into force immediately on the signing by

the Governor in Council or by the person who makes it, unless some other time is stated as being the time when it comes into force. *1990, c. 8, s. 25; 2005, c. 48, ss. 5, 6; 2009, c. 12, s. 6.*

### **Repeal**

26 Chapter 145 of the Revised Statutes, 1989, the Emergency Measures Act, is repealed. *1990, c. 8, s. 26.*

### **Proclamation**

27 This Act comes into force on and not before such day as the Governor in Council orders and declares by proclamation. *1990, c. 8, s. 27.*

Proclaimed - July 31, 1990  
In force - November 1, 1990



# Municipal Government Act

## CHAPTER 18

### OF THE

### ACTS OF 1998

**amended** 2000, c. 9, ss. 32-37, 39, 41-60; 2000, c. 28, s. 85;  
2001, c. 6, s. 119(1), (2), (4)-(8); 2001, c. 14, ss. 2, 3;  
2001, c. 35, ss. 2-28; 2002, c. 6, s. 56; 2002, c. 10, s. 22;  
2002, c. 36, ss. 1-3; 2003, c. 9, ss. 49-95; 2004, c. 4, s. 116;  
2004, c. 7, ss. 2-20; 2004, c. 38, s. 26; 2004, c. 44; 2005, c. 22;  
2005, c. 9, ss. 6-15; 2005, c. 55; 2006, c. 38; 2006, c. 39; 2006, c. 40  
2007, c. 9, ss. 31, 32; 2007, c. 47; 2008, c. 25 (except s. 9);  
2008, c. 26; 2008, c. 36, ss. 4, 5; 2008, c. 39, ss. 387-389

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## An Act Respecting Municipal Government

WHEREAS the Province recognizes that municipalities have legislative authority and responsibility with respect to the matters dealt with in this Act;

AND WHEREAS municipalities are a responsible order of government accountable to the people:

### Short title

1 This Act may be cited as the Municipal Government Act. *1998, c. 18, s. 1.*

### Purpose of Act

2 The purpose of this Act is to

(a) give broad authority to councils, including broad authority to pass by-laws, and to respect their right to govern municipalities in whatever ways the councils consider appropriate within the jurisdiction given to them;

(b) enhance the ability of councils to respond to present and future issues in their municipalities; and

(c) recognize that the functions of the municipality are to

(i) provide good government,

(ii) provide services, facilities and other things that, in the opinion of the council, are necessary or desirable for all or part of the municipality, and

(iii) develop and maintain safe and viable communities. *1998, c. 18, s. 2.*

### **Interpretation**

3 In this Act,

(a) "administrator" means the employee of a municipality or other person designated by the chief administrative officer to be responsible for the provisions of this Act respecting dangerous or unsightly premises, except where the context otherwise requires, and includes a person acting under the supervision and direction of the administrator;

(b) "assessment appeal region" means an assessment appeal region designated pursuant to the Assessment Act;

(c) "assessment roll" means the assessment roll required to be prepared pursuant to the Assessment Act;

(d) "auditor" means the auditor appointed for the municipality pursuant to this Act, except where the context otherwise requires;

(e) "automatic machine" means a mechanical or electronic device that is operated by the introduction of a coin, counter or slug, and includes a vending machine but does not include automatic scales, telephone apparatus or a machine that is licensed by the Province or an agency of the Province;

(f) "Board" means the Nova Scotia Utility and Review Board;

(g) "building service connection" means a piping system that conveys sewage, liquid waste, stormwater or surface runoff from a property to a municipal sewer;

- (h) "business occupancy assessment" has the same meaning as in the Assessment Act;
- (i) "chief administrative officer" means the chief administrative officer of a municipality;
- (j) "clerk" means the clerk of a municipality;
- (k) "combined sewer" means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;
- (l) "commercial property" has the same meaning as in the Assessment Act;
- (m) "community" means an area in a regional municipality entitled to elect a community council pursuant to this Act;
- (n) "community council" means the council of a community established pursuant to this Act;
- (na) "conservation property" has the same meaning as in the Assessment Act;
- (o) "council" means the council of a municipality, except as otherwise defined in this Act;
- (p) "councillor" means a council member other than the mayor;
- (q) "county or district municipality" means a municipality incorporated as a municipality of a county or district pursuant to Chapter 295 of the Revised Statutes, 1989, the Municipal Act;
- (r) "dangerous or unsightly" means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
  - (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or machinery, or bodies of these or parts thereof,
  - (ii) an accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds or other combustible material, or
  - (iii) any other thing that is dangerous, unsightly, unhealthy or offensive to a person,and includes property, a building or structure
  - (iv) that is in a ruinous or dilapidated condition,
  - (v) the condition of which seriously depreciates the value of land or buildings in the vicinity,
  - (vi) that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,
  - (vii) that is an allurements to children who may play there to their danger,



(viii) constituting a hazard to the health or safety of the public,

(ix) that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure or the landscaping is not maintained,

(x) that is a fire hazard to itself or to surrounding lands or buildings, or

(xi) that has been excavated or had fill placed on it in a manner that results in a hazard;

(s) "debenture" includes any financial instrument approved by the Nova Scotia Municipal Finance Corporation;

(t) "deed" means an instrument by which land is conveyed, transferred, assigned or vested in a person, but does not include a will, mortgage, agreement of sale or lease for a term of less than twenty-one years;

(u) "Deputy Minister" means the Deputy Minister of the Department of Housing and Municipal Affairs;

(v) "derelict vehicle, vessel, item of equipment or machinery " includes a vehicle, vessel, item of equipment or machinery that

(i) is left on property, with or without lawful authority, and

(ii) appears to the administrator to be disused or abandoned by reason of its age, appearance, mechanical condition or, where required by law to be licensed or registered, by its lack of licence plates or current vehicle registration;

(w) "Director of Assessment" means the Director of Assessment appointed pursuant to the Assessment Act, and includes a person acting under the supervision and direction of the Director;

(x) "dog" means a dog, male or female, or an animal that is the result of the breeding of a dog and any other animal;

(y) "drainage master plan" means a detailed plan of stormwater runoff and the courses and channels of it, including floodplains, for an entire area of drainage;

(z) "drainage plan" means a detailed plan of stormwater runoff and the courses and channels of it, including floodplains, for one or more parts of an area of drainage for all lands tributary to, or carrying drainage from, land that is proposed to be subdivided;

(aa) "dwelling unit" means living quarters that

(i) are accessible from a private entrance, either outside the building or in a common area within the building,

- (ii) are occupied or, if unoccupied, are reasonably fit for occupancy,
  - (iii) contain kitchen facilities within the unit, and
  - (iv) have toilet facilities that are not shared with the occupants of other dwelling units;
- (ab) "elector" means elector as defined in the Municipal Elections Act;
- (ac) "emergency services" means services related to the provision of emergency services, including fire services, emergency medical services, search and rescue, water rescue and assistance and protection for people and property in the event of disasters including, but not limited to, floods, hurricanes, motor vehicle accidents and chemical spills;
- (ad) "engineer" means the engineer of the municipality or the village and includes a person acting under the supervision and direction of the engineer;
- (ae) "farm property" has the same meaning as in the Assessment Act;
- (af) "fire department" means an incorporated body that provides fire services and that may, at its option, provide one or more other emergency services, and includes a fire or emergency services department of a municipality, village, fire protection district or other body corporate;
- (ag) "fire protection district" has the same meaning as in the Rural Fire District Act;
- (ah) "fire services" means services related to the prevention and suppression of fires;
- (ai) "fiscal year" means the period from April 1st in one year to March 31st in the following year, including both dates;
- (aj) "forest property" has the same meaning as in the Assessment Act;
- (ak) "grading" means the alteration of land levels, including the addition or removal of topsoil or other material of any kind, and includes a change in land that alters the permeability of the soil;
- (al) "improve" includes lay out, open, construct, repair and maintain;
- (am) "incorporation date" means the date prescribed by the Governor in Council on which a regional municipality is established;
- (an) "mayor" means the council member elected at large to be the chair of the council;
- (ao) "Minister" means the Minister of Housing and Municipal Affairs;
- (ap) "mobile canteen" means a vehicle used for the display, storage, transportation or sale of food or beverages by a mobile vendor;

(aq) "mobile vendor" means a person who vends from a mobile canteen or a stand;

(ar) "municipal government" means a municipal unit, village or service commission in the area to be incorporated as a regional municipality, and includes every authority, board, commission, corporation or other entity of that municipal unit, village or service commission and every joint authority, board, commission, committee or other entity involving that municipal unit, village or service commission;

(as) "municipal highway" means a highway owned by a municipality, pursuant to this Act, the Public Highways Act or otherwise;

(at) "municipal sewer" means a sewer controlled by a municipality or a village;

(au) "municipal unit" means a city, a town or a county or district municipality in the area to be incorporated as a regional municipality;

(av) "municipal water utility" means a utility owned, operated or managed by a municipality, village or service commission either directly or through a board or commission, for the purpose of producing, transmitting, delivering or furnishing water directly or indirectly to or for the public;

(aw) "municipality" means a regional municipality, town or county or district municipality, except where the context otherwise requires or as otherwise defined in this Act;

(ax) "oversized sewer" means a sewer that is designed to benefit lands that are in addition to lands that will benefit from the sewer immediately upon its completion;

(ay) "owner" includes

(i) as it refers to the owner of a dog, any person who possesses, has the care of, has the control of, or harbours a dog and, where the person is a minor, includes a person responsible for the custody of the minor,

(ii) as it refers to the owner of property

(A) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building,

(B) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building,

(C) a person who occupies shores, beaches or shoals, and

(D) in the absence of proof to the contrary, the person assessed for the property;

(az) "policy" means a resolution of the council that is required, pursuant to this Act, to be recorded in the by-law records of a municipality, except where the context otherwise requires;

(ba) "private on-site sewage disposal system" means a private system for sewage disposal serving one lot;

(bb) "private wastewater facilities" means wastewater facilities that are privately owned and serving two or more properties;

(bc) "public place" includes streets, parks and entrances, halls, corridors, washrooms, parking areas, driveways, roads, streets, sidewalks and alleys of a shopping centre, shopping mall or other shopping complex, recreation centre, restaurant and retail store;

(bd) "regional assessment appeal court" means a regional assessment appeal court appointed pursuant to the Assessment Act;

(be) "regional municipality" means a regional municipality established by, or continued pursuant to, this Act and includes the Cape Breton Regional Municipality, the Halifax Regional Municipality and the Region of Queens Municipality and the area over which each of those bodies corporate has jurisdiction;

(bf) "registered Canadian charitable organization" means a charitable organization registered pursuant to the Income Tax Act (Canada) and the regulations made pursuant to that Act;

(bg) "registrar of deeds" means a registrar of deeds appointed pursuant to the Registry Act and, in the case of an interest registered pursuant to the Land Registration Act, means a registrar appointed pursuant to that Act;

(bh) "registry" means the office of the registrar of deeds for the registration district in which the land is situate and, in the case of an interest registered pursuant to the Land Registration Act, means the appropriate land registration office established pursuant to that Act;

(bi) "residential property" has the same meaning as in the Assessment Act;

(bj) "resource property" has the same meaning as in the Assessment Act;

(bk) "sale price" or "value" means the entire consideration for the sale of the property and, without restricting the generality of the foregoing, includes

(i) money consideration paid together with the par or face value of promissory notes, cheques, bills of exchange, agreements and securities forming part of the consideration,

(ii) the gross value of real or personal property given in exchange, in whole or in part, including mortgages made by the grantee in favour of the grantor or any person on behalf of the grantor,

(iii) outstanding obligations or accounts canceled [cancelled], assumed or satisfied, and

(iv) taxes, liens, mortgages and encumbrances, including interest and expenses, assumed by the grantee;

(bl) "sanitary sewer" means a sewer receiving and carrying liquid and water-carried wastes and to which storm, surface or groundwaters are not intentionally admitted;

(bm) "school board" means a school board as defined in the Education Act that, from time to time, may be responsible for the provision of schools in a municipality;

(bn) "service commission" means a board, commission or corporation created by, or under the authority of, an enactment that may

(i) provide services for an area, or the residents of an area, that are similar to one or more of those that may be provided by a municipality for its residents, and

(ii) levy rates and taxes, or require a municipality to levy rates and taxes, other than, or in addition to, water or electric rates fixed or approved pursuant to the Public Utilities Act,

but does not include a municipality, committee created by an intermunicipal services agreement, village or school board;

(bo) "sewage" means the combination of liquid and water-carried wastes from buildings, containing animal, vegetable or mineral matter in suspension or solution, together with such groundwater, surface water or stormwater as might be present;

(bp) "sewer" means a pipe or conduit for carrying sewage, groundwater, stormwater or surface runoff, and includes all sewer drains, storm sewers, clearwater sewers, storm drains and combined sewers vested in, or under the control of, a municipality or village;

(bq) "solid-waste management facility" means a sanitary landfill licensed pursuant to the Environment Act or a location not required to be licensed pursuant to that Act, a recycling facility, a transfer station, a waste separation facility, a household hazardous waste facility, an incinerator, a composting site or any other facility for the management of solid waste including collection, recycling, treatment and disposal;

(br) "special purpose tax" means a tax that the council, by resolution, declares to be a special purpose tax;

(bs) "special purpose tax account" means the account to which the proceeds of a special purpose tax are credited;

(bt) "special sewer connection" means a connection from a building on a property to a sewer that is not situate in the portion of the street on which the property immediately abuts;

(bu) "stand" includes a table, showcase, bench, rack, pushcart, wagon or wheeled vehicle or device that can be moved without the assistance of a motor and is used for the display, storage, transportation or sale of food, beverages or other merchandise by a mobile vendor;

(bv) "stormwater" means water from precipitation of all kinds, and includes water from the melting of snow and ice, groundwater discharge and surface water;

(bw) "stormwater system" means a method or means of carrying stormwater, including ditches, swales, sewers, drains, canals, ravines, gullies, pumping stations, retention ponds, streams, watercourses, floodplains, ponds, springs, creeks, streets or private roads, roadways or driveways;

(bx) "storm sewer" means a sewer that carries stormwater and surface runoff water, excluding sewage;

(by) "street" means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith, except as otherwise defined in this Act;

(bz) "taxes" includes municipal rates, area rates, change in use tax, forest property tax, recreational property tax, capital charges, one-time charges, local improvement charges and any rates, charges or debts prescribed, by the enactment authorizing them, to be a lien on the property;

(ca) "tax sale" includes a sale by public auction or a sale by tender, for the purpose of collecting taxes;

(caa) "transit facilities" includes a bus, a bus terminal, a bus shelter, a bus bay, a parking lot, a ferry, a ferry terminal and a ferry dock;

(cb) "treasurer" means the treasurer of a municipality, and includes a person acting under the supervision and direction of the treasurer;

(cc) "tree" includes a bush, shrub and hedge;

(cd) "vending" means the sale, or offering for sale, of

(i) food, beverages or other merchandise, unless they are immediately delivered to a residence or shop by the person selling them,

(ii) services, unless they are provided in a building;

(ce) "vending machine" means a mechanical or electronic device that

(i) is operated by the introduction of a coin, counter or slug, and

(ii) dispenses food, beverages, goods, wares or services, including newspapers and other publications;

(cf) "village" means a village continued or incorporated pursuant to this Act;

(cg) "village commissioner" means a commissioner of a village;

(ch) "warden" means the council member chosen by the council of a county or district municipality to be the chair of the council;

(ci) "wastewater facilities" means the structures, pipes, devices, equipment, processes or other things used, or intended, for the collection, transportation, pumping or treatment of sewage and disposal of the effluent;

(cj) "water system" means the source, structures, pipes, hydrants, meters, devices, equipment or other things used, or intended, for the collection, transportation, pumping or treatment of water. *1998, c. 18, s. 3; 2000, c. 9, s. 32; 2001, c. 35, s. 2; 2001, c. 6, s. 119; 2003, c. 9, s. 49; 2006, c. 40, s. 1; 2008, c. 36, s. 4.*

## PART I

### THE MUNICIPALITY

#### **Every municipality subject to Act**

4 Every municipality incorporated at the date this Act comes into force is subject to this Act. *1998, c. 18, s. 4.*

#### **Regional municipalities continued**

5 (1) The inhabitants of the County of Cape Breton are, and continue to be, a body corporate under the name "Cape Breton Regional Municipality".

(2) repealed 2008, c. 39, s. 387.

(3) The inhabitants of the County of Queens are, and continue to be, a body corporate under the name "Region of Queens Municipality". *1998, c. 18, s. 5; 2008, c. 39, s. 387.*

#### **References to regional municipalities**

6 (1) A reference in an enactment to a municipality pursuant to the Municipal Act, city, town, municipality of a county or district or rural municipality includes a regional municipality.

(2) A reference in an enactment to the

(a) mayor of a city or town; or

(b) warden of a municipality of a county or district, a rural municipality or a municipality pursuant to the Municipal Act,

includes the mayor of a regional municipality. *1998, c. 18, s. 6.*

### **Municipalities of counties and districts continued**

7 (1) The inhabitants, other than the inhabitants of an incorporated town, of each of

(a) the counties of Annapolis, Antigonish, Colchester, Cumberland, Inverness, Kings, Pictou, Richmond and Victoria; and

(b) the districts of Argyle, Barrington, Chester, Clare, Digby, East Hants, Guysborough, Lunenburg, Shelburne, St. Mary's, West Hants and Yarmouth,

are and continue to be bodies corporate under the name of the "Municipality of the (County or District) of .....".

(2) A municipality continued pursuant to this Section is a county or district municipality.

(3) A reference in an enactment to a municipality of a county or district, rural municipality or municipality pursuant to the Municipal Act is a reference to a county or district municipality.

(4) A reference in an enactment to the warden of a municipality of a county or district, rural municipality or municipality pursuant to the Municipal Act is a reference to the mayor or warden of a county or district municipality.

(5) The powers and jurisdiction of a county or district municipality do not include an incorporated town within the boundaries of the county or district municipality. *1998, c. 18, s. 7.*

### **Towns continued**

8 The inhabitants of an incorporated town are and continue to be a body corporate under the name of the "Town of .....". *1998, c. 18, s. 8.*

### **Municipal name change**

9 The Governor in Council may, on the request of the council of a municipality, change the name of the municipality to a name chosen by the council. *1998, c. 18, s. 9.*

### **Government of municipality**

10 (1) A municipality is governed by a council consisting of at least three members.

(2) One councillor shall be elected for each polling district in a county or district municipality and in a regional municipality.



(3) No more than two councillors shall be elected for each polling district in a town. *1998, c. 18, s. 10; 2000, c. 9, s. 33.*

### **Election of mayor for towns and regional municipalities**

11 (1) The mayor of a town or regional municipality shall be elected at large.

(2) Every person eligible to vote for a councillor of a town or regional municipality is eligible to vote for the mayor. *1998, c. 18, s. 11.*

### **Selection of mayor for county or district municipalities**

12 (1) The warden of a county or district municipality shall be chosen by the council members from among themselves.

(2) The term of office of the warden expires when the term of office of the council expires, unless prior to the selection of a warden, the council adopts a shorter term of office for the warden.

(3) The warden shall be chosen

(a) at the first meeting of the council in a regular election year after the time for applying for a recount has expired; or

(b) at the first meeting of the council after the expiration of the term of a warden or when the office of warden otherwise becomes vacant.

(4) The clerk shall preside at the meeting of the council at which the warden is to be elected, until the warden is elected.

(5) If a majority of the council members are unable to agree upon the choice of a warden, the clerk shall determine the warden from the two leading candidates by lot as provided in the Municipal Elections Act.

(6) The council of a county or district municipality may, by policy, adopt rules governing the election of a warden by the council members.

(7) The council of a county or district municipality may

(a) by a vote of two thirds of the council members; and

(b) on twenty days notice in writing to the clerk, the warden and the councillors,

remove a warden from office as warden and proceed to elect a new warden.

(8) The council of a county or district municipality may, at any time not less than nine months prior to a regular municipal election, decide that the chair of the council be elected at large, in which case

(a) commencing at the next regular municipal election, a mayor shall be elected at large for the municipality;

(b) every person eligible to vote for a councillor of the municipality is eligible to vote for the mayor;

(c) the total number of council members is increased by one unless the municipality has applied to the Board and the Board has determined otherwise;

(d) subsections (1) to (7) do not apply to the municipality.

(9) A decision made pursuant to subsection (8) may not be reversed after February 15 in the year in which the first mayor is to be elected, or subsequently. *1998, c. 18, s. 12; 2006, c. 40, s. 2.*

### **Perpetual succession and seal**

13 (1) A municipality has perpetual succession and shall have a common seal.

(2) The seal shall be kept by the clerk.

(3) The mayor or warden and clerk or the persons designated by the council by policy may sign a deed or other document to which the municipality is a party on behalf of the municipality. *1998, c. 18, s. 13.*

### **Powers of council**

14 (1) The powers of a municipality are exercised by the council.

(2) In the general exercise of its powers, the council shall take into account the principle of accessibility for its citizens with disabilities.

(3) Each council member, while in office, may administer oaths and take and receive affidavits, declarations and affirmations within the Province for use within the Province. *1998, c. 18, s. 14.*

### **Mayor or warden**

15 (1) The mayor or warden shall preside at all meetings of the council.

(2) During the temporary absence of the mayor or warden, the deputy mayor or deputy warden shall preside and, if neither is present, the council may appoint a person to preside from among the council members present.

(3) The mayor or warden may

(a) monitor the administration and government of the municipality; and

(b) communicate such information and recommend such measures to the council as will improve the finances, administration and government of the municipality. *1998, c. 18, s. 15.*

### **Deputy mayor or deputy warden**

16 (1) The council shall select one of its council members to be the deputy mayor or deputy warden of the council.

(2) Prior to the selection of a deputy mayor or deputy warden, the council shall determine the term of office of the deputy mayor or deputy warden.

(3) The deputy mayor or deputy warden shall act in the absence or inability of the mayor or warden or in the event of the office of mayor or warden being vacant.

(4) The council may prescribe, by policy, additional duties and responsibilities of the deputy mayor or deputy warden.

(5) The deputy mayor or deputy warden has all the power and authority and shall perform all the duties of the mayor or warden when the deputy mayor or warden is notified that

(a) the mayor or warden is absent or unable to fulfil the duties of mayor or warden; or

(b) the office of mayor or warden is vacant. *1998, c. 18, s. 16; 2006, c. 40, s. 3.*

### **Mayor or councillor resignation**

17 (1) The mayor or a councillor may resign from office at any time by delivering to the clerk a signed resignation and such a resignation is effective on delivery by the clerk to the next meeting of the council.

(2) A resignation may not be withdrawn once it has been delivered to the clerk.

(3) A mayor or councillor who ceases to be ordinarily resident in the municipality ceases to be qualified to serve as mayor or as councillor.

(4) A mayor or councillor who, without leave of the council, is absent from three consecutive regular meetings of the council, ceases to be qualified to serve as mayor or as a councillor.

(5) When a seat on the council becomes vacant, the clerk shall report the facts to the council.

(6) Notwithstanding subsection (3), where a mayor or councillor has the approval of the council, a mayor or councillor may be ordinarily resident outside the municipality but within the Province for one period of not more than six months in a term. *1998, c. 18, s. 17; 2004, c. 7, s. 2.*

### **Employment restriction for former council member**

18 No council member may be employed by the municipality while a council member or for a period of six months after ceasing to be a council member. *1998, c. 18, s. 18.*

### **Council meetings**

19 (1) Notice of regular council meetings is not required.

(2) In addition to regular meetings, the council may hold such other meetings as may be necessary or expedient for the dispatch of business at such time and place as the council determines, if each council member is notified at least three days in advance and the clerk gives at least two days public notice of the meeting .

(3) Where the mayor or warden determines that there is an emergency, the council may meet without notice or with such notice as is possible in the circumstances.

(4) The clerk shall call a meeting of the council when required to do so by the mayor or warden or upon presentation of a written request signed by a majority of the councillors.

(5) When calling a meeting pursuant to subsection (4), the clerk shall give at least two days public notice of the meeting.

(6) Where the council fails to meet at any time determined by law, it is not dissolved, but may hold future meetings as if there had been no failure.

(7) A meeting of the council is not an illegal or invalid meeting by reason only of

(a) a failure to give notice; or

(b) meeting elsewhere than provided in the by-laws, a policy or a notice of meeting. *1998, c. 18, s. 19; 2004, c. 7, s. 3.*

### **Quorum of council**

20 (1) A majority of the maximum number of persons that may be elected to the council is a quorum for every meeting of the council.

(2) Where there is a vacancy in a council's numbers, the council may make a decision if a quorum is present at a meeting.

(3) Where the number of council members is reduced due to vacancies in a council's numbers below the number required for a quorum, the remaining council members may make a decision at a meeting of council if

(a) there are at least three remaining council members; and

(b) a majority of the remaining council members is present at the meeting,

but the council may not pass a by-law or policy, borrow money, set a tax rate, acquire or sell property or make any other decision that has effect after, or for a term extending beyond, the date for the election to fill the vacancies in council membership.

(4) Where the number of council members is reduced below

(a) three, for a council consisting of more than three members; or

(b) two, for a council consisting of three members,

due to vacancies in the council's numbers, the council may not make a decision except to take such steps as may be required to fill the vacancies. *1998, c. 18, s. 20.*

### **Voting at a council meeting**

21 (1) Unless otherwise prescribed by statute, a question arising at a council meeting shall be decided by a majority of votes.

(2) Subject to the Municipal Conflict of Interest Act, all council members present, including the person presiding, shall vote on a question.

(3) Unless otherwise specified in a policy, a member of the council who fails or refuses to vote on a question before the council is deemed to have voted in the negative.

(4) In the event of a tie in a vote on a question, the question is determined in the negative.

(5) The person presiding at a meeting of the council may cause to be expelled and excluded any person, including a council member, who is disrupting the proceedings of the council. *1998, c. 18, s. 21.*

### **Open meetings and exceptions**

22 (1) Except as otherwise provided in this Section, council meetings and meetings of committees appointed by council are open to the public.

(2) The council or any committee appointed by the council may meet in closed session to discuss matters relating to

- (a) acquisition, sale, lease and security of municipal property;
  - (b) setting a minimum price to be accepted by the municipality at a tax sale;
  - (c) personnel matters;
  - (d) labour relations;
  - (e) contract negotiations;
  - (f) litigation or potential litigation;
  - (g) legal advice eligible for solicitor-client privilege;
  - (h) public security.
- (3) No decision shall be made at a private council meeting except a decision concerning procedural matters or to give direction to staff of, or solicitors for, the municipality.
- (4) A record which is open to the public shall be made, noting the fact that council met in private, the type of matter that was discussed, as set out in subsection (2) and the date, but no other information.
- (5) Subsections (3) and (4) apply to committee meetings or parts of them that are not public.
- (6) Any councillor or employee of a municipality who discloses any report submitted to, or details of matters discussed at, a private meeting of the council or committee, as a result of which the municipality has lost financially or the councillor or employee of a municipality has gained financially, is liable in damages to the municipality for the amount of the loss or gain.
- (7) Subsection (6) does not apply to information disclosed pursuant to subsection (4) or subsection 473(2). *1998, c. 18, s. 22; 2000, c. 9, s. 34; 2003, c. 9, s. 50.*

### **Council may make policies**

23 (1) The council may make policies

- (a) respecting the date, hour and place of the meetings of the council and the notice to be given for them;
- (b) regulating its own proceedings and preserving order at meetings of the council;
- (c) providing for committees and conferring powers and duties upon them, except the power to expend funds;
- (d) providing for and fixing

- (i) the annual remuneration to be paid to the mayor or warden,
- (ii) the annual remuneration to be paid to the deputy mayor or deputy warden,
- (iii) the annual remuneration to be paid to councillors,
- (iv) that part of the salary or remuneration that is an allowance for expenses incidental to the discharge of the duties of such persons as elected officers of the municipality,
- (v) the deduction to be made from the remuneration of such persons for missing more than three council or committee meetings in a year, and
- (vi) the rate per kilometre as a travelling allowance for such persons for actual distance travelled once each day to go to, and return from, every daily session of a meeting of the council or of a committee.

(2) The council may, by policy, require that where a council member is nominated or appointed by the council to a board, commission or other position or is otherwise appointed as a representative of the municipality, any remuneration from that position, excluding reimbursement of expenses, to which that council member is entitled shall be paid to the municipality.

(3) Where

(a) an expense by a council member is authorized by an expense policy adopted by the council;  
or

(b) no expense policy has been adopted by the council but the expense is supported by proof that it has actually been incurred,

the expense may be reimbursed to the council member. *1998, c. 18, s. 23.*

### **Standing, special and advisory committees**

24 (1) The council may establish standing, special and advisory committees.

(2) Each committee shall perform the duties conferred on it by this Act, any other Act of the Legislature or the by-laws or policies of the municipality.

(3) The council may appoint persons who are not members of the council to a committee and may establish a procedure for doing so.

(4) A committee shall operate in accordance with the procedures provided in this Act and the procedural policy for the council applies to committees unless the council, by policy, decides otherwise.

(5) A member of a committee established by the council who is a council member is not entitled to additional remuneration for serving on the committee but may be reimbursed for expenses incurred as a committee member.

(6) A committee member who is not a council member may be

(a) paid an annual honorarium for serving on the committee, as determined by the council by policy, and an honorarium may be a different amount if the person is chair of a committee and honorariums may differ for different committees; and

(b) reimbursed for expenses incurred as a committee member.

(7) Where a council member is appointed to a committee, board or commission as a representative of the council, the council member's appointment ceases if and when person ceases to be a council member. *1998, c. 18, s. 24.*

### **Vacancy on board, commission or committee**

25 (1) A person appointed by the council as a member of a board, commission or committee pursuant to this or any other Act of the Legislature who, without leave of the board, commission or committee, is absent from three consecutive regular meetings, ceases to be a member.

(2) The secretary of the board, commission or committee shall immediately notify the council of a vacancy, and the council shall fill the vacancy. *1998, c. 18, s. 25.*

### **Citizen advisory committees**

26 The council may establish, by policy, citizen advisory committees which shall advise the council, as directed by the council. *1998, c. 18, s. 26.*

### **Community committees**

27 (1) The council may establish, by policy, a community committee for an area.

(2) A policy establishing a community committee shall

(a) define the boundaries of the area for which the committee is responsible and set out the duties of the committee; and

(b) include such other matters as the council deems advisable.

(3) The powers and duties of a community committee may include

(a) monitoring the provision of services to the area for which the committee is responsible and recommending the appropriate level of services, areas where additional services are required and ways in which the provision of services can be improved;



- (b) the establishment of one or more advisory subcommittees;
- (c) making recommendations to the council respecting any matter intended to improve conditions in the area for which the committee is responsible including, but not limited to, recommendations respecting
- (i) inadequacies in existing services provided to the area and the manner in which they might be resolved, additional services that might be required and the manner in which the costs of funding these services might be raised,
  - (ii) by-laws or regulations, including those regarding planning, that are required, and
  - (iii) the adoption of policies that would allow the people of the area to participate more effectively in the governance of the area. *1998, c. 18, s. 27.*

## PART II

### ADMINISTRATION

#### **Chief administrative officer**

28 (1) Subject to subsection (2), the council may employ a person to be the chief administrative officer for the municipality.

(2) The council of a regional municipality shall employ a person to be the chief administrative officer for the regional municipality. *1998, c. 18, s. 28.*

#### **No chief administrative officer appointed**

29 Where the council does not appoint a chief administrative officer, the council

(a) shall fulfil the responsibilities, and may exercise the powers, given to the chief administrative officer by this Act; and

(b) may delegate any of the responsibilities and powers of the chief administrative officer to an employee of the municipality. *1998, c. 18, s. 29.*

#### **Council and chief administrative officer relationship**

30 (1) The chief administrative officer is the head of the administrative branch of the government of the municipality and is responsible to the council for the proper administration of the affairs of the municipality in accordance with the by-laws of the municipality and the policies adopted by the council.

(2) The council shall communicate with the employees of the municipality solely through the chief administrative officer, except that the council may communicate directly with employees of the municipality to obtain or provide information.

(3) The council shall provide direction on the administration, plans, policies and programs of the municipality to the chief administrative officer.

(4) No council member, committee or member of a committee established by the council shall instruct or give direction to, either publicly or privately, an employee of the municipality. *1998, c. 18, s. 30.*

### **Responsibilities of chief administrative officer**

31 (1) The chief administrative officer shall

(a) coordinate and direct the preparation of plans and programs to be submitted to the council for the construction, rehabilitation and maintenance of all municipal property and facilities;

(b) ensure that the annual budget is prepared and submitted to the council;

(c) be responsible for the administration of the budget after adoption;

(d) review the drafts of all proposed by-laws and policies and make recommendations to the council with respect to them;

(e) carry out such additional duties and exercise such additional responsibilities as the council may, from time to time, direct.

(2) The chief administrative officer may

(a) attend all meetings of the council and any board, committee, commission or corporation of the municipality and make observations and suggestions on any subject under discussion;

(b) appoint, suspend and remove all employees of the municipality, with power to further delegate this authority;

(c) act, or appoint a person to act, as bargaining agent for the municipality in the negotiation of contracts between the municipality and any trade union or employee association and recommend to the council agreements with respect to them;

(d) subject to policies adopted by the council

(i) make or authorize expenditures, and enter into contracts on behalf of the municipality, for anything required for the municipality where the amount of the expenditure is budgeted or within the amount determined by the council by policy, and may delegate this authority to employees of the municipality,

(ii) sell personal property belonging to the municipality that, in the opinion of the chief administrative officer, is obsolete, unsuitable for use, surplus to requirements of, or no longer needed by, the municipality, and may delegate this authority to employees of the municipality,

(iii) personally, or by an agent, negotiate and execute leases of real property owned by the municipality that are for a term not exceeding one year, including renewals,

(iv) establish departments of the municipal administration,

(v) adopt a system of classification of positions of municipal officers and employees and specify offices that may not be filled by the same person,

(vi) determine the salaries, wages and emoluments to be paid to municipal officers and employees, including payment pursuant to a classification system,

(vii) where not otherwise provided for, fix the amount in which security is to be given by municipal officers and employees, the form of security, the manner in which security is to be given and approved and the nature of the security to be given;

(e) authorize, in the name of the municipality, the commencement or defence of a legal action or proceedings before a court, board or tribunal, including reporting the commencement of the legal action, defence or proceeding to the council at the next meeting and may, if the council so provides by policy, delegate this authority to employees of the municipality;

(f) where the council so provides by policy, settle a legal action or proceeding in accordance with the policy.

(3) A lease executed by the chief administrative officer is as binding on the municipality as if it had been specifically authorized by the council and executed by the mayor or warden and clerk on behalf of the municipality.

(4) Notwithstanding subsections 33(1), 37(1), 39(1) and Section 41, the chief administrative officer may, with the consent of council, perform the duties of the clerk, treasurer, engineer and administrator, or any of them, pursuant to this Act.

(5) The chief administrative officer may from time to time appoint an employee of the municipality to act in the place of the chief administrative officer when the chief administrative officer is absent or unable to act. *1998, c. 18, s. 31.*

### **Reporting and accountability requirements**

32 (1) The directors of departments of the municipality

(a) are accountable to the chief administrative officer for the performance of their duties; and

(b) shall submit the reports and recommendations required of them to, and through, the chief administrative officer.

(2) A report or recommendation from the solicitor of the municipality shall be presented to the council by the solicitor and the chief administrative officer shall be informed of the contents in advance of the presentation to council, unless the report or recommendation is with respect to the chief administrative officer.

(3) Where a director of a department of the municipality disagrees with a recommendation of the chief administrative officer, the objections may be provided to the chief administrative officer who shall present them to the council. *1998, c. 18, s. 32.*

### **Clerk**

33 (1) The chief administrative officer shall designate an employee of the municipality to perform the duties of the clerk of the municipality.

(2) The clerk shall

(a) record in a minute book all the proceedings of the council;

(b) account for the attendance of each council member at every meeting of the council;

(c) keep the by-laws and policies of the municipality; and

(d) perform such other duties as are prescribed by the chief administrative officer, the council or an enactment. *1998, c. 18, s. 33.*

### **Policy for records management and destruction**

34 (1) The council may adopt a policy for the management and destruction of records.

(2) Records that are required by an enactment to be kept and minutes, by-laws, policies and resolutions of the council shall not be destroyed.

(3) The council may, by policy, specify further classes of records that are not to be destroyed or that are to be kept for specified time periods.

(4) Where

(a) a municipal record is destroyed; or

(b) an original municipal record is not produced in court,

and

(c) the clerk certifies that a reproduction is part of the records of the municipality and is a true reproduction of the original municipal record,

a photographic, photostatic or electronic reproduction of the record is admissible in evidence to the same extent as the original municipal record and is, in the absence of proof to the contrary, proof of the record. *1998, c. 18, s. 34.*

### **Sufficient proof in action or proceeding**

35 Where, in an action or proceeding it is necessary to prove the authority of an employee of a municipality, a certificate under the hand of the clerk and the seal of the municipality stating that the employee has the authority is sufficient proof, without proof of the signature of the clerk or of the seal. *1998, c. 18, s. 35.*

### **False certificate of clerk**

36 A clerk who wilfully gives a false certificate is liable, on conviction, to a penalty not exceeding ten thousand dollars and, in default of payment, to imprisonment for a period of not more than one hundred and eighty days. *1998, c. 18, s. 36.*

### **Treasurer**

37 (1) The chief administrative officer shall designate an employee of the municipality to perform the duties of the treasurer of the municipality.

(2) The treasurer may delegate any of the powers or duties of the treasurer pursuant to this or any other Act of the Legislature to an employee of the municipality. *1998, c. 18, s. 37.*

### **Duty of treasurer to advise council**

38 The treasurer shall promptly advise the council of

(a) all moneys due to the municipality that the treasurer considers cannot reasonably be collected after pursuing all reasonable avenues of collection; and

(b) the reasons for the belief that such moneys cannot be collected,

and the council may write off the amounts determined to be uncollectible. *1998, c. 18, s. 38.*

### **Engineer**

39 (1) The chief administrative officer shall designate an employee of the municipality to be the engineer for the municipality.

(2) Where the engineer has authority to require that action be taken by a person, the engineer may direct that the action be taken.

(3) A person shall not refuse or fail to take action when directed to do so by the engineer.

(4) Where the engineer directs that action be taken and no action is taken, the engineer may cause the necessary work to be done.

(5) The engineer may enter in or upon a property at

(a) a reasonable hour upon reasonable notice to the owner and any occupier of the property; or

(b) any time in the event of an emergency,

for the purpose of inspection, observation, measurement, sampling, testing or work to be done in accordance with this Act or a by-law made pursuant to this Act. *1998, c. 18, s. 39.*

### **Approval or permission by engineer**

40 (1) Where approval or permission by the engineer is required pursuant to this Act, the engineer's decision to refuse the approval or permission may be appealed to the

(a) council; or

(b) where there is a committee designated by the council, by policy, to hear appeals, that committee.

(2) On an appeal pursuant to subsection (1), the council or the designated committee, as the case may be, shall

(a) direct the engineer to grant the approval or permission; or

(b) uphold the decision of the engineer.

(3) The right of appeal pursuant to this Section expires fourteen days after the engineer serves a written decision regarding the approval or permission on the owner. *1998, c. 18, s. 40.*

### **Administrator for dangerous and unsightly premises**

41 The chief administrative officer shall designate an employee of the municipality or other person to be the administrator responsible for the dangerous and unsightly premises provisions of this Act. *1998, c. 18, s. 41; 2000, c. 9, s. 35.*

### **Municipal auditor**

42 (1) The council shall appoint a municipal auditor who is registered pursuant to this Act to be the auditor for the municipality.

(2) The auditor shall report to the council on the accounts and funds

- (a) administered by the council; and
  - (b) where the control is apparent or implied in the council.
- (3) The auditor's report shall contain the information, and be in the form, required pursuant to this Act.
- (4) The auditor's report shall be filed with the council and the Minister by July 31 in each year.
- (5) The auditor shall report, to the council and to the Minister, any management letters and any communication from the auditor detailing weaknesses in internal control, deficiencies in management information systems or other areas requiring improvement.
- (6) The financial statements of a municipality, as reported on by the auditor, shall set out the remuneration paid to each council member and the chief administrative officer.
- (7) No person shall be appointed as auditor who, at any time during the fiscal year in which the auditor is appointed, is or has been
- (a) a council member;
  - (b) a contractor hired by the municipality; or
  - (c) an employee of the municipality,
- except that an auditor may be reappointed as auditor. *1998, c. 18, s. 42.*

### **Access by auditor**

- 43 (1) The auditor has access at all times to the books, accounts and vouchers of the municipality and may require from the employees of the municipality such information and explanations as may be necessary for the performance of the auditor's duties.
- (2) The employees of a municipality shall, on request, promptly provide access, information and explanations to the auditor. *1998, c. 18, s. 43.*

### **Audit committee**

- 44 (1) The council shall annually appoint an audit committee.
- (2) The responsibilities of the audit committee include
- (a) a detailed review of the financial statements of the municipality with the auditor;
  - (b) an evaluation of internal control systems and any management letter with the auditor;

- (c) a review of the conduct and adequacy of the audit;
- (d) such matters arising out of the audit as may appear to the audit committee to require investigation;
- (e) such other matters as may be determined by the council to be the duties of an audit committee;
- (f) any other matters as may be determined by the council. *1998, c. 18, s. 44.*

### **Pension plans**

45 (1) In this Section, "full-time employee" means an employee who is employed in full-time, continuous employment.

(2) The council shall establish a pension plan to provide pensions for full-time employees in such manner as the council shall, by policy, determine.

(3) The council may, by policy, establish pension plans to provide pensions for some or all other employees of the municipality in such manner as the council may, by policy, determine.

(4) A pension plan may include employees of a board, commission or other body corporate established by the municipality alone or jointly with other municipalities.

(5) The council may, by policy, establish a pension plan to provide a pension for the mayor or councillors or both.

(6) The municipality, the employees and, where a pension plan is established for the mayor or councillors, those for whom the pension plan is established, shall make contributions to the plan's cost.

(7) A pension plan may provide for annual increases in the pensions paid pursuant to the plan, but the increases shall not exceed the lesser of

(a) six per cent; or

(b) the percentage increase in the cost of living in the preceding year, as measured by the change in the Consumer Price Index for Canada prepared by Statistics Canada.

(8) The Pension Benefits Act applies to a pension plan established pursuant to this Section. *1998, c. 18, s. 45.*

### **Employment not during pleasure**



46 Notwithstanding the Interpretation Act, no employee of a municipality holds office during pleasure, unless a written agreement between the employee and the municipality provides otherwise. *1998, c. 18, s. 46.*

## PART III

### POWERS

#### **Resolutions, policies, by-laws**

47 (1) The council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law.

(2) The council may exercise any of its powers and duties by resolution unless a policy or a by-law is required by an enactment.

(3) The council may exercise by by-law any of the duties and powers that it may exercise by resolution or policy.

(4) The council may exercise by policy any of the duties and powers that it may exercise by resolution.

(5) The council may make and carry out a contract, perform an act, do any thing or provide a service for which the municipality or the council is authorized by an Act of the Legislature to spend or borrow money. *1998, c. 18, s. 47.*

#### **Policies**

48 (1) Before a policy is passed, amended or repealed the council shall give at least seven days notice to all council members.

(2) The council may adopt different policies for different areas of the municipality.

(3) In addition to matters specified in this Act or another Act of the Legislature, the council may adopt policies on any matter that the council considers conducive to the effective management of the municipality. *1998, c. 18, s. 48.*

#### **Power to make policies**

49 (1) The council may make policies

(a) setting the interest rate to be charged on overdue taxes, area rates, water charges, sewer charges and any other charges or sums owing to the municipality;

(b) regulating the use of solid-waste management facilities, providing for times and conditions under which they may be used and setting charges for the use of solid-waste management facilities operated by the municipality;

(c) setting and amending the fees to be paid for

(i) licences issued pursuant to a by-law of the municipality,

(ii) an inspection required or conducted pursuant to a by-law of the municipality or an enactment,

(iii) permits, applications and approvals required to be obtained from the municipality or an employee of the municipality pursuant to a by-law of the municipality or an enactment,

(iv) and expenses charged for the impoundment of animals;

(d) delegating the power to issue, refuse, suspend, cancel or revoke licences and permits, but not including building permits and development permits;

(e) establishing the amount that may be accepted by the municipality in lieu of prosecution for breach of a by-law and setting out procedures to be followed for such acceptance.

(2) Where the power to issue, refuse, suspend, cancel or revoke licences and permits is delegated by policy, provision for an appeal of such issuance, refusal, suspension, cancellation or revocation to a standing committee or to the council shall be included in the policy. *1998, c. 18, s. 49.*

### **Powers of municipality regarding property**

50 (1) A municipality may acquire and own property granted or conveyed to the municipality either absolutely or in trust for a public or charitable purpose.

(2) Where property is conveyed to a municipality in trust for a public or charitable purpose, the municipality holds the property according to the terms of the trust and may do anything necessary to carry out the objects of the trust.

(3) The property vested in a municipality, absolutely or in trust, is under the exclusive management and control of the council, unless an Act of the Legislature provides otherwise.

(4) Possession, occupation, use or obstruction of property of a municipality does not give an estate, right or title to the property.

(5) A municipality may

(a) acquire property, including property outside the municipality, that the municipality requires for its purposes or for the use of the public;

(b) sell property at market value when the property is no longer required for the purposes of the municipality;

(c) lease property owned by the municipality at market value;

(d) sell deeds for cemetery lots and certificates of perpetual care. *1998, c. 18, s. 50.*

### **Sale or lease of municipal property**

51 (1) A municipality may sell or lease property at a price less than market value to a nonprofit organization that the council considers to be carrying on an activity that is beneficial to the municipality.

(2) A resolution to sell or lease property referred to in subsection (1) at less than market value shall be passed by at least a two thirds majority of the council present and voting.

(3) Where the council proposes to sell property referred to in subsection (1) valued at more than ten thousand dollars at less than market value, the council shall first hold a public hearing respecting the sale.

(4) The council shall advertise the public hearing at least twice, in a newspaper circulating in the municipality, the first notice to appear at least fourteen days before the hearing.

(5) The notice of the public hearing shall include the date, time and place of the hearing, the location of the real property or a description of the tangible personal property, the estimated value of the property and the purpose of the sale. *1998, c. 18, s. 51.*

### **Sale to abutting owner**

51A Where a municipality holds land that is of insufficient size or dimensions to be capable of any reasonable use, in the opinion of the council, all or part of the land may be sold to the owner of any lot abutting that land and may be consolidated with such lot and, notwithstanding Section 51, the sale price of the land so sold may be set by council at a price that is less than market value at the time of the sale. *2003, c. 9, s. 51.*

### **Expropriation**

52 (1) Where the council considers it necessary to acquire real property, including real property outside the municipality, for a purpose for which it may spend money, the council may expropriate the real property, but this power to expropriate does not authorize a municipality to expropriate property of another municipality.

(2) Where real property is proposed to be expropriated,

- (a) the municipality shall survey the property and prepare a description of it;
  - (b) municipal employees and agents of the municipality may enter upon the property to survey or examine it; and
  - (c) the municipality may make borings or other excavations in the property and shall reimburse the owner for any damage done if the expropriation is not completed.
- (3) The Expropriation Act applies to expropriation proceedings by a municipality or a village. *1998, c. 18, s. 52.*

### **Plebiscite**

- 53 (1) A council may direct that a plebiscite be held in all or part of the municipality and that the clerk hold a public meeting in connection with the plebiscite.
- (2) Where a plebiscite is directed, the clerk shall require the returning officer appointed pursuant to the Municipal Elections Act to conduct the plebiscite and it shall be conducted as closely as possible to the manner provided for the conduct of a special election pursuant to that Act.
- (3) A plebiscite shall be held on a Saturday, as specified in the resolution, which shall be not less than ten weeks after the resolution directing the plebiscite is passed. *1998, c. 18, s. 53.*

### **Police services**

- 54 (1) The council may provide police services in the municipality by a combination of methods authorized pursuant to the Police Act and the board of police commissioners of a municipality has jurisdiction over the provision of the police services, notwithstanding that they are provided by a combination of methods.
- (2) A municipality may contract with the Royal Canadian Mounted Police, the Minister of Justice or another municipality to provide police services. *1998, c. 18, s. 54.*

### **Public transportation service**

- 55 (1) A municipality may provide a public transportation service by
- (a) the purchase of vehicles or vessels and operation of the service;
  - (b) providing financial assistance to a person who will undertake to provide the service; or
  - (c) a combination of these methods.
- (2) The Public Utilities Act does not apply to a public transportation service within a municipality that provides the service. *1998, c. 18, s. 55.*

## **Area improvement and promotion**

56 (1) A municipality may

- (a) beautify, improve and maintain property owned or leased by the municipality;
- (b) pay grants to a body corporate for the purpose of promoting or beautifying a business district and for airport, wharf or waterfront development;
- (c) identify and promote a business district as a place for retail and commercial activity;
- (d) establish or maintain parking facilities.

(2) The municipality may levy an area rate applicable only to the commercial property and business occupancy assessments in the area benefited by the expenditures in order to recover them.

(3) In setting such an area rate, the council may set

- (a) different rates for business occupancy assessments and commercial property assessments; and
- (b) a minimum and maximum amount to be paid by a person assessed,

or may provide that payments be made on another basis established by the council. *1998, c. 18, s. 56.*

## **Business and industrial development**

57 (1) A municipality may

- (a) solicit and encourage the establishment and development of new, and the establishment, development and expansion of existing institutions, industries and businesses in and around the municipality;
- (b) publicize the advantages of the municipality or any part of the municipality and the surrounding areas as a location for the establishment and expansion of institutions, industries and businesses;
- (c) pay grants to a body corporate for the purpose of promoting the municipality or any part of the municipality and the surrounding areas as a location for institutions, industries and businesses;
- (d) prepare and disseminate information about the municipality or any part of the municipality and the surrounding areas for the assistance of institutions, industries and businesses intending to locate or expand in the municipality or the surrounding area.

(2) A municipality shall not grant a tax concession or other form of direct financial assistance to a business or industry. *1998, c. 18, s. 57.*

### **Regional libraries**

58 (1) A municipality may enter into and carry out agreements for providing regional libraries and other purposes pursuant to the Libraries Act.

(2) A regional municipality has the powers of a regional library board pursuant to the Libraries Act.

(3) Where a regional municipality provides library services directly, it is the regional library board for purpose of grants made pursuant to the Libraries Act. *1998, c. 18, s. 58.*

### **Highway and housing agreements**

59 A municipality may enter into and carry out agreements

(a) for highway construction, improvement and maintenance and other purposes pursuant to the Public Highways Act;

(b) with

(i) the Minister of Community Services or Canada Mortgage and Housing Corporation with respect to housing projects, or

(ii) any body corporate or agency having similar objects to Canada Mortgage and Housing Corporation with respect to projects pursuant to the National Housing Act (Canada);

(c) with the Government of the Province with respect to the development, operation or maintenance of trails on land of Her Majesty in right of the Province. *1998, c. 18, s. 59; 2001, c. 35, s. 3.*

### **Municipality and village service agreements**

60 (1) A municipality or a village may agree with one or more municipalities, villages, service commissions, the Government of the Province or of Canada or a department or agency of either of them or a band council pursuant to the Indian Act (Canada) to provide or administer municipal or village services.

(2) An agreement made by a municipality or village pursuant to subsection (1) may

(a) include any service provided by the municipality or village, as the case may be;

(b) include the provision of services within or outside the municipality or village, as the case may be;

(c) delegate the power to provide the service to a committee representing each of the participating municipalities and villages, to a district planning commission or to a party to the agreement.

(3) An agreement made by a municipality or village pursuant to subsection (1) may include

(a) a description of the services to be provided pursuant to the agreement;

(b) the area for which the services are to be provided;

(c) how and by whom the services are to be provided and administered;

(d) how the cost of the services, both capital and current, is to be paid, the proportions of the cost to be paid by each party to the agreement or a method of determining those proportions, when the respective shares of the cost are to be paid and a rate of interest payable in default of prompt payment;

(e) where the power to provide the service is delegated to a committee, whether the committee to which responsibility for the service is delegated is a separate body corporate, and the corporate powers that it may exercise;

(f) the ownership of any capital assets to be created under the agreement;

(g) provision for the disposition of a capital asset before or at the termination of the agreement;

(h) provision for the sharing of any liabilities before or at the termination of the agreement;

(i) provision for amending, reviewing or terminating the agreement;

(j) provision for resolving disputes among the parties to the agreement;

(k) such other terms and conditions as the parties to the agreement may determine.

(4) Where an agreement made by a municipality or village pursuant to subsection (1) creates a body corporate

(a) a copy of the agreement shall be filed with the Registrar of Joint Stock Companies; and

(b) the participating municipalities and villages may guarantee its borrowings. *1998, c. 18, s. 60; 2000, c. 9, s. 36; 2001, c. 35, s. 4.*

## **Agreements**

61 (1) A municipality or a village may agree with any person for the provision of a service or a capital facility that the municipality or village is authorized to provide.

(2) An agreement made pursuant to subsection (1) may allow for the lease, operation or maintenance of the facility or provision of the service by a person, including the sale or disposition to that person of property of the municipality or village that continues to be required for the purposes of the municipality or village, as the case may be. *1998, c. 18, s. 61.*

### **Flag, symbol or coat-of-arms**

62 (1) The council may, by policy, adopt a flag, symbol or coat of arms for the municipality.

(2) A flag, symbol or coat of arms adopted pursuant to this Section may be registered pursuant to an Act of Parliament in order to prevent its unauthorized use.

(3) No person, other than the municipality, shall use a flag, symbol or coat of arms of the municipality unless specifically authorized by the council and upon payment of any fee charged by the municipality for the use. *1998, c. 18, s. 62.*

### **Municipal powers respecting trees**

63 (1) A municipality may

(a) remove dead, dying or diseased trees on public and private property;

(b) recommend and encourage

(i) the proper pruning, protection and repair of privately owned trees in the municipality,

(ii) the planting of trees of suitable species at desirable sites within the municipality.

(2) A municipality shall not remove trees from private property unless the owner has granted written permission or an order requiring the removal of the tree has been issued.

(3) The council may, by policy, authorize its employees to enter upon land within the municipality to

(a) treat the trees on the land as approved and recommended by Forestry Canada;

(b) inspect the trees to determine whether they are in a diseased condition or damaged to the extent that they constitute a hazard to the safety of persons or property.

(4) The council may, by policy, authorize an employee to order an owner of land, within thirty days of service of a copy of the order, to remove a tree or limb that is, in the opinion of the employee, hazardous to persons or property or so affected by disease or insect infestation as to endanger the life and health of trees in the vicinity.



(5) An order to remove a tree or limb shall contain a description of the location of the tree or limb directed to be removed and a copy of the order shall be served upon the owner of the land.

(6) Where the owner fails to remove the tree or limb described in the order within thirty days of service of a copy of the order, a person authorized by the employee may enter upon the land upon which the tree or limb is situate, without warrant or other legal process, and remove the tree or limb.

(7) The actual cost of removal of the tree or limb pursuant to subsection (6) may be recovered as a debt from the owner of the land upon which it was located and is a first lien on the real property of the owner of the land and may be collected in the same manner as taxes.

(8) An owner may appeal an order requiring the removal of a tree or limb to the Supreme Court of Nova Scotia within seven days of service of the order on the owner and the giving of a notice of appeal acts as a stay of proceedings until the appeal has been determined.

(9) Upon an appeal pursuant to subsection (8), the Supreme Court of Nova Scotia may confirm, modify or set aside the order.

(10) A municipality is not liable for failure to remove a diseased or dangerous tree or limb from property, whether publicly or privately owned.

(11) A person who defaces, mutilates or cuts a tree upon property of a municipality without the written consent of the municipality is guilty of an offence, and is guilty of a separate offence for each tree defaced, mutilated or cut.

(12) A municipality may borrow for a term not exceeding ten years for the cost of a major tree removal program. *1998, c. 18, s. 63.*

## PART IV

### FINANCE

#### **Fiscal year**

64 The fiscal year of a municipality begins on April 1 and ends on March 31 in the following year. *1998, c. 18, s. 64.*

#### **Power to expend money**

65 The council may expend money required by the municipality for

(a) expenses of elections and plebiscites;

(b) premiums on an insurance policy for damage to property, personal injury or liability, including liability of members of the council or employees of the municipality, volunteer

members of fire departments, emergency services providers and volunteers in municipal programs;

(c) repayment of money borrowed by the municipality, the payment of interest on that money and payment of sinking funds;

(d) police services;

(e) providing an emergency response system;

(f) snow and ice removal;

(g) equipping and maintaining fire departments or emergency services providers;

(h) honoraria and training expenses for volunteer firefighters and emergency services volunteers;

(i) providing school crossing guards;

(j) emergency measures;

(k) recreational programs;

(l) advertising the opportunities of the municipality for business, industrial and tourism purposes and encouraging tourist traffic, with power to make a grant to a nonprofit society for this purpose;

(m) promotion and attraction of institutions, industries and businesses, the stabilization and expansion of employment opportunities and the economic development of the municipality;

(n) lighting any part of the municipality;

(o) public transportation services;

(p) preventing or decreasing flooding;

(q) collecting, removing, managing and disposing of solid waste;

(r) salaries, remuneration and expenses of the mayor or warden, councillors, officers and employees of the municipality;

(s) the reasonable expenses incurred by the mayor or warden or a councillor for attendance at meetings and conferences, if the permission of the council is obtained prior to the meeting or conference or the attendance is in accordance with a policy of the council;

(t) the contribution of the municipality to a pension or superannuation fund;

- (u) where determined by the Board, payment to the Board of an assessment on a public utility owned or operated by the municipality;
- (v) annual subscription fees of the Union of Nova Scotia Municipalities and other municipal or professional associations;
- (w) public libraries;
- (x) lands and buildings required for a municipal purpose;
- (y) furnishing and equipping any municipal facility;
- (z) acquisition of equipment, materials, vehicles, machinery, apparatus, implements and plant for a municipal purpose;
- (aa) streets, culverts, retaining walls, sidewalks, curbs and gutters;
- (aaa) private roads, culverts, retaining walls, sidewalks, curbs and gutters that are associated with private roads and are identified and approved for expenditure by the council;
- (ab) placing underground the wiring and other parts of a system for the supply or distribution of electricity, gas, steam or other source of energy or a telecommunications system;
- (ac) a system for the supply or distribution of electricity, gas, steam or other source of energy;
- (ad) pounds;
- (ae) a fire alarm system;
- (af) ponds, reservoirs, brooks, canals and other means of accumulating or directing the flow of water to be used in extinguishing fires;
- (ag) playgrounds, trails[,] including trails developed, operated or maintained pursuant to an agreement made under clause 59(c), bicycle paths, swimming pools, ice arenas and other recreational facilities;
- (ah) public grounds, squares, halls, museums, parks, tourist information centres and community centres;
- (ai) public markets;
- (aj) property held by trustees for the use of the public;
- (ak) wastewater facilities and stormwater systems;
- (al) water systems;

(am) solid-waste management facilities;

(an) buildings for a medical centre to encourage medical doctors, dentists and other health professionals to locate in the municipality or a part of it;

(ao) industrial parks, incubator malls and land and other facilities for the encouragement of economic development;

(ap) parking lots and parking structures;

(aq) landing strips and airports;

(ar) wharves and public landings;

(as) carrying out an agreement with the Minister of Community Services, Canada Mortgage and Housing Corporation or a body corporate or agency made under clause 59(b);

(at) contributing to a hospital to which the Hospitals Act applies, with power to raise the amount as an area rate in the area or areas primarily served by the hospital and to borrow for capital grants;

(au) a grant or contribution to

(i) a society within the meaning of the Children and Family Services Act,

(ii) a mental health clinic in receipt of financial assistance from the Province,

(iii) an exhibition held by an educational institution in the municipality,

(iv) a club, association or exhibition within the meaning of the Agriculture and Marketing Act,

(v) any charitable, nursing, medical, athletic, educational, environmental, cultural, community, fraternal, recreational, religious, sporting or social organization within the Province,

(va) a day care licensed under the Day Care Act,

(vi) a registered Canadian charitable organization,

and the municipality shall publish annually a list of the organizations and grants or contributions made pursuant to this clause in a newspaper circulating in the municipality;

(av) all other expenditures

(i) authorized by this Act or another Act of the Legislature,

(ii) that are required to be made under a contract lawfully made by, or on behalf of, the municipality,

(iii) incurred in the due execution of the duties, powers and responsibilities by law vested in, or imposed upon, the municipality, its mayor or warden, council or officers. *1998, c. 18, s. 65; 2001, c. 35, s. 5; 2003, c. 9, s. 52; 2004, c. 7, s. 4; 2005, c. 9, s. 6.*

### **Power to borrow money**

66 (1) A municipality may borrow to carry out an authority to expend funds for capital purposes conferred by this Act or another Act of the Legislature.

(2) The authority to borrow and expend money conferred by this Section may be exercised in respect of any land, building or undertaking owned by the municipality, even if all or part of the land, building or undertaking is located in another municipality.

(3) Where a municipality or village enters into a joint undertaking with a municipality, village or service commission for a purpose for which it is authorized to borrow and expend money, it may borrow its portion of the cost of the undertaking irrespective of which party or inter-municipal corporation will own the undertaking.

(4) A municipality may borrow money

(a) with the approval of the Minister of Transportation and Public Works, to improve a street that is the property of Her Majesty in right of the Province;

(b) to pay and retire debentures;

(c) where a municipality is authorized by an Act of the Legislature to give a guarantee, to honour such a guarantee that it is called upon to pay;

(d) to carry out an agreement made pursuant to clause 59(c);

(da) to demolish a building or structure that is owned by the municipality;

(e) for the purpose of making a loan to a registered fire department or registered emergency services provider. *1998, c. 18, s. 66; 2001, c. 35, s. 6; 2004, c. 7, s. 5; 2005, c. 55, s. 1; 2008, c. 25, s. 1.*

### **Expenditure for municipal purpose**

67 Where an Act of the Legislature authorizes or directs a municipality to make an expenditure, enter into a contract or guarantee or take action as a result of which it may be required to pay money, the sums required are for the ordinary lawful purposes of the municipality. *1998, c. 18, s. 67.*

## **Sharing of taxes or grants in lieu**

68 A municipality may agree with another municipality to share taxes or grants in lieu of taxes paid or payable to the municipality. *1998, c. 18, s. 68.*

## **Low income tax exemption policy**

69 (1) In this Section and Section 70, "income" means a person's total income from all sources for the calendar year preceding the fiscal year of the municipality and, if so determined by the council, includes the income of all other members of the same family residing in the same household, but does not include an allowance paid pursuant to the War Veterans Allowance Act (Canada) or pension paid pursuant to the Pension Act (Canada).

(2) The council may, by policy,

(a) grant an exemption from taxation, in the amount or to the extent set out in the policy, for a person whose income is below the amount set out in the policy; and

(b) prescribe a scale of exemptions related to income.

(3) The council may provide that a person applying for an exemption pursuant to this Section shall make an affidavit or provide other proof confirming the person's income.

(4) The policy to grant an exemption from taxation may

(a) specify that the exemption only extends to persons who are residents of the municipality or property of a ratepayer occupied as the ratepayer's principal residence;

(b) provide that where a property is assessed to more than one person, any of them who is entitled to an exemption may receive only the portion of the exemption equal to that person's share of the total assessment for the property, but where the different interests are not separate, then to that portion determined by the treasurer, whose determination is final;

(c) specify a date, not less than thirty days after the filing of the assessment roll, after which no application for an exemption will be received. *1998, c. 18, s. 69; 2004, c. 7, s. 6.*

## **Policy for reduction of taxes where destruction**

69A (1) The council may, by policy, provide for the reduction, to the extent that the council considers appropriate, of the taxes payable with respect to a property if a building situate on the property has been destroyed or partially destroyed by fire, storm or otherwise and the assessment of the property does not reflect that the building has been destroyed or partially destroyed, and provide for the reimbursement of any overpayment resulting from the reduction.

(2) A policy adopted pursuant to subsection (1) may be made retroactive to April 1, 1999.

(3) Upon a request by the clerk, the Director of Assessment shall value the property for the purpose of a policy adopted pursuant to subsection (1) but, for greater certainty, shall not change the assessment of the property except in accordance with the Assessment Act. *2001, c. 14, s. 2.*

### **By-law for postponed payment of rates and taxes**

70 (1) The council may, by by-law, provide for the postponed payment of all, or a defined portion of, rates and taxes by persons whose income is below the amount set out in the by-law.

(2) A by-law passed pursuant to this Section

(a) applies only to the property of a person occupied by that person as the person's principal residence;

(b) may provide that taxes be postponed for a certain period, or until the death of the assessed owner or other specified contingency;

(c) may provide for the postponement of tax collection procedures for the current year;

(d) may prescribe the procedure for applying for the benefits of the by-law, including the required forms and affidavits;

(e) may provide for interest on the taxes postponed.

(3) A limitation period affecting a municipality's entitlement to collect postponed taxes does not begin until the period of postponement expires.

(4) Where a municipality provides that only a portion of the taxes due may be postponed and where the portion that is required to be paid is three years overdue, the period of postponement terminates thirty days after the treasurer notifies the person whose taxes have been postponed, unless the taxes that were not postponed are paid before the expiration of the thirty days.

(5) Except as otherwise provided by this Act or another Act of the Legislature, a council shall not relieve a taxpayer from all or a portion of taxes. *1998, c. 18, s. 70.*

### **Tax exemption policy for certain organizations**

71 (1) The council may, by policy, exempt from taxation, to the extent and under the conditions set out in the policy

(a) property

(i) of a named registered Canadian charitable organization, and

(ii) that is used directly and solely for a charitable purpose;

(b) property of a nonprofit community, charitable, fraternal, educational, recreational, religious, cultural or sporting organization if, in the opinion of the council, the organization provides a service that might otherwise be a responsibility of the council;

(c) and (d) repealed 2001, c. 14, s. 3.

(e) the buildings, pump stations, deep well pumps, main transmission lines, distribution lines, meters and associated plant and equipment of a municipal water utility.

(2) The council may, by policy, to the extent and under the conditions set out in the policy, provide that the tax payable with respect to all or part of the taxable commercial property of any nonprofit community, charitable, fraternal, educational, recreational, religious, cultural or sporting organization named in the policy be reduced to the tax that would otherwise be payable if the property were residential property, inclusive of area rates.

(3) A tax exemption or reduction pursuant to this Section shall be shown on the tax bill and accounted for by the municipality as an expenditure.

(4) The council may, in its discretion, refuse to grant an exemption or reduction pursuant to this Section and a policy made pursuant to this Section extends only to properties specifically named in the policy.

(5) An exemption given pursuant to this Section does not apply to area rates or the fire protection rate unless specified in the policy.

(6) A policy made pursuant to this Section has effect in the fiscal year following the fiscal year in which it is published, unless the policy sets a different effective date, including an effective date retroactive to the beginning of the current fiscal year. *1998, c. 18, s. 71; 2001, c. 14, s. 3; 2001, c. 35, s. 7; 2005, c. 9, s. 7; 2008, c. 25, s. 2.*

### **Tax reduction by-law for day cares**

71A (1) The council may, by by-law, to the extent and under the conditions set out in the by-law, provide that the tax payable with respect to all or part of the taxable commercial property of any day care licensed under the Day Care Act be reduced to the tax that would be payable if the property were residential property, including area rates.

(2) A by-law made pursuant to this Section may have an effective date retroactive to the beginning of the current fiscal year. *2004, c. 7, s. 7; 2005, c. 9, s. 8.*

### **Business occupancy tax exemption by-law for day cares**

71B The council may, by by-law, exempt any day care licensed under the Day Care Act from taxes payable in respect of business occupancy assessment. *2004, c. 7, s. 7.*

### **Estimates of required sums**



72 (1) The council shall make estimates of the sums that are required by the municipality for the fiscal year.

(2) The estimates shall include the probable revenue from all sources other than taxes for the fiscal year and make due allowance for

(a) the abatement and losses which might occur in the collection of the taxes; and

(b) taxes for the current fiscal year that might not be collected.

(3) The council shall include an allowance to provide for any variation in the total assessed value shown on the roll that might result from assessment appeals.

(4) The council shall include in its estimates the deficit from the preceding fiscal year.

(5) The council may include in its estimates an amount for

(a) contingencies and unforeseen expenses in matters on which it may vote and expend money;

(b) all or part of any surplus of previous fiscal years that will be available for the current fiscal year.

(6) The council shall authorize the levying and collecting of a

(a) commercial tax rate of so much on the dollar on the assessed value of taxable commercial property and business occupancy assessment; and

(b) residential tax rate of so much on the dollar on the assessed value of taxable residential property and resource property.

(6A) Notwithstanding clause (6)(a), the tax rate for the part of commercial property that is identified on the assessment roll as being occupied by a seasonal tourist business shall be 75% of the commercial tax rate.

(7) The tax rates shall be those which the council deems sufficient to raise the amount required to defray the estimated requirements of the municipality. *1998, c. 18, s. 72; 2005, c. 9, s. 9.*

### **Tax rates**

73 (1) Subject to subsection (2), a council may set separate commercial and residential tax rates for the area of the municipality determined by the council to be

(a) a rural area receiving a rural level of services;

(b) a suburban area receiving a suburban level of services; and

(c) an urban area receiving an urban level of services.

(2) The council of Halifax Regional Municipality shall set separate commercial and residential tax rates for the area of the Halifax Regional Municipality determined by the council to be

(a) a rural area receiving a rural level of services;

(b) a suburban area receiving a suburban level of services; and

(c) an urban area receiving an urban level of services. *1998, c. 18, s. 73.*

### **Minimum tax**

74 (1) The council may, by policy, prescribe a minimum tax per dwelling unit and the minimum tax may be set at different levels for different areas of the municipality.

(2) Where the tax rate applied to the assessment of a property is less than the minimum tax prescribed by the council, the owner of the property shall pay an additional tax equal to the difference between the tax rate applied to the assessment of the property and the minimum tax.

(3) The number of dwelling units in a property shall be determined by the Director of Assessment whose decision may be appealed to the Board. *1998, c. 18, s. 74.*

### **Area rates and uniform charges**

75 (1) The council may spend money in an area, or for the benefit of an area, for any purpose for which a municipality may expend funds or borrow.

(2) The council may recover annually from the area the amount required or as much of that sum as the council considers advisable to collect in any one fiscal year by an area rate of so much on the dollar on the assessed value of the taxable property or occupancy assessments in the area.

(3) The council may provide

(a) a subsidy for an area rate from the general rate in the amount or proportion approved by the council;

(b) in the resolution setting the area rate, that the area rate applies only to the assessed value of one or more of the taxable commercial, residential or resource property and occupancy assessments in the area.

(4) The council may, in lieu of levying an area rate, levy a uniform charge on each

(a) taxable property assessment;

(b) dwelling unit,

in the area.

(5) Charges pursuant to subsection (4) are first liens on the real property and may be collected in the same manner as taxes.

(6) A council may expend money within an area for any lawful purpose and may raise all, or part of it, by a general rate on the whole municipality.

(7) The area rate referred to in this Section may be different on commercial property and business occupancy assessments than on residential and resource property. *1998, c. 18, s. 75; 2005, c. 9, s. 10.*

### **Recreational property tax**

76 (1) An owner of land to which Section 29 of the Assessment Act applies shall annually pay to the municipality in which the land is situate a tax, to be known as a recreational property tax, equal to five dollars per acre, or part of an acre, for all of the land assessed as recreational property.

(2) The recreational property tax applies for the municipal taxation year 1977, and the amount of the tax per acre is increased by five per cent per year for each subsequent municipal taxation year, unless altered pursuant to subsection (3).

(3) The Governor in Council may, by regulation, determine the amount of the tax per acre for the recreational property tax.

(4) In the event that any land, or any part thereof, to which this Section applies ceases to be land used directly and solely for the purposes of a non-profit community, charitable, fraternal, educational, recreational, religious, cultural or sporting organization or institution a change in use tax equal to fifty per cent of the value, determined by the assessor pursuant to the Assessment Act, of the land or part thereof to which this Section ceased to apply, is due and payable to the municipality in which the land is situate by the person determined by the assessor to be responsible for the change in use, unless the land becomes farm property, in which case no change in use tax is payable. *1998, c. 18, s. 76.*

### **Grant respecting conservation property**

76A (1) The Minister of Environment shall in each year pay to the municipality in which conservation property exempt from taxation is situate a grant equal to the amount that would have been due and payable to the municipality had each conservation property in the municipality continued to be classified as it was immediately before becoming conservation property.

(2) Notwithstanding anything in this Act or any other Act of the Legislature authorizing a tax on the assessed value of property, no change in use tax is payable by reason of a property becoming conservation property.

(3) Where any land, or part thereof, to which this Section applies, ceases to be conservation property, a change in use tax, determined by the assessor pursuant to the Assessment Act, equal to twenty per cent of the value of the land, or part thereof, that ceased to be conservation property is due and payable to the municipality in which the land is situate by the person determined by the assessor to have been responsible for the change in use.

(4) Notwithstanding subsection (3), no change in use tax is payable by reason of the ownership of conservation property being transferred to Her Majesty in right of the Province or Canada or to a municipality. *2008, c. 36, s. 5.*

### **Farm property**

77 (1) The Minister shall in each year pay to the municipality in which farm property exempt from taxation is situate a grant equal to \$2.10 per acre in respect of the land.

(2) For the fiscal year ending March 31, 2001, and for each subsequent fiscal year, the Minister shall pay to the municipality in which the land is situate a grant per acre equal to the grant paid for the immediately preceding fiscal year varied by the same percentage as the variation in the cost of living over the immediately preceding calendar year as measured by the change in the Consumer Price Index for Canada prepared by Statistics Canada.

(3) Where any land, or part thereof, to which this Section applies ceases to be farm property, a change in use tax, determined by the assessor pursuant to the Assessment Act, equal to twenty per cent of the value of the land, or part thereof, that ceased to be farm property is due and payable to the municipality in which the land is situate by the person determined by the assessor to have been responsible for the change in use, unless the land, or part thereof, becomes forest property bona fide used or intended to be used for forestry purposes, in which case no change in use tax is payable.

(4) Subject to subsections (5), (6) and (7), an owner of farm property may

(a) transfer to each of the owner's father, mother, brother, sister, son, daughter, grandson, granddaughter or spouse; or

(b) convey, reserve to or set aside for the owner,

one lot suitable for the erection of a single family dwelling and the

(c) lot shall not exceed one acre or the minimum size required by any applicable law, whichever is larger; and

(d) change in use tax is not payable if the land ceases to be used for agricultural purposes.

(5) For the purpose of subsections (6) and (7), "transfer" includes conveyance, reservation to and setting aside for.

(6) The change in use tax is payable by the transferor of land referred to in subsection (4) in accordance with this Section if, within seven years of the date of the transfer, the owner of the lot, grantee of the lot or person for whom the lot is reserved or set aside transfers the lot to any person other than a father, mother, brother, sister, son, daughter, grandson, granddaughter or spouse of the owner or to the owner, then the change in use tax is payable by the transferor in accordance with this Section.

(7) Subsections (4) to (6) do not apply to a transfer of land unless the grantor or person reserving or setting aside the land files, in the registry, a statutory declaration that the grantee of the land or person for whom the land is reserved or set aside, as the case may be, is a person named in subsection (4). *1998, c. 18, s. 77; 2000, c. 9, s. 37.*

### **Forest property tax**

78 (1) In lieu of all rates and taxes of the municipality, an owner of forest property bona fide used or intended to be used for forestry purposes shall annually pay a tax, to be known as a forest property tax, equal to

(a) twenty-five cents per acre, if the forest property is classified as resource property; and

(b) forty cents per acre, if the forest property is classified as commercial property,

and, where an area, village or commission rate is levied for fire protection, the owner is liable to pay an additional annual tax not exceeding one cent per acre, as the authority levying the area, village or commission rate determines.

(2) Where any land, or part thereof, to which this Section applies, ceases to be land used for forestry purposes, a change in use tax, determined by the assessor pursuant to the Assessment Act, equal to twenty per cent of the value of the land, or part thereof, that ceased to be used for forestry purposes is due and payable to the municipality in which the land is situate by the person determined by the assessor to have been responsible for the change in use, unless the land, or part thereof, is used for agricultural purposes, in which case no change in use tax is payable.

(3) Subject to subsections (4), (5) and (6), an owner of forest land may transfer to each father, mother, brother, sister, son, daughter, grandson, granddaughter or spouse or may convey or reserve to or set aside for the owner one lot suitable for the erection of a single family dwelling, and the change in use tax is not payable if the land ceases to be used for forestry purposes.

(4) A lot referred to in subsection (3) shall not exceed one acre or the minimum size required by any applicable law, whichever is larger.

(5) If, within seven years of the date of the transfer, conveyance or reservation to or setting aside for the owner of a lot referred to in subsection (3), the grantee of the lot or person for whom the lot is reserved or set aside transfers the lot to any person other than a father, mother, brother, sister, son, daughter, grandson, granddaughter or spouse of the owner referred to in subsection

(3) or to the owner, then the change in use tax is payable by the transferor in accordance with this Section.

(6) Subsections (3) to (5) do not apply to any transfer, conveyance, reservation or setting aside of lands unless the grantor or person reserving or setting aside the land files, in the registry, a statutory declaration that the grantee of the land or person for whom the land is reserved or set aside, as the case may be, is a person named in subsection (3). *1998, c. 18, s. 78.*

### **Commercial rent increase where tax increase**

78A (1) Notwithstanding any provision in a lease, licence or permit for commercial property that is in existence at the time of the coming into force of this Section, where that lease, licence or permit does not include a provision enabling the owner of the property to increase the rent or require an annual deposit in relation to any increase in property tax payable by the owner, that lease, licence or permit is deemed to include such a clause.

(2) Where a deposit is required or the rent is increased under subsection (1), the owner shall give the tenant notice in writing not later than ninety days before the deposit is required or the rent is increased.

(3) Notice under subsection (2) may be provided by

(a) giving it to the tenant personally;

(b) giving it to an agent or employee of a tenant on the premises;

(c) posting it in a conspicuous place in some part of the premises; or

(d) sending it to the tenant by registered mail, in which case notice is deemed to have been given on the third day after the date of mailing. *2005, c. 9, s. 11.*

### **User charges**

79 Subject to the approval of the Board for those services that are subject to the Public Utilities Act, the council may, by by-law, prescribe charges for the provision of services for persons who use or benefit from the service, on a basis to be set out in the by-law. *1998, c. 18, s. 79.*

### **Fire protection rate**

80 (1) The council may levy a rate on the value of all assessable property and business occupancy assessment in the area served by a water system in the municipality, as defined by the council by policy, in order to recover that part of the cost of the water system that is attributable to fire protection.

(2) No property, except property of Her Majesty in right of the Province, in the area served by the water system as defined by policy is exempt from the rate, unless exempted by by-law.

(3) The rate is a first lien on the real property and may be collected in the same manner as taxes.

(4) The rate referred to in subsection (1) may be different for commercial property and business occupancy assessments than for residential and resource property. *1998, c. 18, s. 80; 2001, c. 35, s. 8; 2005, c. 9, s. 12.*

### **By-law regarding payment of charges**

81 (1) The council may make by-laws imposing, fixing and providing methods of enforcing payment of charges for

(a) wastewater facilities or stormwater systems, the use of wastewater facilities or stormwater systems and connecting to wastewater facilities or stormwater systems;

(b) expenditures incurred for the wastewater management system in a wastewater management district;

(ba) solid-waste management facilities;

(bc)[(bb)] transit facilities;

(c) the municipal portion of the capital cost of installing a water system;

(d) laying out, opening, constructing, repairing, improving and maintaining streets, curbs, sidewalks, gutters, bridges, culverts and retaining walls, whether the cost is incurred by the municipality directly or by, or pursuant to, an agreement with Her Majesty in right of the Province, the Minister of Transportation and Public Works or any person;

(da) laying out, opening, constructing, repairing, improving and maintaining private roads, curbs, sidewalks, gutters, bridges, culverts and retaining walls that are associated with private roads, where the cost is incurred

(i) by the municipality, or

(ii) under an agreement between the municipality and a person;

(e) the municipal portion of the cost of a major tree removal program or the cost of removing trees from a private property;

(f) the municipal portion of the capital cost of placing the wiring and other parts of an electrical distribution system underground;

(g) depositing in a special purpose tax account to provide for future expenditures for wastewater facilities, stormwater systems, water systems, transit facilities or other anticipated capital requirements.

(2) The council may, by by-law

(a) define classes of buildings to be erected or enlarged according to the varying loads that, in the opinion of council, the buildings impose or may impose on the sewer system or wastewater facility and levy a one-time redevelopment charge to pay for additional or trunk sanitary or storm sewer capacity or additional wastewater facility capacity required to accommodate the effluent from the buildings;

(b) impose a one-time oversized sewer charge on each property determined by the council to benefit from a sewer in the future to recover the cost of making the sewer an oversized sewer and provide that the oversized sewer charge is not payable until the property is serviced by a sanitary sewer or a storm sewer;

(c) levy a one-time storm drainage charge on the owner of each lot of land in a drainage management area for which an application is made for a development permit to allow, on the lot, a development of a class designated by the council in the by-law.

(3) A by-law passed pursuant to this Section may provide

(a) that the charges fixed by, or determined pursuant to, the by-law may be chargeable in proportion to frontage, in proportion to area, in proportion to the assessment of the respective properties fronting on the street or according to another plan or method set out in the by-law;

(b) that the charges may be made and collected only where

(i) the persons owning more than fifty per cent of the frontage of the real property fronting on the street or the portion of a street on which the work is performed, or

(ii) the persons as determined by the method set out in the by-law,

have filed with the clerk a petition requesting that the work be performed;

(c) that the charges may be different for different classes of development and may be different in different areas of the municipality;

(d) when the charges are payable;

(e) for the total or partial exemption of persons and land from the charge and for adjustments to be made with respect to lots of land or developments where the proposals or applications change in order to reflect the changing nature of lots or developments;

(f) that the charges are first liens on the real property and may be collected in the same manner as other taxes;

(g) that the charges be collectable in the same manner as taxes and, at the option of the treasurer, be collectable at the same time, and by the same proceedings, as taxes;



(h) a means of determining when the lien becomes effective or when the charges become due and payable;

(i) that the amount payable may, at the option of the owner of the property, be paid in the number of annual installments set out in the by-law and, upon default of payment of any installment, the balance becomes due and payable; and

(j) that interest is payable annually on the entire amount outstanding and unpaid, whether or not the owner has elected to pay by installments, at a rate and beginning on a date fixed by the by-law.

(4) For greater certainty, no property is exempt from a charge levied pursuant to this Section except property of Her Majesty in right of the Province.

(5) A municipality may install the wastewater facilities, stormwater system, water system and system for the supply or distribution of gas, steam or other source of energy of the municipality outside its boundaries and may enter into contracts to provide the services.

(6) A municipality may charge for services provided outside the municipality in the same manner in which the service is charged for within the municipality, provided that rates that are subject to the approval of the Board are approved by the Board.

(7) Notwithstanding the Public Utilities Act and for greater certainty, any by-law made pursuant to this Section and any charge imposed or fixed pursuant to this Section do not require approval by the Board. *1998, c. 18, s. 81; 2001, c. 35, s. 9; 2004, c. 7, s. 8; 2006, c. 40, s. 4.*

### **Interest payable**

82 Interest is payable on unpaid taxes and charges levied pursuant to this Part at the same rate as for other outstanding taxes. *1998, c. 18, s. 82.*

### **Special purpose tax accounts**

83 (1) All sums raised by a special purpose tax shall be credited to the account for that tax.

(2) The council may withdraw money from a special purpose tax account for an expenditure on a purpose for which the account was established.

(3) The council may, if the balance in a special purpose tax account exceeds the funds required for the purpose for which the special purpose tax account was established, return the surplus to the contributors.

(4) The council, by resolution passed by at least a two thirds majority, may withdraw money from a special purpose tax account for any purpose for which the municipality may expend funds if the council

(a) first holds a public hearing respecting the withdrawal;

(b) advertises the public hearing at least twice in a newspaper circulating in the municipality, the first notice to appear at least fourteen days before the hearing, and includes in the notice of the public hearing the date, time and place of the hearing and the purpose of the withdrawal.

(5) The council may borrow from a special purpose tax account by resolution if the resolution prescribes the terms of repayment, including interest, at a rate not less than the interest rate that the municipality would pay to borrow the funds for a similar term from another source. *1998, c. 18, s. 83.*

### **Borrowing limits**

84 A municipality may borrow to cover the annual current expenditure of the municipality that has been authorized by the council, but the borrowing shall not exceed fifty per cent of the combined total of the taxes levied by the municipality for the previous fiscal year and the amounts received, or to be received, by the municipality from Her Majesty in right of Canada or in right of the Province or from an agency of Her Majesty. *1998, c. 18, s. 84.*

### **Borrowing for village or service commission**

85 (1) A municipality within which all or part of a village or service commission lies may borrow money and pay it to the village or service commission for any of the purposes for which the commission has authority to expend money.

(2) A municipality may lend money to a village or service commission with interest at the rate, and on the terms, agreed upon.

(3) Where the municipality collects the taxes on behalf of the village or service commission, unless some other agreement is made, the municipality shall deduct each fiscal year the amounts required to pay interest and repay principal on the loans from the amounts otherwise payable.

(4) Where a village or service commission defaults in either principal or interest, the municipality shall recover the amounts in default by an area rate levied on the assessed value of the taxable property and occupancy assessment in the area of the village or service commission and shall immediately notify the Minister of the default.

(5) The area rate referred to in subsection (4) may be different for commercial property and business occupancy assessments than for residential and resource property. *1998, c. 18, s. 85; 2005, c. 9, s. 13.*

### **Minister may establish borrowing limits**

86 (1) The Minister may in each fiscal year, establish borrowing limits for a municipality, village or service commission.

(2) Where borrowing limits are established, a municipality, village or service commission may not borrow money pursuant to this Act or another Act of the Legislature, unless the proposed borrowing is within the limits established.

(3) Subsections (1) and (2) do not apply to borrowing for the purpose of defraying part of the annual current expenditure of a municipality, village or service commission. *1998, c. 18, s. 86.*

### **Capital budget filing**

87 The Minister shall not establish borrowing limits or approve a borrowing resolution for a municipality, village or service commission in a fiscal year unless the municipality, village or service commission, as the case may be, has filed with the Minister its capital budget for that fiscal year in the form prescribed by the Minister. *1998, c. 18, s. 87.*

### **Ministerial approval**

88 (1) No money shall be borrowed by a municipality, village, committee created by an intermunicipal services agreement or service commission pursuant to the provisions of this Act or another Act of the Legislature until the proposed borrowing has been approved by the Minister.

(2) Subsection (1) and subsection 438(2) do not apply to a borrowing for the purpose of defraying part of the annual current expenditure of a municipality, village or service commission.

(3) A guarantee by, or on behalf of, a municipality, village or service commission of a borrowing or debenture is not effective unless the Minister has approved of the proposed guarantee.

(4) A municipality may enter into a lease, lease-purchase or other commitment to pay money over a period extending beyond the end of the current fiscal year, provided that where the total commitment exceeds one hundred thousand dollars, the proposed commitment has been approved by the Minister.

(5) Subsection (4) does not apply to an employment contract or collective agreement. *1998, c. 18, s. 88; 2000, c. 9, s. 39; 2001, c. 35, s. 10.*

### **Guarantee payment of debentures**

89 A county or district municipality may, subject to the approval of the Minister, guarantee the payment of the principal and interest of debentures of a village situate wholly or partly within it. *1998, c. 18, s. 89.*

### **Village or service commission borrowing**

90 (1) No money shall be borrowed by a village or service commission under the provisions of this Act or another Act of the Legislature until the commission obtains the approval of the electors for the proposed borrowing at a public meeting called by advertisement placed in a

newspaper circulating in the area of the village or service commission, and posted in not less than two conspicuous places within the area, the advertisements to appear at least fourteen days before the date set for the meeting.

(2) Subsection (1) does not apply to a borrowing

(a) to pay and retire, at maturity, debentures of the village or service commission; or

(b) for the purpose of defraying the annual current expenditure of the village or service commission, if the aggregate borrowing for the fiscal year does not, at any time, exceed one half of the total amount of taxes levied for the current fiscal year. *1998, c. 18, s. 90.*

### **Approved borrowing requirements**

91 (1) Where a municipality is authorized to borrow money, subject to the approval of the Minister

(a) the sum shall be borrowed by the issue and sale of debentures, in one sum or by installments, as determined by the council; and

(b) the council shall determine

(i) the amount and term of, and the rate of interest on, each debenture,

(ii) when the interest on a debenture is to be paid, and

(iii) where the principal and interest on a debenture are to be paid.

(2) In accordance with the Municipal Finance Corporation Act, the mayor or warden and clerk or the persons designated by the council, by policy, shall sell and deliver the debentures on behalf of the municipality at the price, in the sums and in the manner they deem proper.

(3) The mayor or warden and clerk or the persons designated by the council, by policy, may

(a) change the sums of the debentures at any time from the amounts determined by the council, provided that the total principal amount payable in any one fiscal year is not changed;

(b) before the debentures are sold, reduce the rate of interest from that determined by the council;

(c) exchange debentures, provided the rate of interest is not increased and the total principal amount payable in any one fiscal year is not changed. *1998, c. 18, s. 91.*

### **Debenture postponement**

92 (1) Where a municipality is authorized to borrow money, the municipality may, with the approval of the Minister, postpone the issue of debentures and borrow the money on terms and conditions agreed upon with the lender.

(2) Money borrowed without the issue of debentures shall be repaid within one year after the resolution is approved by the Minister, unless the Minister approves an extension of the repayment period or a repayment period not exceeding ten years. *1998, c. 18, s. 92.*

### **Debenture records**

93 The treasurer shall keep a record of all debentures of the municipality. *1998, c. 18, s. 93.*

### **Form of debenture**

94 (1) A debenture shall be

(a) in the form approved by the council; and

(b) signed by the mayor or warden and clerk or the persons designated by the council, by policy, and sealed with the municipal seal.

(2) Interest coupons shall be signed by the clerk or the person designated by the council, by policy, or bear a printed facsimile of the clerk's signature.

(3) A right to call in and redeem a debenture prior to maturity shall be set out on the face of the debenture. *1998, c. 18, s. 94.*

### **Debenture payment requirements**

95 (1) A debenture may be

(a) payable to bearer;

(b) registered as to principal only; or

(c) registered as to principal and interest,

as determined by the council and the debenture shall state whether it is payable to bearer, registered as to principal or as to principal and interest.

(2) Where a debenture is

(a) payable to bearer, it is negotiable and transferable by delivery;

(b) registered, the council shall appoint a registrar of debentures who shall keep a register of the debentures and the debenture is transferable by the registered owner by entry in the register and endorsement of the entry on the debenture.

(3) Interest coupons are transferable by delivery, unless the debenture is registered as to both principal and interest, in which case the interest is payable only to the registered holder of the debenture. *1998, c. 18, s. 95.*

### **Debenture certificate**

96 (1) Every debenture of a municipality shall bear a certificate of the Deputy Minister to the effect that the debenture is valid and binding according to its terms, and the validity of every debenture is not open to question in any court in the Province.

(2) The certificate required pursuant to subsection (1), when signed by the Deputy Minister, is conclusive evidence that

(a) the municipality had authority to issue the debenture;

(b) the debenture was lawfully issued;

(c) the debenture is valid and binding on the municipality according to its terms; and

(d) the validity of the debenture is not open to question in any court in the Province.

(3) The Deputy Minister may sign the certificate if the Deputy Minister is of the opinion that the municipality has substantially complied with the provisions of the statutes pursuant to which the debentures are issued.

(4) The signature of the Deputy Minister may be reproduced by mechanical means.

(5) Non-compliance with this Act does not invalidate an irregular or informal debenture and the holder of such a debenture may, on an ex parte application, obtain from a judge of the Supreme Court of Nova Scotia an order requiring the issuance of a new and proper debenture in replacement of the irregular or informal debenture. *1998, c. 18, s. 96.*

### **Debenture a municipal lien**

97 The principal and interest of a debenture are a lien and charge on all assets of the municipality. *1998, c. 18, s. 97.*

### **Debenture sinking fund**

98 (1) When a municipality issues debentures, the municipality may provide for a sinking fund for the debentures.

- (2) The municipality shall annually pay into the sinking fund an amount that the council considers sufficient to provide for the repayment of the debentures when they fall due.
- (3) The Minister may require a municipality to establish a sinking fund for any issue of debentures and may specify the annual amount to be paid into it.
- (4) A premium realized from the sale of debentures shall be paid into the sinking fund, but if there is no sinking fund the premium may be used for any purpose for which a municipality may borrow money.
- (5) Except as provided in this Section, no part of a sinking fund or interest on it shall be used for any purpose but paying the principal of the debentures for which the fund was provided.
- (6) The Minister may permit a municipality to cease paying into the sinking fund if the Minister determines that the amount in the sinking fund will be sufficient to provide for the payment of the debentures for which the fund was provided.
- (7) The Minister may permit a municipality to withdraw from a sinking fund an amount not exceeding the amount by which the sinking fund exceeds the amount of the debentures for which the fund was provided.
- (8) Any surplus remaining in a sinking fund after the debentures for which the fund was provided have been repaid shall be transferred to the municipality's capital reserve fund. *1998, c. 18, s. 98.*

### **Capital reserve fund**

- 99 (1) A municipality shall maintain a capital reserve fund.
- (2) The capital reserve section of a special reserve fund in existence, on the coming into force of this Act, is a capital reserve fund.
  - (3) The capital reserve fund includes
    - (a) funds received from the sale of property;
    - (b) the proceeds of insurance resulting from loss or damage of property that is not used for replacement, repair or reconstruction of the property;
    - (c) any surplus remaining from the sale of debentures that is not used for the purpose for which the debentures were issued;
    - (d) the surplus remaining in a sinking fund when the debentures for which it was established are repaid;
    - (e) any capital grant not expended in the year in which it was paid;

(f) proceeds received from the winding up of a municipal enterprise as defined in the Municipal Finance Corporation Act;

(g) the current fiscal year's accrual for landfill closure and post closure costs; and

(h) amounts transferred to the fund by the council.

(4) A withdrawal from the capital reserve fund shall be authorized by a council, by resolution, and may only be used for

(a) capital expenditures for which the municipality may borrow;

(b) repayment of the principal portion of capital debt; and

(c) landfill closure and post closure costs.

(5) The council may borrow from a capital reserve fund, by resolution, if the resolution prescribes the terms of repayment, including interest, at a rate not less than the interest rate that the municipality would pay to borrow the funds for a similar term from another source.

(6) A municipality may maintain other reserve funds for such purposes as the council may determine. *1998, c. 18, s. 99.*

### **Investment of funds**

100 (1) Funds in a sinking fund, capital reserve fund, utility depreciation fund or other fund of a municipality shall be

(a) deposited in an interest bearing account at a bank doing business in the Province;

(b) invested pursuant to an investment policy adopted by the council and approved by the Minister; or

(c) invested in investments in which a trustee is permitted to invest pursuant to the Trustee Act.

(2) Income arising from the investment of a fund is part of that fund unless the council otherwise provides.

(3) The council may pledge any investments to the credit of the capital reserve fund as collateral security for a borrowing for a capital purpose. *1998, c. 18, s. 100.*

## **PART V**

### **DEED TRANSFERS**

#### **Deed transfer affidavit**



101 (1) Notwithstanding the Registry Act, the registrar of deeds shall not accept for registration a deed

(a) where the property, or any part thereof, is situate within a municipality that levies a deed transfer tax, unless it is accompanied by the affidavit required pursuant to this Part and a certificate issued by the treasurer stating that the deed transfer tax has been paid in full or that no deed transfer tax is payable;

(b) where the whole of the property is situate within a municipality that does not levy a deed transfer tax, unless it is accompanied by the affidavit required pursuant to this Part.

(2) The grantee shall file an affidavit made by the grantee or by someone having full knowledge of the facts setting out

(a) the names of the parties;

(b) the location of the property;

(c) the sale price of the property with full details of the consideration, including the amount of any lien or encumbrance subject to which the transfer was made; and

(d) any other information prescribed by the Minister.

(3) The affidavit shall be filed within ten days of the transfer.

(4) Where the affidavit is not made by the grantee, it shall state that the person making it has personal knowledge of the facts stated therein.

(5) Where the affidavit is made by a person other than the grantee, that person is personally liable, jointly and severally, with the grantee for payment of any deed transfer tax.

(6) Where the grantee claims exemption from the deed transfer tax, the affidavit shall set out the facts on which the grantee claims to be exempt and, in the case of a registered Canadian charitable organization, shall give the number of its registration pursuant to the Income Tax Act (Canada).

(7) Where it appears from the face of the certificates of execution that a deed was executed prior to the time that a municipality imposed a deed transfer tax and it is not practical to ascertain from any of the parties to the deed particulars of the sale price of the property, the affidavit may set out those facts in lieu of the sale price.

(8) Where the municipality levies a deed transfer tax, the affidavit shall be filed with the treasurer and where the municipality does not levy a deed transfer tax, the affidavit shall be filed in the registries for every registration district within which a part of the property is situate.

(9) The affidavit shall be in the form, and contain the information, prescribed by the Minister.

(10) The exercise by the Minister of the authority contained in subsection (9) is regulations within the meaning of the Regulations Act.

(11) Notwithstanding subsection (2), the treasurer may require that the affidavit be filed electronically.

(12) Notwithstanding subsection (2), the registrar may require that the affidavit or the affidavit and certificate, as the case may be, be filed electronically.

(13) An affidavit, including all signatures and the certificate of execution that is filed electronically, is deemed to be the original affidavit for all purposes.

(14) Where there is a difference between a copy of an affidavit that is filed electronically and one that is filed in writing, the copy that is filed electronically is deemed to be the original, even if the written copy contains an original signature of a party or witness.

(15) An affidavit or certificate filed electronically has the same legal effect as an affidavit or certificate filed in writing.

(16) An affidavit or certificate filed electronically that is certified as a true copy by the treasurer or registrar is admissible in court in the same manner as the original.

(17) Every person who makes an affidavit that contains a false statement is guilty of an offence. *1998, c. 18, s. 101; 2005, c. 55, s. 2.*

### **Deed transfer tax by-law**

102 (1) A council may determine, by by-law, that a deed transfer tax applies in the municipality and the rate of the deed transfer tax, but the rate of the deed transfer tax shall not exceed one and one half per cent of the value of the property transferred.

(2) A deed transfer tax applies to the sale price of every property that is transferred by deed. *1998, c. 18, s. 102.*

### **Apportionment of deed transfer tax**

103 Where only part of a property is within a municipality, the deed transfer tax applies to that part of the value that is apportioned by the Director of Assessment to the part of the property within the municipality, and the decision of the Director of Assessment on such apportionment is final. *1998, c. 18, s. 103.*

### **Deed transfer tax payment**

104 The deed transfer tax shall be paid by the grantee named in the deed within ten days of the transfer. *1998, c. 18, s. 104.*

### **Incorrect property sale price**

105 (1) Where the treasurer is not satisfied that the affidavit sets out the correct sale price or is not able to determine the sale price from the affidavit, the treasurer may refuse to accept the affidavit and issue the certificate and shall so advise the grantee.

(2) The grantee may either tender a revised affidavit or may tender the affidavit to the regional assessment appeal court that has jurisdiction over the assessment appeal region that includes the municipality.

(3) The regional assessment appeal court shall proceed to determine the sale price and for that purpose may examine persons on oath.

(4) The determination of the regional assessment appeal court is final. *1998, c. 18, s. 105; 2005, c. 55, s. 3.*

### **Treasurer to endorse deed**

106 Where the municipality levies a deed transfer tax, the treasurer shall issue in writing, or electronically, a certificate stating that, as computed from the affidavit filed, the deed transfer tax is paid in full or no deed transfer tax is payable. *1998, c. 18, s. 106; 2005, c. 55, s. 4.*

### **Interest on deed transfer tax**

107 Where the grantee does not pay the deed transfer tax when due, the grantee shall pay interest at the rate determined by the council, by policy, until paid, beginning ten days after the transfer and shall pay an additional penalty of ten per cent on any deed transfer tax that remains unpaid after thirty days from the transfer. *1998, c. 18, s. 107.*

### **Deed transfer tax is a lien**

108 (1) The deed transfer tax, with interest and penalty, is a lien upon the property transferred.

(2) The lien attaches on the date when the deed transfer tax is due and may be collected in the same manner as taxes.

(3) The tax is a first lien on the real property and may be collected in the same manner as taxes. *1998, c. 18, s. 108.*

### **Deed transfer tax exemptions**

109 (1) Where a deed transfers property

(a) between persons married to one another;

(aa) to a municipality;

(b) between persons formerly married to one another, if the transfer is for the purpose of division of marital assets; or

(c) by way of gift, notwithstanding that

(i) the deed transfers property subject to an encumbrance, including a mortgage or a tax lien, and the grantee assumes the amount of the encumbrance, including interest and expenses, or

(ii) there is a nominal consideration therefor,

it is exempt from deed transfer tax.

(2) Where

(a) a deed merely confirms, corrects, modifies or supplements a deed previously given;

(b) there is no consideration beyond one dollar; and

(c) the deed does not include more property than the deed previously given,

it is exempt from deed transfer tax.

(3) A deed from the Nova Scotia Farm Loan Board to a borrower under the Agriculture and Rural Credit Act is not subject to deed transfer tax.

(4) A deed given pursuant to a tax sale is not subject to deed transfer tax.

(5) A deed is not subject to deed transfer tax if the certificates of execution for the deed show, on their face, that they were signed by the official prior to the date on which the municipality adopted a deed transfer tax.

(6) A deed which transfers property pursuant to an agreement of purchase and sale entered into prior to the date on which the municipality adopted a deed transfer tax, is not subject to deed transfer tax.

(7) Where the grantee is a registered Canadian charitable organization, a deed is exempt from the deed transfer tax if the property is not to be used for any commercial, industrial, rental or other business purpose and if an officer of the grantee makes and files an affidavit to that effect.

(8) Notwithstanding subsection (7), where, within three years after the filing of the affidavit, the property is used by the grantee for a commercial, industrial, rental or other business purpose or is sold or conveyed by the grantee, the treasurer shall compute the deed transfer tax for which the grantee would have been liable if the grantee had not been a registered Canadian charitable organization and the grantee is liable to pay the amount of the tax and interest on it at the rate of

ten per cent per annum computed from the date of the deed referred to in subsection (7). *1998, c. 18, s. 109; 2000, c. 9, s. 41; 2003, c. 9, s. 53.*

### **Registrar of Deeds as agent and collector**

110 Where the council and the Minister agree that the Registrar of Deeds is to be the municipality's agent and collector of the deed transfer tax, the Registrar is the municipality's agent and collector and has all of the powers of the treasurer pursuant to this Part. *1998, c. 18, s. 110.*

## **PART VI**

### **TAX COLLECTION**

#### **Payment of taxes**

111 (1) The council may determine

- (a) the due date for taxes;
- (b) that taxes are payable in one sum or by installments.

(2) Where a council has not set a due date for payment of taxes, taxes are due and payable as soon as the tax rate is set.

(3) Where payment of taxes by installments is authorized, the council may provide that in default of payment of an installment when due, the balance of taxes outstanding are immediately due and payable. *1998, c. 18, s. 111.*

#### **Payment of taxes by installments**

112 (1) The council may, by policy, provide for the payment of taxes by installments before the tax rate is set.

(2) The policy shall set out the date or dates on which the installments are due and the manner in which the amount of each installment is calculated.

(3) Each installment shall be payable by the person assessed for the property for the current fiscal year.

(4) The amount of each installment shall bear interest, beginning on the date on which it falls due, at the same rate of interest determined for overdue taxes.

(5) Installments paid shall be applied in part payment of the taxes on that property for the current fiscal year. *1998, c. 18, s. 112.*

## **Incentives and interest**

- 113 (1) The council may provide incentives for the early payment of taxes.
- (2) The council may impose interest, at a rate determined from time to time by policy, for non-payment of taxes when due.
- (3) Interest shall be added to the unpaid taxes and shall be collected as if the interest originally formed part of the unpaid taxes.
- (4) Interest shall be calculated according to the length of default in payment.
- (5) The council may provide that interest be compounded, not more frequently than monthly.
- (6) The council may provide that interest shall be calculated from the date the tax rate is set if taxes are not paid within thirty days of the due date.
- (7) The council may adopt a formula by which, and the time when, the rate of interest on overdue taxes is automatically adjusted.
- (8) Unless the council otherwise provides, incentives shall be allowed and interest charged on area rates and rates collected for any other body at the same rates and under the same terms and conditions as the council has provided for its own taxes. *1998, c. 18, s. 113.*

## **Taxes paid in error or overpaid**

- 113A (1) The Governor in Council may make regulations respecting taxes paid in error or overpaid and, without limiting the generality of the foregoing, may make regulations
- (a) requiring a municipality to refund taxes paid in error or overpaid;
- (b) limiting the time for applying for a refund;
- (c) respecting the payment of interest.
- (2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the Regulations Act. *2008, c. 26, s. 1.*

## **Tax collection where assessment appeal**

- 114 (1) Taxes on a property may be collected or recovered even if the assessment of the property is under appeal.
- (2) After an assessment appeal is determined and any appeal from that decision is decided, any taxes that were overpaid shall be refunded to the appellant, together with interest at a rate set by the council by policy.

(3) Where a council has not adopted a policy on the rate of interest, the rate is the rate of interest on overdue taxes. *1998, c. 18, s. 114.*

### **Taxes are first liens**

115 Change in use tax, forest property tax and recreational property tax are first liens upon the property in respect of which they are levied. *1998, c. 18, s. 115.*

### **Taxes in respect of other properties**

116 Where property is

(a) vested in Her Majesty or any person for Imperial, Dominion or Provincial purpose; and

(b) occupied by a person other than in an official capacity,

the occupant shall be taxed in respect of the property, but the property may not be sold for taxes. *1998, c. 18, s. 116.*

### **Tax bills**

117 (1) Every person liable to pay taxes shall be served with a tax bill showing the amount of taxes for the current year, the due date and all arrears of taxes by that person or in respect of the property.

(2) The tax bill shall be served personally or mailed to the address shown on the assessment roll or any more current address known to the treasurer.

(3) Where taxes are due on property of persons unknown or the address of the owner is unknown, the tax bill shall be posted in a conspicuous place on the property.

(4) The tax bill shall contain a concise statement of the terms of incentives for early payment of taxes, interest on overdue taxes and installment payment options allowed by the council.

(5) Where there is an error in the name of a person in a tax bill, the taxes may be collected from the person intended to be taxed if the person is taxable and can be identified. *1998, c. 18, s. 117.*

### **Certificate as prima facie evidence**

118 A certificate purporting to be signed by the treasurer that a person is liable to the municipality for the sum claimed for taxes and that a specified balance has not been paid is, without proof of the signature or the official character of the treasurer, prima facie evidence in any court of the facts stated. *1998, c. 18, s. 118.*

### **Power to sue for and recover taxes**

119 (1) The treasurer may, at any time, sue for and recover all taxes and other sums due to the municipality in an action in the name of the municipality as if the amount were a debt.

(2) Any proceedings for the collection of taxes pursuant to this Act may be pursued even if a judgment for taxes has been entered.

(3) A municipality may set off a sum due from a person to the municipality against a claim that person has against the municipality. *1998, c. 18, s. 119.*

### **Warrant**

120 (1) A judge of the provincial court, mayor, warden or councillor may, upon application by the treasurer, issue a warrant in Form A in Schedule A, with any variations that circumstances may require, to distrain the goods of a person indebted to the municipality for taxes who is about to leave the municipality, even if the taxes are not yet due.

(2) An application made pursuant to subsection (1) shall be in the form of an affidavit setting out the

(a) amount in which the person is indebted to the municipality; and

(b) belief, with or without statement of the grounds of the belief, of the treasurer that unless the person's goods are distrained the taxes will be lost to the municipality. *1998, c. 18, s. 120.*

### **Issue of warrant**

121 At any time after the due date for taxes, the treasurer may proceed to issue warrants, in Form A in Schedule A or to like effect, for the collection of all taxes then due and unpaid. *1998, c. 18, s. 121.*

### **Articles exempt from seizure**

121A Articles that are exempt from seizure under Section 45 of the Judicature Act are exempt from seizure under a warrant issued under Section 121. *2005, c. 55, s. 5.*

### **Limitation on issuance of warrant**

122 A warrant may be issued at any time within six years from the time when the taxes become due and remains valid until executed. *1998, c. 18, s. 122.*

### **Warrant enforcement**

123 (1) A warrant issued pursuant to the authority of this Act may be directed to any police officer, civil constable, by-law enforcement officer or other employee of the municipality and it may be executed by any of them whether or not it is directed to that person.



- (2) The person to whom a warrant is directed shall execute it and pay the proceeds over to the municipality with a return in Form B in Schedule A or to like effect.
- (3) A warrant may be executed at any place within the Province by an officer having jurisdiction in that place or by an officer having jurisdiction in the municipality that issued it.
- (4) The person to whom a warrant is directed shall levy the taxes for which the warrant was issued, with collection costs and expenses, by distress and sale of the goods and chattels of the person or of the goods and chattels in that person's possession, wherever situate.
- (5) The property levied upon may be removed to any place for safekeeping and the cost of removal and storage are part of the collection expenses.
- (6) The person executing a warrant is entitled to the fees set by council, by policy, and the fees and expenses shall be added to the amount to be collected pursuant to the warrant.
- (7) Where a warrant is executed without payment of the full amount due, it may be executed again or a new warrant may be issued and executed for the amount remaining unpaid.
- (8) Where the person executing a warrant is unable to collect the amount due under the warrant, the warrant and a statement of the proceedings taken pursuant to it shall be returned to the treasurer. *1998, c. 18, s. 123.*

### **Sale of distrained goods**

124 (1) When goods are distrained pursuant to this Act, the person distraining them shall advertise the goods for sale in a newspaper circulating in the area where the sale is to take place at least seven days before the sale takes place.

- (2) A sale pursuant to subsection (1) may be adjourned from time to time.
- (3) If the taxes for which the distress has been made and the costs, charges and expenses incurred in connection with the distress are not paid at or before the time appointed for the sale or an adjournment of it, the goods shall be sold at public auction to pay the taxes, costs, charges and expenses, including the expenses of the sale. *1998, c. 18, s. 124.*

### **Procedure for remaining balance**

125 (1) If a balance remains after payment of the taxes, costs, charges and expenses, it shall be paid to the person in whose possession the property was when the distress was made if no claim to the balance is made by any other person within thirty days after the sale.

- (2) A claim to the balance may be made within thirty days after the sale by a person who claims ownership of the property sold or entitlement by lien or other right to the surplus.

(3) Where a claim is made by a person and is admitted by the person who had possession of the property when it was distrained, the balance shall be paid over to the claimant.

(4) Where the claim is contested, the balance shall be paid to the treasurer, who may retain it until the right to it is determined by action at law or otherwise.

(5) Nothing in this Section renders the municipality, its treasurer or other officer liable for costs. *1998, c. 18, s. 125.*

### **Taxes on property of deceased person**

126 (1) The property of a deceased person is liable for taxes levied with respect to the property before or after death, and the property is liable to be sold for non-payment of taxes.

(2) The tax bills may be served on the executor or administrator, sent to the last address of the deceased person or posted upon the property.

(3) Where there is no executor or administrator, property of a deceased person may be levied on and sold for non-payment of taxes.

(4) The executors or administrators shall pay the taxes out of the property of the deceased person that comes into their hands and are personally liable for the taxes to the extent of the property or income of the deceased person that comes under their control. *1998, c. 18, s. 126.*

### **Property assessed to person in representative capacity**

127 (1) Where property under the control of a person as executor, administrator, trustee, guardian or agent is assessed to that person in a representative capacity, any proceedings shall be kept separate and distinct from any based on property assessed personally to that person.

(2) Where a person assessed for property in a representative capacity fails to pay the taxes on the property, the person is personally liable for the taxes to the extent that the property or the income from it is sufficient to pay the taxes.

(3) A person assessed for property in a representative capacity may raise the amount of the taxes by sale, mortgage or lease of the property.

(4) Where more than one person is assessed for a property in a representative capacity, notice to any one of them is notice to all of them. *1998, c. 18, s. 127.*

### **Security interest in personal property**

128 (1) In this Section and Section 129, "security interest" has the same meaning as in the Personal Property Security Act.

(2) Where personal property, other than a mobile home, is taken or repossessed pursuant to a security interest and sold, or is sold under execution, other legal process or court order, the proceeds of the sale are first liable for any taxes that have been levied by the municipality in which the personal property was situate when taken with respect to the business occupancy assessment of the owner or person who was in possession of the personal property.

(3) A municipality shall issue a tax certificate binding on the municipality, on request, stating the taxes referred to in subsection (2).

(4) The holder of a security interest, sheriff or other person selling the personal property may pay the business occupancy taxes before or after the sale and add them to the amount claimed.

(5) The holder of a security interest, sheriff or other person selling the personal property shall pay the taxes out of the proceeds of the sale and is personally liable to the municipality for the business occupancy taxes to the extent of the total proceeds of the sale less the costs of conducting the sale.

(6) Where personal property, other than a mobile home, is taken or repossessed pursuant to a security interest and is not sold within six months of the taking or repossession, the holder of the security interest is personally liable to the municipality in which the property was situate when taken for the taxes levied with respect to the business occupancy assessment of the owner or the person who was in possession of the personal property. *2000, c. 28, s. 85.*

### **Security interest in mobile home**

129 (1) Where a mobile home is taken or repossessed pursuant to a security interest and sold, or is sold under execution, other legal process or court order, the proceeds of the sale are first liable for any taxes that have been levied with respect to the mobile home by the municipality in which the mobile home was situate when taken.

(2) The holder of a security interest, sheriff or other person selling the mobile home may pay the taxes before or after the sale and add them to the amount claimed.

(3) The holder of a security interest, sheriff or other person selling the mobile home shall pay the taxes out of the proceeds of the sale and is personally liable to the municipality for the taxes to the extent of the total proceeds of the sale less the costs of conducting the sale.

(4) Where a mobile home is taken or repossessed pursuant to a security interest and is not sold within six months of the taking or repossession, the holder of the security interest is personally liable to the municipality for the taxes levied with respect to the mobile home by the municipality in which the mobile home was situate when taken.

(5) Any lien for taxes against a mobile home taken or repossessed pursuant to a security interest and sold within six months of the taking or repossession, or sold under execution, other legal process or court order is discharged by the sale if this Section has been followed. *2000, c. 28, s. 85.*

### **Priority for proceeds of sale of real property**

129A (1) Where real property is taken or sold under execution, other legal process or court order, the proceeds of the sale are first liable for any taxes that have been levied with respect to the property.

(2) The holder of the security interest, sheriff or other person selling the property shall pay the taxes out of the proceeds of the sale and is personally liable to the municipality for the real property taxes to the extent of the total proceeds of the sale less the costs of conducting the sale. *2000, c. 28, s. 85.*

### **Power to sue tenant for rent arrears**

130 A landlord who pays any taxes or expenses due from a tenant may sue for and recover them from the tenant or may distrain upon the tenant's property for the amount paid, in the same manner as distraint upon the tenant's property for arrears of rent. *1998, c. 18, s. 130.*

### **Partial payment of taxes**

131 (1) Where a person, including a person paying on behalf of another person, pays only a portion of the taxes due, the treasurer shall apply and credit the amount

(a) firstly, to the payment of the taxes rated upon the person in respect of business occupancy assessment;

(b) secondly, to the payment of any other taxes that are not a lien on any property; and

(c) thirdly, to the payment of accumulated interest and then the taxes longest in arrears with respect to any real property designated by the person.

(2) Where no real property is designated, the treasurer shall, subject to the priorities listed in subsection (1), apply the amount received to the payment of the taxes longest in arrears.

(3) The acceptance of part payment does not prevent the collection of any interest imposed in respect of non-payment of taxes or an installment of taxes.

(4) Where taxes are paid on behalf of a purchaser of real property, the taxes shall be applied to taxes due with respect to the property designated by the person paying the taxes, including any business occupancy tax owed by the vendor with respect to the vendor's occupancy of that property. *1998, c. 18, s. 131; 2006, c. 40, s. 5.*

### **Tax certificate**

132 (1) A municipality shall issue a tax certificate, on request, stating

(a) the current taxes on the property;

- (b) the total taxes due by the owner to the municipality with respect to the property;
  - (c) any sums due from an owner of property for work done on the property by the municipality, the engineer, the administrator or any other authorized person, the cost of which forms a lien on the property;
  - (d) whether a change-in-use tax will be incurred if the use of the land is changed; and
  - (e) any sums due from the person assessed for business occupancy taxes that are required to be paid prior to payment of the real property taxes with respect to the property.
- (2) The fee for a tax certificate shall be set by the council, by resolution.
- (3) A tax certificate binds the municipality. *1998, c. 18, s. 132.*

### **Certain taxes are liens**

- 133 (1) Taxes levied in respect of real property are a first lien upon the real property.
- (2) Taxes levied in respect of a mobile home are a first lien upon the mobile home.
- (3) The lien has priority over the claims, liens or encumbrances of any person and need not be registered.
- (4) Where property is sold for taxes and the sale is set aside, the lien is not discharged.
- (5) The lien has effect from the first day of the fiscal year for which the tax rate is set.
- (6) Taxes are a first lien upon property conveyed between the time the assessment roll is filed and the tax rate is set and may be collected from a subsequent owner.
- (7) Taxes cease to be a lien on the property when six years have elapsed after the end of the fiscal year in which they were levied, but may be collected after they have ceased to be a lien.
- (8) Taxes in respect of business occupancy assessments are not a lien upon property. *1998, c. 18, s. 133.*

### **Tax sale**

- 134 (1) Property may be sold for taxes if the taxes with respect to the property are not paid in full for the taxation year immediately preceding the year in which the tax sale proceedings are commenced, but the proceedings shall not commence before June 30th in the year immediately following that taxation year.
- (2) Property shall be put up for tax sale if taxes are in arrears for the preceding three fiscal years.

- (3) The council may defer tax sale proceedings for a property for up to two years.
- (4) A municipality is not required to put a property up for tax sale
- (a) if the solicitor for the municipality advises that a sale of the property would expose the municipality to an unacceptable risk of litigation;
  - (b) if the amount of taxes due is below the collection limit established by the council, by policy;
  - (c) if the property has been put up for sale three times in the preceding three years and no satisfactory offer has been made with respect to it;
  - (d) if the taxes have been deferred pursuant to a by-law; or
  - (e) if the municipality and the taxpayer have entered into a tax arrears payment arrangement and the taxpayer is in compliance with the agreement.
- (5) Where the municipality and a taxpayer have entered into a tax arrears payment arrangement, the period for which the tax lien is effective is extended by the period of the tax arrears payment arrangement. *1998, c. 18, s. 134.*

#### **Owner unknown tax sale**

- 135 (1) Where land assessed to "owner unknown" is liable to be sold for taxes, the municipality shall notify the Minister of Natural Resources that the land is liable to be sold for taxes.
- (2) No land assessed to "owner unknown" shall be sold for taxes unless the Minister of Natural Resources has been notified at least one hundred and twenty days before the sale and has not acted to vest the land in Her Majesty in right of the Province.
- (3) The Minister of Natural Resources may require a municipality to furnish a statement concerning a specified property assessed to "owner unknown".
- (4) A notice or statement required pursuant to this Section shall include a general description of the land, the amount of taxes and interest owing in respect of the land and any information the municipality has concerning possible owners of the land.
- (5) Upon payment of the taxes and interest owing in respect of land assessed to "owner unknown", plus ten per cent as an allowance for expenses, the land vests absolutely in Her Majesty in the right of the Province, subject to this Section.
- (6) When land vests in Her Majesty in the right of the Province pursuant to this Section, the Minister of Natural Resources shall cause a certificate to be registered in the registry
- (a) stating that the land described in the certificate is vested in Her Majesty;

- (b) setting out the date the land vested;
  - (c) describing the land with the best available description;
  - (d) setting out the property identification number, assessment account number and municipal tax account number for the land; and
  - (e) stating that the land will cease to vest in Her Majesty if
    - (i) on application made within eighteen months of the vesting, a person proves to the satisfaction of the Minister of Natural Resources or a judge of the Supreme Court of Nova Scotia on appeal from the Minister of Natural Resources that the person owns the land, and
    - (ii) the person pays the taxes, interest and allowance for expenses paid by the Minister of Natural Resources.
- (7) Within six months of the vesting of the land, a copy of the certificate shall be published in a newspaper circulating in the municipality in which the land is situate once a week, for three successive weeks.
- (8) A person may apply to the Minister of Natural Resources within eighteen months after land vests in Her Majesty in right of the Province pursuant to this Section to determine that the land ceases to vest in Her Majesty, and if the applicant proves to the satisfaction of that Minister that the person owns the land, that Minister shall determine that upon payment by the applicant of the taxes, interest and allowance for expenses paid by the Minister of Natural Resources for the land, the land ceases to vest in Her Majesty.
- (9) Where land ceases to vest in Her Majesty in right of the Province pursuant to this Section, the Minister of Natural Resources shall cause a certificate to that effect to be registered in the registry and shall include in the certificate the recording particulars of the certificate that set out the vesting of the land.
- (10) A decision of the Minister of Natural Resources may be appealed within thirty days to the Supreme Court of Nova Scotia.
- (11) Where land ceases to vest in Her Majesty in right of the Province pursuant to this Section, the land is deemed never to have vested in Her Majesty pursuant to this Section.
- (12) Where a dominant tenement vests in Her Majesty in right of the Province pursuant to this Section, an easement or a right-of-way appurtenant to it passes to Her Majesty, and where a servient tenement vests in Her Majesty pursuant to this Section, the vesting does not terminate or affect an easement or a right-of-way to which it is subject. *1998, c. 18, s. 135.*

### **Personal claims on Crown land**

136 (1) A person who claims to own land that vests in Her Majesty in right of the Province pursuant to this Act may apply to the Supreme Court of Nova Scotia for an order declaring what rights that person would have had to the land if the land had not vested in Her Majesty, and the Court may direct that any necessary inquiries be made and may finally adjudicate the matter.

(2) An application pursuant to subsection (1) may be made within ten years after the land vests in Her Majesty in right of the Province or, where the person who claims to own the land is under the age of nineteen years or of unsound mind when the land vests in Her Majesty, within ten years after that person attains the age of nineteen years or becomes of sound mind, but no application may be made more than twenty years after the land vests in Her Majesty.

(3) Where the Supreme Court of Nova Scotia determines that a person owns land that has vested in Her Majesty in right of the Province pursuant to this Act, the Minister of Natural Resources, in the Minister's absolute discretion, shall

(a) pay to that person the value of the land at the date the land vested in Her Majesty, less

(i) the amount of taxes, interest and allowance for expenses paid by the Minister, and

(ii) any grants in lieu of taxes that may have been paid with respect to the land; or

(b) upon payment of the amount of taxes, interest and allowance for expenses paid by the Minister and any grants in lieu of taxes that may have been paid with respect to the land, convey the land to that person. *1998, c. 18, s. 136.*

### **Tax sale property list**

137 (1) Where land is to be sold for taxes, a list of the properties to be put up for sale shall be prepared setting out, with respect to each lot

(a) the name and address of the person assessed;

(b) a brief description of the lot sufficient to identify and locate it;

(c) the amount of arrears, including interest; and

(d) the years in which the arrears were levied.

(2) The tax sale list, or a copy certified by the treasurer, is conclusive evidence of the facts stated therein. *1998, c. 18, s. 137.*

### **Tax sale preliminary notice**

138 After the tax sale list is compiled, the municipality shall mail to each owner named in the list a preliminary notice setting out the information contained in the list with respect to the person and advising that the property is liable to be sold for the arrears, with interest and expenses, and



that tax sale procedures will be commenced and costs expended unless the arrears are paid within fourteen days of the date of the preliminary notice, or such longer period as the council may, by policy, prescribe. *1998, c. 18, s. 138.*

### **Title search and survey**

139 (1) After the time set out in the tax sale preliminary notice has expired, a title search shall be conducted for each property on the list for which the taxes have not been paid.

(2) The cost of the title search, from the date it is ordered, is part of the expenses of the sale and a lien on the property for which it is ordered.

(3) Where the treasurer determines that a survey of the property is necessary for the proper identification and description of the land to be sold, a survey may be undertaken before or after the sale.

(4) The cost of a survey, from the date it is ordered, is part of the expenses of the sale and a lien on the property for which it is ordered and where the survey is not undertaken prior to the sale, the expenses of the sale shall include an estimate of the cost of the survey.

(5) Where the title search or survey is done by an employee of the municipality, the cost included in the expenses of the sale is the amount determined by the treasurer to be the reasonable cost of having the same work performed by a solicitor or surveyor in private practice. *1998, c. 18, s. 139.*

### **Application to court by treasurer**

139A (1) The treasurer may apply to a court of competent jurisdiction for

(a) an order that there are arrears of taxes respecting a property proposed to be sold for taxes that would allow the sale;

(b) an order prescribing that upon the sale the tax deed will convey all outstanding interests in the property, or subject to such interests in the property, or subject to such interests as the court may specify; and

(c) directions respecting the manner in which notice may be provided, the persons to be notified and such other matters respecting the carrying out of the sale as the court deems appropriate.

(2) The court may require that persons appearing to have an interest in the property other than the assessed owners be notified of the tax sale.

(3) The court may require that any person appearing to have an interest in the property, whether that person is assessed for that interest or not, be given an opportunity to appear on the application.

(4) A tax sale conducted pursuant to an order obtained under this Section is not open to challenge on any grounds and a tax deed of the property so sold conveys a fee simple interest in the property sold, free and discharged of all encumbrances, charges and liens, except any right to redeem pursuant to Section 152, and subject to the exceptions in subsection 156(3) and any exceptions, exclusions or partial interests set out in the order of the court. 2003, c. 9, s. 54.

### **Notice of intent to sell**

140 (1) Upon completion of the title search and any survey, the owner of each lot and a person with a mortgage, lien or other charge on the land shall be served with notice of intent to sell the land for taxes.

(2) The spouse of each owner of a lot referred to in subsection (1) shall be notified in accordance with the Matrimonial Property Act.

(3) The notice shall contain

(a) a general description of each lot of land;

(b) the amount of arrears of taxes and expenses incurred to date, the year or years in which they were levied and the person in whose name the land was then assessed;

(c) a statement that the land is liable to be sold for the arrears with interest and expenses of, and incidental to, the sale unless they are paid within sixty days from the date of the notice;

(d) an estimate of the total expenses that would be incurred if the property is sold for taxes;

(e) the proposed date of the sale;

(f) a statement to the effect that if the owner challenges the right of the municipality to set the land up for sale the owner should obtain legal advice and contact the municipality. *1998, c. 18, s. 140.*

### **Public auction**

141 (1) Unless the arrears of taxes, interest and expenses are paid, the treasurer shall proceed to sell land liable to be sold for taxes at public auction.

(2) The treasurer may, with the consent of the council, call tenders for property rather than put the property up for sale at public auction.

(3) The council may direct the treasurer as to what constitutes an acceptable minimum tender or bid, if the treasurer is of the opinion that the property might not realize sufficient to cover the outstanding taxes, interest and expenses.

(4) Where lands to be sold for taxes are partly in one municipality and partly in another, the treasurer may sell the entire lot if

(a) notice of the sale is given to the other municipality; and

(b) the taxes, interest and expenses due to the other municipality are included in the amount for which the land is to be sold,

and the taxes, interest and expenses shall be paid to the other municipality forthwith after the sale. *1998, c. 18, s. 141.*

### **Tax sale advertisement**

142 (1) After the notice of intent to sell land for taxes has been served

(a) the land liable to be sold for taxes shall be advertised for sale at public auction; or

(b) tenders shall be called for the land.

(2) Notice of the sale at public auction or the call for tenders shall be published

(a) at least twice prior to the sale or when tenders close in a newspaper circulating in the municipality;

(b) with the first advertisement appearing at least thirty days prior to the sale or when tenders close; and

(c) setting out each lot of land to be sold and the date, time and place of the sale or when tenders close.

(3) It is sufficient to state in the advertisements the street and number of a property advertised or to include any other such short reference by which the property may be identified, together with a statement that a full description can be seen at the office of the treasurer. *1998, c. 18, s. 142.*

### **Municipal purchase of tax sale property**

143 (1) A municipality, by an official or agent, may bid for and purchase land at a tax sale for any municipal purpose.

(2) Where no bid is received for land sufficient to satisfy the full amount of the taxes, interest and expenses due in respect of the land, the treasurer may bid the amount of the taxes, interest and expenses and purchase the land for the municipality.

(3) Where a municipality purchases land at a tax sale the subsequent proceedings shall be the same as for a purchase by another person.

(4) Where no bid is received for any land sufficient to satisfy the full amount of the taxes, interest and expenses due in respect of the land and the municipality does not purchase the land, the municipality may, without further notice to the owner and encumbrancers, again advertise the property and

(a) sell it at auction for the best price that may be obtained; or

(b) call tenders for the property and sell it for the highest tender,

and the council may direct the treasurer as to what constitutes an acceptable minimum bid or tender price.

(5) Subsections 142(2) and (3) apply to the advertising referred to in subsection (4). *1998, c. 18, s. 143; 2003, c. 9, s. 55.*

### **Conflict of interest**

144 (1) repealed 2001, c. 35, s. 11.

(2) No

(a) council member or employee of a municipality that sells land for arrears of taxes;

(b) member of a village commission or employee of a village that sells land for arrears of taxes;

(c) spouse of a person referred to in clause (a) or (b); or

(d) company in which a person referred to in clause (a), (b) or (c) owns or beneficially owns the majority of the issued and outstanding shares,

shall purchase the land at the sale either directly or through an agent.

(3) A person who contravenes this Section is liable, on summary conviction, to a penalty of five thousand dollars and, in default of payment, to imprisonment for a term not exceeding six months.

(4) Where there is a conviction pursuant to subsection (3), the relevant person referred to in clause (2)(a) or (b) forfeits their office or employment, as the case may be. *1998, c. 18, s. 144; 2001, c. 35, s. 11.*

### **Arrears**

145 Where a municipality collects taxes for a village, service commission or any other body, the arrears of the taxes are deemed to be those of the municipality in all proceedings for the sale of land for taxes. *1998, c. 18, s. 145.*

### **Investment of purchase money**

146 (1) The purchase money received at a tax sale shall be applied, so far as it extends

- (a) firstly, to payment of the taxes, interest and expenses owing with respect to the land;
- (b) secondly, to payment of any taxes due by the owner of the land to a village;
- (c) thirdly, to payment of any other taxes, charges for water or electricity and other sums due by the owner to the municipality that are not a lien,

and the balance shall be deposited to the credit of the tax sale surplus account.

(2) Where the land sold for taxes is redeemed, the balance shall be applied to reduce the amount that the person redeeming is required to pay.

(3) Where the owner of land sold for taxes owes the municipality any taxes or charges not secured by a lien on the land sold, the taxes or charges may be paid from the balance.

(4) Except as provided in this Section, no part of the balance may be withdrawn from the tax sale surplus account during the period in which the land may be redeemed. *1998, c. 18, s. 146.*

### **Application for order directing payment**

147 (1) A person with an interest in land sold for taxes may apply to the Supreme Court of Nova Scotia for an order directing the payment of all, or part, of the balance to that person.

(2) An application pursuant to subsection (1) may be made at any time after the period of redemption has expired and before the expiry of twenty years from the date of the sale.

(3) Where the Supreme Court of Nova Scotia orders payment, the Court shall order the payment of that part of the balance proportional to the applicant's interest in the property before it was sold.

(4) Interest is not payable with respect to the payment of the balance and costs may not be awarded against the municipality on an application pursuant to subsection (1).

(5) Where a balance remains in the tax sale surplus account twenty years after the sale, the municipality shall transfer it to its capital reserve fund. *1998, c. 18, s. 147.*

### **Payment of purchase money**

148 (1) Payment at a tax sale shall be by cash, certified cheque, money order, bank draft, irrevocable letter of credit or lawyer's trust cheque and not otherwise.

(2) The purchaser at a tax sale shall immediately pay the purchase price or deposit a smaller amount equal to the taxes, interest and expenses for which the land was sold, failing which the treasurer shall forthwith put the land up for sale again.

(3) Where the balance of the purchase money is not paid within three business days, the land shall again be advertised and put up for sale.

(4) The expenses of the resale shall be deducted from the deposit and the balance shall be refunded after the resale is held. *1998, c. 18, s. 148; 2004, c. 7, s. 9.*

## **Tenders**

149 (1) Where a municipality calls tenders for land to be sold for taxes, the municipality may reject all tenders if

(a) the price tendered is less than the taxes, interest and expenses; and

(b) the council considers that the best price offered is inadequate,

and may again put the land up for sale, by tender or by public auction.

(2) Where a municipality calls tenders for land to be sold for taxes, the person whose tender is accepted shall pay the tender price within three business days after being notified of the acceptance.

(3) Where the balance of the purchase money is not paid within three business days, the land shall again be advertised and put up for sale.

(4) The expenses of the resale shall be deducted from the deposit and the balance shall be refunded after the resale is held. *1998, c. 18, s. 149.*

## **Sale certificate**

150 (1) After land is sold for taxes, upon payment of the purchase money the treasurer shall give the purchaser a certificate of sale, in Form C in Schedule A or to like effect, describing the land sold and stating the sum for which it was sold.

(2) The certificate shall state that a deed conveying the land to the purchaser, or as directed by the purchaser, shall be provided upon payment of the prescribed fee at any time after six months from the date of the sale, if the property is not redeemed.

(3) The treasurer shall register a copy of the certificate of sale in the registry.

(4) A copy of the certificate of sale shall be served on each owner of the land sold and, if the land may be redeemed, a notice that the land may be redeemed shall be included with the copy of the certificate of sale. *1998, c. 18, s. 150.*

## **Purchaser rights**

151 On receipt of the certificate of sale, the purchaser

(a) has all the rights of action and powers of an owner needed to protect the land and may collect rents due, or to grow due, and use the land without diminishing its value, but shall not cut down any trees on the land, injure the premises or knowingly allow any other person to do so;

(b) is not liable for damage done to the land without the purchaser's knowledge; and

(c) shall insure any buildings on the land, if the buildings are insurable, and is deemed to have an insurable interest in the land. *1998, c. 18, s. 151.*

## **Redemption of tax sale property**

152 (1) Land sold for non-payment of taxes may be redeemed by the owner, a person with a mortgage, lien or other charge on the land or a person having an interest in the land within six months after the date of the sale, but where, at the time of sale, taxes on the land are in arrears for more than six years, no right of redemption exists.

(2) To redeem the land the person redeeming shall pay

(a) the sum paid by the purchaser;

(b) interest at the rate of ten per cent per annum on the total sum paid by the purchaser from the date of the sale to the date of redemption;

(ba) the full amount of any outstanding taxes arising before the tax sale where the purchaser paid less than the amount of the outstanding taxes on the land;

(c) taxes levied on the land after the sale and any interest;

(d) the fee to record the certificate of discharge;

(e) all sums paid by the purchaser for fire insurance premiums to insure buildings on the land;  
and

(f) all amounts paid by the purchaser for necessary repairs made, with the written approval of the treasurer, to buildings on the land,

less any balance remaining in the tax sale surplus account with respect to the property and any rent or other income earned by the purchaser from the land.

(3) Where the municipality buys the land, the taxes payable by a person redeeming are the amount that would be payable if the municipality did not own the land.

(4) Where redemption takes place before the tax rate is set, the taxes payable by a person redeeming are those payable for the preceding year and after the tax rate is set, any surplus shall be refunded to the person redeeming and the land is liable for any deficiency.

(5) Where property has been redeemed, a certificate of discharge in Form D in Schedule A, or to like effect, shall be prepared and registered in the registry.

(6) The registrar of deeds shall make a marginal note referring to the registry of the certificate of discharge on the recorded copy of the certificate of sale. *1998, c. 18, s. 152; 2008, c. 25, s. 3.*

### **Repayment to purchaser**

153 (1) Where redemption of land is to take place, the purchaser shall, within fourteen days of being requested to do so, provide a statement of amounts spent for fire insurance premiums and repairs made, with the written approval of the treasurer, to buildings on the land.

(2) After delivery of the statement of amounts spent, the purchaser shall receive the

(a) sum paid upon the purchase of the land;

(b) interest on the purchase price; and

(c) sums paid with respect to fire insurance premiums and repairs,

less any rent or other income earned by the purchaser from the property.

(3) A dispute concerning the amount to be paid for redemption or to be repaid to the purchaser upon redemption may be referred to the Supreme Court of Nova Scotia. *1998, c. 18, s. 153.*

### **Purchaser rights cease**

154 From the time of the payment to the treasurer of the full amount for redemption, the purchaser of the land ceases to have a right to it. *1998, c. 18, s. 154.*

### **Deed to purchaser**

155 (1) At the request of the purchaser at a tax sale and upon payment of the fee determined by the council, by resolution, the municipality shall deliver a deed to the land in Form E in Schedule A, or to like effect, to the purchaser, or as directed by the purchaser, at any time after the

(a) sale if, at the time of the sale, taxes on the land were unpaid for more than six years before the sale; or

(b) expiration of six months from the sale, if the land has not been redeemed.

(2) The deed shall



- (a) fully describe the land conveyed;
- (b) be signed by the mayor or warden and the clerk; and
- (c) be under the seal of the municipality. *1998, c. 18, s. 155.*

### **Tax sale deed**

156 (1) A deed to land sold for taxes is conclusive evidence that the provisions of this Act with reference to the sale of the land described in the deed have been fully complied with and each act and thing necessary for the legal perfection of the sale has been duly performed.

(2) The deed has the effect of vesting the land in the grantee in fee simple, free and discharged from all encumbrances.

(3) Notwithstanding subsection (1), where a dominant tenement is sold for taxes, an easement or right-of-way appurtenant to it passes to the purchaser and where a servient tenement is sold for taxes, the sale does not terminate or affect an easement or right-of-way to which it is subject. *1998, c. 18, s. 156.*

### **Persons with lien, charge or encumbrance**

157 A mortgagee, judgment creditor or other person having a lien, charge or encumbrance on land liable to be sold for taxes, or in respect of which taxes are due

- (a) may pay the taxes, interest and expenses;
- (b) may add the amount paid for taxes, interest, expenses and any amount paid to redeem the property after a tax sale to the mortgage, judgment or other security;
- (c) has, in respect of the amount paid, the same rights, remedies and privileges as under the security; and
- (d) may sue for, and recover, the amount paid, with interest, from the person primarily liable to pay it. *1998, c. 18, s. 157.*

### **Cooperative housing**

158 Where real property is held by a company incorporated for cooperative housing purposes and is subject to a mortgage held by the Minister of Housing and Municipal Affairs, a copy of the tax bill and, where the real property is to be sold for taxes, a copy of the notice of sale shall be sent to the regional manager of the Department of Housing and Municipal Affairs for the area where the property is located. *1998, c. 18, s. 158.*

### **Veterans' Land Act agreement**

159 (1) Where real property is held under an agreement of sale with the Director within the meaning of the Veterans' Land Act (Canada), the taxes upon the property are a lien upon the property and the property may be sold for taxes in the same manner as if the Director were a corporation sole and not an agent of Her Majesty in right of Canada.

(2) A copy of the notice of assessment, the tax bill and the notice of sale for taxes shall be sent to the Director within the meaning of the Veterans' Land Act (Canada), or to the district office thereof, before the property is sold. *1998, c. 18, s. 159.*

### **Tax exemption notice**

160 (1) An owner of property that becomes exempt from taxation during a fiscal year is entitled to a rebate of the taxes on the property for the portion of the fiscal year in which it is exempt.

(2) The owner shall notify the Director of Assessment that the property is exempt within thirty days after the property becomes exempt and if the owner fails to do so, the rebate shall be calculated from the date notice is given.

(3) The Director of Assessment shall forthwith provide the treasurer with a copy of the notice.

(4) Upon receipt of the notice, the treasurer shall forthwith notify the person assessed of the amount of tax to be rebated.

(5) The notice from the treasurer may be appealed pursuant to the Assessment Act as if it were a notice of assessment.

(6) Upon expiration of the period of appeal or upon the appeal having been disposed of, where the person entitled to the rebate pays the taxes, the treasurer shall pay the rebate to the person and where the person is indebted to the municipality, the treasurer shall apply the rebate to reduce the indebtedness. *1998, c. 18, s. 160.*

### **Rebate for business occupancy assessment**

161 (1) Where property ceased to be occupied or used in the preceding fiscal year, the person who was assessed for business occupancy assessment in respect of it is entitled to a rebate of the taxes on the assessment.

(2) Where property ceases to be occupied or used in a fiscal year, the person who was assessed for business occupancy assessment in respect of it is entitled to a rebate of the taxes on the assessment for the portion of the fiscal year in which it is not used or occupied.

(3) The owner shall notify the Director of Assessment that the property has ceased to be used or occupied within thirty days after the cessation and if the owner fails to do so, the rebate shall be calculated from the earlier of the date

(a) of the notice; or

- (b) another person is taxed with respect to occupancy of the same property.
- (4) The Director of Assessment shall forthwith provide the treasurer with a copy of the notice.
- (5) Upon receipt of the notice, the treasurer shall forthwith notify the person assessed of the amount of tax to be rebated.
- (6) The notice from the treasurer may be appealed pursuant to the Assessment Act as if it were a notice of assessment.
- (7) Upon expiration of the period of appeal or upon the appeal having been disposed of, where the person entitled to the rebate pays the taxes, the treasurer shall pay the rebate to the person and where the person is indebted to the municipality, the treasurer shall apply the rebate to reduce the indebtedness. *1998, c. 18, s. 161.*

### **Business occupancy tax payable**

162 (1) Where a person commences a business, opens a business at a new or additional location or engages again in a business during a fiscal year and is assessed for business occupancy assessment as a result, the Director of Assessment shall forthwith notify the treasurer.

(2) Upon receipt of the notice, the treasurer shall forthwith notify the person assessed of the amount of the tax due.

(3) The tax payable pursuant to this Section is that proportion of the taxes for the full fiscal year, that the number of days from the day on which the person commenced the business, opened it at the new or additional location or engaged again in the business, as the case may be, until the last day of the fiscal year, bears to the total number of days in the fiscal year. *1998, c. 18, s. 162.*

### **Proceeding not brought by municipality**

163 (1) A proceeding with respect to taxes based on an assessment, except an action or other proceeding brought by a municipality for the collection of taxes, may only be brought

(a) within six months of the date upon which the assessment roll is forwarded to the clerk;

(b) where an appeal has been taken to the regional assessment appeal court, within six months from the time limited for appealing to the Board; and

(c) where an appeal has been taken to the Board, within thirty days after the date of the Board's decision.

(2) Nothing that could have been raised

(a) by way of appeal to a regional assessment appeal court;

(b) by way of appeal to the Board;

(c) on originating notice pursuant to the Assessment Act,

may be raised by way of defence in an action or other proceeding brought by, or on behalf of, a municipality.

(3) No taxes or tax levy shall be quashed for a matter of form only and no tax levy shall be quashed for an illegality except as to an individual person's taxes. *1998, c. 18, s. 163.*

### **Validity of taxes**

164 (1) No

(a) error, informality or irregularity on the part of the council, the assessor, the regional assessment appeal court, the recorder, the clerk, the treasurer or any other officer; and

(b) no error or omission in giving a notice required pursuant to this Act,

affects or prejudices the validity of taxes or the tax levy.

(2) The invalidity, irregularity or illegality of an individual's taxes does not extend to, or affect, the validity of other taxes. *1998, c. 18, s. 164.*

### **Affidavit**

165 (1) Where a notice is required pursuant to this Act, the person who served or gave the notice may make an affidavit setting out that the notice was served or given in compliance with this Act and setting out how the notice was given.

(2) The affidavit is prima facie evidence that the notices were served or given in the manner required pursuant to this Act. *1998, c. 18, s. 165.*

### **Service**

166 Service of a notice required pursuant to this Part is sufficient

(a) if it is mailed by ordinary mail to the last known address of the person on whom the notice is to be served; or

(b) where the address of the person is unknown, if it is mailed to a tenant or occupant of the land or a copy of the notice is posted in a conspicuous place on the premises. *1998, c. 18, s. 166.*

### **Formula for rate of interest**

167 Where the council is authorized or required, pursuant to this Act, to set a rate of interest, the council may instead adopt a formula by which the rate of interest may be determined and automatically adjusted. *1998, c. 18, s. 167.*

## PART VII

### BY-LAWS

#### **Adoption procedure**

168 (1) A by-law shall be read twice.

(2) At least fourteen days before a by-law is read for a second time, notice of the council's intent to consider the by-law shall be published in a newspaper circulating in the municipality.

(3) The notice shall state the object of the by-law, the date and time of the meeting at which the council proposes to consider it and the place where the proposed by-law may be inspected.

(4) The council may require further advertising, including advertising by radio or television.

(5) The council may provide that advertising by radio and television replaces advertising in a newspaper, except in the case of advertising required pursuant to Parts VIII and IX.

(6) The council may, by policy, further determine the procedure to be followed and the notice to be given with respect to the introduction and passing of by-laws. *1998, c. 18, s. 168.*

#### **Publication**

169 (1) A by-law has the force of law upon publication.

(2) A by-law is published when

(a) it is passed by the council in the manner provided in this Act;

(b) it is approved by a minister of the Crown whose approval is required; and

(c) a notice is published in a newspaper circulating in the municipality, stating the object of the by-law and the place where it may be read.

(3) When a by-law is published, the clerk shall file a certified copy of the by-law with the Minister.

(4) Failure to file with the Minister a copy of a by-law that is not subject to the approval of the Minister does not invalidate the by-law. *1998, c. 18, s. 169.*

#### **Application area**

#### 170 (1) A by-law

(a) made pursuant to this Act or another Act of the Legislature may apply to an area defined in the by-law;

(b) may set different charges for different areas;

(c) unless otherwise stated in the by-law, applies to the municipality.

(2) In addition to the powers specifically conferred pursuant to this Act or another Act of the Legislature, a municipality may provide, in a by-law, for matters incidental or conducive to the exercise of the specified powers. *1998, c. 18, s. 170.*

#### **Power to regulate, license and prohibit**

171 (1) Subject to Part VIII, in this Act, the power to

(a) license, includes the power to regulate;

(b) regulate, includes the power to license; and

(c) regulate includes the power to prohibit.

(2) A by-law shall not be inconsistent with an enactment of the Province or of Canada. *1998, c. 18, s. 171.*

#### **Specific power does not limit general power**

171A Where this Act confers a specific power on a municipality in relation to a matter that can be read as coming within a general power also conferred by this Act, the general power is not to be interpreted as being limited by the specific power. *2008, c. 25, s. 4.*

#### **Power to make by-laws**

172 (1) A council may make by-laws, for municipal purposes, respecting

(a) the health, well being, safety and protection of persons;

(b) the safety and protection of property;

(c) persons, activities and things in, on or near a public place or place that is open to the public;

(d) nuisances, activities and things that, in the opinion of the council, may be or may cause nuisances, including noise, weeds, burning, odours, fumes and vibrations and, without limiting the generality of the foregoing, by-laws

- (i) prescribing a distance beyond which noise shall not be audible,
  - (ii) distinguishing between one type of noise and another,
  - (iii) providing that any noise or sound greater than a specific decibel level or other measurement of noise or sound is prohibited,
  - (iv) prescribing the hours during which certain noises, or all noise above a certain level, specified in the by-law is prohibited,
  - (v) authorizing the granting of exemptions in such cases as the by-law provides,
  - (vi) providing that it is an offence to engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquility of a neighbourhood;
- (e) transport and transport systems;
- (f) businesses, business activities and persons engaged in business;
- (g) automatic machines;
- (h) the appointment of a day to be a civic holiday;
- (i) a requirement that pawnbrokers report all transactions by pawn or purchase;
- (j) regulation of the application and use of pesticides, herbicides and insecticides for the maintenance of outdoor trees, shrubs, flowers, other ornamental plants and turf on the part of a property used for residential purposes and on property of the municipality and, without restricting the generality of the foregoing, the by-law may
- (i) require the posting of notices when pesticides, herbicides or insecticides are to be so used and regulate the form, manner and time of the notice and the area in which the notice must be posted,
  - (ii) establish a registration scheme, that is open to the public, in which a resident who has a medical reason for objecting to pesticides, herbicides and insecticides being so used may file with the clerk an objection to them being so used in the vicinity of the property on which the person resides,
  - (iii) require that notices be served on the residents of properties registered pursuant to the registration scheme within the distance specified in the by-law when pesticides, herbicides or insecticides are to be so used and regulate the form, time and manner of the notice, and
  - (iv) specify the circumstances in which the posting or serving of notices is not required,

but a by-law may not prohibit the use of pesticides, herbicides and insecticides and a by-law pursuant to this clause does not apply to property used for agricultural or forestry purposes;

(ja) the condition or maintenance of vacant buildings, structures and properties and, without restricting the generality of the foregoing, may

(i) adopt property maintenance and performance standards,

(ii) prescribe the manner in which buildings or structures must be secured by owners or the municipality, and

(iii) limit the length of time that buildings or structures may remain boarded up;

(k) services provided by, or on behalf of, the municipality;

(l) the enforcement of by-laws made under the authority of a statute, including

(i) procedures to determine if by-laws are being complied with, including entering upon or into private property for the purposes of inspection, maintenance and enforcement,

(ii) remedies for the contravention of by-laws, including undertaking or directing the remedying of a contravention, apprehending, removing, impounding or disposing, including the sale or destruction, of plants, animals, vehicles, improvements or other things and charging and collecting the costs thereof as a first lien on the property affected,

(iii) the creation of offences,

(iv) for each offence, imposing a fine not exceeding ten thousand dollars or imprisonment for not more than one year or both, including the imposition of a minimum fine,

(v) providing for the imposition of a penalty for an offence that is in addition to a fine or imprisonment if the penalty relates to a fee, cost, rate, toll or charge that is associated with the conduct that gives rise to the offence,

(vi) providing for imprisonment, for not more than one year, for non-payment of a fine or penalty,

(vii) providing that a person who contravenes a by-law may pay an amount established by by-law and if the amount is paid the person will not be prosecuted for the contravention,

(viii) providing, with respect to a by-law, that in a prosecution for violation of the by-law, evidence that one person is disturbed or offended is prima facie evidence that the public, or the neighbourhood, is disturbed or offended.



(2) Without restricting the generality of subsection (1) but subject to Part VIII, a council may, in any by-law

(a) regulate or prohibit;

(b) regulate any development, activity, industry, business, animal or thing in different ways, divide each of them into classes and deal with each class in different ways;

(c) provide that in a prosecution for violation of a by-law, evidence that one neighbour is disturbed is prima facie evidence that the neighbourhood is disturbed;

(d) adopt by reference, in whole or in part, with changes that the council considers necessary or advisable, a code or standard and require compliance with it;

(e) provide for a system of licences, permits or approvals, including any or all of

(i) establishing fees for licences, permits or approvals, including fees for licences, permits and approvals that may be in the nature of a reasonable tax for the activity authorized or for the purpose of raising revenue, which fees may be set or altered by policy,

(ii) prohibiting any development, activity, industry, business or thing until a licence, permit or approval is granted,

(iii) providing that terms and conditions may be imposed on a licence, permit or approval, the nature of the terms and conditions and who may impose them,

(iv) setting out the conditions that shall be met before a licence, permit or approval is granted or renewed, the nature of the conditions and who may impose them,

(v) providing for the duration of licences, permits and approvals and their suspension or cancellation for failure to comply with a term or condition or the by-law or for any other reason specified in the by-law;

(f) where decision making is delegated by by-law to a person or committee other than the council, provide for an appeal of the decision, the body that is to decide the appeal and related matters. *1998, c. 18, s. 172; 2004, c. 7, s. 10.*

### **Acquisition of vacant building**

172A (1) In this Section, "vacant building" does not include a seasonal dwelling.

(2) The council of a municipality may acquire a property that contains a vacant building if the building is boarded up for a period of time that exceeds the length of time that it may be boarded up under a by-law made pursuant to subclause 172(1)(ja)(iii).

(3) Before deciding to acquire a property under subsection (2), the council shall provide seven days' notice in writing to the owner, setting out the date, time and place of the meeting at which the decision to acquire the property will be discussed, and the owner must be given an opportunity to appear and be heard before any order is made.

(4) Notice under subsection (3) must be provided by service upon the owner or by posting the notice in a conspicuous place upon the property.

(5) Where the owner refuses to sell the property, the council may exercise the power of expropriation under Section 52 to acquire the property.

(6) The council may spend money under Section 65 to acquire the property and improve it. *2008, c. 25, s. 5.*

### **Retention of trees and vegetation**

172B (1) In this Section, "serviced area" means an area that has access to municipal water or wastewater service or that is identified as a "serviced area" in a municipal subdivision by-law.

(2) A council may make by-laws, for municipal purposes, requiring that existing trees or vegetation be retained or only removed pursuant to a municipal permit.

(3) Subsection (2) does not apply to

(a) land used for agricultural or forestry purposes;

(b) land that is in a serviced area and is only capable of being subdivided into three or fewer lots of a size that could be used for development; and

(c) land that is in an unserviced area and is only capable of being subdivided into ten or fewer lots that could be used for development. *2008, c. 25, s. 5.*

### **Vending on streets**

173 Without limiting the generality of Section 172, notwithstanding the Motor Vehicle Act, a council may, by by-law, regulate vending, any class of vending, mobile vendors and the placement of vending machines on the streets of the municipality. *1998, c. 18, s. 173.*

### **Power to make by-laws**

174 Without limiting the generality of Section 172, a council may make by-laws respecting

(a) the regulation and licensing of persons owning or operating rooming houses or boarding houses and regulating the maintenance, administration, operation and occupancy of buildings used as rooming houses or boarding houses and the land on which they are located;

- (b) the prevention and fighting of fires;
- (c) the firing of firearms;
- (d) fire and burglar alarms;
- (e) off-road vehicles on public or private property;
- (f) wild and domestic animals and activities in relation to them. *1998, c. 18, s. 174.*

### **Dog by-law**

175 (1) Without limiting the generality of Section 172, a council may make by-laws

- (a) regulating the running at large of dogs, including permitting the running at large of dogs in certain places or at certain times;
- (b) imposing a registration fee upon the owner of every dog, the amount to be set by policy, for such length of time as is specified in the by-law with the power to impose a larger fee for female dogs than for male dogs, or for unspayed or unneutered dogs than for spayed or neutered dogs;
- (c) requiring tags for the identification of dogs registered under the by-law;
- (d) exempting from any registration fee a dog that is a stray dog and is harboured for up to the maximum period of time set by by-law;
- (e) defining fierce or dangerous dogs, including defining them by breed, cross-breed, partial breed or type;
- (f) regulating the keeping of fierce or dangerous dogs;
- (g) prohibiting the keeping of a dog that persistently disturbs the quiet of the neighbourhood by barking, howling, or otherwise;
- (h) authorizing the dog control officer to impound, sell, kill or otherwise dispose of dogs
  - (i) that run at large contrary to the by-law,
  - (ii) in respect of which the fee or tax imposed by a by-law is not paid,
  - (iii) that are fierce or dangerous,
  - (iv) that are rabid or appear to be rabid or exhibiting symptoms of canine madness,
  - (v) that persistently disturb the quiet of a neighbourhood by barking, howling or otherwise;

(i) requiring the owner of a dog, other than a dog that is trained to assist and is assisting a person with a disability, to remove the dog's feces from public property and from private property other than the owner's;

(j) requiring the owner of a dog to provide a written statement of the number of dogs owned, harboured or that are habitually kept upon the premises occupied by the owner.

(2) A dog that is trained to assist and assists a person with a disability is exempt from any registration fee.

(3) Where a dog tag is required by by-law, the dog tag shall bear a serial number and the year in which it is issued and a record shall be kept showing the name and address of the owner and the serial number of the tag.

(4) The owner of a kennel of purebred dogs that are registered with the Canadian Kennel Club may, in any year, pay a fee set by council, by policy, as a tax upon the kennel for that year and upon payment of the amount, the owner of the kennel is exempt from any further fee regarding the dogs for that year.

(5) Where required by by-law to do so, the owner of a dog may enter upon private property to remove the dog's feces. *1998, c. 18, s. 175.*

### **Dangerous dogs**

176 (1) Where a peace officer believes, on reasonable grounds, that a person is harbouring, keeping or has under care, control or direction a dog that is fierce or dangerous, rabid or appears to be rabid, that exhibits symptoms of canine madness or that persistently disturbs the quiet of a neighbourhood by barking, howling or otherwise contrary to a by-law, a justice of the peace may, by warrant, authorize and empower the person named in the warrant to

(a) enter and search the place where the dog is, at any time;

(b) open or remove any obstacle preventing access to the dog; and

(c) seize and deliver the dog to the pound and for such purpose, break, remove or undo any fastening of the dog to the premises.

(2) Where the person named in the warrant is unable to seize the dog in safety, the person may destroy the dog.

(3) repealed 2004, c. 7, s. 11.

*1998, c. 18, s. 176; 2003, c. 9, s. 56; 2004, c. 7, s. 11.*

### **Additional penalty**

177 At the trial of a charge laid against the owner of a dog that is fierce or dangerous, that persistently disturbs the quiet of a neighbourhood by barking, howling or otherwise or that runs at large, contrary to a by-law, in addition to the penalty, the judge may order that the

(a) dog be destroyed or otherwise dealt with; and

(b) owner pay any costs incurred by the municipality related to the dog, including costs related to the seizure, impounding, or destruction of the dog,

and it is not necessary to prove that the

(c) dog previously attacked or injured a domestic animal, person or property;

(d) dog had a propensity to injure or to damage a domestic animal, person or property; or

(e) defendant knew that the dog had such propensity or was, or is, accustomed to doing acts causing injury or damage. *1998, c. 18, s. 177; 2000, c. 9, s. 42.*

### **Rabid animals**

178 A person may kill or destroy a rabid dog or other rabid animal found at large and may secure and confine a dog or other animal at large and appearing to be rabid or exhibiting symptoms of canine madness. *1998, c. 18, s. 178.*

### **Proof at trial**

179 Upon the trial of an action brought against the owner or harbourer of a dog for any injury caused, or damage occasioned by, such dog, it is not necessary to prove knowledge by, or notice to, the owner or harbourer of any mischievous propensity of the dog. *1998, c. 18, s. 179.*

### **Protected water supply area**

180 (1) The council may, by by-law, designate lands owned by a municipality as protected water supply areas.

(2) No person shall

(a) place, or permit to escape, any matter or thing of an offensive nature, deleterious nature or likely to impair the quality of water for use for domestic purposes, upon land in a protected water supply area;

(b) fish or bathe in a lake, or other body of water, in a protected water supply area;

(c) camp on land in a protected water supply area;

(d) cut wood or erect, construct or place a building or structure in a protected water supply area without the permission of the council.

(3) The Angling Act does not apply to a lake, river or stream forming part of a water supply area of a municipality or village or to the land surrounding or adjacent to them. *1998, c. 18, s. 180.*

### **Minimum standards by-law**

181 (1) Without limiting the generality of Section 172, a council may make by-laws

(a) prescribing minimum standards of sanitation, plumbing, water supply, lighting, wiring, ventilation, heating, access, maintenance, appearance, construction and material for buildings, or parts thereof, occupied for residential purposes, whether the building, or part thereof, is erected, constructed or converted to residential purposes before or after the date of the making of the by-law;

(b) limiting the number of persons who may reside in a building or part thereof;

(c) imposing on the owner, tenant or occupant, or any one or more of them, the responsibility for complying with the by-law;

(d) providing for notice to an owner, occupant or tenant, or any one or more of them, to discontinue the residential use of a building, or part thereof, in contravention of the by-law; and

(e) prescribing penalties for such residential use after notice to discontinue the use is given.

(2) The council may make by-laws prescribing minimum standards of sanitation, plumbing, water supply, lighting, wiring, ventilation, heating, access, maintenance, appearance, construction and material for buildings, or parts thereof, occupied for commercial purposes.

(3) Where a person contravenes a by-law made pursuant to this Section, the administrator may apply to the Supreme Court of Nova Scotia for any or all of the remedies provided pursuant to this Section.

(4) The Supreme Court of Nova Scotia may hear and determine the matter at any time and, in addition to any other remedy or relief, may make an order

(a) restraining the continuance, or repetition of, a contravention and a new or further contravention in respect of the same building or structure;

(b) directing the removal or destruction of the building or structure, or part thereof, that is in contravention of, or fails to comply with, the by-law and authorizing the administrator, where an order is not complied with, to enter upon the land and premises with necessary workers and equipment and remove and destroy the building or structure, or part thereof, at the expense of the owner;

(c) regarding the recovery of the expense of removal and destruction, an order to enforce the by-law and an order as to costs, as the Court determines is proper,

and an order may be interlocutory, interim or final.

(5) Where there is another contravention of a by-law made pursuant to this Section by the same person after an application is made pursuant to subsection (3),

(a) it is not necessary to bring a further application;

(b) the original application may be amended from time to time, and at any time before final judgment so as to include the other offences; and

(c) the whole matter of the contraventions shall be heard, dealt with and determined.

(6) Where the administrator cannot find the owner of a building or structure in respect of which a contravention is taking place or has taken place, notice of the application may be posted upon the building or structure.

(7) The standards of a by-law passed pursuant to this Section shall be consistent with the standards prescribed pursuant to the Building Code Act and regulations. *1998, c. 18, s. 181.*

### **Offence**

182 Every person who makes a false statement in an application for a licence to be issued by a municipality is guilty of an offence. *1998, c. 18, s. 182.*

### **Recovery of penalties, fees and fines**

183 (1) A

(a) penalty;

(b) licence fee,

imposed pursuant to this Act may, unless otherwise provided, be recovered and enforced with costs on summary conviction.

(2) A penalty for a contravention of this Act or a by-law of the municipality made pursuant to this Act or another Act of the Legislature shall, when collected, be paid to the municipality.

(3) A penalty or fine pursuant to a by-law of the municipality, unless otherwise provided, belongs to, and forms part of, the general revenue of the municipality. *1998, c. 18, s. 183.*

### **Application for injunction**

184 Where

- (a) a building is erected, being erected or being used in contravention of a by-law of the municipality;
- (b) land is being used in contravention of a by-law of the municipality;
- (c) a breach of a by-law is anticipated or is of a continuing nature; or
- (d) a person is carrying on business, or doing any thing, without having paid the licence or permit fee required,

the municipality may apply to a judge of the Supreme Court of Nova Scotia for an injunction or other order and the judge may make any order that the justice of the case requires. *1998, c. 18, s. 184.*

### **No liability for damages**

185 A municipality and its officers and employees are not liable for damages caused by it in remedying or attempting to remedy a contravention unless the municipality was grossly negligent. *1998, c. 18, s. 185.*

### **Ministerial approval not required for by-laws**

186 Unless otherwise provided in an enactment, a by-law made by a council pursuant to this Act or another Act of the Legislature is not subject to the approval of the Minister. *1998, c. 18, s. 186.*

### **Record of by-laws and policies**

187 (1) A council shall keep one copy of every by-law and one copy of every policy, certified by the clerk under the seal of the municipality that it was passed or made and, in the case of a by-law requiring the approval of a minister of the Crown, bearing the approval of the minister.

(2) The clerk shall file a certified copy of the notice of publication of the by-law with every by-law entered in the by-law records.

(3) The by-law records shall be maintained by the clerk.

(4) The original by-laws shall be open to inspection by any person at a reasonable time, but shall not be removed from the office of the clerk and the production of an original by-law in a court shall not be required on subpoena but only upon order of the court or a judge after satisfactory cause is shown.

(5) The clerk shall



- (a) print all of the by-laws of the municipality from time to time in force;
- (b) keep printed copies of the by-laws, amended to date, for sale; and
- (c) provide a copy of a by-law, amended to date, to a person requesting one, at a reasonable price, having regard to the cost of printing the by-law. *1998, c. 18, s. 187.*

### **Prima facie proof**

188 (1) A copy of a by-law made pursuant to this Act or another Act of the Legislature purporting to be certified by the clerk, under the seal of the municipality, to

- (a) be a true copy of a by-law passed by the council;
- (b) have received all required approvals,

shall be received in evidence as prima facie proof of its passing, receipt of all required approvals, publication, being in force and the contents of it without further proof in any court, unless it is specially pleaded or alleged that the seal or the signature of the clerk was forged.

(2) Printed documents, certified by the clerk, purporting to be printed copies of any or all by-laws passed by the council shall be admitted in evidence in all courts in the Province as prima facie proof of the by-laws and of the due passing of them. *1998, c. 18, s. 188.*

### **Procedure for quashing by-law**

189 (1) A person may, by notice of motion which shall be served at least seven days before the day on which the motion is to be made, apply to a judge of the Supreme Court of Nova Scotia to quash a by-law, order, policy or resolution of the council of a municipality, in whole or in part, for illegality.

(2) No by-law may be quashed for a matter of form only or for a procedural irregularity.

(3) The judge may quash the by-law, order, policy or resolution, in whole or in part, and may, according to the result of the application, award costs for or against the municipality and determine the scale of the costs.

(4) No application shall be entertained pursuant to this Section to quash a by-law, order, policy or resolution, in whole or in part, unless the application is made within three months of the publication of the by-law or the making of the order, policy or resolution, as the case may be. *1998, c. 18, s. 189.*

## **PART VIII**

### **PLANNING AND DEVELOPMENT**

## **Purpose of Part**

190 The purpose of this Part is to

- (a) enable the Province to identify and protect its interests in the use and development of land;
- (b) enable municipalities to assume the primary authority for planning within their respective jurisdictions, consistent with their urban or rural character, through the adoption of municipal planning strategies and land-use by-laws consistent with interests and regulations of the Province;
- (c) establish a consultative process to ensure the right of the public to have access to information and to participate in the formulation of planning strategies and by-laws, including the right to be notified and heard before decisions are made pursuant to this Part; and
- (d) provide for the fair, reasonable and efficient administration of this Part. *1998, c. 18, s. 190.*

## **Interpretation**

191 In this Part and Part IX, unless the context otherwise requires

- (a) "aggrieved person" includes
  - (i) an individual who bona fide believes the decision of the council will adversely affect the value, or reasonable enjoyment, of the person's property or the reasonable enjoyment of property occupied by the person,
  - (ii) an incorporated organization, the objects of which include promoting or protecting the quality of life of persons residing in the neighbourhood affected by the council's decision, or features, structures or sites of the community affected by the council's decision, having significant cultural, architectural or recreational value, and
  - (iii) an incorporated or unincorporated organization in which the majority of members are individuals referred to in subclause (i);
- (b) "commission" means a district planning commission continued pursuant to this Act;
- (c) "development" includes the erection, construction, alteration, placement, location, replacement or relocation of, or addition to, a structure and a change or alteration in the use made of land or structures;
- (d) "development officer" means the person or persons appointed by a council to administer a land-use or subdivision by-law;
- (e) "Director" means the Provincial Director of Planning appointed pursuant to this Part, and includes a person acting under the supervision and direction of the Director;

- (f) "former Planning Act" means Chapter 346 of the Revised Statutes, 1989, the Planning Act and any predecessor to that Act;
- (g) "incentive or bonus zoning" means requirements that permit the relaxation of certain requirements if an applicant exceeds other requirements or undertakes other action, in the public interest, as specified in the requirements;
- (h) "municipal planning strategy" means a municipal planning strategy, intermunicipal planning strategy or secondary planning strategy;
- (i) "nonconforming structure" means a structure that does not meet the applicable requirements of a land-use by-law;
- (j) "nonconforming use of land" means a use of land that is not permitted in the zone;
- (k) "nonconforming use in a structure" means a use in a structure that is not permitted in the zone in which the structure is located;
- (l) "participating municipality" means a municipality participating in a commission;
- (m) "planning area" means the area to which a municipal or inter-municipal [intermunicipal] planning strategy applies;
- (n) "planning documents" means
- (i) a municipal planning strategy and a land-use by-law adopted to carry out the municipal planning strategy,
  - (ii) an amendment to a municipal planning strategy and a land-use by-law amendment to carry out the municipal planning strategy amendment, and
  - (iii) a subdivision by-law and an amendment to it;
- (o) "regulate" does not include the power to prohibit;
- (p) "structure" includes a building;
- (q) "subdivision" means the division of an area of land into two or more parcels, and includes a resubdivision or a consolidation of two or more parcels;
- (r) "watercourse" means a lake, river, stream, ocean or other body of water. *1998, c. 18, s. 191.*

### **Provincial Director of Planning**

192 (1) The Minister shall appoint from the public service an officer in the Department of Housing and Municipal Affairs to be known as the Provincial Director of Planning.

(2) The Minister may, from time to time, authorize another person in the Department of Housing and Municipal Affairs to act in the Director's stead.

(3) The Minister may appoint an Assistant Provincial Director of Planning to perform the duties of the Provincial Director subject to the Director's supervision and direction. *1998, c. 18, s. 192; 2006, c. 40, s. 6.*

### **Statement of provincial interest**

193 The Governor in Council, on the recommendation of the Minister, may adopt or amend a statement of provincial interest necessary to protect the provincial interest in the use and development of land. *1998, c. 18, s. 193.*

### **Requirements for statement of provincial interest**

194 (1) When preparing or amending a statement of provincial interest, the Minister shall seek the views of councils affected by the proposed statement.

(2) The statements of provincial interest in Schedule B are deemed to be statements of provincial interest pursuant to this Part.

(3) The Minister may, at any time, review a statement of provincial interest.

(4) The Governor in Council may amend or repeal a statement of provincial interest, including a statement of provincial interest included in Schedule B.

(5) A statement of provincial interest is regulations within the meaning of the Regulations Act. *1998, c. 18, s. 194.*

### **Copy and notice of adoption or amendment**

195 Upon the adoption or amendment by the Governor in Council of a statement of provincial interest, the Minister shall send a copy of the statement to the clerk of each municipality affected by it and give notice of its adoption in a newspaper circulating in the affected area. *1998, c. 18, s. 195.*

### **Provincial activities reasonably consistent**

196 The activities of the Province shall be reasonably consistent with a statement of provincial interest. *1998, c. 18, s. 196.*

### **Requirement to consider planning documents**

197 A department of the Province, before carrying out or authorizing any development in a municipality, shall consider the planning documents of the municipality. *1998, c. 18, s. 197.*

### **Planning documents reasonably consistent**

198 (1) Planning documents adopted after the adoption of a statement of provincial interest shall be reasonably consistent with the statement.

(2) The Minister may request that a council, within a prescribed time, adopt or amend its planning documents so that they are reasonably consistent with a statement of provincial interest.

(3) Where

(a) a council does not comply with a request pursuant to subsection (2); or

(b) development that is inconsistent with a statement of provincial interest might occur and the Minister is satisfied that there are necessary and compelling reasons to establish an interim planning area to protect the provincial interest,

the Minister may, by order, establish an interim planning area for a prescribed area.

(4) Within an interim planning area subdivision, development, or certain classes of subdivision or development, may be regulated or limited or prohibited in whole or in part, as necessary, to protect the provincial interest.

(5) No permit or approval of any kind may be issued that is contrary to an order establishing an interim planning area or an order regulating or prohibiting development in the interim planning area.

(6) The Minister shall

(a) send a copy of an order establishing an interim planning area and any order regulating or prohibiting development in the interim planning area to the clerk of each municipality affected; and

(b) give notice that an order is in effect in a newspaper circulating in the area affected.

(7) Where a council adopts planning documents in a manner reasonably consistent with a statement of provincial interest and the documents are in effect, the Minister shall revoke an order establishing an interim planning area for the prescribed area. *1998, c. 18, s. 198; 2004, c. 44, s. 1.*

### **Repeal of Regional Development Plan**

199 The Halifax-Dartmouth Metropolitan Regional Development Plan and Regulations, adopted and amended pursuant to the former Planning Act, are repealed. *1998, c. 18, s. 199.*

### **Planning advisory committee**

200 (1) A municipality may, by policy, establish a planning advisory committee and may establish different planning advisory committees for different parts of the municipality.

(2) Two or more municipalities may, by policy, establish a joint planning advisory committee.

(3) A planning advisory committee or joint planning advisory committee shall include members of the public and may include a representative appointed by a village.

(4) The purpose of a planning advisory committee or a joint planning advisory committee is to advise respecting the preparation or amendment of planning documents and respecting planning matters generally.

(5) The duties assigned, pursuant to this Part, to a planning advisory committee or a joint planning advisory committee shall only be carried out by the committee.

(6) The council shall appoint members of a planning advisory committee or a joint planning advisory committee by resolution. *1998, c. 18, s. 200.*

#### **Area advisory committee**

201 (1) A municipality may establish, by policy, one or more area planning advisory committees to advise the planning advisory committee or joint planning advisory committee on planning matters affecting a specific area.

(2) An area planning advisory committee shall include members of the public.

(3) An area planning advisory committee, with jurisdiction over an area that includes all or part of a village, shall include at least one member appointed by the village commission.

(4) The council shall appoint members of an area planning advisory committee by resolution. *1998, c. 18, s. 201.*

#### **Policy establishing committee**

202 In the policy establishing a planning advisory committee, joint planning advisory committee or area planning advisory committee the council shall

(a) fix the term of appointment and any provisions for reappointment;

(b) fix the remuneration, if any, to be paid to the chair of the committee, if the chair is not a council member;

(c) fix the remuneration, if any, to be paid to those members of the committee who are not council members;

(d) establish the duties and procedures of the committee; and

(e) provide for the appointment of the chair and other officers of the committee. *1998, c. 18, s. 202.*

### **Open meetings and exceptions**

203 (1) Meetings of a planning advisory committee, joint planning advisory committee or area planning advisory committee or a commission are open to the public, unless the committee or commission, by a majority vote, moves a meeting in private to discuss matters related to

(a) personnel, labour relations, contract negotiations, litigation or potential litigation or legal advice eligible for solicitor-client privilege; or

(b) a potential application for a development permit, land-use by-law amendment, development agreement or amendment to a development agreement before the applicant has applied to the municipality or development officer.

(2) The date, time and location of committee or commission meetings shall be posted in a conspicuous place in the municipal office or another conspicuous place, as determined by the committee or commission.

(3) Any person may view

(a) committee or commission minutes, other than for a meeting in private, after they are adopted; and

(b) committee or commission reports to council, after they are submitted to the council.

(4) A planning advisory committee, joint planning advisory committee or area planning advisory committee may hold meetings for public discussion when, and in the manner, it or the council decides. *1998, c. 18, s. 203.*

### **Public participation program**

204 (1) A council shall adopt, by policy, a public participation program concerning the preparation of planning documents.

(2) A council may adopt different public participation programs for different types of planning documents.

(3) The content of a public participation program is at the discretion of the council, but it shall identify opportunities and establish ways and means of seeking the opinions of the public concerning the proposed planning documents. *1998, c. 18, s. 204.*

### **Requirements for adoption of planning documents**

205 (1) A council shall adopt, by by-law, planning documents.

- (2) A by-law adopting planning documents shall be read twice.
- (3) Before planning documents are read for a second time the council shall hold a public hearing.
- (4) A council shall complete the public participation program before placing the first notice for a public hearing in a newspaper circulating in the municipality.
- (5) The notice for the public hearing is sufficient compliance with the requirement to advertise second reading of a by-law.
- (6) Second reading shall not occur until the council has considered any submissions made or received at the public hearing.
- (7) Only those council members present at the public hearing may vote on second reading of the planning documents.
- (8) A council shall adopt planning documents, at second reading, by majority vote of the maximum number of members that may be elected to council. *1998, c. 18, s. 205; 2004, c. 7, s. 12.*

### **Public hearing**

- 206 (1) Prior to holding a public hearing required pursuant to this Part, the clerk shall give notice of the public hearing in a newspaper, circulating in the municipality, inserted at least once a week, for two successive weeks.
- (2) The first notice of the public hearing shall be published at least fourteen days before the date of the public hearing.
  - (3) The notice of the public hearing shall
    - (a) state the place where, and the hours during which, the proposed documents may be inspected by the public;
    - (b) state the date, time and place set for the public hearing;
    - (c) describe by metes and bounds, a plan, map, sketch or civic address or other description adequate to identify the area affected by the proposed documents;
    - (d) give a synopsis of the proposed documents, if the public hearing is with respect to an amendment to a municipal planning strategy or land-use by-law or the approval or amendment of a development agreement.
  - (4) Copies of the proposed documents or portions of the documents shall be provided to a person, on request, upon payment of a reasonable fee set by the council, by policy, sufficient to recover the cost of providing the copies.



(5) Upon the publication of the first notice of the public hearing, the clerk shall send a copy of the notice to the clerk of every municipality that immediately abuts an area affected by the proposed documents.

(6) Upon the publication of the first notice of the public hearing, the clerk shall send a copy of the notice to the clerk of every village in which an affected property is situate. *1998, c. 18, s. 206.*

### **Joint public hearing**

207 (1) The councils of two or more municipalities, two or more community councils or the council of a regional municipality and one or more community councils may agree to hold a joint public hearing regarding the adoption or amendment of an inter-municipal [intermunicipal] planning strategy.

(2) When a proposed development is subject to a public hearing pursuant to another Act of the Legislature, the council may provide for a single hearing process for the proposed development, if this Act is complied with. *1998, c. 18, s. 207.*

### **Requirement for review by Director**

208 (1) Planning documents are subject to review by the Director.

(2) The clerk shall submit four certified copies of the planning documents to the Director.

(3) Where the Director determines that the planning documents

(a) appear to affect a provincial interest;

(b) may not be reasonably consistent with an applicable statement of provincial interest;

(c) appear to conflict with the law; or

(d) in the case of a subdivision by-law, may conflict with the provincial subdivision regulations,  
the planning documents are subject to the Minister's approval.

(4) Within thirty days after receiving the planning documents, the Director shall

(a) return two copies of the planning documents to the clerk, with a written notice affixed stating that they are not subject to the approval of the Minister; or

(b) provide written notice to the clerk that the planning documents are subject to the approval of the Minister and include the reasons why they are so subject.

(5) Compliance with the procedural requirements for the adoption or amendment of planning documents is not subject to the review of the Director or the Minister.

(6) Within sixty days after the date of a written notice that planning documents are subject to the approval of the Minister, the Minister shall

(a) approve all or part of the documents;

(b) approve the documents with amendments; or

(c) refuse to approve the documents,

and return to the clerk two copies of the planning documents as approved, amended or refused with written reasons for the decision.

(7) Where no decision is made in accordance with subsection (6), the planning documents are deemed to be approved on the sixty-first day and the clerk shall place a notice in a newspaper circulating in the municipality advising that the planning documents are in effect as of the date of the notice, stating where the documents may be inspected.

(8) Except where the Minister refuses to approve planning documents, upon receipt of the planning documents from the Director or the Minister, the clerk shall place a written notice in a newspaper circulating in the municipality advising that the planning documents, or planning documents as amended by the Minister, are in effect as of the date of that notice, stating where the documents may be inspected.

(9) A notice that planning documents are in effect is publication of a by-law for the purposes of this Act.

(10) A municipal planning strategy takes effect on the date a notice is published in a newspaper, circulating in the municipality, informing the public that the municipal planning strategy and its implementing land-use by-law are in effect. *1998, c. 18, s. 208.*

### **Repeal of planning documents**

209 Planning documents may be repealed and the procedure for repealing them is the same as the procedure for adopting them. *1998, c. 18, s. 209.*

### **Amendment of land-use by-law**

210 (1) An amendment to a land-use by-law that

(a) is undertaken in accordance with the municipal planning strategy; and

(b) is not required to carry out a concurrent amendment to a municipal planning strategy,

is not subject to the review of the Director or the approval of the Minister.

(2) The procedure for the adoption of an amendment to a land-use by-law referred to in subsection (1) is the same as the procedure for the adoption of planning documents, but a public participation program is at the discretion of the council and the amendment may be adopted by a majority of votes of the council members present at the public hearing.

(3) Upon the adoption of an amendment to a land-use by-law referred to in subsection (1), the clerk shall place a notice in a newspaper circulating in the municipality stating that the amendment has been adopted and setting out the right of appeal.

(4) When notice of an amendment to a land-use by-law referred to in subsection (1) is published, the clerk shall file a certified copy of the amending by-law with the Minister.

(5) Within seven days after a decision to refuse to amend a land-use by-law referred to in subsection (1), the clerk shall notify the applicant in writing, giving reasons for the refusal and setting out the right of appeal.

(6) Where the council has not, within one hundred and twenty days after receipt of a completed application to amend a land-use by-law referred to in subsection (1), commenced the procedure required for amending the land-use by-law by publishing the required notice of public hearing, the application is deemed to have been refused.

(7) Within seven days after an application to amend a land-use by-law, referred to in subsection (1), being deemed to be refused, the clerk shall notify the applicant in writing that the application is deemed to have been refused and setting out the right to appeal.

(8) An amendment to a land-use by-law referred to in subsection (1) is effective when

(a) the appeal period has elapsed and no appeal has been commenced; or

(b) all appeals have been abandoned or disposed of or the amendment has been affirmed by the Board. *1998, c. 18, s. 210; 2004, c. 7, s. 13.*

### **Certain amendments by policy**

211 (1) A council may, by policy, adopt amendments to

(a) the engineering specifications in a subdivision by-law;

(b) the processing fees set out in a land-use by-law or in a subdivision by-law;

(c) a subdivision by-law resulting from an amendment to the provincial subdivision regulations.

(2) An amendment referred to in subsection (1) is not subject to the review of the Director or the approval of the Minister. *1998, c. 18, s. 211.*

## **Municipal planning strategy**

212 A council may adopt a municipal planning strategy for all, or part, of the municipality and there may be separate strategies for different parts of the municipality. *1998, c. 18, s. 212.*

### **Purpose of municipal planning strategy**

213 The purpose of a municipal planning strategy is to provide statements of policy to guide the development and management of the municipality and, to further this purpose, to establish

- (a) policies which address problems and opportunities concerning the development of land and the effects of the development;
- (b) policies to provide a framework for the environmental, social and economic development within a municipality;
- (c) policies that are reasonably consistent with the intent of statements of provincial interest; and
- (d) specify programs and actions necessary for implementing the municipal planning strategy. *1998, c. 18, s. 213.*

### **Statements of policy in planning strategy**

214 (1) A municipal planning strategy may include statements of policy with respect to any or all of the following:

- (a) the goals and objectives of the municipality for its future;
- (b) the physical, economic and social environment of the municipality;
- (c) the protection, use and development of lands within the municipality, including the identification, protection, use and development of lands subject to flooding, steep slopes, lands susceptible to subsidence, erosion or other geological hazards, swamps, marshes or other environmentally sensitive areas;
- (d) stormwater management and erosion control;
- (e) in connection with a development, the excavation or filling in of land, the placement of fill or the removal of soil, unless these matters are subject to another enactment of the Province;
- (f) in connection with a development, retention of trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control;
- (g) studies to be carried out prior to undertaking specified developments or developments in specified areas;

- (h) the staging of development;
  - (i) the provision of municipal services and facilities;
  - (j) municipal investment for public and private development and the coordination of public programs relating to the economic, social and physical development of the municipality;
  - (k) non-conforming uses and structures;
  - (l) the subdivision of land;
  - (m) the use and conservation of energy, including the height and siting of developments;
  - (n) measures for informing, or securing, the views of the public regarding contemplated planning policies and actions or by-laws arising from such policies;
  - (o) policies governing
    - (i) land-use by-law matters,
    - (ii) amendment of the land-use by-law,
    - (iii) the acceptance and use of cash-in-lieu of required parking,
    - (iv) the use of development agreements,
    - (v) the establishment of comprehensive development districts,
    - (vi) the use of site-plan approval areas, including whether notice must be given to owners and tenants of property that is thirty metres or more from the applicant's property,
    - (vii) the establishment of transportation reserves,
    - (viii) the use of infrastructure charges;
  - (p) the regulation or prohibition of development and the use of land in order to carry out an agreement pursuant to the Aeronautics Act (Canada);
  - (q) any other matter relating to the physical, social or economic environment of the municipality.
- (2) A council shall include policies in the municipal planning strategy on how it intends to review the municipal planning strategy and land-use by-law. *1998, c. 18, s. 214; 2003, c. 9, s. 57.*

### **Intermunicipal planning strategy**

215 (1) Councils of two or more municipalities may agree to adopt a mutually binding intermunicipal planning strategy.

(2) The provisions of this Act that apply to a municipal planning strategy apply to an intermunicipal planning strategy. *1998, c. 18, s. 215.*

### **Secondary planning strategy**

216 (1) A municipal planning strategy may provide for the preparation and adoption of a secondary planning strategy which applies, as part of the municipal planning strategy, to a specific area or areas of the municipality.

(2) The purpose of a secondary planning strategy is to address issues with respect to a particular part of the planning area, which may not, in the opinion of the council, be adequately addressed in the municipal planning strategy alone. *1998, c. 18, s. 216.*

### **No action inconsistent with planning strategy**

217 (1) A municipality shall not act in a manner that is inconsistent with a municipal planning strategy.

(2) The adoption of a municipal planning strategy does not commit the council to undertake any of the projects suggested in it. *1998, c. 18, s. 217.*

### **Acquisition of land for development**

218 (1) A municipality may

(a) acquire and assemble land for the purpose of carrying out a development consistent with the municipal planning strategy, whether the development is to be undertaken by the municipality or not; or

(b) by agreement with the owners of the land, acquire the right to impose easements or other development restrictions on the lands as if it had acquired the title.

(2) The municipality may subdivide, rearrange and deal with lands described in clause (1)(a) as if it were a private owner and may sell the lands subject to any building restrictions or easements that the council requires to ensure the development is consistent with the municipal planning strategy. *1998, c. 18, s. 218.*

### **Adoption of land-use by-law or amendment**

219 (1) Where a council adopts a municipal planning strategy or a municipal planning strategy amendment that contains policies about regulating land use and development, the council shall, at the same time, adopt a land-use by-law or land-use by-law amendment that shall enable the policies to be carried out.

(2) A council may amend a land-use by-law in accordance with policies contained in the municipal planning strategy on a motion of council or on application .

(3) A council shall not adopt or amend a land-use by-law except to carry out the intent of a municipal planning strategy. *1998, c. 18, s. 219; 2004, c. 7, s. 14.*

### **Content of land-use by-law**

220 (1) A land-use by-law shall include maps that divide the planning area into zones.

(2) A land-use by-law shall

(a) list permitted or prohibited uses for each zone; and

(b) include provisions that are authorized pursuant to this Act and that are needed to implement the municipal planning strategy.

(3) A land-use by-law may regulate or prohibit development, but development may not be totally prohibited, unless prohibition is permitted pursuant to this Part.

(4) A land-use by-law may

(a) regulate the minimum dimensions for frontage and lot area for any class of use and size of structure;

(b) regulate the maximum floor area of each use to be placed upon a lot, where more than one use is permitted upon a lot;

(c) regulate the maximum area of the ground that a structure may cover;

(ca) regulate the location of a structure on a lot;

(d) regulate the height of structures;

(e) regulate the percentage of land that may be built upon;

(f) regulate the size, or other requirements, relating to yards;

(g) regulate the maximum density of dwelling units;

(h) require and regulate the establishment and location of off-street parking and loading facilities;

(i) regulate the location of developments adjacent to pits and quarries;

(j) regulate the period of time for which temporary developments may be permitted;

(k) prescribe the form of an application for a development permit, the content of a development permit, the period of time for which the permit is valid and any provisions for revoking or renewing the permit;

(ka) regulate the floor area ratio of a building;

(l) prescribe the fees for an application to amend a land-use by-law or for entering into a development agreement, site plan or variance.

(5) Where a municipal planning strategy so provides, a land-use by-law may

(a) subject to the Public Highways Act, regulate or restrict the location, size and number of accesses from a lot to the abutting streets, provided that a lot has access to at least one street;

(b) regulate or prohibit the type, number, size and location of signs and sign structures;

(c) regulate, require or prohibit fences, walks, outdoor lighting and landscaping;

(d) in connection with a development, regulate, or require the planting or retention of, trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control;

(e) regulate or prohibit the outdoor storage of goods, machinery, vehicles, building materials, waste materials, aggregates and other items and require outdoor storage sites to be screened by landscaping or structures;

(f) regulate the location of disposal sites for any waste material;

(g) in relation to a development, regulate or prohibit the altering of land levels, the excavation or filling in of land, the placement of fill or the removal of soil unless these matters are regulated by another enactment of the Province;

(h) regulate or prohibit the removal of topsoil;

(i) regulate the external appearance of structures;

(j) set out conditions, including performance standards, to be met by a development before a development permit may be issued;

(k) provide for incentive or bonus zoning;

(l) prescribe methods for controlling erosion and sedimentation during the construction of a development;

(m) regulate or prohibit excavation, filling in, placement of fill or reclamation of land on floodplains identified in the land-use by-law;



(n) prohibit development or certain classes of development where, in the opinion of council, the

(i) cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive,

(ii) provision of municipal wastewater facilities, stormwater systems or water systems would be premature, or

(iii) cost of maintaining municipal streets would be prohibitive;

(o) regulate or prohibit development within a specified distance of a watercourse or a municipal water-supply wellhead;

(p) prohibit development on land that

(i) is subject to flooding or subsidence,

(ii) has steep slopes,

(iii) is low-lying, marshy, or unstable,

(iv) is otherwise hazardous for development because of its soil conditions, geological conditions, undermining or topography,

(v) is known to be contaminated within the meaning of the Environment Act, or

(vi) is located in an area where development is prohibited by a statement of provincial interest or by an enactment of the Province;

(q) regulate or prohibit development in areas near airports in excess of 30 NEF/NEP (thirty noise exposure forecast/noise exposure projections) as set out on maps produced by an airport authority, as revised from time to time, and reviewed by Transport Canada;

(r) permit the development officer to grant variances in parking and loading spaces, ground area and height, floor area occupied by a home-based business and the height and area of a sign.

(6) repealed 2008, c. 25, s. 6.

*1998, c. 18, s. 220; 2000, c. 9, s. 43; 2003, c. 9, s. 58; 2006, c. 40, s. 7; 2008, c. 25, s. 6.*

### **Notification and costs**

221 (1) A land-use by-law may identify the class or classes of by-law amendments, development agreements or amendments to development agreements that require

(a) notifying affected property owners who are either the assessed owners or are as otherwise defined in the land-use by-law for this purpose; and

(b) a sign to be posted on the affected property describing the requested by-law amendment, development agreement or amendment to a development agreement.

(2) A council may by resolution provide that any person applying for a land-use by-law amendment, a development agreement or an amendment to a development agreement shall pay the municipality the cost of

(a) any required advertising;

(b) notifying affected land owners;

(c) posting a sign. *1998, c. 18, s. 221.*

### **Future public use**

222 (1) A council may zone privately owned land for future public use other than transportation reserves if the by-law provides for an alternative zone on the land, consistent with the municipal planning strategy.

(2) Where privately owned land is zoned for future public use the municipality shall, within one year of the effective date of the zoning, acquire the land or the alternative zone comes into effect. *1998, c. 18, s. 222.*

### **Parking cash-in-lieu**

223 (1) Where provided for in a municipal planning strategy, council may accept money instead of all or part of any required off-street parking lot or facility.

(2) Council shall use any money received to construct or maintain municipally owned parking or transit facilities to serve the immediate area of the development with respect to which the payment was made, provided the facilities are located in an area identified in the municipal planning strategy.

(3) The method used to determine the contribution for parking or transit facilities shall be set out in the land-use by-law and shall take into account the cost of construction of an individual parking space, including costs of land, grading and paving or any other standard determined by the council. *1998, c. 18, s. 223.*

### **Transportation reserve**

224 (1) Where a municipal planning strategy identifies property required for the purposes of widening, altering or diverting an existing street or pathway or for the purposes of a new street or pathway, council may, in a land-use by-law identify the transportation reserve and

- (a) set out its intention to acquire property for the purposes of widening, altering or diverting an existing street or pathway, or for the purposes of a new street or pathway;
  - (b) set out the proposed right-of-way intended to be acquired;
  - (c) set out building setbacks for the widened, altered, diverted or new street or pathway;
  - (d) prohibit development in the proposed right-of-way or between the proposed right-of-way and the building setbacks.
- (2) Any right-of-way and any building setbacks shall be shown on a map or plan that is attached to and forms part of the land-use by-law.
- (3) Where the council adopts by-law provisions in accordance with this Section it shall provide for an alternate zone on the property to be acquired.
- (4) The alternate zone comes into effect if the municipality does not acquire the property in the right-of-way within five years of the effective date of the provisions.
- (5) Where council adopts provisions in accordance with this Section, an affected property owner may make a written request to council to acquire the property or acquire an interest in the property, at the discretion of council.
- (6) Where council does not acquire the property or acquire the interest in the property within one year of the written request of an affected property owner, the alternate zone on the property comes into effect. *1998, c. 18, s. 224.*

### **Development agreements**

225 (1) A council may consider development by development agreement where a municipal planning strategy identifies

- (a) the developments that are subject to a development agreement;
- (b) the area or areas where the developments may be located; and
- (c) the matters that council shall consider prior to the approval of a development agreement.

(2) The land-use by-law shall identify the developments to be considered by development agreement. *1998, c. 18, s. 225.*

### **Comprehensive development districts**

226 (1) A council may regulate the development of a district by development agreement by establishing a comprehensive development district where the municipal planning strategy identifies

- (a) the classes of uses permitted in a district;
  - (b) developments or uses in a district, if any, that are permitted without a development agreement;
  - (c) the area or areas where a district may be established; and
  - (d) the matters that council shall consider prior to the approval of a development agreement for the development of a district.
- (2) When a municipal planning strategy provides for a comprehensive development district, the land-use by-law shall include a comprehensive development district zone.
- (3) No development may occur in a comprehensive development district unless it is consistent with the development agreement or it is a development permitted without a development agreement. *1998, c. 18, s. 226.*

### **Content of development agreement**

227 (1) A development agreement may contain terms with respect to

- (a) matters that a land-use by-law may contain;
  - (b) hours of operation;
  - (c) maintenance of the development;
  - (d) easements for the construction, maintenance or improvement of watercourses, ditches, land drainage works, stormwater systems, wastewater facilities, water systems and other utilities;
  - (e) grading or alteration in elevation or contour of the land and provision for the disposal of storm and surface water;
  - (f) the construction, in whole or in part, of a stormwater system, wastewater facilities and water system;
  - (g) the subdivision of land;
  - (h) security or performance bonding.
- (2) A development agreement may include plans or maps.
- (3) A development agreement may
- (a) identify matters which are not substantive or, alternatively, identify matters that are substantive;

- (aa) identify if the variance provisions are to apply to the development agreement;
- (b) provide for the time when and conditions under which the development agreement may be discharged with or without the concurrence of the property owner;
- (c) provide that upon the completion of the development or phases of the development, the development agreement, or portions of it, may be discharged by council;
- (d) provide that if the development does not commence or is not completed within the time specified in the development agreement, the development agreement or portions of it may be discharged by council without the concurrence of the property owner. *1998, c. 18, s. 227; 2003, c. 9, s. 59.*

### **Requirements for effective development agreement**

228 (1) A development agreement shall not be entered into until

- (a) the appeal period has elapsed and no appeal has been commenced; or
- (b) all appeals have been abandoned or disposed of or the development agreement has been affirmed by the Board.

(2) A council may stipulate that a development agreement shall be signed by the property owner within a specified period of time.

(3) A development agreement does not come into effect until

- (a) the appeal period has elapsed and no appeal has been commenced or all appeals have been abandoned or disposed of or the development agreement has been affirmed by the Board;
- (b) the development agreement is signed by the property owner, within the specified period of time, if any, and the municipality; and
- (c) the development agreement is filed by the municipality in the registry.

(4) The clerk shall file every development agreement, amendment to a development agreement and discharge of a development agreement in the registry. *1998, c. 18, s. 228.*

### **Discharge of development agreement**

229 (1) A development agreement is in effect until discharged by the council.

(2) A council may discharge a development agreement, in whole or in part, in accordance with the terms of the agreement or with the concurrence of the property owner.

(3) After a development agreement is discharged, the land is subject to the land-use by-law. *1998, c. 18, s. 229.*

### **Adoption or amendment of development agreement**

230 (1) A council shall adopt or amend a development agreement by policy.

(2) A council shall hold a public hearing before approving a development agreement or an amendment to a development agreement.

(3) Only those members of the council present at the public hearing may vote on the development agreement or the amendment.

(4) Upon approving a development agreement or an amendment to a development agreement, the clerk shall place a notice in a newspaper circulating in the municipality stating that the development agreement is approved and setting out the right of appeal.

(5) The clerk shall file a certified copy of a development agreement or amendment with the Minister when notice of the development agreement or an amendment to it is published.

(6) Within seven days after a decision refusing to approve a development agreement or an amendment to a development agreement, the clerk shall notify the applicant in writing, giving reasons for the refusal and setting out the right of appeal.

(7) Amendments to those items in a development agreement that the parties have identified as not substantive, if the substantive items were identified in the agreement, or that were not identified as being substantive, do not require a public hearing. *1998, c. 18, s. 230; 2003, c. 9, s. 60.*

### **Site-plan approval**

231 (1) Where a municipal planning strategy so provides, a land-use by-law shall identify

(a) the use that is subject to site-plan approval;

(b) the area where site-plan approval applies;

(c) the matters that are subject to site-plan approval;

(d) those provisions of the land-use by-law that may be varied by a site-plan approval;

(e) the criteria the development officer shall consider prior to granting site-plan approval;

(ea) the notification area;

(f) the form and content of an application for site-plan approval.

(2) repealed 2003, c. 9 s. 61.

(3) No development permit shall be issued for a development in a site-plan approval area unless

(a) the class of use is exempt from site-plan approval as set out in the land-use by-law and the development is otherwise consistent with the requirements of the land-use by-law; or

(b) the development officer has approved an application for site-plan approval and the development is otherwise consistent with the requirements of the land-use by-law.

(4) A site-plan approval may deal with

(a) the location of structures on the lot;

(b) the location of off-street loading and parking facilities;

(c) the location, number and width of driveway accesses to streets;

(d) the type, location and height of walls, fences, hedges, trees, shrubs, ground cover or other landscaping elements necessary to protect and minimize the land-use impact on adjoining lands;

(e) the retention of existing vegetation;

(f) the location of walkways, including the type of surfacing material, and all other means of pedestrian access;

(g) the type and location of outdoor lighting;

(h) the location of facilities for the storage of solid waste;

(i) the location of easements;

(j) the grading or alteration in elevation or contour of the land and provision for the management of storm and surface water;

(k) the type, location, number and size of signs or sign structures;

(l) provisions for the maintenance of any of the items referred to in this subsection. *1998, c. 18, s. 231; 2003, c. 9, s. 61.*

### **Site-plan approval**

232 (1) A development officer shall approve an application for site-plan approval, unless the

(a) matters subject to site-plan approval do not meet the criteria set out in the land-use by-law; or

(b) applicant fails to enter into an undertaking to carry out the terms of the site plan.

(2) Where a development officer approves or refuses to approve a site plan, the process and notification procedures and the rights of appeal are the same as those that apply when a development officer grants or refuses to grant a variance.

(2A) Notwithstanding subsection (2), council may require a larger notification distance for site-plan approvals in its land-use by-law where the municipal planning strategy so provides.

(3) The council, in hearing an appeal concerning a site-plan approval, may make any decision that the development officer could have made.

(4) A council may by resolution provide that any person applying for approval of a site plan shall pay the municipality the cost of

(a) notifying affected land owners;

(b) posting a sign.

(5) A development officer may, with the concurrence of the property owner, discharge a site-plan, in whole or in part. *1998, c. 18, s. 232; 2003, c. 9, s. 62; 2006, c. 40, s. 8.*

### **Development permit in site-plan approval area**

233 A development officer shall issue a development permit for a development in a site-plan approval area if a site plan is approved and the development otherwise complies with the land-use by-law, and

(a) the appeal period has elapsed and no appeal has been commenced; or

(b) all appeals have been abandoned or disposed of or the site plan has been affirmed by the council. *1998, c. 18, s. 233.*

### **Conveyance to person not a party**

234 Where the owner of property that is subject to a development agreement or a site plan conveys all or part of the property to a person not a party to the development agreement or site plan, the development agreement or the site plan continues to apply to the property until , in the case of a development agreement, it is discharged by council and, in the case of a site-plan, it is discharged by the development officer . *1998, c. 18, s. 234; 2006, c. 40, s. 9.*

### **Variance**

235 (1) A development officer may grant a variance in one or more of the following terms in a development agreement, if provided for in the development agreement, or land-use by-law requirements:



- (a) percentage of land that may be built upon;
- (b) size or other requirements relating to yards;
- (c) lot frontage or lot area, or both, if
  - (i) the lot existed on the effective date of the by-law, or
  - (ii) a variance was granted for the lot at the time of subdivision approval.

(2) Where a municipal planning strategy and land-use by-law so provide, a development officer may grant a variance in one or more of the following terms in a development agreement, if provided for in the development agreement, or land-use by-law requirements:

- (a) number of parking spaces and loading spaces required;
- (b) ground area and height of a structure;
- (c) floor area occupied by a home-based business;
- (d) height and area of a sign.

(3) A variance may not be granted where the

- (a) variance violates the intent of the development agreement or land-use by-law;
- (b) difficulty experienced is general to properties in the area; or
- (c) difficulty experienced results from an intentional disregard for the requirements of the development agreement or land-use by-law. *1998, c. 18, s. 235; 2003, c. 9, s. 63.*

### **Variance procedures**

236 (1) Within seven days after granting a variance, the development officer shall give notice in writing of the variance granted to every assessed owner whose property is within the greater of thirty metres and the distance set by the land-use by-law or by policy of the applicant's property.

(2) The notice shall

- (a) describe the variance granted;
- (b) identify the property where the variance is granted; and
- (c) set out the right to appeal the decision of the development officer.

(3) Where a variance is granted, a property owner served a notice may appeal the decision to the council within fourteen days after receiving the notice.

(4) Where a variance is refused, the applicant may appeal the refusal to council within seven days after receiving notice of the refusal, by giving written notice to the clerk who shall notify the development officer.

(5) Where an applicant appeals the refusal to grant a variance, the clerk or development officer shall give seven days written notice of the hearing to every assessed owner whose property is within thirty metres of the applicant's property.

(6) The notice shall

(a) describe the variance applied for and the reasons for its refusal;

(b) identify the property where the variance is applied for; and

(c) state the date, time and place when council will hear the appeal. *1998, c. 18, s. 236; 2008, c. 25, s. 7.*

### **Variance appeals and costs**

237 (1) Where a council hears an appeal from the granting or refusal of a variance, the council may make any decision that the development officer could have made.

(2) A development officer shall issue a development permit for any development for which a variance has been granted and which otherwise complies with the terms of the development agreement or a land-use by-law, whichever is applicable, if

(a) the appeal period has elapsed and no appeal has been commenced; or

(b) all appeals have been abandoned or disposed of or the variance has been affirmed by the council.

(3) A council may by resolution provide that any person applying for a variance shall pay the municipality the cost of

(a) notifying affected land owners;

(b) posting a sign. *1998, c. 18, s. 237; 2003, c. 9, s. 64.*

### **Nonconforming structure or use**

238 (1) A nonconforming structure, nonconforming use of land or nonconforming use in a structure, may continue if it exists and is lawfully permitted at the date of the first publication of the notice of intention to adopt or amend a land-use by-law.

(2) A nonconforming structure is deemed to exist at the date of the first publication of the notice of intention to adopt or amend a land-use by-law, if the

(a) nonconforming structure was lawfully under construction and was completed within a reasonable time; or

(b) permit for its construction was in force and effect, the construction was commenced within twelve months after the date of the issuance of the permit and the construction was completed in conformity with the permit within a reasonable time.

(3) A nonconforming use in a structure is deemed to exist at the date of the first publication of the notice of intention to adopt or amend a land-use by-law if

(a) the structure containing the nonconforming use was lawfully under construction and was completed within a reasonable time; or

(b) the permit for its construction or use was in force and effect, the construction was commenced within twelve months after the date of the issuance of the permit and the construction was completed in conformity with the permit within a reasonable time; and

(c) the use was permitted when the permit for the structure was granted and the use was commenced upon the completion of construction.

(4) This Act does not preclude the repair or maintenance of a nonconforming structure or a structure containing a nonconforming use.

(5) A change of tenant, occupant or owner of any land or structure does not of itself affect the use of land or a structure. *1998, c. 18, s. 238.*

### **Nonconforming structure for residential use**

239 (1) Where a nonconforming structure is located in a zone that permits the use made of it and the structure is used primarily for residential purposes, it may be

(a) rebuilt, replaced or repaired, if destroyed or damaged by fire or otherwise, if it is substantially the same as it was before the destruction or damage and it is occupied by the same use;

(b) enlarged, reconstructed, repaired or renovated where

(i) the enlargement, reconstruction, repair or renovation does not further reduce the minimum required yards or separation distance that do not conform with the land-use by-law, and

(ii) all other applicable provisions of the land-use by-law except minimum frontage and area are satisfied.

(2) A nonconforming structure, that is not located in a zone permitting residential uses and not used primarily for residential purposes, may not be rebuilt or repaired, if destroyed or damaged by fire or otherwise to the extent of more than seventy-five percent of the market value of the building above its foundation, except in accordance with the land-use by-law, and after the repair or rebuilding it may only be occupied by a use permitted in the zone. *1998, c. 18, s. 239; 2004, c. 44, s. 2.*

### **Nonconforming use of land**

240 A nonconforming use of land may not be

- (a) extended beyond the limits that the use legally occupies;
- (b) changed to any other use except a use permitted in the zone; and
- (c) recommenced, if discontinued for a continuous period of six months. *1998, c. 18, s. 240.*

### **Nonconforming use in a structure**

241 (1) Where there is a nonconforming use in a structure, the structure may not be

- (a) expanded or altered so as to increase the volume of the structure capable of being occupied, except as required by another Act of the Legislature;
- (b) repaired or rebuilt, if destroyed or damaged by fire or otherwise to the extent of more than seventy-five percent of the market value of the building above its foundation, except in accordance with the land-use by-law and after the repair or rebuilding it may only be occupied by a use permitted in the zone.

(2) Where there is a nonconforming use in a structure, the nonconforming use

- (a) may be extended throughout the structure;
- (b) may not be changed to any other use except a use permitted in the zone;
- (c) may not be recommenced, if discontinued for a continuous period of six months. *1998, c. 18, s. 241.*

### **Relaxation of restrictions**

242 (1) A municipal planning strategy may provide for a relaxation of the restrictions contained in this Part respecting nonconforming structures, nonconforming uses of land, and nonconforming uses in a structure and, in particular, may provide for

- (a) the extension, enlargement, alteration or reconstruction of a nonconforming structure;

- (b) the extension of a nonconforming use of land;
  - (c) the extension, enlargement or alteration of structures containing nonconforming uses, with or without permitting the expansion of the nonconforming use into an addition;
  - (d) the reconstruction of structures containing nonconforming uses, after destruction;
  - (e) the recommencement of a nonconforming use of land or a nonconforming use in a structure after it is discontinued for a continuous period in excess of six months;
  - (f) the change in use of a nonconforming use of land or a nonconforming use in a structure, to another nonconforming use.
- (2) The policies adopted in accordance with this Section shall be carried out through the land-use by-law and may require a development agreement. *1998, c. 18, s. 242; 2003, c. 9, s. 65.*

### **Development officer**

243 (1) A council shall appoint a development officer to administer its land-use by-law and subdivision by-law.

(2) Where the municipality participates in a district planning commission or enters into an agreement with another municipality to provide services, the council may appoint as its development officer an employee of the commission or of the other municipality. *1998, c. 18, s. 243.*

### **Development permit**

244 (1) Before any development is commenced, a development permit shall be obtained if the council has adopted a land-use by-law.

(2) A land-use by-law may specify developments for which a development permit is not required. *1998, c. 18, s. 244.*

### **Time limits for development permit application**

245 (1) Within fourteen days after receiving an application for a development permit the development officer shall

- (a) determine if an application is incomplete; and
- (b) where the application is incomplete, notify the applicant in writing advising what is required to complete the application.

(2) Within thirty days after receiving a completed application for a development permit, the development officer shall grant the development permit or inform the applicant of the reasons for not granting the permit. *1998, c. 18, s. 245.*

### **Limitations on granting development permit**

246 (1) A development permit shall be issued for a proposed development if the development meets the requirements of the land-use by-law, the terms of a development agreement or an approved site plan.

(2) Where a land-use by-law is amended or a development agreement is approved or amended, a development permit for a development pursuant to the amendment or the agreement may not be issued until

(a) the appeal period has elapsed; or

(b) all appeals have been abandoned or disposed of or the decision of council has been affirmed by the Board.

(3) A development permit that is inconsistent with a proposed land-use by-law or a proposed amendment to a land-use by-law may not be issued for one hundred and fifty days from the publication of the first notice advertising the council's intention to adopt or amend the by-law.

(4) Where the proposed land-use by-law or by-law amendment has not come into effect after the expiry of one hundred and fifty days from the publication of the first notice advertising the council's intention to adopt or amend the by-law, the development officer shall issue the development permit if the proposed development meets the requirements of the land-use by-law. *1998, c. 18, s. 246.*

### **Appeals to the Board**

247 (1) The approval or refusal by a council to amend a land-use by-law may be appealed to the Board by

(a) an aggrieved person;

(b) the applicant;

(c) an adjacent municipality;

(d) a village in which an affected property is situated;

(e) the Director.

(2) The approval, or refusal to approve, and the amendment, or refusal to amend, a development agreement may be appealed to the Board by

- (a) an aggrieved person;
  - (b) the applicant;
  - (c) an adjacent municipality;
  - (d) a village in which an affected property is situated;
  - (e) the Director.
- (3) The refusal by a development officer to

- (a) issue a development permit;
- (b) approve a tentative or final plan of subdivision or a concept plan,

may be appealed by the applicant to the Board. *1998, c. 18, s. 247; 2000, c. 9, s. 44.*

### **No appeal permitted**

248 The following are not subject to an appeal:

- (a) an amendment to a land-use by-law to make the by-law consistent with a statement of provincial interest;
- (b) an amendment to a land-use by-law or a development agreement to implement a decision of the Board;
- (c) a development agreement approved, as ordered by the Board;
- (d) an amendment to a land-use by-law that is required to carry out a concurrent amendment to a municipal planning strategy. *1998, c. 18, s. 248.*

### **Service of appeal**

249 An appeal shall be served on the Board within fourteen days after the date

- (a) of publication of notice of the adoption of the land-use by-law amendment;
- (b) of written notice of council's decision refusing to amend the land-use by-law;
- (c) of publication of notice of the approval or amendment of a development agreement;
- (d) of written notice of council's decision refusing to approve or amend a development agreement;

(e) of written notice of the development officer's decision refusing to issue a development permit or refusing to approve a tentative or final plan of subdivision or a concept plan;

(f) a decision is deemed to be refused. *1998, c. 18, s. 249; 2000, c. 9, s. 45.*

### **Restrictions on appeals**

250 (1) An aggrieved person or an applicant may only appeal

(a) an amendment or refusal to amend a land-use by-law, on the grounds that the decision of the council does not reasonably carry out the intent of the municipal planning strategy;

(b) the approval or refusal of a development agreement or the approval of an amendment to a development agreement, on the grounds that the decision of the council does not reasonably carry out the intent of the municipal planning strategy;

(c) the refusal of an amendment to a development agreement, on the grounds that the decision of the council does not reasonably carry out the intent of the municipal planning strategy and the intent of the development agreement.

(2) An applicant may only appeal a refusal to issue a development permit on the grounds that the decision of the development officer does not comply with the land-use by-law, a development agreement, an order establishing an interim planning area or an order regulating or prohibiting development in an interim planning area.

(3) An applicant may only appeal a refusal to approve a concept plan or a tentative or final plan of subdivision on the grounds that the decision of the development officer does not comply with the subdivision by-law.

(4) The Director may only appeal on the grounds that the decision of the council is not reasonably consistent with a statement of provincial interest, an order establishing an interim planning area or an order regulating or prohibiting development in an interim planning area.  
*1998, c. 18, s. 250.*

### **Time limits**

250A (1) A municipality shall file a complete appeal record with the Board, and any other person as the Board may require, within fourteen *business days of the municipality being notified by the Board of the appeal.*

( 2) *A hearing must begin within forty-five days from the filing of the appeal record unless the Board determines that it is necessary for the interests of justice for the hearing to begin at some later time or unless all the parties agree that the hearing may begin at some later time.*



*(3) The Board shall render its decision within sixty days after the close of submissions by the parties, unless the Board otherwise states at the close of the hearing or unless it is necessary for the interests of justice.*

*(4) A decision of the Board is not invalid nor does the Board lose jurisdiction over a matter in the event that a decision is rendered later than sixty days after the close of submissions.*

*(5) In the event that the Board directs the filing of post-hearing written submissions, such submissions must be filed with the Board within fourteen days after the close of the hearing unless the Board determines that it is necessary for the interests of justice for such submissions to be submitted at some later time or unless all the parties agree that the submissions may be filed at some later time.*

*(6) Notwithstanding subsection 28(1) of the Utility and Review Board Act,*

*(a) the Board shall, by order, impose costs on a municipality that fails to file a complete appeal record within the time referred to in subsection (1); and*

*(b) the Board may, by order, impose costs on any party to an appeal that fails to meet any deadline or time limit established pursuant to this Section or otherwise established or imposed by the Board.*

*(7) When imposing costs pursuant to subsection (6), the Board shall consider, in addition to what the Board considers relevant, the financial ability of the party to pay and the conduct of the party in the appeal.*

*(8) This Section only applies to appeals to the Board made pursuant to this Part.*

*(9) This Section only applies to proceedings commenced on or after the coming into force of this Section. 2008, c. 25, s. 8.*

### **Powers of Board on appeal**

251 (1) The Board may

(a) confirm the decision appealed from;

(b) allow the appeal by reversing the decision of the council to amend the land-use by-law or to approve or amend a development agreement;

(c) allow the appeal and order the council to amend the land-use by-law in the manner prescribed by the Board or order the council to approve the development agreement, approve the development agreement with the changes required by the Board or amend the development agreement in the manner prescribed by the Board;

(d) allow the appeal and order that the development permit be granted;

(e) allow the appeal by directing the development officer to approve the tentative or final plan of subdivision or concept plan.

(2) The Board shall not allow an appeal unless it determines that the decision of council or the development officer, as the case may be, does not reasonably carry out the intent of the municipal planning strategy or conflicts with the provisions of the land-use by-law or the subdivision by-law. *1998, c. 18, s. 251; 2001, c. 35, s. 12; 2003, c. 9, s. 66.*

### **Restrictions on powers of Board**

252 (1) The Board shall not order the granting of a development permit, the approval of a plan of subdivision, a land-use by-law amendment, a development agreement or an amendment to a development agreement that

(a) is not reasonably consistent with a statement of provincial interest;

(b) conflicts with an order made by the Minister establishing an interim planning area or regulating or prohibiting development in an interim planning area.

(2) The Board shall not make any decision that commits the council to make any expenditures with respect to a development. *1998, c. 18, s. 252.*

### **District planning commissions**

253 (1) A district planning commission established by an order of the Minister pursuant to a former Planning Act continues to be a body corporate.

(2) Municipalities that are members of a district planning commission are deemed to have entered into an intermunicipal services agreement for the provision of the services provided by the commission on the same terms and conditions as contained in the order of the Minister establishing the commission, and such an agreement may be varied or rescinded with the agreement of all participating municipalities and the approval of the Minister to the variation or rescission is not required.

(3) A participating municipality may withdraw from a commission effective April 1 without the agreement of the remaining participating municipalities but shall, before withdrawing, give the other participating municipalities notice before March 31 of the preceding year.

(4) A participating municipality that withdraws from a commission is

(a) not entitled to receive any assets of the commission without the approval of the remaining participating municipalities; and

(b) responsible for severance costs or other costs imposed by its withdrawal and for its share of any liabilities of the commission existing at the time of its withdrawal.

(5) Where all the participating municipalities have agreed to dissolve the commission, they shall, by agreement, provide for the distribution of the assets and liabilities of the commission among the participating municipalities upon its dissolution.

(6) Where all the participating municipalities cannot agree on the distribution of the assets and liabilities of the commission, one or more of them may make an application to the Supreme Court of Nova Scotia to determine an equitable distribution of them. *1998, c. 18, s. 253; 2003, c. 9, s. 67.*

### **District planning commission members**

254 (1) A member of a commission who is a council member of a participating municipality ceases to be a member of the commission when the member ceases to be a council member.

(2) Where a member is no longer able to act, the council that appointed the member may appoint another member for the balance of the term. *1998, c. 18, s. 254.*

### **Powers of commission**

255 (1) A commission may

(a) advise and assist the council of any participating municipality in the preparation or amendment of planning documents and in the provision of any service related to planning or delegated to the commission by one or more of the participating municipalities;

(b) exercise rights and powers and perform duties that may be delegated to it by the council of a participating municipality;

(c) expend its funds for any of the purposes of the commission;

(d) retain the services of those persons necessary for the purposes of the commission and determine their remuneration;

(e) do any other things necessary for the attainment of its purposes.

(2) A commission may acquire and dispose of real property to the extent authorized and approved by all the councils of the participating municipalities. *1998, c. 18, s. 255.*

### **Auditor and financial report required**

256 (1) A commission shall annually appoint a registered municipal auditor to be its auditor.

(2) On or before June 30 in each year, a commission shall provide the councils of the participating municipalities with a financial report for the preceding year signed by the commission's auditor. *1998, c. 18, s. 256.*

### **Annual report required**

257 On or before June 30 in each year, a commission shall make an annual report to the councils of the participating municipalities setting out its activities for the preceding year. *1998, c. 18, s. 257.*

### **Commission's estimates**

258 (1) On or before January 15 in each year, a commission shall submit to the clerk of each of the participating municipalities an estimate of its revenues and expenditures for the next fiscal year after adding any anticipated deficit or deducting any anticipated surplus for the current fiscal year.

(2) The participating municipalities may agree on a method for approving or questioning the estimates of a commission.

(3) The council of each participating municipality shall include in its annual estimate of expenditures its proportion of the commission's estimates.

(4) A commission may at any time prepare supplementary estimates subject to the approval of the councils of the participating municipalities.

(5) The council of each participating municipality shall pay the commission its share of the estimates of the commission in accordance with any terms or payment schedule included in the order establishing the commission. *1998, c. 18, s. 258.*

### **Use of mediation**

259 The Minister, a council or the Board may, if the person or body considers it appropriate, at any time before a decision is made pursuant to this Part, use mediation, conciliation or other dispute resolution methods to attempt to resolve concerns or disputes. *1998, c. 18, s. 259.*

260 repealed 2000, c. 9, s. 46.

### **No injurious affection**

261 Property is deemed not to be injuriously affected by the adoption, amendment or repeal of a statement of provincial interest, interim planning area and development regulations in connection with it, subdivision regulations, subdivision by-law, municipal planning strategy, land-use by-law or the entering into, amending or discharging of a development agreement. *1998, c. 18, s. 261.*

### **Former Planning Act**

262 A municipal development plan and zoning by-law or municipal planning strategy and land-use by-law adopted pursuant to a former Planning Act are a municipal planning strategy and

land-use by-law within the meaning of this Act, to the extent they are consistent with this Act. *1998, c. 18, s. 262.*

### **Conflict**

263 In the event of a conflict between this Part and this Act or another Act of the Legislature, this Part prevails. *1998, c. 18, s. 263.*

### **Prohibition on breach of development agreement or site plan**

263A No person shall breach the terms of a development agreement or site plan. *2004, c. 7, s. 15.*

### **Breach of development agreement**

264 (1) A municipality may, upon the breach of a development agreement, if thirty days notice in writing has been provided to the owner, enter the land and perform any of the terms contained in the development agreement or take such remedial action as is considered necessary to correct a breach of the development agreement, including the removal or destruction of any thing that contravenes the terms of a development agreement.

(2) All reasonable expenses, whether arising out of the entry on the land or from the performance of the terms, are a first lien on the land that is the subject of the development agreement.

(3) No action shall be maintained against a municipality or against any agent, servant or employee of a municipality for anything done pursuant to this Section. *1998, c. 18, s. 264; 2001, c. 35, s. 13.*

### **Breach of approved site plan**

265 (1) A municipality may, upon the breach of an approved site plan, if thirty days notice in writing has been provided to the owner, enter the land and perform any of the terms contained in the site plan.

(2) All reasonable expenses whether arising out of the entry on the land or from the performance of the terms of the site plan are a first lien on the land that is the subject of the site plan.

(3) No action shall be maintained against a municipality or against any agent, servant or employee of a municipality for anything done pursuant to this Section. *1998, c. 18, s. 265.*

### **Remedies where offence**

266 (1) This Section applies to this Part and Part IX.

(2) In the event of an offence

(a) where authorized by the council or by the chief administrative officer, the clerk or development officer, in the name of the municipality; or

(b) the Director, in the name of the Province, when authorized by the Minister,

may apply to the Supreme Court of Nova Scotia for any or all of the remedies provided pursuant to this Section.

(3) The Supreme Court may hear and determine the matter at any time and, in addition to any other remedy or relief, may make an order

(a) restraining the continuance or repetition of an offence in respect of the same property;

(b) directing the removal or destruction of any structure or part of a structure that contravenes any order, regulation, municipal planning strategy, land-use by-law, development agreement, site plan or statement in force in accordance with this Part and authorizing the municipality or the Director, where an order is not complied with, to enter upon the land and premises with necessary workers and equipment and to remove and destroy the structure, or part of it, at the expense of the owner;

(c) as to the recovery of the expense of removal and destruction and for the enforcement of this Part, order, regulation, land-use by-law or development agreement and for costs as is deemed proper,

and an order may be interlocutory, interim or final.

(4) Where, after the action or proceeding is commenced, it appears that

(a) the offence that was the subject of the action or proceeding may have been done or committed by a person other than the defendant;

(b) the title to the property, or part of or any interest in it, that vested at the commencement of the action or proceeding, has since become vested in a person other than the defendant; or

(c) there has been a fresh offence by the same person or by another person with respect to the same property,

it is not necessary to bring another application and the original application may be amended from time to time and at any time before final judgment to include all parties and all offences and the whole matter of the offences shall be heard, dealt with and determined, notwithstanding that the offences may be offences against different Sections of this Part or against different orders, land-use by-laws, development agreements, regulations or statements of provincial interest.

(5) Where the owner of any property where an offence is taking place or has taken place cannot be found, the municipality or the Director may post a notice of the offence and of the application upon the property. *1998, c. 18, s. 266, 2004, c. 7, s. 16.*

## **Right of entry**

267 (1) This Section applies to this Part and Part IX.

(2) A person authorized by the Minister or by a council has the right to enter at all reasonable times in or upon any property within the municipality, without a warrant, for the purposes of an inspection necessary to administer an order, land-use by-law, development agreement, regulation or statement of provincial interest.

(3) The authorized person shall not enter any place actually being used as a dwelling without the consent of the occupier unless the entry is made in daylight hours and written notice of the time of the entry has been given to the occupier at least twenty-four hours in advance of the entry.

(4) Where a judge is satisfied, on evidence under oath, that the entry is refused or no person is present to grant access, the judge may by order authorize entry into or on the property during reasonable hours set by the judge.

(5) Any order made by a judge shall continue in force until the purpose for which entry is required is fulfilled. *1998, c. 18, s. 267.*

## **PART IX**

### **SUBDIVISION**

#### **Requirements for subdivision approval**

268 (1) An application for subdivision approval shall

(a) be made to the development officer; and

(b) include a plan of subdivision prepared by a Nova Scotia land surveyor.

(2) Subdivision approval is not required for a subdivision

(a) where all lots to be created, including the remainder lot, exceed ten hectares in area;

(b) resulting from an expropriation;

(c) resulting from an acquisition or disposition of land by Her Majesty the Queen in right of the Province or in right of Canada or by an agency of Her Majesty;

(d) of a cemetery into burial lots;

(e) resulting from an acquisition of land by a municipality for municipal purposes;

(ea) resulting from an acquisition of land by a village for village purposes;

(f) resulting from the disposal, by a municipality or Her Majesty the Queen in right of the Province, of a street or part of a street or a former street or part of a former street, including the consolidation of a street or part of a street or a former street or part of a former street with adjacent land;

(fa) resulting from the disposal of a trail or part of a trail, including the consolidation of a trail or part of a trail with adjacent land;

(g) of an abandoned railway right of way;

(h) that is a consolidation of a part of an abandoned railway right of way with adjacent land;

(i) resulting from a lease of land for twenty years or less, including any renewal provisions of the lease;

(ia) resulting from the acceptance for registration by the Registrar of Condominiums of a phase of a phased-development condominium that meets the requirements, if any, prescribed by the regulations made pursuant to the Condominium Act;

(ib) resulting from the quieting of a title;

(j) resulting from a devise of land by will executed on or before January 1, 2000.

(3) An affidavit of the person making a disposition or encumbrance of land that would create a subdivision that specifies the exemption from the requirement for approval and the facts that entitle the subdivision to the exemption is sufficient proof that approval of the subdivision is not required, unless the person to whom the disposition or encumbrance is made has notice to the contrary. *1998, c. 18, s. 268; 2002, c. 10, s. 22; 2003, c. 9, s. 68; 2004, c. 7, s. 17; 2006, c. 40, s. 10.*

### **Deemed consolidation**

268A (1) Two or more lots that are and have been in common ownership and used together since April 15, 1987, or earlier are deemed to be consolidated if the owner or the owner's agent registers a statutory declaration in the appropriate registry of deeds or records a statutory declaration in the land registration office stating that the lots were in common ownership and used together on or before April 15, 1987, and have continued to be so owned and used, and including the facts that support the statement, the present descriptions of the lots including any property identifiers assigned by Service Nova Scotia and Municipal Relations and the description of the consolidated single lot.

(2) Registration or recording of the statutory declaration referred to in subsection (1) is deemed to consolidate the lots as of the date of registration or recording.

(3) Subdivision approval of the consolidation is not required. *2003, c. 9, s. 69.*



## **Instrument of subdivision**

269 (1) Notwithstanding clause 268(1)(b), in a county or district municipality where so provided in the provincial subdivision regulations or a subdivision by-law, an application for subdivision approval may be made by instrument of subdivision rather than by a plan of subdivision.

(2) This Section applies only where the subdivision does not create a street or private road and results in

(a) each lot created being at least one hundred thousand square feet in area and having dimensions that would permit it to contain a two hundred and fifty foot diameter circle within its boundaries; or

(b) an increase in size of an existing lot by the addition of a part or all of an abutting lot, if the lot reduced in area complies after the subdivision with the frontage and area if any requirements set out in the provincial subdivision regulations or municipal subdivision by-law, as the case may be.

(3) An instrument of subdivision shall be in the form prescribed in the provincial subdivision regulations.

(4) Except as otherwise provided in this Act, the procedure and requirements for approval of a subdivision apply to subdivision by instrument and a reference to a plan of subdivision includes an instrument of subdivision.

(5) For greater certainty, no instrument of subdivision that adds or consolidates parcels or areas of land in different ownerships may be approved by a development officer until the development officer is provided with

(a) executed deeds suitable for registering to effect the addition or consolidation; and

(b) the fees for registering the deeds,

and the development officer shall register the deeds with the approved instrument. *1998, c. 18, s. 269; 2000, c. 9, s. 47; 2005, c. 55, s. 6.*

## **Provincial subdivision regulations**

270 (1) The Minister shall prescribe provincial subdivision regulations.

(2) Provincial subdivision regulations shall include

(a) procedures for preliminary evaluation and tentative and final approvals;

(b) requirements for preliminary evaluation and tentative and final approvals;

- (c) the form of a notice of approval of subdivision;
- (d) provisions for the repeal of a subdivision; and
- (e) provisions for the referral of an application to a department or agency of the Province or of a municipality.

(3) Provincial subdivision regulations may include

- (a) requirements for access to a lot;
- (b) requirements respecting the shape of a lot;
- (c) where they are not prescribed in a land-use by-law, requirements for minimum lot frontage and minimum lot area;
- (d) provisions allowing a waiver of any requirements of the regulations and the circumstances in which a waiver may be allowed;
- (e) the fee for the processing of applications for approval or repeal of a subdivision, including registration, recording and filing fees;
- (f) procedures and requirements for concept plans;
- (g) procedures for the approval of, form of and requirements for approval and registration of instruments of subdivision in a county or district municipality;
- (h) requirements for private roads;
- (i) any other matter relating to the division of land.

(4) At least thirty days before prescribing or amending provincial subdivision regulations, the Minister shall

- (a) send a copy of the proposed regulations to the clerk of every municipality that will be affected by the regulations and invite written comments; and
- (b) place a notice in a newspaper circulating in the area that will be affected by the regulations stating where the proposed regulations may be inspected and invite written comments.

(5) Where, on the coming into force of this Act, a municipality has not adopted a subdivision by-law, the municipality is deemed to have adopted the provincial subdivision regulations applicable to the municipality as its subdivision by-law.

(6) A subdivision by-law that is inconsistent with the provincial subdivision regulations is deemed to be amended by the subdivision regulations applicable to the municipality, unless the

by-law provisions are more stringent, implement the municipal planning strategy or, with respect to the regulations concerning instruments of subdivision, do not provide for instruments of subdivision. *1998, c. 18, s. 270; 2001, c. 6, s. 119; 2003, c. 9, s. 70.*

### **Subdivision by-law**

271 (1) A subdivision by-law applies to the whole of a municipality, but the by-law may contain different requirements for different parts of the municipality.

(2) A subdivision by-law shall include

(a) any requirements prescribed by the provincial subdivision regulations applicable to the municipality unless

(i) the municipality adopts more stringent requirements, or

(ii) the municipal requirements implement the municipal planning strategy;

(b) procedures for preliminary evaluation and tentative and final approvals;

(c) requirements for preliminary evaluation and tentative and final approvals;

(d) the form of a notice of approval of subdivision;

(e) provisions for the repeal of a subdivision; and

(f) provisions for the referral of an application to a department or agency of the Province or of the municipality.

(3) A subdivision by-law may include

(a) requirements for access to a lot;

(b) requirements respecting the shape of a lot;

(c) where they are not prescribed in a land-use by-law, minimum lot frontage and minimum lot area;

(d) provisions allowing a waiver of certain requirements of the by-law and the circumstances in which a waiver may be allowed;

(e) procedures for the approval of, form of and requirements for approval and registration of instruments of subdivision in a county or district municipality;

(f) the fee for the processing of applications for approval or repeal of a subdivision, including registration, recording and filing fees;

(g) requirements for the design and construction of streets, private roads, wastewater facilities, stormwater systems, water systems and other services;

(ga) requirements for part of a system for the supply or distribution of electricity or other source of energy or a telecommunications system to be placed underground;

(h) requirements for the transfer to the municipality of useable land, or equivalent value, for trails, park, playground and similar public purposes, and a requirement that, if the land being subdivided has frontage on the ocean, a river or a lake, the land transferred include land with frontage on the ocean, river or lake or land to provide public access to the ocean, river or lake, provided that the land required to be transferred does not exceed

(i) five per cent of the area of the lots shown to be approved on the final plan of subdivision, or

(ii) ten per cent of the area of the lots shown to be approved on the final plan of subdivision, if the requirement and the reasons for it are provided for in a municipal planning strategy;

(i) procedures and requirements for concept plan approval;

(j) the identification of transportation reserves and requirements that lots be designed so as not to impede a transportation reserve;

(k) regulate the width of streets or private road rights-of-way on which subdivisions are permitted.

(4) Where a municipal planning strategy so provides, a subdivision by-law may

(a) regulate or prohibit new municipal streets in all, or part, of the municipality where, in the opinion of the council, the streets would be premature;

(b) regulate or prohibit subdivisions on private roads in all, or part, of the municipality;

(c) limit the number of lots that may be created from an area of land in a calendar year.

(5) A subdivision by-law may require that prior to approval of a final plan of subdivision the applicant shall

(a) install water systems, wastewater facilities, stormwater systems and other services in the area of land being subdivided to the standards prescribed by the municipality;

(b) install trees for streets, bus bays, sidewalks and pathways; and

(c) lay out, construct, grade and pave, in whole or in part, any street in the area of land being subdivided to the standards prescribed by the municipality,

or in the alternative, enter into a bond or other security satisfactory to the municipality to

(d) install and provide the water systems, wastewater facilities, stormwater systems and other services in the area of land being subdivided to the standards prescribed by the municipality;

(e) install the trees along streets, bus bays, sidewalks and pathways required by the by-law; and

(f) lay out, construct, grade and pave, in whole or in part, any street in the area of land being subdivided to the standards prescribed by the municipality,

and in either case provide a bond or other security, satisfactory to the municipality, for the maintenance of the services for a maximum of two years from the date the services are accepted by the municipality as having been installed to the standards prescribed by the municipality.

(6) A subdivision by-law may require that an applicant have, or permit an applicant to have, a qualified professional certify to the municipality that the services have been designed and installed to the standards prescribed by the municipality, and the municipality may rely on the certificate so given.

(7) A subdivision by-law may authorize the municipality to require an applicant for subdivision approval to provide water systems, wastewater facilities, stormwater systems and other services, including streets, in the area of land being subdivided with a capacity exceeding the anticipated requirements of the applicant's subdivision, if the municipality reimburses the applicant for any costs incurred with respect to the excess capacity.

(8) Any cost to a municipality pursuant to subsection (7) may, at the option of the council, be recovered by the municipality in the same manner as an infrastructure charge or in another manner.

(9) The procedure for the adoption, amendment, repeal, approval and publication of a subdivision by-law is the same as the procedure prescribed for planning documents.

(10) Notwithstanding the Public Utilities Act and for greater certainty, any by-law made pursuant to this Section and any transfer, bond, security, cost, charge or requirement, fixed or imposed pursuant to this Section, do not require approval by the Board. *1998, c. 18, s. 271; 2001, c. 35, s. 14; 2001, c. 6, s. 119; 2003, c. 9, s. 71; 2004, c. 7, s. 18.*

### **Contents of subdivision by-law**

272 (1) A council may, in the subdivision by-law, require a person applying for final approval of a subdivision to

(a) provide, at no cost to the municipality, easements for the drainage of stormwater in those circumstances specified in the subdivision by-law on the land that is proposed to be subdivided or outside that land;

(b) transfer to the municipality land, including easements, that may be necessary to operate and maintain stormwater systems;

(c) enter into an agreement to carry out a drainage plan or grading plan required by a subdivision by-law and to provide security satisfactory to the engineer to secure performance of the agreement.

(2) A subdivision by-law may

(a) specify standards and requirements for an easement required by the subdivision by-law;

(b) set standards and requirements respecting drainage master plans, drainage plans and grading plans;

(c) prescribe when drainage master plans, drainage plans and grading plans are required. *1998, c. 18, s. 272.*

### **Land or cash-in-lieu**

273 (1) In this Section, "equivalent value" includes cash or facilities, services or other value in kind, related to parks, playgrounds and similar public purposes or any combination thereof, determined by the municipality to be equivalent to the value of the land as determined by the assessor pursuant to this Section.

(2) Where a subdivision by-law provides for the transfer to the municipality of useable land, the applicant may provide land, equivalent value or a combination of land and equivalent value equal to the amount of the transfer required by the subdivision by-law.

(3) The subdivision by-law may specify the cases in which land only, equivalent value only, or land and equivalent value in a specified combination shall be transferred.

(4) Where equivalent value is to be provided in lieu of transferring land, the amount required shall be determined by an assessor based on the market value of the proposed lots excluding streets, easements and the residue of the land of the applicant, and this valuation may be appealed in the same manner as an assessment.

(5) Where cash is paid in lieu of transferring land, the council shall use the funds for the acquisition of, and capital improvements to, parks, playgrounds and similar public purposes and may use the interest on any funds not expended for those purposes for the operation and maintenance costs of parks, playgrounds and similar public purposes.

(5A) Notwithstanding subsections (5) and (13), the council may transfer

(a) the funds referred to in subsections (5) and (13) to a village or non-profit organization that is providing parks, playgrounds or other recreational facilities in the municipality to be used for the

acquisition of and capital improvements to those parks, playgrounds or other recreational facilities; and

(b) the interest on the funds referred to in subsections (5) and (13) to a village or non-profit organization that is providing parks, playgrounds or other recreational facilities in the municipality to be used for the operation or maintenance of those parks, playgrounds or other recreational facilities.

(6) A subdivision by-law may include a definition of useable land, which may specify a minimum area, minimum dimensions, location and a method of establishing a minimum quality of the land.

(7) Useable land does not include any streets or easements conveyed to the municipality.

(8) The area of useable land to be conveyed to the municipality is calculated on the area of the lots to be approved, as shown on the final plan of subdivision, excluding streets and the residue of the land of the applicant.

(9) A development officer shall accept any land offered by an applicant that meets the definition of useable land contained in the subdivision by-law.

(10) An applicant may, with the approval of the council, convey to the municipality an area of land in the municipality of equal value outside the area being subdivided, in lieu of land in the subdivision.

(11) An applicant may provide a bond or other security acceptable to the council for the conveyance to the municipality of land in a future phase of the subdivision rather than conveying land from the approved phase of the subdivision or equivalent value.

(12) Any land conveyed to a municipality pursuant to this Section shall be

(a) free and clear of all encumbrances except an easement or right of way that does not materially interfere with the use and enjoyment of the land; and

(b) used for parks, playgrounds and similar public purposes.

(13) Where council determines that any land transferred pursuant to this Section might no longer be needed for parks, playgrounds or similar public purposes, the council may sell the land, after notifying the owners of lots in the subdivision with respect to which the land was conveyed to the municipality, by notice published in a newspaper circulating in the municipality at least fourteen days prior to the council meeting at which a decision to sell will be made, and the proceeds shall be used for parks, playgrounds and similar public purposes. *1998, c. 18, s. 273; 2003, c. 9, s. 72; 2004, c. 7, s. 19; 2006, c. 40, s. 11.*

### **Infrastructure charges**

274 (1) A municipal planning strategy may authorize the inclusion of provisions for infrastructure charges in a subdivision by-law.

(2) Infrastructure charges for

- (a) new or expanded water systems;
- (b) new or expanded wastewater facilities;
- (c) new or expanded stormwater systems;
- (d) new or expanded streets;
- (da) new or expanded solid-waste management facilities;
- (e) new traffic signs and signals and new or expanded transit facilities,

may be imposed in a subdivision by-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by a municipality by reason of the subdivision and future development of land and infrastructure charges for land, planning, studies, engineering, surveying and legal costs incurred with respect to any of them.

(3) The subdivision by-law shall set out the infrastructure charge areas in which infrastructure charges are to be levied, the purposes for which infrastructure charges are to be levied and the amount of, or method of calculating, each infrastructure charge.

(4) Infrastructure charges may be set at different levels related to the proposed land use, zoning, lot size and number of lots in a subdivision and the anticipated servicing requirements for the infrastructure charge area.

(5) Infrastructure charges may not be imposed if an infrastructure charge has been paid with respect to the area of land, unless further subdivision of the land will impose additional costs on the municipality.

(6) An infrastructure charge may only be used for the purpose for which it is collected.

(7) Final approval of a subdivision shall not be granted unless the infrastructure charges are paid or the applicant has entered into an agreement with the municipality securing the payment of the infrastructure charges.

(8) Infrastructure charges are a first lien on the land being subdivided and may be collected in the same manner as taxes.

(9) A by-law in effect on the date this Act comes into force that provides for a trunk sewer tax imposed on each lot in a new or existing subdivision is deemed to be a by-law made pursuant to this Section.



(10) Notwithstanding the Public Utilities Act and for greater certainty, any by-law made pursuant to this Section and any charge set, levied or imposed pursuant to this Section do not require the approval of the Board. *1998, c. 18, s. 274; 2001, c. 35, s. 15; 2003, c. 9, s. 73; 2006, c. 40, s. 12.*

### **Infrastructure charges agreement**

275 (1) An applicant and a municipality may enter into an infrastructure charges agreement that may

- (a) provide for the payment of infrastructure charges in installments;
- (b) permit the applicant to provide certain services or extended services in lieu of the payment of all, or part, of the charge;
- (c) provide for security to ensure that the infrastructure charges are paid when due;
- (d) provide for any other matter necessary or desirable to effect the agreement.

(2) A subdivision by-law may prescribe the circumstances in which an infrastructure charges agreement may be entered into and the general terms that such an agreement shall contain. *1998, c. 18, s. 275.*

### **Effect of infrastructure charges agreement**

276 An infrastructure charges agreement

- (a) is binding on the land that is subdivided;
- (b) shall be registered in the registry or, in the case of land registered pursuant to the Land Registration Act, shall be recorded in the land registration office in the register of each parcel created or altered by the subdivision, and shall be indexed as a conveyance to and from the owner of the land that is subdivided; and
- (c) is binding on each individual lot in a subdivision, to the extent specified in the agreement. *1998, c. 18, s. 276; 2001, c. 6, s. 119.*

### **Time limits for subdivision approval application**

277 (1) Within fourteen days of receiving an application for subdivision approval, the development officer shall

- (a) determine if the application is complete; and
- (b) where the application is incomplete, notify the applicant in writing, advising what is required to complete the application.

(2) A completed application for subdivision approval that is neither approved nor refused within ninety days after it is received is deemed to be refused, unless the applicant and the development officer agree, in writing, to an extension.

(3) The development officer shall inform the applicant of the reasons for a refusal in writing. *1998, c. 18, s. 277; 2003, c. 9, s. 74.*

### **Limitations on granting subdivision approval**

278 (1) Subject to Section 283, an application for subdivision approval shall be approved if the proposed subdivision is in accordance with the enactments in effect at the time a complete application is received by the development officer.

(2) An application for subdivision approval shall be refused where

(a) the proposed use of the lots being created is not permitted by the land-use by-law;

(b) the proposed lots do not comply with a requirement of the land-use by-law, unless a variance has been granted with respect to the requirement;

(c) the proposed lots would require an on-site sewage disposal system and the proposed lots do not comply with requirements established pursuant to the Environment Act for on-site sewage disposal systems, unless the owner has been granted an exemption from technical requirements by the Minister of the Environment, or a person designated by that Minister;

(d) the development officer is made aware of a discrepancy among survey plans that, if either claimant were completely successful in a claim, would result in a lot that cannot be approved;

(e) the proposed access to a street does not meet the requirements of the municipality or the Province;

(f) the proposed subdivision does not meet the requirements of the subdivision by-law and no variance is granted; or

(g) the proposed subdivision is inconsistent with a proposed subdivision by-law or a proposed amendment to a subdivision by-law, for a period of one hundred and fifty days from the publication of the first notice advertising the council's intention to adopt or amend the subdivision by-law. *1998, c. 18, s. 278; 2001, c. 35, s. 16.*

### **Lots not meeting requirements**

279 Where a subdivision by-law or a land use by-law specifies minimum lot dimensions or lot area and the subdivision by-law so provides, the development officer may approve a plan of subdivision that shows not more than two lots that do not meet these requirements, provided that the lot dimensions and area are not less than ninety per cent of the required minimums. *1998, c. 18, s. 279; 2004, c. 44, s. 3.*

## **Streets**

280 (1) No plan of subdivision may be approved by a development officer where

(a) the plan shows a street to be owned by the municipality, unless the engineer has approved the design and construction standards of the street, and any intersection with a street, owned by the municipality;

(b) the plan shows a proposed intersection with a street owned by the Province, unless the intersection has been approved by the Minister of Transportation and Public Works, or a person designated by that Minister; or

(c) the Minister of Transportation and Public Works, or a person designated by that Minister, or the engineer advises that the probable volume of traffic from the development will create unsafe conditions for which no remedial arrangements have been made.

(2) The owners of lots shown on a plan of subdivision as abutting on a private right of way are deemed to have an easement over the private right of way for vehicular and pedestrian access to the lot and for the installation of electricity, telephone and other services to the lot.

(3) The new streets and new extensions of streets shown on a plan of subdivision, excluding roads that are shown on the plan as private roads, are vested absolutely in the municipality in which they are situate when the final approved plan is filed in the registry. *1998, c. 18, s. 280.*

## **Requirement to approve plan of subdivision**

281 A development officer shall approve a plan of subdivision prepared to carry out a development agreement authorized by a municipal planning strategy and land-use by-law, notwithstanding that the plan does not comply with the subdivision by-law, if the plan complies with the terms of the agreement. *1998, c. 18, s. 281.*

## **Underlying lots deemed consolidated**

281A Where a subdivision plan shows a remainder lot that is made up of the remainder of two or more underlying lots that have not been consolidated, the underlying lots are deemed to be consolidated before approval of the subdivision plan unless the application and plan indicate that they are not and if

(a) subsection 282(1) is complied with; and

(b) the remainder lot is ten hectares or less in area, the subdivision plan includes a survey of the entirety of the remainder lot,

in which case, the development officer shall register the deeds respecting the remainder lot, if any, with the approved plan. *2003, c. 9, s. 75.*

### **Subdivision that adds or consolidates**

282 (1) No plan of subdivision that adds or consolidates parcels or areas of land in different ownerships may be approved by a development officer until the development officer is provided with

(a) executed deeds suitable for registering to effect the addition or consolidation; and

(b) the fees for registering the deeds.

(2) The development officer shall register the deeds with the approved plan. *1998, c. 18, s. 282; 2000, c. 9, s. 48.*

### **Approval by development officer**

282A (1) No plan or instrument of subdivision that, under the Land Registration Act, is not acceptable for registration pursuant to the Registry Act, may be approved by a development officer unless the development officer is provided with proof that the parcels affected are all registered pursuant to the Land Registration Act.

(2) No plan or instrument of subdivision that adds or consolidates parcels or areas of land, that, under the Land Registration Act, is not acceptable for registration pursuant to the Registry Act, may be approved by a development officer unless the development officer is provided with proof that both the parcel from which land is taken and the parcel to which land is added are registered pursuant to the Land Registration Act.

(3) A deed to effect a consolidation provided to a development officer pursuant to Section 282 shall, where the deed is to be registered pursuant to the Land Registration Act, include a legal description of the consolidated parcel.

(4) The approval of a plan or instrument of subdivision contrary to subsection (1) or (2) shall be cancelled if the plan or instrument of subdivision is not accepted for registration pursuant to the Land Registration Act. *2001, c. 6, s. 119; 2004, c. 38, s. 26.*

### **Tentative plan of subdivision**

283 Where a tentative plan of subdivision is approved pursuant to the subdivision by-law, a lot or lots shown on the approved tentative plan shall be approved at the final plan of subdivision stage, if

(a) the lots are substantially the same as shown on the tentative plan;

(b) any conditions on the approval of the tentative plan have been met;

(c) the services required by the subdivision by-law at the time of approval of the tentative plan have been constructed and any municipal service has been accepted by the municipality or

acceptable security has been provided to the municipality to ensure the construction of the service; and

(d) the complete application for final subdivision plan approval is received within two years of the date of the approval of the tentative plan. *1998, c. 18, s. 283; 2001, c. 35, s. 17.*

### **Appeals to the Board**

284 The refusal to approve a concept plan or tentative or final plan of subdivision may be appealed to the Board by the applicant in accordance with the procedure for an appeal to the Board set out in Part VIII. *1998, c. 18, s. 284.*

### **Filing of approved final plan of subdivision**

285 (1) No final plan of subdivision shall be filed in the registry unless the plan has been approved by a development officer in accordance with this Part.

(2) A development officer, or a person acting for a development officer, shall, within seven days of the approval of a final plan of subdivision, forward two original copies of the approved plan to the registry, one of which is to be filed in the registry.

(3) At the same time as an approved final plan of subdivision is filed in the registry, a notice of the approved final plan of subdivision shall be registered in the registry.

(4) A notice of the approved final plan of subdivision shall be indexed as a conveyance from the person whose land is divided.

(5) Where an approved final plan of subdivision effects an addition or consolidation, the notice of the plan shall be indexed as a conveyance from the person whose land is divided and from the person whose land is enlarged as a result of the addition or consolidation. *1998, c. 18, s. 285; 2006, c. 40, s. 13.*

### **Lot crossing municipal boundary**

286 Where a lot to be created by a plan of subdivision crosses a municipal boundary, an approval is required from each municipality in which the proposed lot is located. *1998, c. 18, s. 286.*

### **When subdivision takes effect**

287 (1) A subdivision of land takes effect when the plan of subdivision is filed in the registry.

(2) No deed, mortgage, lease or other instrument which would result in the subdivision of land for which subdivision approval is required has effect until the subdivision is approved and the plan is filed.

(3) A deed, mortgage, lease or other instrument, which purports to subdivide land and is executed before the approval and the filing of a plan of subdivision in the registry in accordance with this Part, is deemed

(a) to have been executed immediately after the filing of the plan of subdivision; and

(b) where the deed, mortgage, lease or other instrument has been registered in the registry, to have been duly registered at the time of the actual registration.

(4) Where two or more deeds, mortgages, leases or other instruments are deemed to have been executed at the same time, they are deemed to have been executed in the same order as they were actually executed.

(5) Where a deed, mortgage, lease or other instrument is made which results in the subdivision of land in accordance with a plan or instrument of subdivision duly approved and filed in the registry, the amendment of the plan or instrument does not restrict the right of the owner, mortgagee, lessee or other holder to execute other deeds, mortgages, leases or instruments in which the property is described as it is described in the original deed, mortgage, lease or other instrument. *1998, c. 18, s. 287.*

#### **Amendment of approved final plan of subdivision**

288 (1) An approved final plan of subdivision may be amended, provided the amendment does not materially alter the boundaries of a lot created by the approved plan.

(2) The provisions of this Act that apply to an approved final plan of subdivision apply to an amended plan of subdivision, except the effective date of the approval of the amended plan is the same as that of the approved final plan of subdivision. *1998, c. 18, s. 288; 2003, c. 9, s. 76.*

#### **Amendment or repeal of instrument of subdivision**

289 An instrument of subdivision approved pursuant to this Act or the former Planning Act may be amended or repealed in the same manner, and with the same effect, as an approved final plan of subdivision. *1998, c. 18, s. 289.*

#### **Subdivision for which no approval required**

290 Nothing in this Act prevents an application for approval of or the approval of, a subdivision for which no approval is required. *1998, c. 18, s. 290.*

#### **Title or interest not affected**

291 (1) A failure to comply with

(a) this Act; or

(b) the former Planning Act,

or a regulation or by-law made thereunder does not affect the creation of a title or interest in real property conveyed, or purported to have been conveyed, by deed, lease, mortgage or other instrument before April 16, 1987.

(2) Subsection (1) does not affect the rights acquired by a person from a judgment or order of a court given or made in litigation or proceedings commenced before April 16, 1987. *1998, c. 18, s. 291.*

### **Former Planning Act**

292 A subdivision by-law adopted pursuant to a former Planning Act is a subdivision by-law within the meaning of this Act, to the extent that it is consistent with this Act. *1998, c. 18, s. 292.*

## **PART X**

### **FIRE AND EMERGENCY SERVICES**

#### **Municipal role**

293 A municipality may maintain and provide fire and emergency services by providing the service, assisting others to provide the service, working with others to provide the service or a combination of means. *1998, c. 18, s. 293.*

#### **Registration as fire department**

294 (1) A body corporate may apply to a municipality for registration as a fire department.

(2) A municipality shall not refuse to register a body corporate that complies with this Act if the

(a) municipality is satisfied that the body corporate is capable of providing the services it offers to provide;

(b) body corporate carries liability insurance, as required by the municipality;

(c) body corporate does not provide the fire services for profit; and

(d) municipality does not provide the same services for the same area.

(3) A fire department, including a fire department of a municipality, village or fire protection district, shall register in each municipality in which it provides emergency services.

(4) A registered fire department shall provide the municipality with a list of specific emergency services it will endeavour to provide and the area in which the services will be provided.

- (5) Registration continues in force until withdrawn by the municipality for cause or the fire department requests that the registration be revoked.
- (6) A municipality may grant or lend money to, or guarantee a loan for, a registered fire department for operating or capital purposes.
- (7) A municipality may grant or lend assets, without charge, to a registered fire department.
- (8) Registration does not make a fire department an agent of a municipality.
- (9) A registered fire department is not a municipal enterprise pursuant to the Municipal Finance Corporation Act. 1998, c. 18, s. 294.

### **Registration as emergency services provider**

295 (1) A body corporate may apply to a municipality for registration as an emergency services provider to provide emergency services other than fire services.

(2) A municipality shall not refuse to register a body corporate that complies with this Act if the

(a) municipality is satisfied that the body corporate is capable of providing the services it has undertaken to provide;

(b) body corporate carries liability insurance, as required by the municipality;

(c) body corporate does not provide the emergency services for profit; and

(d) municipality does not provide the same services for the same area.

(3) A body corporate that applies pursuant to subsection (1) shall register in each municipality in which it provides emergency services.

(4) A registered emergency services provider shall provide the municipality with a list of the specific emergency services it will endeavour to provide and the area in which the services will be provided.

(5) Registration continues in force until withdrawn by the municipality for cause or the emergency services provider requests that the registration be revoked.

(6) A municipality may grant or lend money to, or guarantee a loan for, a registered emergency services provider for operating or capital purposes.

(7) A municipality may grant or lend assets, without charge, to a registered emergency services provider.

(8) Registration does not make an emergency services provider an agent of a municipality.



(9) A registered emergency services provider is not a municipal enterprise pursuant to the Municipal Finance Corporation Act. 1998, c. 18, s. 295.

### **Policies**

296 (1) The council may make policies respecting full-time, volunteer and composite fire departments and emergency service providers in the municipality.

(2) Policies for fire departments and emergency service providers may include

(a) requirements and procedures for registration;

(b) personnel policies with respect to those members who are employees of the municipality;

(c) the manner of accounting to the council for the use of funds provided by the municipality;

(d) an annual meeting to report to the public respecting fire and emergency services;

(e) such other matters as are necessary and expedient for the provision of emergency services in the municipality.

(3) The council may require proof of compliance with its policies before advancing any funds. 1998, c. 18, s. 296.

### **Powers where fire**

297 (1) When any fire, rescue or emergency occurs, the fire chief or other officer in charge, and any person under the direction of that officer, shall endeavour to extinguish the fire and prevent it from spreading, conduct the rescue or deal with the emergency and, for that purpose, may

(a) command the assistance of persons present and any inhabitant of the municipality;

(b) remove property from buildings on fire or in danger of fire;

(c) take charge of property;

(d) enter, break into or tear down any building;

(e) exclude and remove persons and vehicles from the building or vicinity; and

(f) generally do all things necessary to respond to the emergency.

(2) It is an offence to disobey any lawful order or command of the officer in charge.

(3) Where a fire alarm is given or the officer in charge has reason to believe that a fire exists on any premises, the officer in charge and any person under the direction of that officer may enter or break into any building for the purpose of ascertaining whether a fire exists.

(4) The officer in charge may direct that a building be pulled down or otherwise destroyed if, in the judgment of that officer, doing so will tend to contain a fire or protect the public from a dangerous condition.

(5) A municipality, a village, a fire protection district, a fire department, an emergency services provider and an officer in charge, and a person acting under the direction or authority of that officer, are not liable for an act done in the exercise of any of the powers conferred by this Section. *1998, c. 18, s. 297.*

298 repealed 2002, c. 6, s. 56.

### **Offence**

299 It is an offence to interfere with

(a) efforts of a member of a fire department or emergency services provider to extinguish fires and render assistance in emergencies; and

(b) publicly or privately-owned fire-fighting, rescue or emergency facilities and equipment and hydrants. *1998, c. 18, s. 299.*

### **No liability**

300 A municipality, a village, a fire protection district, an employee of a municipality, village or fire protection district, a member of the fire department of a municipality, village or fire protection district, a registered fire department, a member of a registered fire department, a registered emergency services provider and a member of a registered emergency services provider are not liable for an act or omission in providing, or failing to provide, an emergency service, unless they are grossly negligent. *1998, c. 18, s. 300.*

### **When action lies**

301 (1) No action lies with respect to an act or omission in providing, or failing to provide, an emergency service against an employee of a municipality, village or fire protection district, a member of the fire department of a municipality, village, fire protection district, registered fire department or registered emergency services provider.

(2) Notwithstanding subsection (1) and subject to Section 300, an action may lie against a municipality, village, fire protection district, registered fire department or registered emergency services provider with respect to its employee, member of its fire department or member. *1998, c. 18, s. 301.*

## **Mutual aid**

302 (1) A municipality may assist at fires, rescues or other emergencies occurring outside its boundaries.

(2) A municipality may agree with municipalities, villages, fire protection districts, federal and provincial departments and agencies or others to provide assistance at fires, rescues and other emergencies and to receive assistance at fires, rescues and other emergencies.

(3) A fire department that assists a registered fire department pursuant to a mutual aid agreement is not required to register and is entitled to all of the protections provided by this Act for the assisted fire department.

(4) An emergency services provider that assists a registered fire department or registered emergency services provider pursuant to a mutual aid agreement is not required to register and is entitled to all of the protections provided in this Act for the assisted fire department or emergency services provider. *1998, c. 18, s. 302.*

## PART XI

### ELECTRICAL SERVICES

#### **Contract with N.S. Power or municipality**

303 (1) Subject to the Public Utilities Act, a council may contract with Nova Scotia Power Incorporated or another municipality for transmission and supply of electric power.

(2) A municipality that has entered into a contract for electric power or that generates electric power may

(a) use the electric power for the purpose of lighting streets, highways and property of the municipality or for any other purpose of the municipality;

(b) distribute the electric power throughout the municipality;

(c) establish and maintain an electrical distribution system in the municipality;

(d) sell or dispose of the electric power, or any part thereof, to a person or body;

(e) dispose of the whole of the electric power or any portion that it does not require, or otherwise dispose of, to any person, firm or corporation having authority within the municipality to supply electric power or to operate an electric tramway;

(f) employ required employees;

(g) contract for the supply and distribution of electric power in another municipality, if the council of the other municipality agrees;

(h) acquire real and personal property and construct and operate facilities for the generation, transmission and distribution of electric power;

(i) include in its yearly estimates all amounts that are necessary or proper for the due carrying out of the purposes referred to in this subsection.

(3) Any agreement, contract, change in the cost of electric power, payment extension, connection between systems or diversion of power from one system to another is subject to the approval of the Board. *1998, c. 18, s. 303.*

### **Lien and power cut-off**

304 (1) The amount due to a municipality for the provision of electrical power is, subject only to municipal taxes, a first lien on the property of the person to whom the electrical power was provided, in priority to all prior liens or encumbrances on the property.

(2) The lien applies only to the amount due to the municipality for a period not exceeding ninety days.

(3) Where a person fails to pay a municipality the amount due for electric power within one month after the account is due, the municipality may cut off the supply of electricity to that person and may recover the amount due up to that time, despite a contract with the person to furnish electric power for a longer period.

(4) The lien referred to in subsection (1) is not a charge against a parcel registered pursuant to the Land Registration Act until a certificate evidencing the lien has been recorded in the register of the parcel.

(5) The municipality may record a notice of the lien referred to in subsection (1) in the parcel register of any property owned by a person to whom electrical power was provided to which the lien applies and shall thereupon serve that person with a copy of the lien and recording particulars.

(6) Upon satisfaction of the lien including payment of the fees for recording the lien and the release, the municipality shall record a release of the lien in the parcel registers in which the lien was recorded. *1998, c. 18, s. 304; 2001, c. 6, s. 119.*

### **N.S. Power Inc. powers**

305 (1) Nova Scotia Power Incorporated may extend the time for payment of any sum due it by a municipality, provided the municipality pays interest on any sum due Nova Scotia Power Incorporated at such rate of interest, not exceeding seven per cent per annum, as Nova Scotia Power Incorporated may determine.

(2) Nova Scotia Power Incorporated may make any connections between systems to divert power from one system to another system.

(3) The manner of any connection between systems, the amount to be charged to a system receiving power from a connection and the amount to be credited to a system supplying power shall be determined by Nova Scotia Power Incorporated. *1998, c. 18, s. 305.*

### **Power to sell system**

306 A municipality may sell its system for developing or distributing electric power, including property used in connection with it. *1998, c. 18, s. 306.*

## **PART XII**

### **STREETS AND HIGHWAYS**

#### **Interpretation**

307 In this Part, "street" means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith, but does not include streets vested in Her Majesty in right of the Province. *1998, c. 18, s. 307; 2000, c. 9, s. 49; 2008, c. 39, s. 388.*

#### **Streets vested in municipality**

308 (1) All streets in a municipality are vested absolutely in the municipality.

(2) In so far as is consistent with their use by the public, a council has full control over the streets in the municipality.

(3) No road, or allowance for a road, becomes a street until the council formally accepts the road or allowance, or the road or allowance is vested in the municipality according to law.

(4) Possession, occupation, use or obstruction of a street, or a part of a street, does not give and never has given any estate, right or title to the street. *1998, c. 18, s. 308.*

#### **By-laws for protection of streets**

309 (1) The council may make by-laws for the protection of streets and may limit the by-law to certain streets, or to certain times of the year, or to both.

(2) For the purpose of the Motor Vehicle Act, the council is a local authority.

(3) The council may, by policy, limit or prohibit the use of a mall by vehicles, or classes of vehicles, and may restrict or prohibit parking on a mall.

(4) The council may, by by-law

- (a) establish a pedestrian mall on a street or any other land owned by the municipality;
- (b) prohibit any person from using any vehicle or apparatus on a sidewalk in the municipality;
- (c) prohibit any person from taking or riding any animal on any sidewalk in the municipality;
- (d) designate any street as a controlled access street;
- (e) regulate or prohibit access to a controlled access street.

(5) No person may

- (a) construct or use a road or gate connected with, or opening upon, the controlled access street;  
or
- (b) offer for sale goods within the limit of the controlled access street. *1998, c. 18, s. 309; 2006, c. 40, s. 14.*

### **Power to make by-laws**

310 (1) The council may, by by-law

- (a) require the owner, occupier or person in charge of a property to clear snow and ice from the sidewalks adjoining the property;
- (b) prescribe measures to be taken by the owners, occupiers or persons in charge for the abatement of dangerous conditions arising from the presence of snow and ice on the sidewalks adjoining the property.

(2) Where a person required by a by-law made pursuant to subsection (1) fails to clear the ice and snow from the sidewalk forthwith after notice to do so or to take the necessary measures for the abatement of any dangerous condition arising from the presence of the snow and ice, the engineer may have the snow and ice cleared and any necessary measures to abate dangerous conditions taken.

(3) The council may, by by-law

- (a) require the owner of a property to remove ice or icicles from part of a building overhanging or abutting a sidewalk;
- (b) require the owner of lands abutting a street to maintain an area of vegetation between the streetline and the main travelled way. *1998, c. 18, s. 310.*

### **Traffic authority**

311 (1) In this Section, "highway" and "Provincial Traffic Authority" have the same meaning as in the Motor Vehicle Act.

(2) The council may, by policy, appoint a traffic authority for all or part of the municipality.

(3) A traffic authority has, within the municipality, the powers of a traffic authority of a city or town pursuant to the Motor Vehicle Act.

(4) The clerk shall notify the Provincial Traffic Authority of the appointment of a traffic authority.

(5) Where there is no traffic authority appointed by a council, the Minister of Transportation and Public Works may appoint a traffic authority to hold office until the council appoints a traffic authority.

(6) Where it appears to the Minister of Transportation and Public Works that a traffic authority appointed by the council is not performing the duties and functions of a traffic authority, the Minister of Transportation and Public Works may cancel the appointment of the traffic authority.

(7) The Provincial Traffic Authority has, with respect to

(a) highways vested in Her Majesty in right of the Province;

(b) highways in areas of a municipality for which there is no traffic authority; and

(c) highways in a municipality that have been designated by the Minister of Transportation and Public Works as main travelled or through highways,

the powers conferred upon a traffic authority by or pursuant to the Motor Vehicle Act.

(8) The traffic authority for a municipality has, with respect to highways in the municipality, excluding those for which the Provincial Traffic Authority has authority, the powers conferred upon a traffic authority by or pursuant to the Motor Vehicle Act. *1998, c. 18, s. 311.*

### **Street related powers**

312 (1) A council may design, lay out, open, expand, construct, maintain, improve, alter, repair, light, water, clean, and clear streets in the municipality.

(2) When a street is laid out, opened or expanded, a survey plan shall be filed in the registry.

(3) The council may expend funds for the purpose of clearing snow and ice from the streets, sidewalks and public places in all, or part, of the municipality. *1998, c. 18, s. 312.*

### **Civic addresses**

313 The council may

(a) by by-law, adopt a system for assigning civic numbers to properties, including buildings, and other locations;

(b) by by-law, require owners or occupiers of property to post the correct civic number prominently on their properties, with power to prescribe the size, design and location of the civic number that the owner or occupier is so required to post, and the manner in which it is posted;

(c) by policy, name or rename any street or private road;

(d) post the name of any street or private road, including posting the name on private property;

(e) by by-law, require the owner of land that is a private road to

(i) apply for permission to erect a sign or signpost that identifies the road by the name assigned to it pursuant to clause (c) to any person or authority whose permission is required by law to erect the sign or signpost and use the owner's best efforts to obtain such permission, and

(ii) erect a sign or signpost of such size and design, in such location and in such a manner as is prescribed by the by-law, where permission is obtained to erect the sign or signpost in accordance with subclause (i). *1998, c. 18, s. 313; 2007, c. 47, s. 1.*

### **Street encroachment**

314 (1) Where any part of a street, other than the travelled way, has been built upon and it is determined that the encroachment was made in error, the engineer may permit, in accordance with any by-law made pursuant to subsection (2), the encroachment to continue until such time as the building or structure encroaching upon the street is taken down or destroyed.

(2) A council may, by by-law, regulate encroachments upon, under or over streets, including stipulating the period of time an encroachment may remain and the entering into of agreements, including terms and conditions, for particular encroachments. *1998, c. 18, s. 314.*

### **Street closure**

315 (1) The council may, by policy, permanently close any street or part of a street and the council shall hold a public hearing before passing the policy.

(1A) Notwithstanding subsection (1), where a street or part of a street is being altered, improved or redesigned, part of that street may be closed without holding a public hearing under subsection (1) if

(a) the part of the street that remains open



- (i) is open to vehicular and pedestrian traffic, and
  - (ii) meets all the municipal standards; and
- (b) the part of the street that is closed
- (i) is determined by the engineer to be surplus, and
  - (ii) is worth less than fifty thousand dollars.
- (2) The council shall give notice of its intent to close the street by advertisement in a newspaper circulating in the municipality.
- (3) The notice shall set out the time and place of the public hearing at which those in favour or opposed to the street closing will be heard and describe the street to be closed sufficiently to identify it.
- (4) A copy of the notice shall be mailed to the Minister of Transportation and Public Works before the public hearing.
- (5) A copy of the policy passed by the council, certified by the clerk under the seal of the municipality, incorporating a survey or a metes and bounds description of the street that is closed, shall be filed in the registry and with the Minister of Transportation and Public Works.
- (6) Upon filing the policy in the registry, all rights of public user in the land described in the policy are forever extinguished and the municipality may sell and convey the land or may subsequently reopen the land as a street in the manner required by this Act. *1998, c. 18, s. 315; 2004, c. 44, s. 4.*

### **Contribution to cost of underground wiring**

316 Where a council determines that wires and other parts of an electrical distribution or telecommunications system be placed underground, the council may contribute to the cost. *1998, c. 18, s. 316.*

### **Work on a street**

- 317 (1) No person shall break the surface of a street without the permission of the engineer.
- (2) A council may, by policy, prescribe the terms upon which a permit to break the surface of a street may be granted, including setting a fee for the permit and requiring security to be posted to ensure that the street is restored.
- (3) No person shall construct or widen a driveway, or other access to a street, without the permission of the engineer. *1998, c. 18, s. 317.*

### **Obstruction of street**

318 (1) Except as otherwise provided in this Act, no person shall

(a) obstruct a street in a municipality;

(b) erect, construct or place a building or structure, fence, railing, wall, tree or hedge or part of them upon a street;

(c) deposit any snow or ice on the travelled way of a street;

(d) deposit any snow or ice near a portion of the travelled way of a street so as to hinder clearing of the travelled pathway;

(e) prevent water flowing from a street on to the adjoining land;

(f) cause or permit water to flow over a street, except as directed by the engineer or council;

(g) deposit, or permit to accumulate, sewage, refuse, garbage, rubbish or other matter on a street or in a drain, gutter, sluice or watercourse on a street; or

(h) cause or permit sewage, refuse, garbage, rubbish or any other matter to discharge or flow upon a street or into a drain, gutter, sluice or watercourse on a street.

(2) An owner or occupant of land who collects water upon the land and turns or allows the water to flow upon a street is liable for all damage to the street, gutters or drains occasioned thereby.

(3) Where, as a result of the collection of the water, the flow requires, in the opinion of the engineer, the construction of a larger drain, sluice or culvert on the street, or makes necessary any alteration in the street or the building of new drains, sluices or culverts, the person is liable to pay the cost of the alteration or construction.

(4) Where a person is in apparent contravention of this Section, the engineer may serve notice on the person to remedy the contravention and, where the condition is not remedied within the time specified in the notice, the engineer may cause the condition to be remedied.

(5) Where an obstruction is a structure of any kind, the engineer may require the owner of the structure to remove the structure from the street within such time as the engineer specifies.

(6) Where the structure is not removed within the time specified, the engineer may remove, demolish or destroy the structure in such manner as is deemed expedient. *1998, c. 18, s. 318; 2000, c. 9, s. 50.*

### **Public Utilities Act applies**

319 Section 78 of the Public Utilities Act applies to the erection or placement of a pole, wire, conduit or pipe in, upon, along, under or across a street. *1998, c. 18, s. 319.*

### **Removal of sign or billboard**

320 (1) The engineer may require an owner or occupant of land adjoining a street to remove a sign or billboard on the land that, in the opinion of the engineer, is a source of danger to traffic on the street.

(2) Where the owner of the land fails to remove the sign or billboard within fourteen days after receipt of notice from the engineer, the engineer may cause the sign or billboard to be removed. *1998, c. 18, s. 320.*

### **Dangerous vegetation**

321 (1) The engineer may require an owner or occupant of land adjoining a street to remove or trim a tree, bush, shrub, hedge or other vegetation that, in the opinion of the engineer, is a source of danger to traffic on the street.

(2) Where the owner of the land fails to remove or trim the vegetation within fourteen days after receipt of notice from the engineer, the engineer may cause the vegetation to be removed or trimmed. *1998, c. 18, s. 321.*

### **Temporary purposes**

322 The engineer may

(a) permit a person to use a portion of a street for construction or other temporary purpose;

(b) temporarily close a street, or part thereof, for the protection of the public, to allow work to be done on the street or on lands and buildings adjacent to the street or for any other purpose beneficial to the public interest. *1998, c. 18, s. 322.*

### **Power to enter land**

323 (1) The engineer may

(a) enter upon land adjoining a street and erect and maintain snow fences on it or take down, alter or remove a fence or obstruction of any kind that causes drifts or an accumulation of snow so as to impede or obstruct traffic;

(b) at any time and from time to time, construct, open, maintain or repair a drain, gutter, sluice or watercourse upon land adjoining a street and for such purpose may, at any time and from time to time, enter into and upon such land.

(2) A person who hinders or obstructs the engineer in the exercise of a power or authority conferred by this Section is guilty of an offence. *1998, c. 18, s. 323.*

### **Motor Vehicle Act does not apply**

324 A by-law passed pursuant to this Part is not subject to the Motor Vehicle Act. *1998, c. 18, s. 324.*

## PART XIII

### SOLID-WASTE RESOURCE MANAGEMENT

#### **By-law regarding solid waste**

325 The council may make by-laws respecting solid waste, including, but not limited to,

- (a) prohibiting persons from depositing any solid waste except at a solid-waste management facility;
- (b) regulating the disposal, collection and removal of solid waste;
- (c) regulating the use of containers for solid waste;
- (d) licensing persons engaged in the business of removing or collecting solid waste, regulating the operation of the business and prohibiting, in whole or in part, the operation of such a business by a person not holding a licence;
- (e) prescribing the materials that may or may not be deposited at a solid-waste management facility of the municipality or in which the municipality participates;
- (f) prescribing the terms and conditions under which a deposit may be made at a solid-waste management facility of the municipality or in which the municipality participates, including the amount and manner of payment of any fees and charges to be paid for the deposit;
- (g) requiring the separation of solid waste prior to collection;
- (h) setting fees or charges for removal of solid waste;
- (i) requiring compliance with a waste resource diversion strategy;
- (j) respecting anything required to implement the integrated solid-waste resource management strategy of the municipality. *1998, c. 18, s. 325.*

#### **Solid-waste management**

326 (1) A municipality may provide compensation to an area, to the property owners in an area or to the residents of an area in which a solid-waste management facility is located in amounts, and under the conditions, determined by the council.

(2) A municipality may contract with other municipalities or persons for the use of any component of its solid-waste management program. *1998, c. 18, s. 326.*

## PART XIV

### SEWERS

#### **Prohibition**

327 No person shall injure or remove any portion of wastewater facilities or a stormwater system, except as directed by the engineer. *1998, c. 18, s. 327.*

#### **Policy for standards and specifications**

328 (1) The council may, by policy, prescribe standards and specifications for connections to wastewater facilities and stormwater systems and the conditions under which connections may be made.

(2) No person shall make a connection to wastewater facilities or a stormwater system

(a) in violation of any policy or by-law made pursuant to this Act;

(b) without the approval of the engineer. *1998, c. 18, s. 328.*

#### **Building service connection**

329 (1) An owner is responsible for the design, construction and maintenance of that part of a building service connection determined by the council or village commission by by-law, whether on privately-owned property or not.

(2) The construction of a building service connection is subject to the supervision of the engineer.

(3) A building service connection shall be of the size and at the grade, and with the mode of piercing or opening into the sewer, and generally be constructed in the manner and of the materials approved by the engineer.

(4) No building service connection shall be covered in until it is inspected and approved by the engineer.

(5) Where the owner, or an agent of the owner, covers in a building service connection before it is inspected and a certificate of approval issued, the engineer may open it for the purpose of inspection.

(6) The engineer may repair or replace a building service connection with the consent of the owner and at the expense of the owner. *1998, c. 18, s. 329; 2001, c. 35, s. 18.*

#### **Sewer connection abandoned**

330 (1) When a sewer connection is abandoned, the owner shall effectively block up the connection at the sewer in a manner approved by the engineer.

(2) The blocking up shall be inspected and approved by the engineer before it is covered.

(3) Where the owner or the owner's agent covers in a blocked sewer connection before it is inspected and a certificate of approval issued, the engineer may open it for the purpose of inspection.

(4) Where the owner does not effectively block up a sewer connection within twenty-four hours from the receipt of a notice from the engineer to do so, the engineer may cause it to be done. *1998, c. 18, s. 330.*

### **Repairs required**

331 (1) Where a building service connection or special sewer connection is causing a municipal sewer to malfunction and repairs to the connection would result in the malfunction being cured, the engineer may require the owner of the property in which any portion of the connection which requires repairs is located to complete the repairs within a reasonable time specified by the engineer.

(2) Where the repairs required are not completed by the owner within the time specified, the engineer may cause the repairs to be completed. *1998, c. 18, s. 331.*

### **Connection required to municipal sewer**

332 (1) The engineer may give notice in writing to an owner of property that may be served by a sewer requiring that owner, within the time specified in the notice, to connect with the municipal sewer by a building service connection.

(2) The engineer may require an owner to repair, reconstruct or replace a building service connection.

(3) If a building service connection is not laid, built and connected with the municipal sewer or any other work in connection with the building service connection is not done to the satisfaction of the engineer, the engineer shall, in writing, notify the owner of the property served or to be served by the building service connection to that effect, specifying in what particulars the work is unsatisfactory, and if the owner fails to perform the work to the satisfaction of the engineer within seven days from the receipt of the notice, the engineer may perform the necessary work. *1998, c. 18, s. 332.*

### **Prohibition and power to make by-laws**

333 (1) No person shall permit the discharge into wastewater facilities or a stormwater system of a municipality or a village or into wastewater facilities or a stormwater system or building

service connection connecting with the wastewater facilities or stormwater system of a municipality or a village of

- (a) a liquid or vapour having a temperature higher than that specified by the council or village commission, by by-law;
- (b) inflammable or explosive matter;
- (c) a quantity of matter capable of obstructing the flow in, or interfering with, the proper operation of a part of the sewage works and treatment process;
- (d) sewage that has any corrosive property that could be hazardous to structures, equipment or personnel;
- (e) sewage of such quality that an offensive odour or foam could emanate from the wastewater facilities system or that could cause a nuisance;
- (f) sewage containing fish or animal offal or pathological or medical wastes;
- (g) the contents of septic tanks, holding tanks or wastes from marine vessels or vehicles or sludge from sewage treatment plants;
- (h) sewage containing animal fats, wax, grease or vegetable oil in liquid or solid form in concentrations exceeding those specified by the council or village commission, by by-law;
- (i) sewage containing herbicides, pesticides, xenobiotics, polychlorinated biphenols or radioactive materials that are not approved for disposal in a sanitary sewer by the Atomic Energy Control Board of Canada;
- (j) sewage in concentrations of suspended solids that exceed the limit specified by the council or village commission by by-law;
- (k) sewage that exerts or causes biological oxygen demand and chemical oxygen demand greater than amounts specified by the council or village commission, by by-law, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment facilities;
- (l) sewage that contains toxic substances at the point of discharge to the municipal sewer in excess of the concentrations specified by the council or village commission, by by-law;
- (m) sewage containing substances for which special treatment or disposal practices are required by any applicable enactments of Canada or the Province,

and compliance with any limit is not attainable simply by dilution.

(2) The council or village commission may, by by-law

(a) prohibit the discharge of named substances into any building service connection, wastewater facilities or stormwater system;

(b) prescribe conditions under which the discharge of contaminants set out in this Section or in a by-law may be permitted, and shall in the by-law set out the contaminant the discharge of which is permitted, and the requirements of any agreements with respect to it;

(c) prescribe methods of testing and measurement to ensure compliance with this Part and any by-law.

(3) A treatment or flow quantity control equalizing facility installed pursuant to a by-law or an agreement made pursuant to this Section shall be maintained by the owner of the property on which it is installed at the expense of the owner. *1998, c. 18, s. 333; 2001, c. 35, s. 19.*

### **Requirement for interceptors**

334 (1) The engineer may require an owner of land that is connected to wastewater facilities or a stormwater system of the municipality or the village to provide grease, oil and sand interceptors.

(2) All interceptors shall be of a type and capacity approved by the engineer and shall be located so as to be readily and easily accessible for cleaning and inspection.

(3) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature and shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place are gastight and watertight.

(4) Where the interceptors required are not provided by the owner within the time referred to in the notice, the engineer may cause the interceptors to be provided. *1998, c. 18, s. 334; 2001, c. 35, s. 20.*

### **Control service access**

335 (1) The engineer may require the owner of an industrial, commercial or institutional property served by a building service connection to install a suitable control service access in the building service connection to facilitate observation, sampling and measurement of the wastes.

(2) The control service access shall be located and constructed in accordance with plans approved by the engineer.

(3) The control service access shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times.

(4) Where the control service access required is not provided by the owner within the time required by the engineer, the engineer may cause the control service access to be installed. *1998, c. 18, s. 335.*



### **By-law regarding private systems**

336 A municipality may, by by-law, require owners of private on-site sewage disposal systems to have the systems pumped, emptied, cleaned, checked and maintained in accordance with the standards set out in the by-law. *1998, c. 18, s. 336.*

### **Requirement to connect to municipal sewer**

337 (1) Where a municipal sewer becomes available to a property served by a private on-site sewage disposal system, the engineer may require the owner of the property to connect the property to the municipal sewer.

(2) Upon receipt of a notice from the engineer requiring a connection, the owner shall, within the time specified in the notice, cause the property to be connected to the municipal sewer by a building service connection.

(3) If required by the engineer, the owner shall cause any septic tank, cesspool, privy or private on-site sewage disposal system on the property to be abandoned and removed or filled with suitable material in a manner acceptable to the engineer.

(4) Where the owner of a property is notified by an official of the municipality or the village or an official of the Province, pursuant to a by-law or an enactment, to remove or close up a cesspit, septic tank, privy or private on-site sewage disposal system on the property, and the owner fails to comply with the notice, or where the owner of a property fails to comply with a notice requiring the construction of a building service connection in accordance with this Act, the engineer may cause to be done all work necessary for compliance with the notice.

(5) The engineer may require, as a part of the work necessary for compliance, the installation of a suitable water closet and its connection with a municipal sewer. *1998, c. 18, s. 337; 2001, c. 35, s. 21.*

### **Prohibition**

338 No person shall

(a) permit stormwater, surface water, ground water, roof runoff, subsurface drainage, cooling water or industrial process waters to be discharged into a sanitary sewer;

(b) connect a sump pump to a sanitary sewer;

(c) discharge sewage anywhere except into a municipal sewer, private on-site sewage system or central sewage collection and treatment system;

(d) permit any contents of a septic tank or cesspit to be discharged into a municipal sewer or watercourse. *1998, c. 18, s. 338.*

## **Private wastewater facilities requirements**

339 (1) A person who owns, maintains or operates private wastewater facilities or who owns or occupies land on or under which there is private wastewater facilities shall maintain and operate the system in such a manner that

- (a) a danger to the public health is not created by the system;
- (b) sewage or effluent from the system does not appear on the surface of the ground, or in any ditch, excavation or building basement;
- (c) sewage or effluent from the system does not appear in any well or in any body of water from which water is used for drinking purposes;
- (d) sewage or effluent from the system does not leak from any part of the system; and
- (e) offensive odours are not emitted from the system.

(2) Where a person who owns, maintains or operates private wastewater facilities or who owns or occupies land on or under which there is private wastewater facilities fails or neglects to maintain or operate the system in the manner prescribed, the engineer may cause to be served upon that person a notice requiring that the failure or neglect be corrected in the manner set out in the notice within seven days from the service of the notice.

(3) Where the failure or neglect is not corrected in accordance with the terms of the notice and within the time prescribed in the notice, the engineer may cause to be done all work necessary for compliance with the notice. *1998, c. 18, s. 339.*

## **Requirement to connect to municipal sewer**

340 (1) Where a municipal sewer becomes available to a property served by private wastewater facilities, the engineer may require the owner of the property to connect the property to the municipal sewer.

(2) Upon receipt of a notice from the engineer requiring a connection, the owner shall, within the time specified in the notice, cause the property to be connected to the municipal sewer by a building service connection.

(3) The owner shall cause any private wastewater facilities or any portion of it on the property to be abandoned and removed or filled with suitable material.

(4) Where the owner of a property fails to comply with a notice of the engineer pursuant to this Section, the engineer may cause to be done all work necessary for compliance with the notice. *1998, c. 18, s. 340.*

## **Abandonment of private wastewater facilities**

341 (1) When a municipal sewer becomes available to all the properties served by private wastewater facilities, the person who owns, maintains or operates the private wastewater facilities shall cause it to be abandoned and removed or filled with suitable material.

(2) Where the person who owns, operates or maintains the private wastewater facilities fails to comply with subsection (1), the engineer may cause to be done all work necessary for compliance. *1998, c. 18, s. 341.*

### **By-law for wastewater management districts**

342 (1) A council may, by by-law, establish wastewater management districts.

(2) A by-law establishing a wastewater management district shall include

(a) the boundaries of the wastewater management district;

(b) the system of wastewater management to be used in the district; and

(c) the extent to which the municipality is responsible for the repair, upgrading or replacement of private and municipal sewer systems.

(3) Where the council has established a wastewater management district, the municipality, its servants and agents may enter on any property within the wastewater management district to repair, upgrade or replace a public or private wastewater system and may, in accordance with the by-law, charge any or all of the costs to the owners of the property served by the system. *1998, c. 18, s. 342.*

### **By-law regarding stormwater**

343 (1) A council may make by-laws,

(a) setting standards and requirements respecting stormwater management;

(b) requiring stormwater to be directed to or retained in areas specified in the by-laws;

(c) setting standards and requirements respecting the design, construction and installation of stormwater systems and related services and utilities;

(d) providing further criteria for the approval of stormwater systems that do not meet the standards and requirements set by by-law, but that are an improvement over an existing stormwater system;

(e) regulating the use and maintenance of municipal and private stormwater systems;

(f) providing for the protection of municipal and private stormwater systems;

- (g) prescribing when connection of stormwater systems to a municipal stormwater system is required;
  - (h) providing for exemptions from the requirement to connect stormwater systems to a municipal stormwater system;
  - (i) prescribing the circumstances under which the engineer may undertake the work required to connect stormwater systems to a municipal stormwater system;
  - (j) regulating and setting standards for drainage;
  - (k) regulating and setting standards for grading, describing when the standards and requirements shall be met, and exempting those classes of lots described in the by-law;
  - (l) prohibiting the issuance of any municipal permits or approvals where a by-law pursuant to this Part is not complied with and prescribing conditions under which, in such cases, the issuance of permits or approvals may be allowed, and any conditions that may be attached to them;
  - (m) regulating and setting standards with respect to the alteration, diversion, blocking or infilling of stormwater systems.
- (2) The engineer may direct a person to comply with a by-law made pursuant to this Section and may direct restoration to the original condition if any work is done contrary to the by-law.
- (3) Where the engineer undertakes the work required to connect stormwater systems to a municipal stormwater system pursuant to a by-law, the cost may be recovered from the owner of land which the stormwater system benefits and is a first lien on that land. *1998, c. 18, s. 343.*

## PART XV

### DANGEROUS OR UNSIGHTLY PREMISES

#### **Requirement to maintain property**

344 Every property in a municipality shall be maintained so as not to be dangerous or unsightly. *1998, c. 18, s. 344.*

#### **Authority to delegate**

345 (1) The council may, by policy, delegate some or all of its authority pursuant to this Part, except the authority to order demolition, to the administrator.

(2) The council may, by policy, delegate its authority pursuant to this Part, or such of its authority as is not delegated to the administrator, to a community council or to a standing committee, for all or part of the municipality. *1998, c. 18, s. 345.*

### **Order to remedy condition**

346 (1) Where a property is dangerous or unsightly, the council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.

(2) An owner may appeal an order of the administrator to the council or to the committee to which the council has delegated its authority within seven days after the order is made.

(3) Where it is proposed to order demolition, before the order is made not less than seven days notice shall be given to the owner specifying the date, time and place of the meeting at which the order will be considered and that the owner will be given the opportunity to appear and be heard before any order is made.

(4) The notice may be served by being posted in a conspicuous place upon the property or may be served upon the owner. *1998, c. 18, s. 346; 2000, c. 9, s. 51.*

### **Order to remedy condition**

347 (1) A municipality may apply to a court of competent jurisdiction for a declaration that a property is dangerous or unsightly and an order specifying the work required to be done to remedy the condition by removal, demolition or repair.

(2) The court may order any property found to be dangerous or unsightly to be vacated until the condition is remedied.

(3) The court may, where any property is found to be dangerous or unsightly, order that no rent becomes due, or is payable by, any occupants until the condition is remedied. *1998, c. 18, s. 347.*

### **Effect of order**

348 (1) In this Section, "order" means an order made by the administrator, committee, council or court pursuant to this Part.

(2) An order may be served by being posted in a conspicuous place upon the property or may be served upon the owner.

(3) Where the owner fails to comply with the requirements of an order within the time specified in the order, the administrator may enter upon the property without warrant or other legal process and carry out the work specified in the order.

(3A) repealed 2003, c. 9, s. 77.

(4) After the order is served, any person who permits or causes a dangerous or unsightly condition, continues to permit or cause a dangerous or unsightly condition or who fails to comply with the terms of the order is liable, on summary conviction, to a penalty of not less than one

hundred dollars and not more than five thousand dollars, and in default of payment to imprisonment for not more than three months.

(5) Every day during which the condition is not remedied is a separate offence.

(6) Where an order requires the demolition or removal of a building, the administrator may cause the occupants to be removed, using force if required, in order to effect the demolition or removal. *1998, c. 18, s. 348; 2001, c. 35, s. 22; 2003, c. 9, s. 77; 2006, c. 40, s. 15.*

### **Order to vacate unsafe property**

349 (1) A property within a municipality that is unsafe shall be vacated forthwith upon order of the administrator.

(2) The administrator shall post notice that the property is unsafe in a conspicuous place on the property.

(3) The notice shall remain posted until the unsafe condition is remedied. *1998, c. 18, s. 349.*

### **Immediate action**

350 Where public safety requires immediate action, the administrator may immediately take the necessary action to prevent danger or may remove the dangerous structure or condition. *1998, c. 18, s. 350.*

### **Notice**

351 Where land is sold for non-payment of taxes and the period for its redemption has not expired, proceedings may be taken in respect of the repair, removal or destruction of any structure on the land by reason of its condition, and where the purchaser of the land is

(a) the municipality, any notice required to be given with respect to an order for removal or destruction shall be given to the person who was entitled to receive it immediately before the day on which the land was sold; and

(b) any person other than the municipality, the notice shall be given to both the person entitled to receive it immediately before the day on which the land was sold and the purchaser at the tax sale. *1998, c. 18, s. 351.*

### **Power to enter land**

352 (1) The administrator may, for the purpose of ensuring compliance with this Part, enter in or upon any land or premises at any reasonable time without a warrant.

(2) Except in an emergency, the administrator shall not enter any room or place actually being used as a dwelling without the consent of the occupier unless the entry is made in daylight hours

and written notice of the time of the entry has been given to the occupier at least twenty-four hours in advance.

(3) If a person refuses to allow the administrator to exercise, or attempts to interfere or interferes with the administrator in the exercise of a power pursuant to this Act, the administrator may apply to a judge of the Supreme Court of Nova Scotia for an order to allow the administrator entry to the building and an order restraining a person from further interference. *1998, c. 18, s. 352.*

### **No action**

353 No action shall be maintained against a municipality or against the administrator or any other employee of a municipality for anything done pursuant to this Part. *1998, c. 18, s. 353.*

## PART XVI

### BOUNDARIES

#### **Boundaries remain unless altered by Board**

354 (1) The boundaries of the Cape Breton Regional Municipality are the boundaries of the County of Cape Breton, unless altered by the Board pursuant to this Act.

(2) repealed 2008, c. 39, s. 389.

(3) The boundaries of the Region of Queens Municipality are the boundaries of the County of Queens, unless altered by the Board pursuant to this Act.

(4) The boundaries of a regional municipality incorporated pursuant to this Act are the boundaries set out in the order establishing the regional municipality, unless altered by the Board pursuant to this Act.

(5) The boundaries of a county or district municipality continue to be as they were on July 1, 1996, unless altered by the Board pursuant to this Act or a regional municipality is incorporated that includes the county or district municipality.

(6) The boundaries of a town continue as they were on July 1, 1996, or in a subsequent order incorporating the town, unless altered by the Board pursuant to this Act or a regional municipality is incorporated that includes the town.

(7) The boundaries, names and numbers of the polling districts in a municipality continue to be as they were on July 1, 1996, unless altered by the Board pursuant to this Act. *1998, c. 18, s. 354; 2008, c. 39, s. 389.*

#### **Structures within municipal boundaries**

355 All docks, quays, wharves, slips, breakwaters and other structures connected with the shore of any part of a municipality are within the boundaries of the municipality. *1998, c. 18, s. 355.*

### **Determination of uncertain boundary line**

356 (1) Upon application by a municipality, a village or the Minister, the Board may determine an uncertain boundary line, including a county boundary.

(2) An application shall

(a) set out the nature and cause of the uncertainty;

(b) include the proposed determination;

(c) list the steps taken to obtain agreement from adjacent municipalities, and whether all affected municipalities have agreed to the proposed determination;

(d) include the particulars of the evidence known respecting the existence and location of the boundary.

(3) The Board shall ensure that a copy of the application is provided to the Minister and to any municipality adjacent to the uncertain boundary line.

(4) An order of the Board determining an uncertain boundary line

(a) may establish the boundary line by metes and bounds description, by map, or both;

(b) is a regulation pursuant to the Regulations Act; and

(c) is binding on all municipalities notified of the application. *1998, c. 18, s. 356.*

### **Change in or settlement of mutual boundary**

357 Where two or more municipalities or a municipality and a village agree to a change in, or settlement of, a mutual boundary, the Board may confirm the change or settlement without a hearing if

(a) the agreed change or settlement is advertised in a newspaper circulating in the affected municipalities, as directed by the Board;

(b) the advertisement invites objectors to advise the Board of their objections;

(c) proof of the advertising has been provided to the Board; and

(d) no objections are received by the Board within thirty days after the first advertisement. *1998, c. 18, s. 357.*



### **Amalgamation or annexation**

358 Municipalities may be amalgamated or the whole or part of a municipality may be annexed to another upon application to the Board by

- (a) the Minister;
- (b) a municipality; or
- (c) the greater of ten percent or one hundred of the electors in the area proposed to be amalgamated or annexed. *1998, c. 18, s. 358.*

### **Application for preliminary order**

359 (1) An applicant for amalgamation or annexation shall apply for a preliminary order.

(2) The application for a preliminary order shall include

- (a) the boundaries of the area proposed to be amalgamated or annexed sufficient to identify the area;
- (b) an estimate of the population of the area proposed to be amalgamated or annexed;
- (c) the total assessed value of taxable property and occupancy assessments in the area proposed to be amalgamated or annexed;
- (d) where the area is or contains a village, the audited financial statements of the village for the fiscal year immediately preceding the year in which the application is made;
- (e) a brief statement of the reasons for the application; and
- (f) such other matters as the applicant considers relevant to the application.

(3) The applicant shall serve a copy of the application for a preliminary order on the clerk of any municipality that would be affected by the annexation or amalgamation if granted, on the Minister, and on such others as the Board directs. *1998, c. 18, s. 359.*

### **Hearing notifications**

360 (1) Upon the Board setting the date for a hearing of the application for a preliminary order, the Board shall, at the expense of the applicant, advertise the hearing in a newspaper circulating in the area to be amalgamated or annexed, including the date by which any person wishing to be heard must notify the Board.

(2) Any interested person may appear and be heard at the hearing for a preliminary order by notifying the Board at least one week before the date fixed for the hearing. *1998, c. 18, s. 360.*

## **Persons heard**

361 At the hearing of the application for a preliminary order the Board shall hear

- (a) the applicant;
- (b) a representative of any municipality that would be affected by the amalgamation or annexation if granted;
- (c) the Minister; and
- (d) any person who has previously notified the Board. *1998, c. 18, s. 361.*

## **Preliminary order**

362 (1) After the application is heard, the Board may make a preliminary order, indicating

- (a) suggested boundaries of the area proposed to be amalgamated or annexed;
- (b) studies to be undertaken into the financial implications of amalgamation or annexation for the area, for the Province and for any municipality that would be affected;
- (c) such other studies as may appear to the Board to be relevant to a decision on the necessity or expediency of the amalgamation or annexation; and
- (d) any other evidence that the Board may direct be provided during the hearing of the application.

(2) Where the Board determines that there are no reasonable grounds for the application or there is no reasonable possibility that the application would be granted, the Board may dismiss the application.

(3) The cost of any studies required by the Board shall be borne by the parties as directed by the Board.

(4) Where any required studies are not completed within the time provided in the preliminary order, the Board may

- (a) extend the time for completing the studies;
- (b) proceed with the application without the studies;
- (c) have the studies carried out or completed at the expense of the party responsible for them; or
- (d) dismiss the application.

(5) repealed 2001, c. 35, s. 23.

*1998, c. 18, s. 362; 2001, c. 35, s. 23.*

### **Order for amalgamation or annexation**

363 (1) After the application has been heard, the Board may, if satisfied that the order is in the best interests of the inhabitants of the area, taking into account the financial and social implications of the order applied for, order an amalgamation or annexation upon such terms as it considers advisable.

(2) The order of the Board for an amalgamation or an annexation shall

(a) fix the effective date of the amalgamation or annexation;

(b) make provision for any necessary revision of polling districts;

(c) make provision for any election that the Board considers necessary including setting the dates for nomination day and ordinary polling day for the election and providing for returning officers and the conduct of the election;

(d) direct the Director of Assessment to make any necessary adjustment in the assessment roll applicable to the area;

(e) provide for any other matter that is necessary or desirable to effect the amalgamation or annexation; and

(f) from time to time make such determinations, issue such orders and directions and do, or cause to be done, all such other matters and things as, in the opinion of the Board, are necessary or incidental to the annexation or amalgamation.

(3) An order of the Board may

(a) adjust assets and liabilities among those affected by the order as the Board considers fair;

(b) annex, amalgamate, continue or dissolve boards, commissions, villages and service commissions and allocate their assets as the Board considers fair; and

(c) require compensating grants for a period of not more than five years from a benefiting municipality to a municipality that loses assessment as a result of an order.

(4) The Board may make an interim order and reserve further directions.

(5) The Board may make an order granting the whole or part of an application, and may grant such further or other relief as the Board considers proper.

(6) Where the Board considers that, as a result of an annexation it is desirable to annex the whole or part of the municipality remaining after the order to some other municipality, the Board after such notice and hearing as it considers desirable may order the annexation.

(7) A copy of an order for an amalgamation or an annexation shall be published in the Royal Gazette as a regulation, and shall be filed and advertised as directed by the Board. *1998, c. 18, s. 363.*

### **Councillor continues to hold office**

364 Unless the Board otherwise orders, where an area is annexed to another municipality, any councillor holding office at the time of the annexation continues to hold office until the next regular municipal election, notwithstanding that the councillor's polling district has ceased to be part of the municipality. *1998, c. 18, s. 364.*

### **Village or service commission dissolved**

365 Unless the Board otherwise orders, when an area is annexed to a town, any village or service commission having authority in the area annexed to the town is dissolved and its assets and liabilities are vested in the town. *1998, c. 18, s. 365.*

### **Policies and by-laws continue in force**

366 (1) When municipalities are amalgamated, the policies and by-laws in effect in each continue in force in the area of each former municipality until repealed by the council.

(2) When an area is annexed to another municipality, the policies and by-laws in the annexing municipality apply to the area except for the municipal planning strategy and land-use and subdivision by-laws, which remain in force in the annexed area until repealed by the council of the annexing municipality. *1998, c. 18, s. 366.*

### **Effect of annexation or amalgamation**

367 (1) Unless the Board otherwise orders

(a) the real property of a municipality situate in an area annexed to another municipality is vested in the annexing municipality;

(b) taxes imposed with respect to the ownership or occupation of property in an area annexed to another municipality and unpaid at the date of an annexation belong to the annexing municipality and may be collected as if they had been imposed by the annexing municipality;

(c) where the whole of a municipality is annexed to a municipality or municipalities are amalgamated, all of the assets and liabilities of the annexed or former municipalities are vested in the annexing or amalgamated municipality, and the annexing or amalgamated municipality stands in the place and stead of the annexed or former municipalities.

(2) The annexing or amalgamated municipality has the same rights with respect to the collection of taxes imposed by the annexed or former municipalities as if the taxes had been imposed by the annexing or amalgamated municipality. *1998, c. 18, s. 367.*

### **Powers of Board**

368 (1) Upon application, the Board may, by order

- (a) divide or redivide a municipality into polling districts;
- (b) amend the boundaries of any polling district;
- (c) dissolve polling districts;
- (d) determine that a town be divided into polling districts or cease to be divided into polling districts;
- (e) determine the number of councillors for a municipality; and
- (f) determine the date upon which the order takes effect.

(2) An application may be made by

- (a) the Minister;
- (b) a municipality; or
- (c) at least fifty electors of a municipality.

(3) The Board may make an order granting the whole or part of an application, and may grant such further or other relief as the Board considers proper.

(4) In determining the number and boundaries of polling districts the Board shall consider number of electors, relative parity of voting power, population density, community of interest and geographic size.

(5) In determining the number of councillors for a town, the Board shall consider the population and geographic size of the town. *1998, c. 18, s. 368.*

### **Study of polling districts required**

369 (1) In the year 1999, and in the years 2006 and every eighth year thereafter the council shall conduct a study of the number and boundaries of polling districts in the municipality, their fairness and reasonableness and the number of councillors.

(2) After the study is completed, and before the end of the year in which the study was conducted, the council shall apply to the Board to confirm or to alter the number and boundaries of polling districts and the number of councillors. *1998, c. 18, s. 369.*

### **Councillor continues to hold office**

370 Unless the Board otherwise orders, where boundaries of polling districts are revised, any councillor holding office at the time of the revision continues to hold office until the next regular municipal election. *1998, c. 18, s. 370.*

## PART XVII

### MUNICIPAL INCORPORATION

#### **Interpretation**

371 In this Part,

- (a) "plebiscite" means a vote of the electors of the municipalities that are affected;
- (b) "study" means a review conducted by or under the control of the Board, with input from the residents of the municipalities that are affected. *1998, c. 18, s. 371; 2000, c. 9, s. 52.*

#### **Establishment of regional municipality**

372 (1) The Board may, if requested by all of the councils of the municipalities in a county, undertake a study of the form of municipal government in the county to determine whether a regional municipality would be in the interests of the people of the county.

(2) Where

(a) a study of the form of municipal government in a county to determine whether a regional municipality would be in the interests of the people of the county has been undertaken, whether the study was undertaken by the Minister or otherwise prepared; and

(b) a plebiscite has taken place and its results show that a majority of the electors who voted in the plebiscite are in favour of the establishment of a regional municipality for the county,

the Governor in Council may, on the recommendation of the Minister, order that a regional municipality be established for the county.

(3) Sections 373 to 382 of this Part apply to a county for which a regional municipality is established from and after the date of the order establishing the regional municipality.

(4) An order establishing a regional municipality shall set out

- (a) the name of the regional municipality;
  - (b) the county for which the regional municipality is established;
  - (c) the incorporation date, which shall be April 1 in the year determined by the Governor in Council;
  - (d) the dates for nomination day and ordinary polling day for the first election of the mayor and councillors of the regional municipality;
  - (e) the date the council takes office, which shall be at least twenty weeks before the incorporation date;
  - (f) the term of office of the members of the council elected at the first election;
  - (g) any matter unique to the regional municipality that must be provided for to ensure the effective implementation of the regional municipality and to protect the interests of the public; and
  - (h) any other matter that is necessary or desirable to effect the incorporation of the regional municipality.
- (5) Where a regular municipal election would take place after the date of an order establishing a regional municipality, that election shall not be held and the term of office of the members of the councils of the municipalities is extended to the incorporation date of the regional municipality.
- (6) The exercise by the Governor in Council of the authority contained in this Section is regulations within the meaning of the Regulations Act. *1998, c. 18, s. 372; 2000, c. 9, s. 53.*

### **Coordinator of regional municipality**

373 (1) Subject to subsection (2), the Governor in Council shall appoint a person to be the coordinator of the regional municipality.

(2) The Governor in Council shall appoint as the coordinator a person approved by a majority of the councils of the municipalities in the county.

(3) Between the date the new council takes office and the incorporation date, the council shall exercise the powers of the coordinator and the coordinator has no further authority. *1998, c. 18, s. 373.*

### **Duties and powers of coordinator**

374 (1) The coordinator is responsible for designing and implementing the administrative structure of the regional municipality.

(2) The coordinator shall appoint the chief administrative officer and, on the recommendation of the chief administrative officer, the heads of departments.

(3) The new council shall ratify the appointment of the chief administrative officer as soon as practicable after the incorporation.

(4) The chief administrative officer, in consultation with the coordinator, shall employ all other employees of the regional municipality, effective on the incorporation date or such earlier date as the chief administrative officer deems expedient.

(5) Preference in employment shall be given to an employee of municipal government where that employee meets the basic requirements for a position and is the most qualified candidate from within municipal government.

(6) Subsection (5) does not apply to the appointment of the chief administrative officer.

(7) On or before the incorporation date, the coordinator shall establish a pension plan in accordance with the Pension Benefits Act to replace any pension plan established by a municipal government.

(8) The coordinator has all of the powers of the council and of the board of police commissioners.

(9) The coordinator may contract and be contracted with, sue and be sued, acquire real and personal property, engage officers and employees, prescribe a seal and do such things and make such expenditures as are required for the orderly establishment of the regional municipality.

(10) The coordinator may, with the approval of the Minister, borrow such sums as may be required for the purposes of this Part, and the sums borrowed shall be repaid by the regional municipality in not more than ten annual installments, as determined by the council.

(11) All acts of the coordinator have, upon the incorporation of the regional municipality, full force and effect, and shall be and be deemed to have been exercised by the regional municipality.

(12) The officers and employees of the municipal governments shall render assistance to the coordinator upon request, and furnish all information and perform all acts requested by the coordinator.

(13) The coordinator has all of the powers of a commissioner appointed pursuant to the Public Inquiries Act, 1998, c. 18, s. 374.

### **First election**

375 (1) The coordinator shall apply to the Board for a determination, and the Board shall determine, the number of councillors and the boundaries of the polling districts in the regional municipality.



(2) Proceedings for the first election of the mayor and councillors of the regional municipality shall be as nearly as may be as specified in the Municipal Elections Act, but the coordinator may abridge any time period contained therein.

(3) The coordinator shall, with the assistance of employees of the municipal governments, provide for the first election of the mayor and councillors of the regional municipality.

(4) Notwithstanding the Municipal Elections Act, a member of the council of a municipality is eligible to be elected to the council.

(5) Qualifications for nomination as a council member shall be determined as if the municipal governments had been merged in the regional municipality six months prior to nomination day.

(6) Each council member is entitled to remuneration from the regional municipality from the date that member takes office, except that no member of the council of a municipality who is elected to the council may receive remuneration from the municipality from that date.

(7) Notwithstanding any other enactment, there shall not be an election for school board members concurrently with the first election of the council members, unless otherwise prescribed by the Governor in Council.

(8) A member of a school board is not eligible to be nominated or to serve as a council member, if that member would be a member of the school board and a council member at the same time.  
*1998, c. 18, s. 375.*

### **Transitional provisions**

376 (1) Between the date of the order providing for the incorporation of a regional municipality and the incorporation date, a municipal government shall not

(a) replace an employee who retires, resigns, is laid off or is dismissed, convert an employee from part-time to full-time status or promote an employee or hire a new employee, except in the case of term appointments that will expire before the incorporation date;

(b) enter into any lease, contract or other commitment that has effect after, or a term extending beyond, the incorporation date; or

(c) dispose of a capital asset,

unless the coordinator has so approved.

(2) Between the date of the order providing for the incorporation of a regional municipality and the incorporation date, a municipal government shall not expend any funds from an operating or capital reserve fund, and after the incorporation date the council shall apply any reserve funds of a municipal government for the benefit of the residents of the area of the former municipal government.

(3) Between the date of the order providing for the incorporation of a regional municipality and the incorporation date, a municipal government shall not provide early retirement, pre-retirement, termination or severance benefits for any employee. *1998, c. 18, s. 376.*

### **Programs and benefits for employees**

377 (1) The regional municipality may provide early retirement, pre-retirement, termination or severance benefits for any employee of a municipal government who is not employed by the regional municipality.

(2) An early retirement program may be limited to the incumbents of positions that the chief administrative officer considers to be unnecessary for the regional municipality.

(3) The cost of severance benefits provided by the regional municipality shall be borne by the regional municipality and not be charged to the area of the municipal government that formerly employed the employee, and the sums required may be borrowed by the regional municipality and shall be repaid by the regional municipality in not more than ten annual installments, as determined by the council. *1998, c. 18, s. 377.*

### **Ministerial order**

378 The Minister may, by order, provide for anything necessary or incidental to the incorporation and effective government of a regional municipality, and may include any orders, directions and conditions that are necessary, or desirable, in connection therewith. *1998, c. 18, s. 378.*

### **Effect of incorporation of regional municipality**

379 (1) Upon the incorporation of a regional municipality, the municipal governments in the area to be incorporated as a regional municipality are dissolved, and the assets and liabilities of them are vested in the regional municipality including, with the exception of benefits and entitlements created by Section 71 of the Labour Standards Code, all employee benefits and entitlements.

(2) Upon the incorporation of a regional municipality, every authority, board, commission, corporation or other entity of a municipal government in the area to be incorporated as a regional municipality and every joint authority, board, commission, committee or other joint entity involving a municipal government in the area to be incorporated as a regional municipality is dissolved and their assets and liabilities are vested in the regional municipality including, with the exception of benefits and entitlements created by Section 71 of the Labour Standards Code, all employee benefits and entitlements.

(3) The vesting of an asset of a municipal government in the regional municipality does not void any policy of insurance with respect to the asset, including public liability policies, and the regional municipality is deemed to be the insured party for purposes of any such policy.

(4) Nothing in this Act dissolves any authority, board, commission, committee or other entity that includes representatives of municipalities situate outside the regional municipality.

(5) The regional municipality shall continue to pay any pension or annuity being paid by a municipal government on the day preceding the incorporation date according to its terms.

(6) The regional municipality is a successor employer for purposes of the Pension Benefits Act.

(7) The regional municipality may transfer, free of cost, property of a village that is dissolved pursuant to subsection (1) to a body incorporated to provide community services in the area served by the dissolved village. *1998, c. 18, s. 379.*

### **Application of Trade Union Act**

380 (1) In this Section, "employee" means an employee as defined in Section 2 of the Trade Union Act, excluding those described in subsection 2(2) of that Act.

(2) The regional municipality is a transferee for the purpose of Section 31 of the Trade Union Act and, for greater certainty

(a) the regional municipality is bound by successor rights as determined pursuant to the Trade Union Act; and

(b) subject to the Trade Union Act, the regional municipality and the employees, who are covered by collective agreements, of a municipal government are bound by the collective agreements as if the regional municipality were a party to them.

(3) Where the Labour Relations Board, in applying subsections (1) and (2), determines that those employees who are employed by the regional municipality and who were not previously included in a bargaining unit of a municipal government be included in a bargaining unit of the regional municipality, those employees shall be deemed to have seniority credits with the regional municipality equal to the employment service they had with that municipal government.

(4) Where an employee of a municipal government is employed by the regional municipality, the period of employment and seniority of that employee with the municipal government at the time of the incorporation of the regional municipality is deemed to have been employment and seniority with the regional municipality and the continuity of employment and seniority is not broken.

(5) Where an employee of a municipal government is employed by the regional municipality in a position which becomes a bargaining unit position, the employee's right to employment in the position is not affected by whether that employee was previously employed pursuant to a collective agreement and the employee is deemed to have seniority credits with the regional municipality equal to the employee's service with that municipal government.

(6) No provision of a collective agreement with a municipal government that purports to favour the employees of one municipal government in obtaining employment with the regional municipality over those of another municipal government has any force or effect. *1998, c. 18, s. 380.*

### **Labour Relations Board**

381 (1) Where, in the opinion of the Minister of Labour, the workload of the Labour Relations Board requires additional members, the Governor in Council may, in addition to the Vice-chair appointed pursuant to subsection 16(4) of the Trade Union Act, appoint additional members and Vice-chairs to the Labour Relations Board for such period of time as is set out in the appointment.

(2) An appointment pursuant to subsection (1) does not increase the quorum of the Labour Relations Board. *1998, c. 18, s. 381.*

### **Deemed references and continuations**

382 (1) A reference in an enactment, deed, will or other document to a municipal government is and is deemed to be a reference to the regional municipality.

(2) A reference in an enactment, deed, will or other document to the mayor, warden or chairman of a municipal government is and is deemed to be a reference to the mayor of the regional municipality.

(3) The by-laws, orders, policies and resolutions in force in a municipal government immediately prior to the incorporation of a regional municipality continue in force in the area over which that municipal government had jurisdiction to the extent that they are authorized by this or another Act, until amended or repealed by the council of the regional municipality. *1998, c. 18, s. 382.*

### **Application for incorporation as town**

383 (1) A town may be incorporated upon application to the Board.

(2) An application for incorporation may be made by one third of the electors of the area proposed to be incorporated as a town. *1998, c. 18, s. 383; 2002, c. 36, s. 1.*

### **Application for preliminary order**

384 (1) An applicant for incorporation shall apply for a preliminary order.

(2) The application for a preliminary order shall include

(a) the boundaries of the town proposed to be incorporated sufficient to identify the area;

(b) an estimate of the population of the town proposed to be incorporated;

(c) the total assessed value of taxable property and occupancy assessments in the town proposed to be incorporated;

(d) where the area is or contains a village, the audited financial statements of the village for the fiscal year immediately preceding the year in which the application is made;

(e) a brief statement of the reasons for the application; and

(f) such other matters as the applicant considers relevant to the application.

(3) The applicant shall serve a copy of the application for a preliminary order on the clerk of the county or district municipality from which the town would be incorporated, on the Minister, and on such others as the Board directs. *1998, c. 18, s. 384.*

### **Hearing notifications**

385 (1) Upon the Board setting the date for a hearing of the application for a preliminary order, the Board shall, at the expense of the applicant, advertise the hearing in a newspaper circulating in the area in which the town would be incorporated, including the date by which any person wishing to be heard must notify the Board.

(2) Any interested person may appear and be heard at the hearing for a preliminary order by notifying the Board at least one week before the date fixed for the hearing. *1998, c. 18, s. 385.*

### **Persons heard**

386 At the hearing of the application for a preliminary order the Board shall hear

(a) the applicant;

(b) a representative of the county or district municipality from which the town would be incorporated;

(c) the Minister; and

(d) any person who has previously notified the Board. *1998, c. 18, s. 386.*

### **Preliminary order**

387 (1) After the application has been heard, the Board may make a preliminary order, indicating

(a) suggested boundaries of the area proposed to be incorporated;

(b) studies to be undertaken into the financial implications of incorporation for the area proposed to be incorporated, the Province and the municipality from which the town would be incorporated;

(c) such other studies as may appear to the Board to be relevant to a decision on the necessity or expediency of the incorporation; and

(d) any other evidence that the Board may direct be provided during the hearing of the application.

(2) Where the Board determines that there are no reasonable grounds for the application or there is no reasonable possibility that the application would be granted, the Board may dismiss the application.

(3) The cost of any studies required by the Board shall be borne by the parties as directed by the Board.

(4) Where any required studies are not completed within the time provided in the preliminary order, the Board may

(a) extend the time for completing the studies;

(b) proceed with the application without the studies;

(c) have the studies carried out or completed at the expense of the party responsible for them; or

(d) dismiss the application.

(5) repealed 2003, c. 9, s. 78.

*1998, c. 18, s. 387; 2003, c. 9, s. 78.*

### **Order for incorporation as a town**

388 (1) After the application has been heard, the Board shall, if satisfied that an order incorporating the area as a town is in the best interests of the inhabitants of the area taking into account the financial and social implications of the order applied for, make an interim order defining the boundaries of the area and for the taking of a vote pursuant to Section 388A to determine whether the inhabitants of the area are in favour of the incorporation.

(1A) Where the result of the vote taken pursuant to Section 388A is that a majority of the electors who voted were in favour of the proposed incorporation, the Board shall issue an order incorporating the area as a town upon such terms as it considers advisable.

(1B) Where the result of the vote taken pursuant to Section 388A is that a majority of the electors who voted did not vote in favour of the proposed incorporation, the Board shall dismiss the application to incorporate the area as a town.

(2) The order of the Board incorporating a town shall

- (a) name the town;
- (b) define the boundaries of the town;
- (c) fix the effective date of the incorporation;
- (d) determine the number of councillors;
- (e) determine whether the town will be divided into wards and, if so, establish ward boundaries;
- (f) set the dates for nomination day and ordinary polling day for the first election of the mayor and councillors;
- (g) provide for returning officers and the conduct of the first election;
- (h) set the date the council takes office;
- (i) direct the Director of Assessment to make any necessary adjustment in the assessment roll applicable to the area;
- (j) provide for any other matter that is necessary or desirable to effect the incorporation of the town; and
- (k) from time to time make such determinations, issue such orders and directions, and do or cause to be done all such other matters and things as, in the opinion of the Board, are necessary or incidental to incorporation of the town.

(3) An order of the Board may

- (a) adjust assets and liabilities among those affected by the order as the Board considers fair;
- (b) annex, amalgamate, continue or dissolve boards, commissions, villages and service commissions and allocate their assets as the Board considers fair.

(4) The Board may make an interim order and reserve further directions. *1998, c. 18, s. 388; 2002, c. 36, s. 2.*

### **Vote of electors**

388A (1) Where the Board orders the taking of a vote pursuant to Section 388, the Chief Electoral Officer shall take a vote of the electors in the area defined by the Board in the manner prescribed in this Act and the regulations at which the question is

Do you favour the incorporation of [define area] in the Municipality of [name] as a town?

and the choices are yes or no, only.

(2) Where a vote of the electors is to be taken pursuant to this Section, the following provisions apply:

(a) the voting upon the question shall be by ballot on a day fixed by the Chief Electoral Officer;

(b) the dates for revision of the preliminary list of electors, ordinary polling day and advance polling days shall be set by the Chief Electoral Officer in accordance with the requirements of the Municipal Elections Act for special elections;

(c) public notification of the time and place of the revision and voting shall be given by advertisement in a newspaper circulating in the plebiscite area, and by such other means as the Chief Electoral Officer deems advisable;

(d) the Chief Electoral Officer shall appoint a returning officer to administer the plebiscite in the plebiscite area, and the returning officer shall arrange for a suitable place or places in the area for the vote to be taken and shall appoint deputy returning officers, poll clerks, revising officers, enumerators and other election officers required to conduct the vote, and any officer so appointed has the same powers and privileges as the corresponding officers in the case of an election pursuant to the Municipal Elections Act;

(e) the list of electors to be used at the vote shall be determined by the Chief Electoral Officer and the use or distribution of the list as directed by the Chief Electoral Officer is an election purpose pursuant to the Municipal Elections Act;

(f) the list of electors referred to in clause (e) shall form the preliminary list of electors, which shall be revised in accordance with the Municipal Elections Act, except that in lieu of posting the list, the Chief Electoral Officer shall cause a notification to be sent to each elector whose name and address is on the preliminary list of electors indicating when and where applications will be received for amendment to the preliminary list of electors and containing such other information as the Chief Electoral Officer decides;

(g) the Chief Electoral Officer shall advertise in a newspaper circulating in the plebiscite area that notifications have been sent and provide information about how, when and where the preliminary list of electors will be revised;

(h) notwithstanding clause (f), the Chief Electoral Officer may require that persons applying to be added to the list of electors provide satisfactory evidence of identity and residence before being added to the list of electors by the revising officer;

(i) a group of electors in favour of and a group of electors opposed to the question may register with the returning officer;

(j) the registration of a group of electors by the returning officer shall be in the prescribed form and shall identify a name for the group and the name, address and telephone number of a designated representative of the group;



(k) the designated representative of a registered group of electors is authorized to nominate one or more agents to represent the group at a polling station and to receive the list of electors on behalf of the group;

(l) the returning officer shall appoint each agent of a registered group of electors and the appointment shall specify at which polling station the agent may act;

(m) an agent of a registered group of electors may be appointed to more than one polling station, but only one agent representing each registered group may be present in the polling station at a time; and

(n) upon appointment, an agent representing a registered group is in the same position as an agent representing a candidate pursuant to the Municipal Elections Act.

(3) Following the counting of the votes, the returning officer shall make a return to the Chief Electoral Officer in the prescribed form.

(4) The Chief Electoral Officer may make a tariff of fees, costs, allowances and expenses to be paid and allowed to persons appointed to conduct and receive the vote, of other persons employed at or with respect to the taking of the vote and may from time to time revise and amend the tariff.

(5) The fees, costs, allowances and expenses referred to in subsection (4) shall be paid by Her Majesty in right of the Province.

(6) The Minister shall give such directions and make such regulations and prepare such forms as may appear to be necessary for the purpose of this Section and for the guidance of the Chief Electoral Officer and other officers or persons employed in the taking of the vote and may apply, modify or alter any of the provisions of the Municipal Elections Act and may make due provision for circumstances that may arise and that are not otherwise provided for.

(7) The forms to be used at the taking of the vote and the procedure with respect to voting and other matters shall be the same as nearly as may be as in the case of an election pursuant to the Municipal Elections Act but such forms and procedure may be modified and altered to such extent as is deemed necessary by the Chief Electoral Officer.

(8) A person whose name is not on the final list of electors is permitted to vote following the procedure in the Municipal Elections Act as modified or altered by the Chief Electoral Officer in the circumstances.

(9) Except as otherwise provided by this Act or the regulations, the Municipal Elections Act applies *mutatis mutandis* to the taking of the vote as if it were a special election pursuant to that Act. 2002, c. 36, s. 3.

### **Effect of order and publication**

389 (1) An order of the Board incorporating a town is conclusive evidence that the town has been duly incorporated.

(2) A copy of an order incorporating a town shall be published in the Royal Gazette as a regulation, and shall be filed and advertised as directed by the Board. *1998, c. 18, s. 389.*

### **Limitations on town incorporation**

390 A town may not be incorporated in a regional municipality or in a town. *1998, c. 18, s. 390.*

### **Effects upon incorporation**

391 (1) When a town is incorporated, the area within its boundaries ceases to be part of the county or district municipality from which it was incorporated.

(2) Unless the Board otherwise orders, when a town is incorporated, a village or service commission having authority in the area incorporated as a town is dissolved and its assets and liabilities are vested in the town. *1998, c. 18, s. 391.*

### **By-laws continue**

392 The by-laws of the county or district municipality from which a town is incorporated continue in force in the town for two years after the date of incorporation unless earlier repealed by the council of the town or extended by order of the Minister on request by the town council for a further period of two years. *1998, c. 18, s. 392.*

### **Property and taxation**

393 (1) Unless the Board otherwise orders, the real property of the county or district municipality situate in an area incorporated as a town is vested in the town.

(2) Unless the Board otherwise orders, taxes imposed with respect to the ownership or occupation of property in the area incorporated as a town and unpaid at the date of incorporation belong to the town and may be collected as if they had been imposed by the town. *1998, c. 18, s. 393.*

### **Application to dissolve town**

394 A town may be dissolved upon application to the Board by

(a) the Minister;

(b) the council of the town; or

(c) ten per cent of the electors of the town. *1998, c. 18, s. 394.*

### **Application for preliminary order**

395 (1) An applicant for dissolution shall apply for a preliminary order.

(2) The application for a preliminary order shall include

(a) the boundaries of the town proposed to be dissolved;

(b) an estimate of the population of the town;

(c) the total assessed value of taxable property and occupancy assessments in the town;

(d) the audited financial statements of the town for the fiscal year immediately preceding the year in which the application is made;

(e) a brief statement of the reasons for the application; and

(f) such other matters as the applicant considers relevant to the application.

(3) The applicant shall serve a copy of the application for a preliminary order on the clerk of the town, the clerk of the district municipality to which the town would revert if dissolved and on such others as the Board directs. *1998, c. 18, s. 395.*

### **Hearing notifications**

396 (1) Upon the Board setting the date for a hearing of the application for a preliminary order, the Board shall, at the expense of the applicant, advertise the hearing in a newspaper circulating in the town proposed to be dissolved, including the date by which any person wishing to be heard must notify the Board.

(2) Any interested person may appear and be heard at the hearing for a preliminary order by notifying the Board at least one week before the date fixed for the hearing. *1998, c. 18, s. 396.*

### **Persons heard**

397 At the hearing of the application for a preliminary order, the Board shall hear

(a) the applicant;

(b) a representative of the council of the town proposed to be dissolved;

(ba) a representative of any municipality to which the area of the town, if dissolved, might be annexed or form part of;

(c) the Minister; and

(d) any person who has previously notified the Board. *1998, c. 18, s. 397; 2003, c. 9, s. 79.*

### **Preliminary order**

398 (1) After the application has been heard, the Board may make a preliminary order, indicating

(a) studies to be undertaken into the financial implications of dissolution for the town, the Province and the municipality to which the town would revert if dissolved;

(b) such other studies as may appear to the Board to be relevant to a decision on the necessity or expediency of the dissolution; and

(c) any other evidence that the Board may direct be provided during the hearing of the application.

(2) Where the Board determines that there are no reasonable grounds for the application for dissolution or there is no reasonable possibility that the application would be granted, the Board may dismiss the application.

(3) The cost of any studies required by the Board shall be borne by the parties as directed by the Board.

(4) Where any required studies are not completed within the time provided in the preliminary order, the Board may

(a) extend the time for completing the studies;

(b) proceed with the application without the studies;

(c) have the studies carried out or completed at the expense of the party responsible for them; or

(d) dismiss the application.

(5) repealed 2003, c. 9, s. 80.

*1998, c. 18, s. 398; 2003, c. 9, s. 80.*

### **Order for dissolution of town**

399 (1) After the application for dissolution is heard, the Board may dissolve the town upon such terms as it considers advisable.

(2) The order of the Board dissolving a town shall

(a) declare that the area comprising the town be dissolved and be annexed to, and form part of, another municipality or municipalities;

- (b) set out the effective date of the dissolution;
  - (c) determine that the area be an additional polling district or shall form part of another polling district of the municipality to which it is annexed;
  - (d) determine whether the area should continue as a village and, if so, provide for all things necessary to convert the former town to a village;
  - (e) direct the Director of Assessment to make any necessary adjustment in the assessment roll applicable to the area;
  - (f) make such determinations, issue such orders and directions and do or cause to be done all such other matters and things as, in the opinion of the Board, are necessary or incidental to the carrying out of the dissolution of the town.
- (3) An order of the Board may annex, amalgamate, continue or dissolve boards and commissions and allocate their assets as the Board considers fair.
- (4) The Board may make an interim order and reserve further directions.
- (5) repealed 2003, c. 9, s. 80.

*1998, c. 18, s. 399; 2003, c. 9, s. 80.*

### **Electors and polling districts**

400 (1) Where an order of the Board results in the dissolved town being one additional polling district, until the next regular election of councillors, the mayor of the town dissolved is the councillor for the district.

(2) Where an order of the Board results in the dissolved town being more than one additional ward or polling district, a special election shall be conducted by the returning officer of the municipality to which the dissolved town has been annexed in accordance with the Municipal Elections Act.

(3) Where a town is dissolved, the list of electors for the town continues to be the list of electors for the polling district until a new list of electors is prepared pursuant to the Municipal Elections Act.

(4) When a town is dissolved, the policies and by-laws in effect continue in force in the area of the former town until repealed by the council or, to the extent it has jurisdiction, any village commission that may replace the former town council. *1998, c. 18, s. 400.*

### **Streets of dissolved town**

401 Where a town is dissolved

(a) the Governor in Council may assume liability for the payment of all or any part of any debt incurred by the town for streets in the town; and

(b) the Minister of Transportation and Public Works shall determine which of the streets in the town are municipal highways and shall advise the municipality to which the town has been annexed. *1998, c. 18, s. 401.*

### **Assets and liabilities of dissolved town**

402 (1) Where a town is dissolved, the assets and liabilities of the town become assets and liabilities of the county or district municipality to which it reverts.

(2) The county or district municipality to which a dissolved town reverts stands in the place and stead of the town for all purposes and has the same powers to collect taxes due to the town as if the taxes had been imposed by it. *1998, c. 18, s. 402.*

## **PART XVIII**

### **VILLAGES**

#### **Interpretation**

403 In this Part, "elector" means a person resident within the village entitled to vote at a municipal election, and who will have resided in the village for at least six months immediately prior to the village election. *1998, c. 18, s. 403.*

#### **Villages continue**

404 The inhabitants of every village for which village commissioners were incorporated pursuant to the Village Services Act or to which that Act was declared to apply continue to be a body corporate under the name "Village of ....." with the same boundaries, until altered by the Board pursuant to this Act. *1998, c. 18, s. 404.*

#### **Commission governs**

405 A village is governed by a commission consisting of at least three commissioners and the number of commissioners, not exceeding five, shall be determined by the village by-law. *1998, c. 18, s. 405.*

#### **Perpetual succession and common seal**

406 (1) A village has perpetual succession and shall have a common seal.

(2) The seal shall be kept by the clerk of the village.

(3) A deed or document to which a village is a party shall be authenticated by the seal of the village and the chair and the clerk shall, when duly authorized, sign the deed or document and affix the seal. *1998, c. 18, s. 406.*

### **Requirements for village commissioner**

407 (1) No person is qualified to serve as a village commissioner unless the person is an elector.

(2) Every village commissioner shall take and subscribe the oath of office prescribed by the Municipal Elections Act in the manner prescribed by that Act before entering upon the duties of village commissioner.

(3) A village commissioner whose term of office has expired is eligible for reelection. *1998, c. 18, s. 407.*

### **Meetings of village commission**

408 (1) The village commissioners shall, at their first meeting after an election, elect a chair and a vice-chair.

(2) The chair shall preside at all meetings of the village commission.

(3) The vice-chair shall act in the absence or inability of the chair or in the event of the office of chair being vacant.

(4) All meetings of the village commission are open to the public.

(5) Meetings of the village commission shall be held at the times and places specified in the by-laws.

(6) The vice-chair, when notified that the chair is absent or unable to fulfil the duties of chair, or that the office of chair is vacant, has all the power and authority, and shall perform all the duties, of the chair. *1998, c. 18, s. 408.*

### **Term**

409 A village commissioner holds office for a term of three years. *1998, c. 18, s. 409.*

### **By-law for nominations**

410 (1) The village commission may, by by-law, provide for the nomination of candidates for election on a day preceding the day on which the election is to be held.

(2) Where a nomination day by-law is passed, nominations may only be made on the day provided for by the by-law. *1998, c. 18, s. 410.*

### **Village commissioner vacancy**

411 (1) Where a vacancy occurs in the office of a village commissioner, within thirty days

(a) the remaining village commissioners shall call a special meeting of the electors of the village for the purpose of filling the vacancy, which shall be held in the same manner as elections held at an annual meeting; or

(b) an election shall be held in accordance with the nomination and election by-laws of the village.

(1A) Notwithstanding subsection (1), a vacancy need not be filled until the next annual meeting or the election held in accordance with the nomination and election by-laws of the village immediately following the next annual meeting if it occurs within six months of the next annual meeting unless the Minister or the village commission determines otherwise.

(2) The person elected to fill a vacancy shall serve in office for the remainder of the term of the village commissioner whose office the person was elected to fill. *1998, c. 18, s. 411; 2001, c. 35, s. 24.*

### **Village commissioner resignation**

412 A village commissioner

(a) may resign from office at any time by delivering to the village clerk a signed declaration to that effect;

(b) who ceases to be ordinarily resident in the village, ceases to be qualified to serve as a village commissioner;

(c) who, without leave of the village commission, is absent from three consecutive regular meetings of the village commission, ceases to be qualified to serve as a village commissioner. *1998, c. 18, s. 412.*

### **Annual public meeting**

413 An annual public meeting of the electors of the village shall be held on or before the first day of July in each fiscal year. *1998, c. 18, s. 413.*

### **Notice of meeting**

414 (1) The chair of the village commission shall give notice of the time and place of the annual meeting of the electors by causing notices to be posted, in not less than five conspicuous places in the village, at least fourteen days before the date of the meeting.



(2) The village commission may advertise the annual meeting in a newspaper circulating in the village at least fourteen days before the meeting, in lieu of, or in addition to, posting notices. *1998, c. 18, s. 414.*

### **Annual meeting**

415 (1) The chair of the village commission shall preside at the annual meeting.

(2) The village commission shall present a report of the proceedings of the preceding fiscal year and the audited financial statement at the annual meeting.

(3) The electors present at an annual meeting shall, after the presentation and disposal of the report of the village commission and of the financial statement, proceed to elect village commissioners.

(4) The chair shall appoint two electors to act as scrutineers.

(5) Where more than one village commissioner is to be elected at the same meeting, a separate ballot shall be taken for each commissioner.

(6) Where the village commission so provides by by-law, a single ballot may be taken for the election of more than one village commissioner. *1998, c. 18, s. 415.*

### **By-law for election of village commissioners**

416 (1) The village commission may provide by by-law for the village commissioners to be elected on a day within one week following the annual meeting.

(2) The by-law shall

(a) specify the day that the election is to be held;

(b) specify the hours that polling is to occur;

(c) provide for the appointment of two scrutineers; and

(d) provide for any matter or thing necessary to effectively conduct the election. *1998, c. 18, s. 416.*

### **Voting procedures**

417 (1) Upon the completion of the voting, the clerk in the presence of each of the two scrutineers shall open the ballot box and examine the ballot papers and proceed to count the votes and shall declare the person or persons having the greatest number of votes elected.

(2) When there is a tie at an election of a village commissioner, the clerk shall determine the successful candidate by lot as prescribed by the Municipal Elections Act.

(3) After the votes are counted the village clerk shall make up a written statement containing the following particulars

(a) the number of votes polled;

(b) the names of the persons receiving votes and the number of votes received by each person.

(4) The statement shall be signed by the village clerk and filed with the minutes of the meeting. *1998, c. 18, s. 417.*

### **Vote recount**

418 (1) If, within three days after the election, any elector requests a recount of the votes cast at the election, the village clerk shall appoint a time within three days to recount the votes at the village office and shall, at the time and place appointed, in the presence of the chair of the village and the elector, proceed to recount the votes.

(2) The village clerk, as soon as the result of the poll is ascertained, shall declare to be elected the candidate or candidates having the highest number of votes, and in the event of a tie determine the successful candidate by lot as prescribed by the Municipal Elections Act. *1998, c. 18, s. 418.*

### **Special meeting of electors**

419 (1) The village commission may convene a special meeting of the electors and shall give fourteen days notice of it by posting notices in conspicuous places in the village stating the time, place and purpose for which the meeting is convened.

(2) The village commission may advertise the meeting in a newspaper circulating in the village at least fourteen days before the meeting in lieu of, or in addition to, posting notices. *1998, c. 18, s. 419.*

### **Village clerk and treasurer**

420 (1) The village commission shall appoint a village clerk and treasurer who shall be paid the salary granted by the village commission.

(2) The village clerk shall

(a) record all by-laws, resolutions, decisions and other proceedings of the village commission;

(b) if requested by any village commissioner, record the vote of every village commissioner voting on any matter;

(c) keep the books, records and accounts of the village;

(d) preserve and file all accounts, original and certified copies of the by-laws and of all minutes of proceedings of the village commission; and

(e) act as clerk at, and keep records of, all meetings of electors. *1998, c. 18, s. 420.*

### **Policy for records management and destruction**

421 (1) The village commission may adopt a policy for the management and destruction of records.

(2) Records required to be kept by any enactment and minutes, by-laws, policies or resolutions of the village commission may not be destroyed.

(3) The village commission may, by policy, specify further classes of records that are not to be destroyed or that are to be kept for set periods.

(4) When a village record has been destroyed or when the original village record is not produced in court, any photographic, photostatic or electronic reproduction of the record is admissible in evidence to the same extent as the original could have been produced and is, in the absence of proof to the contrary, proof of the record, if the clerk certifies that the reproduction is part of the records of the village and that it is a true reproduction of the original. *1998, c. 18, s. 421.*

### **Power to employ persons**

422 The village commission may employ the persons necessary for the purposes of the village. *1998, c. 18, s. 422.*

### **Power to expend money**

423 (1) The village commission may expend money required by the village for

(a) expenses of elections and plebiscites;

(b) premiums on any insurance policy for damage to property, personal injury or liability, including liability of members of the village commission or employees of the village and volunteer members of the fire departments and emergency services providers and volunteers in village programs;

(c) repayment of money borrowed by the village, the payment of interest on that money and payment of sinking funds;

(d) providing an emergency response system;

(e) snow and ice removal;

- (f) procuring and providing for the village, or any part of it, a suitable system of fire protection or emergency services and may, for the purpose, purchase or otherwise acquire and equip maintain and repair apparatus, machinery, implements and plan for use in extinguishing fires or providing emergency services;
- (g) equipping and maintaining fire departments or emergency services providers;
- (h) honoraria and training expenses for volunteer firefighters and emergency services volunteers;
- (i) providing school crossing guards;
- (j) recreational programs;
- (k) advertising the opportunities of the village for business, industrial and tourism purposes and encouraging tourist traffic, with power to make a grant to a nonprofit society for this purpose;
- (l) lighting any part of the village;
- (m) preventing or decreasing flooding;
- (n) collecting, removing, managing and disposing of solid waste;
- (o) salaries, remuneration and expenses of the village commissioners, officers and employees of the village;
- (p) the reasonable expenses incurred by the village commissioners for attendance at meetings and conferences, if the permission of the village commission is obtained prior to the meeting or conference or if the attendance is in accordance with a resolution of the village commission;
- (q) the contribution of the village to a pension or superannuation fund;
- (r) payment to the Board of an assessment on a public utility owned or operated by the village, as determined by the Board;
- (s) annual fees of municipal, village or professional associations;
- (t) public libraries;
- (u) lands and buildings required for any purpose of the village,
- (v) furnishing and equipping any village facility;
- (w) acquisition of equipment, materials, vehicles, machinery, apparatus, implements and plant for any village purpose;

(x) placing the wiring and other parts of a system for the supply or distribution of electricity, gas, steam or other source of energy, or a telecommunications system, underground;

(y) buildings for a medical centre to encourage medical doctors, dentists and other health professionals to locate in the village;

(z) a fire alarm system;

(aa) ponds, reservoirs, brooks, canals and other means of accumulating or directing the flow of water to be used in extinguishing fires;

(ab) playgrounds, trails, bicycle paths, swimming pools, ice arenas and other recreational facilities;

(ac) public grounds, squares, halls, museums, parks, tourist information centres and community centres;

(ad) wastewater facilities and stormwater systems;

(ae) water systems;

(af) solid-waste management facilities;

(ag) a system for providing electric light and power;

(ah) parking lots and parking structures;

(ai) wharves and public landings;

(aj) constructing, maintaining and repairing streets, sidewalks, curbs, gutters and other improvements to streets and highways, provided that no improvement shall be constructed without the permission of the owner of the street or highway;

(ak) doing all things necessary or incidental to the exercise of any of the powers and duties of the village.

(2) The village may extend, construct, alter, improve, maintain and operate the wastewater facilities, stormwater system, water system or electric light system of the village outside the limits of the village and may enter into contracts to supply the services outside the village.

(2A) Village property used for any of the purposes referred to in subsection (2) is deemed, for purposes of clause 5(1)(u) of the Assessment Act, to be used exclusively for the purpose of village commissioners.

(3) The village may charge for any service provided outside the village in the same manner in which the service is charged for in the village provided that any rates subject to the approval of the Board are approved by the Board. *1998, c. 18, s. 423; 2004, c. 7, s. 20.*

### **Village expropriation powers**

424 A village has the same powers of expropriation as a municipality, and shall follow the same procedure. *1998, c. 18, s. 424.*

### **Mutual aid**

425 (1) A village may assist at fires, rescues or other emergencies occurring outside its boundaries.

(2) A village may agree with municipalities, villages, federal and provincial departments and agencies or others to provide assistance at fires, rescues and other emergencies and to receive assistance at fires, rescues and other emergencies. *1998, c. 18, s. 425.*

### **By-law powers**

426 A village commission may make by-laws for

- (a) regulating proceedings and preserving order at meetings of the village commission;
- (b) the government and procedure of meetings of the electors of the village;
- (c) regulating the management, and providing for the security of, public property of any kind belonging to the village, and providing for the permanent improvement of the village in all matters ornamental as well as useful;
- (d) protecting and preventing injury to streets, squares, sidewalks and pavements and to the posts, railings, trees and ornaments of the village;
- (e) regulating or protecting drains, sewers or watercourses in the village;
- (f) providing for any other purpose, matter or thing within the powers, duties or control of the commissioners. *1998, c. 18, s. 426.*

### **Power to make by-laws**

427 (1) The commission may, by by-law

- (a) require the owner, occupier or person in charge of a property to clear snow and ice from the sidewalks adjoining the property;

(b) prescribe measures to be taken by the owners, occupiers or persons in charge for the abatement of dangerous conditions arising from the presence of snow and ice on the sidewalks adjoining the property.

(2) Where a person required by a by-law made pursuant to subsection (1) fails to clear the ice and snow from the sidewalk forthwith after notice to do so, or to take the necessary measures for the abatement of any dangerous condition arising from the presence of the snow and ice, the village clerk may have the snow and ice cleared and any necessary measures to abate dangerous conditions taken and the cost of the work, with interest at the rate determined by the village commission, from the date of the completion of the work until the date of payment, is a first lien on the property.

(3) The commission may, by by-law

(a) require the owner of a property to remove ice or icicles from part of a building overhanging or abutting a sidewalk;

(b) require the owner of lands abutting a street to maintain an area of vegetation between the streetline and the main travelled way. *1998, c. 18, s. 427.*

### **By-laws for enforcement of payment of charges**

428 (1) The village commission may make by-laws imposing, fixing and providing methods of enforcing payment of charges for

(a) wastewater facilities or stormwater systems, for the use of wastewater facilities or stormwater systems, and for connecting to wastewater facilities or stormwater systems;

(b) repealed 2003, c. 9, s. 81.

(c) the village portion of the capital cost of installing a water system;

(d) laying out, opening, constructing, repairing, improving and maintaining streets, curbs, sidewalks, gutters, bridges, culverts and retaining walls whether the cost is incurred by the village directly or by, or pursuant to, an agreement with Her Majesty in right of the Province, the Minister of Transportation and Public Works or any person;

(e) the village portion of the capital cost of placing the wiring and other parts of an electrical distribution system underground;

(f) a special purpose tax account to provide for future expenditures for wastewater facilities, stormwater systems, water systems, transportation facilities or other anticipated capital requirements.

(2) The village commission may, by by-law

(a) define classes of buildings to be erected or enlarged according to the varying loads that, in the opinion of the village commission, the buildings impose or may impose on the sewer system and levy a one-time redevelopment charge to pay for additional or trunk sanitary or storm sewer capacity required to accommodate the effluent from the buildings;

(b) impose a one-time oversized sewer charge on each property determined by the village commission to benefit from a sewer in the future to recover the cost of making the sewer an oversized sewer, and provide that the oversized sewer charge is not payable until the property is serviced by a sanitary sewer or a storm sewer;

(c) levy a one-time storm drainage charge on the owner of each lot of land in a drainage management area for which an application is made for a development permit to allow, on the lot, a development of a class designated by the village commission in the by-law.

(3) A by-law made pursuant to this Section may provide

(a) that the charges fixed by, or determined pursuant to, the by-law may be chargeable in proportion to frontage, in proportion to area or in proportion to the assessment of the respective properties fronting on the street or according to another plan or method set out in the by-law;

(b) that the charges may be made and collected only where the persons, owning more than fifty per cent of the frontage of the real property fronting on the street or the portion of a street on which the work has been performed, have filed with the clerk a petition requesting that the work be performed;

(c) that the charges may be different for different classes of development and may be different in different areas of the village;

(d) when the charges are payable;

(e) for total or partial exemption of persons and land from the charge and for adjustments to be made with respect to lots of land or developments where the proposals or applications change in order to reflect the changing nature of lots or developments;

(f) that the charges are first liens on the real property and may be collected in the same manner as other taxes;

(g) that the charges be collectable in the same manner as taxes, and at the option of the treasurer be collectable at the same time and by the same proceedings as taxes;

(h) a manner for determining when the lien becomes effective or when the charges become due and payable;

(i) that the amount payable may, at the option of the owner of the property, be paid in the number of annual installments set out in the by-law, and on default of payment of any installment the balance becomes due and payable;



(j) that interest is payable annually on the entire amount outstanding and unpaid, whether or not the owner has elected to pay by installments, at a rate and beginning on a date fixed by the by-law.

(4) For greater certainty, no property is exempt from a charge levied pursuant to this Section, except property of Her Majesty in right of the Province. *1998, c. 18, s. 428; 2003, c. 9, s. 81.*

### **By-law regarding taxation**

429 (1) A village commission has the powers of a municipality to make by-laws pursuant to this Act for tax reductions, exemptions and deferrals.

(2) A by-law passed pursuant to subsection (1) does not require the approval of the Minister. *1998, c. 18, s. 429.*

### **By-law requiring connection with sewer**

430 (1) Where a village is operating a sewer or drainage system, the village commission may, by by-law, require the owner of every building to connect to the sewer line in the manner prescribed in the by-law, and may exempt from the requirement buildings that

(a) are adequately served with sewer and drainage;

(b) do not require sewer service; or

(c) would not be adequately or practically served by connection with the sewer line.

(2) The by-law may require the owner of a septic tank or outhouse to remove and destroy the septic tank or outhouse and to fill any resulting cavity when the building served by the septic tank or outhouse is connected or required to be connected with the sewer.

(3) The village commission may serve notice on an owner requiring the owner to comply with the by-law, and any person who does not comply with the notice within thirty days is guilty of an offence. *1998, c. 18, s. 430.*

### **By-law prescribing penalties**

431 (1) Except as otherwise provided, the village commission may, by by-law, prescribe a maximum penalty, not exceeding five thousand dollars, for the violation of a by-law of the village and may, in the by-law, provide that in default of payment of the penalty the offender may be imprisoned for not more than ninety days.

(2) The village commission may, by by-law, prescribe a minimum penalty not exceeding one hundred dollars for the violation of a by-law of the village.

(3) Where no penalty for violation of a by-law of a village is prescribed, every person who violates a by-law is liable upon summary conviction, to a penalty of not more than five thousand dollars and in default of payment, to imprisonment for a period of not more than ninety days.

(4) Every day during which a contravention of or failure to comply with a by-law of a village continues is a separate offence. *1998, c. 18, s. 431.*

### **Collection of penalties**

432 (1) All penalties for violations of a by-law of a village shall, when collected, be paid to the village.

(2) A penalty pursuant to a by-law of the village, if no other provision is made respecting it, belongs to and forms part of the general revenue of the village. *1998, c. 18, s. 432.*

### **Ministerial approval and revocation**

433 (1) Except as otherwise specified in the enactment authorizing the by-law, every by-law made by a village commission pursuant to the authority of this Act or another Act of the Legislature is subject to the approval of the Minister and, when so approved, has the force of law.

(2) The Minister may subsequently revoke approval of a by-law, or part of the by-law and, after such revocation, the by-law or the part in respect of which approval is revoked is repealed.

(3) Two copies of every by-law enacted by a village commission shall be certified by the clerk to be true copies and shall be provided to the Minister. *1998, c. 18, s. 433.*

### **By-law records**

434 (1) The village commission shall keep one copy of every by-law, certified by the village clerk under the seal of the village that it was passed or made and, in the case of a by-law requiring the approval of the Minister, bearing the approval of the Minister.

(2) The by-law records shall be maintained by the village clerk.

(3) The original by-laws shall be open to inspection by any person at any reasonable time, but shall not be removed from the office of the village and the production of the original by-law in a court may not be required on subpoena but only upon order of the court or a judge after satisfactory cause is shown.

(4) The village clerk shall print all of the by-laws of the village from time to time in force and shall keep printed copies of the by-laws, amended to date, for sale.

(5) The village clerk shall provide a copy of any by-law amended to date to any person requesting one, at a reasonable price, having regard to the cost of printing. *1998, c. 18, s. 434.*

### **Prima facie proof of by-law**

435 (1) A copy of any by-law made pursuant to this Act or another Act of the Legislature purporting to be certified by the village clerk under the seal of the village to be a true copy of a by-law passed by the village commission and having received all necessary approvals shall be received in evidence as prima facie proof of its passing, its having received all necessary approvals, its being in force and the contents of it without any further proof in any court, unless it is specially pleaded or alleged that the seal or the signature of the village clerk is forged.

(2) Printed documents certified by the village clerk purporting to be printed copies of any or all by-laws passed by the village commission shall be admitted in evidence in all courts in the Province as prima facie proof of the by-laws and of the due passing of them. *1998, c. 18, s. 435.*

### **Application for Supreme Court order**

436 A village may apply to a judge of the Supreme Court of Nova Scotia for an injunction or other order, and the judge may make any order that the justice of the case requires, if

- (a) a building is erected, is being erected or is being used in contravention of a by-law of the village;
- (b) land is being used in contravention of a by-law of the village;
- (c) a breach of a by-law is anticipated or is of a continuing nature; or
- (d) a person is carrying on business or is doing any thing without paying the licence or permit fee required. *1998, c. 18, s. 436.*

### **Application to quash**

437 (1) A person may, by notice of motion, apply to a judge of the Supreme Court of Nova Scotia to quash a by-law, order, policy or resolution of the village commission, in whole or in part, for illegality.

(2) No by-law may be quashed for a matter of form only or for a procedural irregularity.

(3) The judge may quash the by-law, order, policy or resolution in whole or in part and may, according to the result of the application, award costs for or against the village and may determine the scale of the costs.

(4) The notice of motion shall be served at least seven days before the day on which the motion is to be made.

(5) No application pursuant to this Section to quash a by-law, order, policy or resolution, in whole or in part, shall be entertained unless the application is made within three months after the publication of the by-law or the making of the order, policy or resolution. *1998, c. 18, s. 437.*

## **Power to borrow**

438 (1) A village may borrow the sums necessary to carry out any village service.

(2) No money shall be borrowed by a village until the proposed borrowing is approved by a meeting of the electors of the village and by the Minister.

(3) Subject to subsection (2), the procedures for borrowing by a village are the same as for a municipality. *1998, c. 18, s. 438; 2003, c. 9, s. 82.*

## **Village commission estimates and rates**

439 (1) The village commission, before the annual meeting in each fiscal year, shall make estimates of all sums required for the lawful purposes of the village for the then current fiscal year after crediting the probable revenue from all sources other than rates, including any subsidy allowed by the council of the municipality within which the village is situate, and making due allowance for the abatement and losses which may occur in the collection of the taxes and for taxes for the current fiscal year which may not be collected or collectable.

(2) In preparing the estimates, the village commission shall include all sums which are required for the retirement of debenture debt, or debenture interest, or sinking fund deposits, if any, in respect of all debentures issued by the municipality for or on behalf of the village.

(3) Subject to subsection (3A), the village commission shall authorize the levying and collecting of

(a) a commercial tax rate of so much on the dollar of the assessed value of taxable commercial property and business occupancy assessments; and

(b) a residential tax rate of so much on the dollar of the assessed value of taxable residential property and resource property.

(3A) The commercial tax rate shall not exceed one and a half times the residential tax rate.

(3B) The tax rates referred to in subsection (3) shall be those that the village commission deems sufficient to raise the amount of money required to defray the estimated requirements of the village.

(4) The amount rated upon each ratepayer shall be collected in the same manner as municipal rates and taxes with the same rights and remedies in the event of default of payment.

(5) Where the assessment for municipal purposes covers property in part outside the limits of the village, the village commission may allow such abatement of rates as the commission deems just.

(6) Where any expenditure is incurred for defraying the expenses of providing and operating a waterworks system, the amount of the expenditure shall be paid out of the revenue received from

the operation of the system pursuant to the Public Utilities Act so far as that revenue extends, and any deficit thereafter may be rated and collected. *1998, c. 18, s. 439; 2005, c. 9, s. 14.*

### **Tax collection**

440 (1) A village has the same power to prescribe due dates, installment billing, interest, penalties and discounts as a municipality.

(2) A village has the same powers as a municipality to collect taxes.

(3) Village taxes are a first lien on the property with respect to which they are levied. *1998, c. 18, s. 440.*

### **Delegation of tax collection to municipality**

441 (1) A village may, with the consent of the municipal council, delegate its powers of tax collection to the municipality within which it is situate.

(2) Where a village delegates its powers of tax collection to a municipality, the village clerk shall provide the municipal treasurer with a requisition for the amount required for the current fiscal year and a list of the taxpayers of the village.

(3) Where any part of the amount required is an area charge, the requisition shall state the amount to be raised as an area charge and the taxpayers liable for the charge.

(4) Where a property is partly within the village and partly outside, the list shall show what proportion has been allowed as an abatement.

(5) Where a requisition and list are furnished to the municipal clerk pursuant to a delegation of tax collection powers agreed to by the municipal council, the sums required by the village, for the purposes of the village, shall be levied and collected by the municipality in the same manner as if the amounts were area rates.

(6) After making an allowance for the abatement, losses, expenses, discounts and commissions which may occur in the collection of the taxes and for taxes for the current fiscal year which may not be collected or collectable, the amount set out in the requisition shall be paid over by the treasurer of the municipality to the village in installments from time to time as requested by the chairman.

(7) In determining the rate of taxation required to levy and collect the amount of the requisition, the municipality shall not be bound by the list of ratepayers provided by the village, but may use such other information as is available to it. *1998, c. 18, s. 441.*

### **Village commission area rates**

442 Where the village incurs an expenditure in an area of the village, the village commission may direct that the amount of the expenditure, together with an allowance for the abatement, losses and expenses which may occur in the collection and for amounts which may not be collected or collectable, be rated and collected by a rate of so much on the dollar on the assessed value of the property in the area as shown on the then current assessment roll of the municipality, and the amount so rated shall be collected in the same manner as other rates of the village. *1998, c. 18, s. 442.*

### **Power to borrow**

443 The village commission may, from time to time, borrow for the purpose of defraying the annual current expenditure of the village and the interest on the loans shall be added to the current expenses for the fiscal year, provided that the loans shall not in the aggregate at any time exceed fifty per cent of the total amount of taxes levied for the current fiscal year. *1998, c. 18, s. 443.*

### **Capital reserve fund**

444 (1) A village shall maintain a capital reserve fund.

(2) The capital reserve fund of a village is subject to the same requirements and limitations as the capital reserve fund of a municipality.

(3) The village shall pay into a capital reserve fund the proceeds from the sale of any property of the village and the proceeds of any fire or other insurance. *1998, c. 18, s. 444.*

### **Village auditor**

445 (1) A village shall appoint an auditor who shall be a person registered as a municipal auditor.

(2) A village auditor has the powers and duties of the auditor of a municipality. *1998, c. 18, s. 445.*

### **Power to sell or lease property**

446 With the consent of the Minister a village commission may sell any real or personal property at market value when the property is no longer required for the use of the village, or may lease any real or personal property for market value, but the consent is not required if the property so leased or sold does not exceed twenty-five thousand dollars in value. *1998, c. 18, s. 446.*

### **Application to change village boundaries**

447 (1) An application to change the boundaries of a village may be made to the Board by

(a) the village commission; or

(b) an owner of real property in the area proposed by the owner to be added to, or taken from, the village.

(2) An application to the Board by the village commission to change the boundaries shall be accompanied by

(a) a description of the boundary change; and

(b) a petition of two thirds of the owners of real property in the area proposed to be added to, or taken from, the village, approving of the change.

(3) An application to the Board by an owner of real property in the area proposed to be added to or taken from the village shall be accompanied by a petition of two thirds of the owners of real property in the area proposed to be added to or taken from the village, approving of the change, and the application shall contain the name and mailing address of the person to whom notices and communication may be given with respect to the application.

(4) Upon receipt of an application to change the boundaries of a village, the Board shall give such public notice of the application as the Board considers appropriate and shall hold a hearing with respect to the application.

(5) Notice of the date, time and location of the hearing shall be served upon the village clerk, the clerk of the municipality of which the village forms a part, an application, if any, and the Minister.

(6) At the hearing the Board shall hear any interested person or municipality.

(7) The Board may, after inquiring into and taking into account

(a) the necessity or expediency of the order applied for;

(b) the financial position and obligations of the village and municipalities affected;

(c) the burden of taxation upon the ratepayers of the village and the area proposed to be added to, or taken from, the village; and

(d) all other matters that in the opinion of the Board are relevant,

order that the boundaries of the village be changed.

(8) An order made pursuant to subsection (7) shall

(a) define the boundaries of the village, with any alterations made as a result of the hearing;

(b) state when the new boundaries are to be effective; and

(c) contain such directions respecting the implementation of the new boundaries as the Board sees fit. *1998, c. 18, s. 447.*

### **Dissolution of village**

448 (1) The Minister may, by order, dissolve any village upon the request of the village commission authorized by a meeting of the electors of the village.

(2) The Minister may, by order, dissolve a village upon the request of a municipality if

(a) there has been, to the knowledge of the Minister and the clerk of the municipality, no meeting of the electors of the village for at least two years; and

(b) ninety days notice of the proposed dissolution has been served on the latest village commissioners and village clerk known to the Minister, and no objection to the proposed dissolution has been filed with the Minister.

(3) The Board may, by order, dissolve a village on the request of not fewer than ten per cent of the electors of the village.

(4) The Board shall serve notice of the proposed dissolution at least sixty days before the dissolution on

(a) the village clerk and any village commissioner;

(b) the clerk of the municipality in which the village is located; and

(c) the Minister.

(5) The notice shall provide that any objection to the proposal shall be filed with the Board within forty-five days of the service of the notice.

(6) Where any objections are received to the proposal, the Board shall hold a hearing with respect to the proposed dissolution, and the clerk of the Board shall notify the village clerk, the municipal clerk, any person who filed an objection and the Minister of the date and location of hearing.

(7) Upon the making of an order dissolving the village, the village ceases to be a body corporate and this Act no longer applies to it.

(8) All assets and liabilities, including outstanding debentures, of the former village are vested in the municipality in which the former village is located and the municipality may transfer, free of cost, property of a village that is dissolved to a body incorporated to provide community services in the area served by the dissolved village.

(9) Any net liability shall be funded by an area rate levied on the area of the former village.



(10) An order dissolving a village is regulations within the meaning of the Regulations Act. *1998, c. 18, s. 448.*

## PART XIX

### MUNICIPAL AFFAIRS

#### **Interpretation**

449 In this Part, "municipality" means a regional municipality, town or county or district municipality, except where the context otherwise requires or as otherwise defined in this Act, and includes a village, a committee created by an intermunicipal services agreement and a service commission. *1998, c. 18, s. 449; 2000, c. 9, s. 54.*

#### **Requirements for Ministerial approval**

450 (1) Where, by any Act of the Legislature, an approval or a consent of a minister of the Crown of or to any resolution, regulation, by-law, plan, borrowing or other act or matter of a municipality is required, the approval of the Minister is also required and whenever the approval of the Minister is required, the Minister may, in the Minister's discretion

(a) approve or consent to all or part and from time to time approve or consent to other parts or to the remainder;

(b) attach any condition, subject to which approval or consent becomes effective;

(c) approve or consent with amendments and the subject matter of the approval or consent is effective as amended until subsequently amended or repealed, with the approval of the Minister, by the council that adopted it;

(d) rescind, vary or revoke the approval or consent, or any condition subject to which the approval or consent was effective, either in whole or in part, whereupon the matter approved or consented to or the condition, or part thereof, shall cease to have force and effect.

(2) Where, by any Act of the Legislature, a resolution, regulation, by-law or other act or matter of a municipality or of any board, committee or other body to which a municipality appoints members is subject to the approval of the Governor in Council or may be disallowed by the Governor in Council, the resolution, regulation, by-law or other act or matter is subject to the approval of the Minister and does not have effect until it receives the approval of the Minister, but is not subject to the approval of, or disallowance by, the Governor in Council. *1998, c. 18, s. 450; 2000, c. 9, s. 55.*

#### **Prescription of accounting methods**

451 (1) The Minister may prescribe the

(a) system of accounting to be used by municipalities and the form in which records shall be kept and funds accounted for;

(b) information to be provided by municipalities to the Minister and when it shall be provided;

(c) manner in which municipal accounts are to be audited and the reports to be provided by municipal auditors.

(2) The exercise by the Minister of the authority contained in subsection (1) is regulations within the meaning of the Regulations Act.

(3) The Minister may prescribe different systems for different classes of municipality. *1998, c. 18, s. 451.*

### **Ministerial powers**

452 (1) The Minister may

(a) collect and analyze information relating to municipalities;

(b) prepare and publish information and advice relating to municipal affairs;

(c) study and advise upon the system of municipal institutions and the administration of municipal affairs;

(d) effect improvement in the conduct and administration of municipal affairs;

(e) consult with, assist and advise municipalities in the conduct and administration of municipal affairs;

(f) do anything necessary or incidental to the foregoing or directed to the improvement of municipal government in the Province.

(2) The Minister may enter into agreements with a municipality or a board, agency or commission of a municipality to assist in the achievement of any objects that are within the powers of the municipality or board, agency or commission and to effect improvement generally in the conduct and administration of municipal affairs.

(3) The Minister, with the approval of the Governor in Council, may enter into agreements with the Government of Canada or another province or any department or agency of either of them to assist in the achievement of any objects that are within the powers of a municipality or board, agency or commission of a municipality, and to effect improvement generally in the conduct and administration of municipal affairs. *1998, c. 18, s. 452.*

### **Date or time restrictions or limitations**

453 (1) Where an enactment fixes a date for, or imposes a time restriction or limitation in respect of

(a) the determination or finalization of a budget of a municipality or a village of its estimates of revenues and expenditures;

(b) setting a tax rate by a municipality;

(c) the transmission of tax bills, statements or notices by a municipality;

(d) payment of taxes to a municipality, including imposition of penalties; or

(e) any other act relating to taxation by a municipality,

the Minister may, by order, upon the request of the council, extend the date or time restriction or limitation.

(2) The exercise by the Minister of the authority contained in subsection (1) is regulations within the meaning of the Regulations Act. 1998, c. 18, s. 453.

### **Ministerial power to direct audit or review**

454 (1) The Minister may, at any time, direct an audit or review of a municipality by a person appointed by the Minister.

(2) The person appointed by the Minister to make an audit or review shall, for that purpose, have free access to all books of account, securities, cash, documents, bank accounts, vouchers, correspondence and records of every description of the municipality.

(3) A person who fails to give any information or thing reasonably required by the person appointed to make an audit or review for the purpose of the audit or review, or who destroys, mutilates or defaces any such thing, is guilty of an offence and is liable, upon summary conviction, to a penalty of not more than fifty thousand dollars and, in default of payment, to imprisonment for a term of not more than twelve months. 1998, c. 18, s. 454.

### **Public Inquiries Act**

455 The Minister, or any person to whom the Minister may, in writing, delegate the authority may, for any of the purposes of this Act, examine any municipality, person, company, property or thing whatsoever, at any time, and for the purpose has the same power, privileges and immunities as a commissioner appointed under the Public Inquiries Act. 1998, c. 18, s. 455.

### **Order by Minister**

456 (1) The Minister may order a municipality to do anything required by law or by agreement with the Minister or Her Majesty in right of the Province, or necessary or desirable in the

interests of the municipality, or necessary or desirable for the due accounting for, collection or payment of any of a municipality's assets, liabilities, revenues, funds or money.

(2) Every person who fails to comply with an order of the Minister, votes in favour of any motion that would result in a failure to obey the order or votes against a motion to comply with the order is guilty of an offence and is liable, on summary conviction, to a penalty of not less than one thousand dollars and not more than ten thousand dollars and, in default of payment, to imprisonment for a term of not less than three months and not more than twelve months. *1998, c. 18, s. 456.*

### **Registration as municipal auditor**

457 (1) A person licensed as a public accountant pursuant to the Public Accountants Act may be registered as a municipal auditor.

(2) A firm or partnership may be registered as a municipal auditor if a majority of the members of the firm or partnership are licensed as public accountants pursuant to the Public Accountants Act.

(3) A person, firm or partnership shall not act as, or exercise or perform any of the duties of, a municipal auditor unless registered as a municipal auditor pursuant to this Section.

(4) An application for registration as a municipal auditor shall be filed with the Minister on or before June 30 in each year.

(5) An application for registration as a municipal auditor shall be accompanied by an application fee in the amount determined by the Governor in Council.

(6) The Minister may accept an application filed after June 30 but on or before December 31 in any year, upon payment of the additional fee determined by the Governor in Council.

(7) The Minister may publish in the Royal Gazette the names of those persons, firms and partnerships whose applications for registration have been accepted and when so published the persons firms and partnerships are registered as municipal auditors.

(8) Registration as a municipal auditor expires on July 31 in each year.

(9) The Minister may, at any time, cancel or suspend the registration of a municipal auditor for any reason that the Minister may deem sufficient and may reinstate or restore any cancelled or suspended registration.

(10) A person, firm or partnership shall not, while registration is cancelled or suspended, exercise or perform the duties of a municipal auditor.

(11) An unabridged copy of every statement or report, of whatsoever nature or whether interim or final, made by a municipal auditor shall forthwith be forwarded by the auditor to the Minister.

(12) A person who violates this Section is liable, on conviction, to a penalty of not more than ten thousand dollars and, in default of payment, to imprisonment for a period of not more than six months.

(13) A reference in any Act of the Legislature to a registered municipal auditor, an auditor registered pursuant to the Municipal Act or like term is and is deemed to be a reference to a person, firm or partnership registered as a municipal auditor pursuant to this Section. *1998, c. 18, s. 457.*

### **Declaration of council vacancy**

458 (1) Where a municipality

(a) fails, or in the opinion of the Governor in Council, is about to or may fail, to pay the amount due for principal and interest on any debenture;

(b) fails to pay into a sinking fund any amount it is required to pay;

(c) fails to pay any of its other debts or liabilities whatsoever when due;

(d) fails, in the opinion of the Governor in Council, to levy the amount required to meet the expenditures required for any fiscal year;

(e) fails, in the opinion of the Governor in Council, to comply with any order of the Minister; or

(f) has passed a resolution requesting the Governor in Council to do so,

the Governor in Council may, on the recommendation of the Minister, if deemed expedient to do so, declare vacant the offices of mayor or warden and councillors of the municipality.

(2) Where the Governor in Council has declared vacant the office of mayor or warden and councillors, the Governor in Council shall appoint a mayor or warden and councillors to hold office during pleasure, to be the council of the municipality until the first meeting of a new council elected pursuant to an order of the Governor in Council.

(3) Any vacancy occurring in a council appointed by the Governor in Council shall be filled by the Governor in Council.

(4) A member of a council appointed by the Governor in Council is not required to have the qualifications of a councillor prescribed by the Municipal Elections Act.

(5) Where the Governor in Council appoints a council, the tenure of every municipal employee is during the pleasure of the appointed council. *1998, c. 18, s. 458.*

### **Election of new council**

459 (1) After the Governor in Council appoints a council, no election shall be held pursuant to the Municipal Elections Act until ordered by the Governor in Council.

(2) An order of the Governor in Council for the election of a new council shall set out

- (a) the dates for nomination day, advance polls and ordinary polling day for the election; and
- (b) the date the new council takes office.

(3) When the Governor in Council orders the election of a new council, the tenure of every municipal employee ceases to be during the pleasure of the council. *1998, c. 18, s. 459.*

### **Powers of council appointed by Governor in Council**

460 (1) The council appointed by the Governor in Council has all of the powers of a council.

(2) The council appointed by the Governor in Council may, with the approval of creditors representing at least half of the aggregate indebtedness of the municipality,

- (a) consolidate some or all of its debts and issue new debentures to effect the consolidation;
- (b) issue debentures to pay any debt and compel acceptance of the debentures in payment of the debt;
- (c) issue new debentures in exchange for any outstanding debentures and compel their acceptance;
- (d) fix the terms, conditions, places and times for exchanges of debentures;
- (e) postpone or vary the terms, times and places for payment of any outstanding debentures and other indebtedness and the interest;
- (f) vary the rate of interest on any outstanding debentures and other indebtedness;
- (g) sell any municipal assets.

(3) The council appointed by the Governor in Council may

- (a) vary any tax rate or other charge imposed to pay any indebtedness;
- (b) vary the basis, terms and times of payment of any tax rate or other charge imposed to pay any indebtedness;
- (c) create sinking funds and reserves to pay debentures and other indebtedness;
- (d) manage, invest and apply sinking funds, reserves and surpluses;

(e) ratify any agreement, arrangement or compromise entered into with creditors respecting debentures and other indebtedness;

(f) borrow any amount required to meet the current expenditures of the municipality until the taxes are collected.

(4) In the case of a village or service commission, the council appointed by the Governor in Council may require the county or district municipality in which the village or service commission is situate to pay an amount sufficient to provide for the orderly payment of the debts and liabilities of the village or service commission, and the amount so provided, with an allowance for collection costs and losses, shall be recovered by the county or district municipality as an area rate on the area of the village or service commission.

(5) In the case of a village or service commission, the council appointed by the Governor in Council may recommend the dissolution of the village or service commission and the Governor in Council may, by proclamation, dissolve the village or service commission, effective the date set out in the proclamation. *1998, c. 18, s. 460.*

## PART XX

### FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

Note - See Section 502 and following note.

#### **Interpretation**

461 In this Part,

(a) "background information" means

(i) any factual material,

(ii) a public opinion poll,

(iii) a statistical survey,

(iv) an appraisal,

(v) an economic forecast,

(vi) an environmental-impact statement or similar information,

(vii) a final report or final audit on the performance or efficiency of a municipality or on any of its programs or policies,

(viii) a consumer test report or a report of a test carried out on a product to test equipment of a municipality,

(ix) a feasibility or technical study, including a cost estimate, relating to a policy or project of a municipality,

(x) a report on the results of field research undertaken before a policy proposal is formulated,

(xi) a report of an external task force, advisory board or similar body that has been established to consider any matter and make reports or recommendations to a municipality, or

(xii) a plan or proposal to establish a new program or to change a program, if the plan or proposal has been approved or rejected by the council;

(b) "employee" in relation to a municipality, includes a person retained under an employment contract to perform services for the municipality;

(c) "law enforcement" means

(i) policing, including criminal-intelligence operations,

(ii) investigations that lead, or could lead, to a penalty or sanction being imposed, and

(iii) proceedings that lead, or could lead, to a penalty or sanction being imposed;

(d) "municipal body" means a committee, community council, agency, authority, board or commission, whether incorporated or not

(i) a majority of the members of which are appointed by, or

(ii) which is under the authority of,

one or more municipalities;

(e) "municipality" means a regional municipality, town, county or district municipality, village, service commission or municipal body;

(f) "personal information" means recorded information about an identifiable individual, including

(i) the individual's name, address or telephone number,

(ii) the individual's race, national or ethnic origin, colour, or religious or political beliefs or associations,

(iii) the individual's age, sex, sexual orientation, marital status or family status,



- (iv) an identifying number, symbol or other particular assigned to the individual,
- (v) the individual's fingerprints, blood type or inheritable characteristics,
- (vi) information about the individual's health-care history, including a physical or mental disability,
- (vii) information about the individual's educational, financial, criminal or employment history,
- (viii) anyone else's opinions about the individual, and
- (ix) the individual's personal views or opinions, except if they are about someone else;

(g) "prescribed" means prescribed by the regulations made pursuant to the Freedom of Information and Protection of Privacy Act or this Part;

(h) "record" includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records;

(i) "responsible officer" means, in the case of a

(i) regional municipality, town or county or district municipality, the chief administrative officer, if one has been appointed or, if one has not been appointed, the clerk,

(ii) village or service commission, the clerk,

(iii) municipal body

(A) a majority of the members of which are appointed by one municipality, the responsible officer for the appointing municipality,

(B) which is under the authority of one municipality, the responsible officer for that municipality, or

(C) which is not described in paragraph (A) or (B), the chair or presiding officer;

(j) "review officer" means the review officer appointed by the Governor in Council pursuant to the Freedom of Information and Protection of Privacy Act;

(k) "third party", in relation to a request for access to a record or for correction of personal information, means any person, group of persons or organization other than

(i) the person who made the request,

(ii) the municipality to which the request is made, or

(iii) a municipal body, a majority of the members of which are appointed by, or which is under the authority of, the municipality to which the request is made;

(l) "trade secret" means information, including a formula, pattern, compilation, program, device, product, method, technique or process, that

(i) is used, or may be used, in business or for any commercial advantage,

(ii) derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use,

(iii) is the subject of reasonable efforts to prevent it from becoming generally known, and

(iv) the disclosure of which would result in harm or improper benefit. *1998, c. 18, s. 461.*

### **Purpose of Part**

462 The purpose of this Part is to

(a) ensure that municipalities are fully accountable to the public by

(i) giving the public a right of access to records,

(ii) giving individuals a right of access to, and a right to correction of, personal information about themselves,

(iii) specifying limited exceptions to the rights of access,

(iv) preventing the unauthorized collection, use or disclosure of personal information by municipalities, and

(v) providing for an independent review of decisions made pursuant to this Part;

(b) provide for the disclosure of all municipal information with necessary exemptions, that are limited and specific, in order to

(i) facilitate informed public participation in policy formulation,

(ii) ensure fairness in government decision-making, and

(iii) permit the airing and reconciliation of divergent views; and

(c) protect the privacy of individuals with respect to personal information about themselves held by municipalities and to provide individuals with a right of access to that information. *1998, c. 18, s. 462.*

## **Application of Part**

463 (1) This Part applies to all records in the custody or under the control of a municipality.

(2) Notwithstanding subsection (1), this Part does not apply to

(a) published material or material that is available for purchase by the public;

(b) material that is a matter of public record;

(c) a note, communication or draft decision of a person acting in a judicial or quasi-judicial capacity;

(d) a record of a question that is to be used on an examination or test;

(e) material placed in the archives of a municipality by or for a person, agency or other organization other than the municipality;

(ea) a record of each representation made on behalf of a municipality to the review officer in the course of a review pursuant to Section 487 and all material prepared for the purpose of making the representation; or

(f) a record relating to a prosecution, if all proceedings in respect of the prosecution have not been completed. *1998, c. 18, s. 463; 2003, c. 9, s. 83.*

## **Limitations on effect of Part**

464 This Part does not

(a) limit the information otherwise available by law to a party to litigation, including a civil, criminal or administrative proceeding;

(b) affect the power of any court or tribunal to compel a witness to testify or to compel the production of documents;

(c) prohibit the transfer, storage or destruction of any record in accordance with any other Act of the Legislature or any regulation;

(d) prevent access to records maintained in a public office for the purpose of providing public access to information; or

(e) restrict disclosure of information for the purpose of a prosecution. *1998, c. 18, s. 464.*

## **Conflict**

464A (1) Where there is a conflict between this Part and any other enactment and the other enactment restricts or prohibits access by any person to a record, this Part prevails over the other enactment unless subsection (2) or the other enactment states that the other enactment prevails over this Part.

(2) The following enactments that restrict or prohibit access by any person to a record prevail over this Part:

- (a) Section 19 of the Consumer Reporting Act;
- (b) Section 51 of the Corporation Capital Tax Act;
- (c) Section 7 of the Emergency "911" Act;
- (d) Section 19 of the Forests Act;
- (e) Section 17 and subsection 104(2) of the Health Protection Act;
- (f) Section 71 of the Hospitals Act;
- (g) subsection 9(7) of the Juries Act;
- (h) Section 28 of the Labour Standards Code;
- (i) Section 32 of the Maintenance Enforcement Act;
- (j) subsection 87(2) and Sections 150 and 175 of the Mineral Resources Act;
- (k) subsection 98(6) of the Motor Vehicle Act;
- (l) Sections 53, 61 and 62 of the Occupational Health and Safety Act;
- (m) subsection 11(3) of the Pension Benefits Act;
- (n) Sections 72 and 100 of the Petroleum Resources Regulations made pursuant to the Petroleum Resources Act;
- (o) subsection 21(4) of the Primary Forest Products Marketing Act;
- (p) Section 48 of the Public Trustee Act;
- (q) Section 9 of the Statistics Act;
- (r) subsection 9(3) of the Procedure Regulations made pursuant to the Trade Union Act;
- (s) subsection 37(8) and Section 45 of the Vital Statistics Act;

(t) Sections 23 and 24 of the Young Persons' Summary Proceedings Act.

(3) The Governor in Council may, by regulation, amend subsection (2) by

(a) adding to that subsection a reference to an enactment;

(b) deleting a reference to an enactment from that subsection.

(4) Notwithstanding anything contained in this Act, the provisions in the Vital Statistics Act relating to

(a) rights of access to personal information, including the right to request a search of personal information;

(b) remedial rights relating to the rights described in clause (a);

(c) correction of personal information; and

(d) procedures relating to the matters referred to in clauses (a) to (c), including the payment of fees and the searching of and obtaining access to personal information,

apply in place of the provisions in this Act respecting the matters in clauses (a) to (d).

(5) Notwithstanding anything contained in this Act, Section 71 of the Hospitals Act, and any regulations made in respect of Section 71, relating to

(a) rights of access to personal information;

(b) remedial rights relating to the rights described in clause (a); and

(c) procedures relating to the matters referred to in clauses (a) and (b), including the payment of fees and the searching of and obtaining access to personal information,

apply in place of the provisions in this Part respecting the matters in clauses (a) to (c). 2003, c. 9, s. 84; 2004, c. 4, s. 116.

### **Right of access and restriction**

465 (1) A person has a right of access to any record in the custody, or under the control, of a municipality upon making a request as provided in this Part.

(2) The right of access to a record does not extend to information exempted from disclosure pursuant to this Part but, if that information can reasonably be severed from the record, an applicant has the right of access to the remainder of the record.

(2A) Subject to subsection (2B), notwithstanding anything contained in this Part, where the record is an executed contract

(a) in which provision is made for the municipality to make a substantial transfer of risk to a person, including risk related to the operation or financing, or both, of government activities; and

(b) that is, or is in a class of contracts that is designated, before or within ninety days of the execution of the contract by the legal decision-making authority by which the municipality acts,

the right of access extends to any information in the contract that, but for this subsection, would be exempted from disclosure pursuant to this Part.

(2B) Subsection (2A) does not apply in respect of any information in the contract, to which that subsection refers,

(a) respecting trade secrets;

(b) respecting the financial and business information of the persons to whom that subsection refers; and

(c) the disclosure of which may reasonably be expected to endanger the safety or health of the public, a person or a group of persons.

(3) Nothing in this Part restricts access to information provided by custom or practice prior to the effective date of this Part. *1998, c. 18, s. 465; 2003, c. 9, s. 85.*

### **Procedure for obtaining access**

466 (1) A person may obtain access to a record by

(a) making a request in writing to the municipality that has the custody or control of the record;

(b) specifying the subject matter of the record requested with sufficient particulars to enable an individual familiar with the subject matter to identify the record; and

(c) paying any fees required pursuant to this Part.

(2) The applicant may ask to examine the record or ask for a copy of the record. *1998, c. 18, s. 466.*

### **Duty of responsible officer**

467 (1) Where a request is made pursuant to this Part for access to a record, the responsible officer shall

(a) make every reasonable effort to assist the applicant and to respond without delay to the applicant openly, accurately and completely; and

(b) consider the request and give written notice to the applicant of the decision with respect to the request.

(2) The responsible officer shall respond in writing to the applicant within thirty days after the application is received and the applicant has met the requirements of clauses 466(1)(b) and (c), stating

(a) whether the applicant is entitled to the record or part of the record and

(i) where the applicant is entitled to access, stating that access will be given on payment of the prescribed fee and setting out where, when and how, or the manner in which, access will be given, or

(ii) where access to the record or to part of the record is refused, the reasons for the refusal and the provision of this Part on which the refusal is based;

(b) that the record is not in the custody or control of the municipality; or

(c) where the record would contain information exempted pursuant to Section 475 if the record were in the custody or control of the municipality, that confirmation or denial of the existence of the record is refused,

and stating

(d) the name, title, business address and business telephone number of an officer or employee of the municipality who can answer the applicant's questions about the decision; and

(e) that the applicant may ask for review by a review officer within sixty days after the applicant is notified of the decision.

(3) A responsible officer who fails to give a written response is deemed to have given notice of a decision to refuse to give access to the record thirty days after the application was received.

(4) A responsible officer may refuse to disclose to an applicant information

(a) that is published and available for purchase by the public; or

(b) that is to be published or released to the public within thirty days after the applicant's request is received.

(5) A responsible officer shall notify an applicant of the publication or release of information that the officer has refused to disclose.

(6) Where the information is not published or released within thirty days after the applicant's request is received, the responsible officer shall reconsider the request as if it were a new request received on the last day of that period, but the information shall not be refused solely because it is due to be published or released to the public. *1998, c. 18, s. 467; 2003, c. 9, s. 86.*

### **Duties of responsible officer where access given**

468 (1) Where an applicant is informed that access will be given, the responsible officer shall

(a) where the applicant has asked for a copy and the record can reasonably be reproduced,

(i) provide a copy of the record, or part of the record, with the response, or

(ii) give the applicant reasons for delay in providing the record; or

(b) where the applicant has asked to examine the record or where the record cannot reasonably be reproduced, permit the applicant to examine the record or part of the record.

(2) A responsible officer may give access to a record that is a microfilm, film, sound recording, or information stored by electronic or other technological means by

(a) permitting the applicant to examine a transcript of the record;

(b) providing the applicant with a copy of the transcript of the record;

(c) permitting, in the case of a record produced for visual or aural reception, the applicant to view or hear the record or providing the applicant with a copy of it; or

(d) permitting, in the case of a record stored by electronic or other technological means, the applicant to access the record or providing the applicant a copy of it.

(3) A responsible officer shall create a record for an applicant if

(a) the record can be created from a machine-readable record in the custody or under the control of the municipality using its normal computer hardware and software and technical expertise; and

(b) creating the record would not unreasonably interfere with the operations of the municipality. *1998, c. 18, s. 468.*

### **Extension of time for response**

469 (1) The responsible officer may extend the time provided for responding to a request for up to thirty days or, with a review officer's permission, for a longer period if



- (a) the applicant does not give enough detail to enable the municipality to identify a requested record;
  - (b) a large number of records is requested or must be searched and meeting the time limit would unreasonably interfere with the operations of the municipality; or
  - (c) more time is needed to consult with a thirty [third] party of [or] other municipality before the responsible officer can decide whether or not to give the applicant access to a requested record.
- (2) Where the time is extended, the responsible officer shall tell the applicant
- (a) the reason;
  - (b) when a response can be expected; and
  - (c) that the applicant may complain about the extension to a review officer. *1998, c. 18, s. 469.*

### **Transfer of request**

470 (1) Within ten days after a request for access to a record is received, or such longer period as the review officer may determine, the responsible office of a municipality may transfer the request and, if necessary, the record to a municipal body to which the municipality appoints one or more members and which is not under the authority of the municipality, if

- (a) the record was produced by or for the municipal body;
  - (b) the municipal body was the first to obtain the record; or
  - (c) the record is in the custody, or under the control of, the municipal body.
- (2) Where a request is transferred pursuant to subsection (1)
- (a) the responsible officer who transferred the request shall notify the applicant of the transfer; and
  - (b) the responsible officer to which the request is transferred shall respond to the applicant in accordance with this Part not later than thirty days after the request is received. *1998, c. 18, s. 470; 2003, c. 9, s. 87.*

### **Fees**

471 (1) An applicant who makes a request pursuant to this Part shall pay to the municipality the prescribed application fee.

(2) A responsible officer may require an applicant who makes a request to pay fees for the following services:

- (a) locating, retrieving and producing the record;
  - (b) preparing the record for disclosure;
  - (c) shipping and handling the record;
  - (d) providing a copy of the record.
- (3) An applicant is not required pursuant to subsection (2) to pay a fee for the first two hours spent locating and retrieving a record.
- (4) No fee shall be charged for a request for the applicant's own personal information.
- (5) Where an applicant is required to pay fees for services, the responsible officer shall give the applicant an estimate of the total fee before providing the services.
- (6) The responsible officer may require the applicant to pay the estimated fee prior to providing the services.
- (7) On request of the applicant, the responsible officer may excuse an applicant from paying all or part of a fee referred to in subsection (2) if, in the opinion of the responsible officer, the applicant cannot afford the payment or for any other reason it is fair to excuse payment.
- (8) The fees that applicants are required to pay for services shall not exceed the actual costs of the services. *1998, c. 18, s. 471; 2003, c. 9, s. 88; 2007, c. 9, s. 31.*

### **Intergovernmental affairs**

472 (1) A responsible officer may refuse to disclose information to an applicant, if the disclosure could reasonably be expected to

(a) harm the conduct by the municipality of relations between the municipality and any of the following or their agencies:

- (i) the Government of Canada or a province of Canada,
- (ii) the Government of Nova Scotia,
- (iii) another municipality,
- (iv) a school board,
- (v) an aboriginal government; or

(b) reveal information received in confidence from a government, body or organization listed in clause (a), or their agencies, unless the government, body, organization or its agency consents to the disclosure or makes the information public.

(2) The responsible officer shall not disclose information referred to in subsection (1) without the consent of the council.

(3) This Section does not apply to information in a record that has been in existence for fifteen or more years. *1998, c. 18, s. 472.*

### **Refusal to disclose information**

473 (1) The responsible officer may refuse to disclose to an applicant information that would disclose the minutes or substance of the deliberations of a meeting of the council, village commission or service commissioners or of the members of the municipal body held in private, as authorized by law.

(2) Subsection (1) does not apply to

(a) information in a record that has been in existence for ten or more years; or

(b) background information in a record, the purpose of which is to present explanations or analysis to the council, committee, agency, authority, board or commission for its consideration in making a decision, if

(i) the decision has been made public,

(ii) the decision has been implemented, or

(iii) five or more years have passed since the decision was made or considered. *1998, c. 18, s. 473.*

### **Refusal to disclose information**

474 (1) The responsible officer may refuse to disclose information that would reveal advice, recommendations or draft resolutions, policies, by-laws or special legislation developed by or for the

(a) council, village commission or service commissioners; or

(b) members of the municipal body.

(2) The responsible officer shall not refuse to disclose background information used by the municipality.

(3) This Section does not apply to information in a record that has been in existence for five or more years.

(4) Nothing in this Section requires the disclosure of information that the responsible officer may refuse to disclose under Section 473. *1998, c. 18, s. 474; 2005, c. 55, s. 7.*

### **Refusal to disclose information**

475 (1) The responsible officer may refuse to disclose information to an applicant if the disclosure could reasonably be expected to

- (a) harm law enforcement;
- (b) prejudice the defence of Canada or of any foreign state allied to, or associated with, Canada or harm the detection, prevention or suppression of espionage, sabotage or terrorism;
- (c) harm the effectiveness of investigative techniques or procedures currently used, or likely to be used, in law enforcement;
- (d) reveal the identity of a confidential source of law-enforcement information;
- (e) endanger the life or physical safety of a law-enforcement officer or any other person;
- (f) reveal any information relating to, or used in, the exercise of prosecutorial discretion;
- (g) deprive a person of a right to a fair trial or impartial adjudication;
- (h) reveal a record that has been confiscated from a person by a peace officer in accordance with an enactment;
- (i) be detrimental to the proper custody, control or supervision of a person under lawful detention;
- (j) facilitate the commission of an offence contrary to an enactment; or
- (k) harm the security of any property or system, including a building, a vehicle, a computer system or a communications system.

(2) The responsible officer may refuse to disclose information to an applicant if the information is

- (a) in a law-enforcement record and the disclosure would be an offence pursuant to an enactment;

(b) in a law-enforcement record and the disclosure could reasonably be expected to expose, to civil liability, the author of the record or a person who has been quoted or paraphrased in the record; or

(c) about the history, supervision or release of a person who is in custody, or under supervision, and the disclosure could reasonably be expected to harm the proper custody or supervision of that person.

(3) After a police investigation is completed, the responsible officer shall not refuse to disclose to an applicant the reasons for a decision not to prosecute if the applicant is aware of the police investigation, but nothing in this subsection requires disclosure of information mentioned in subsections (1) or (2). *1998, c. 18, s. 475.*

### **Solicitor-client privilege**

476 The responsible officer may refuse to disclose to an applicant information that is subject to solicitor-client privilege. *1998, c. 18, s. 476.*

### **Financial or economic interests**

477 (1) The responsible officer may refuse to disclose to an applicant information, the disclosure of which, could reasonably be expected to harm the financial or economic interests of the municipality, another municipality or the Government of the Province or the ability of the Government of the Province to manage the economy and, without restricting the generality of the foregoing, may refuse to disclose the following information:

(a) trade secrets of the municipality, another municipality or the Government of the Province;

(b) financial, commercial, scientific or technical information that belongs to the municipality, another municipality or the Government of the Province and that has, or is reasonably likely to have, monetary value;

(c) plans that relate to the management or personnel of or the administration of the municipality or another municipality and that have not yet been implemented or made public;

(d) information the disclosure of which could reasonably be expected to result in the premature disclosure of a proposal or project or in undue financial loss or gain to a third party;

(e) information about negotiations carried on by or for the municipality or another municipality or the Government of the Province.

(2) The responsible officer shall not refuse to disclose, pursuant to subsection (1) the results of product or environmental testing carried out by or for the municipality, unless the testing was done

(a) for a fee as a service to a person, a group of persons or an organization other than the municipality; or

(b) for the purpose of developing methods of testing. *1998, c. 18, s. 477.*

### **Health and safety**

478 (1) The responsible officer may refuse to disclose to an applicant information, including personal information about the applicant, if the disclosure could reasonably be expected to

(a) threaten anyone else's safety or mental or physical health; or

(b) interfere with public safety.

(2) The responsible officer may refuse to disclose to an applicant personal information about the applicant, if the disclosure could reasonably be expected to result in immediate and grave harm to the applicant's safety or mental or physical health. *1998, c. 18, s. 478.*

### **Conservation**

479 The responsible officer may refuse to disclose information to an applicant, if the disclosure could reasonably be expected to result in damage to, or interfere with the conservation of

(a) fossil sites, natural sites or sites that have an anthropological or heritage value;

(b) an endangered, threatened or vulnerable species, subspecies or race of plants, vertebrates or invertebrates; or

(c) any other rare or endangered living resources. *1998, c. 18, s. 479.*

### **Refusal to disclose information**

479A The responsible officer may refuse to disclose

(a) any information of any kind obtained by a conciliation board, conciliation officer or mediator appointed pursuant to the municipality's collective agreement or appointed pursuant to the Civil Service Collective Bargaining Act, the Corrections Act, the Highway Workers Collective Bargaining Act, the Teachers' Collective Bargaining Act or the Trade Union Act or by an employee of the Department of Environment and Labour or an employee, appointee or member of the Civil Service Employee Relations Board, the Correctional Facilities Employee Relations Board, the Highway Workers Employee Relations Board or the Labour Relations Board for the purpose of any of those Acts or or the municipality's collective agreement [or] in the course of carrying out duties under any of those Acts or the municipality's collective agreement;

(b) any report of a conciliation board or conciliation officer appointed pursuant to any of those Acts or the municipality's collective agreement;

(c) any testimony or proceedings before a conciliation board appointed pursuant to any of those Acts or the municipality's collective agreement. 2003, c. 9, s. 89; 2006, c. 40, s. 16.

### **Personal information**

480 (1) The responsible officer shall refuse to disclose personal information to an applicant, if the disclosure would be an unreasonable invasion of a third party's personal privacy.

(2) In determining whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the responsible officer shall consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the municipality to public scrutiny;

(b) the disclosure is likely to promote public health and safety or to promote the protection of the environment;

(c) the personal information is relevant to a fair determination of the applicant's rights;

(d) the disclosure will assist in researching the claims, disputes or grievances of aboriginal people;

(e) the third party will be exposed unfairly to financial or other harm;

(f) the personal information has been supplied in confidence;

(g) the personal information is likely to be inaccurate or unreliable; and

(h) the disclosure may unfairly damage the reputation of any person referred to in the record requested by the applicant.

(3) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if the personal information

(a) relates to a medical, dental, psychiatric, psychological or other health-care history, diagnosis, condition, treatment or evaluation;

(b) was compiled, and is identifiable as, part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation;

(c) relates to eligibility for income assistance or social service benefits or to the determination of benefit levels;

(d) relates to employment or educational history;

(e) was obtained on a tax return or gathered for the purpose of collecting a tax;

(f) describes the third party's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness;

(g) consists of personal recommendations or evaluations, character references or personnel evaluations;

(h) indicates the third party's racial or ethnic origin, sexual orientation or religious or political beliefs or associations; or

(i) consists of the third party's name together with the third party's address or telephone number and is to be used for mailing lists or solicitations by telephone or other means.

(4) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if

(a) the third party has, in writing, consented to or requested the disclosure;

(b) there are compelling circumstances affecting anyone's health or safety;

(c) an enactment authorizes the disclosure;

(d) the disclosure is for a research or statistical purpose and is in accordance with this Part;

(e) the information is about the third party's position, functions or remuneration as an officer, employee or member of a municipality;

(f) the disclosure reveals the amount of taxes or other debts due by the third party to the municipality;

(g) the disclosure reveals financial and other similar details of a contract to supply goods or services to a municipality;

(h) the information is about expenses incurred by the third party while travelling at the expense of a municipality;

(i) the disclosure reveals details of a licence, permit or other similar discretionary benefit granted to the third party by a municipality, not including personal information supplied in support of the request for the benefit; or

(j) the disclosure reveals details of a discretionary benefit of a financial nature granted to the third party by a municipality, not including personal information that is supplied in support of the request for the benefit or that relates to eligibility for or the level of income assistance or social service benefits.



(5) On refusing to disclose personal information supplied in confidence about an applicant, the responsible officer shall give the applicant a summary of the information unless the summary cannot be prepared without disclosing the identity of a third party who supplied the personal information, and may allow the third party to prepare the summary of personal information. *1998, c. 18, s. 480.*

### **Confidential information**

481 (1) The responsible officer shall, unless the third party consents, refuse to disclose to an applicant information

(a) that would reveal

(i) trade secrets of a third party, or

(ii) commercial, financial, labour relations, scientific or technical information of a third party;

(b) that is supplied, implicitly or explicitly, in confidence; and

(c) the disclosure of which could reasonably be expected to

(i) harm significantly the competitive position, or interfere significantly with the negotiating position, of the third party,

(ii) result in similar information no longer being supplied to the municipality when it is in the public interest that similar information continue to be supplied,

(iii) result in undue financial loss or gain to any person or organization, or

(iv) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour-relations dispute.

(2) The responsible officer shall refuse to disclose to an applicant information that was obtained on a tax return or gathered for the purpose of determining tax liability or collecting a tax, unless the third party consents.

(3) The responsible officer shall disclose to an applicant a report prepared in the course of inspections by an agency that is authorized to enforce compliance with an enactment. *1998, c. 18, s. 481.*

### **Notice to third party**

482 (1) When a responsible officer receives a request for access to a record that contains or may contain information of or about a third party that cannot be disclosed, the responsible officer shall, where practicable, promptly give the third party a notice

(a) stating that a request has been made by an applicant for access to a record containing information that disclosure of which may affect the interests, or invade the personal privacy, of the third party;

(b) describing the contents of the record; and

(c) stating that, within fourteen days after the notice is given, the third party may, in writing, consent to the disclosure or may make written representations to the responsible officer explaining why the information should not be disclosed.

(1A) Notwithstanding subsection (1), that subsection does not apply if

(a) the responsible officer decides, after examining the request, any relevant records and the views or interests of the third party respecting the disclosure requested, to refuse to disclose the record; or

(b) where the regulations so provide, it is not practical to give notice pursuant to that subsection.

(2) When notice is given pursuant to subsection (1), the responsible officer shall also give the applicant a notice stating that

(a) the record requested by the applicant contains information the disclosure of which may affect the interests or invade the personal privacy of a third party; and

(b) the third party is being given an opportunity to make representations concerning disclosure.

(c) repealed 2003, c. 9, s. 90.

(3) Within thirty days after notice is given to an applicant, the responsible officer shall decide whether to give access to the record or to part of the record, but no decision may be made before the earlier of

(a) fifteen days after the day notice is given; or

(b) the day a response is received from the third party.

(3A) For greater certainty, the time limited by subsection 467(2) for responding to a request for access to a record is not extended by reason only that a notice is given to an applicant pursuant to subsection (2), but that time may be extended pursuant to Section 469.

(3B) In complying with subsections (1) and (2), the municipality shall not

- (a) disclose the name of the applicant to the third party without the consent of the applicant; or
  - (b) disclose the name of the third party to the applicant without the consent of the third party.
- (4) On reaching a decision, the responsible officer shall give written notice of the decision to the applicant and the third party.
- (5) Where the responsible officer decides to give access to the record or part of the record,
- (a) the notice shall state that the applicant will be given access after twenty days, unless, in that time, the third party asks for a review pursuant to this Part;
  - (b) the notice shall state that the third party may ask for a review pursuant to this Part within twenty days of the notice; and
  - (c) access shall not be provided until the expiry of the twenty day period.
- (6) Notwithstanding anything contained in this Section, the responsible officer who has, pursuant to this Section, given notice to a third party of a request for access to a record may, with the consent of the third party, give access to the record to the person who has made the request before the expiration of the time limited by subsection (3) for the third party to ask for a review. *1998, c. 18, s. 482; 2003, c. 9, s. 90.*

### **Collection of personal information**

483 (1) Personal information shall not be collected by, or for, a municipality unless

- (a) the collection of that information is expressly authorized by, or pursuant to, an enactment;
  - (b) that information is collected for the purpose of law enforcement; or
  - (c) that information relates directly to, and is necessary for, an operating program or activity of the municipality.
- (2) Where an individual's personal information will be used by a municipality to make a decision that directly affects the individual, the municipality shall make every reasonable effort to ensure that the information is accurate and complete.
- (3) The responsible officer shall protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.
- (4) Where a municipality uses an individual's personal information to make a decision that directly affects the individual, the municipality shall retain that information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it. *1998, c. 18, s. 483; 2000, c. 9, s. 56.*

### **Request to correct error or omission**

484 (1) An applicant who believes there is an error or omission in the applicant's personal information may request the responsible officer to correct the information.

(2) Where no correction is made in response to a request, the responsible officer shall annotate the information with the correction that was requested but not made.

(3) On correcting or annotating personal information pursuant to this Section, the responsible officer shall notify any other municipality or any third party to whom that information has been disclosed during the one-year period before the correction was requested.

(4) On being notified of a correction or annotation of personal information, a municipality shall make the correction or annotation on any record of that information in its custody or under its control. *1998, c. 18, s. 484.*

### **Use and disclosure of personal information**

485 (1) A municipality may use personal information only

(a) for the purpose for which that information was obtained or compiled, or for a use compatible with that purpose;

(b) if the individual the information is about has identified the information and has consented to the use; or

(c) for a purpose for which that information may be disclosed to the municipality pursuant to this Section.

(2) A municipality may disclose personal information only

(a) in accordance with this Part or as provided pursuant to another enactment;

(b) if the individual the information is about has identified the information and consented in writing to its disclosure;

(c) for the purpose for which it was obtained or compiled, or a use compatible with that purpose;

(d) for the purpose of complying with an enactment or with a treaty, arrangement or agreement made pursuant to an enactment;

(e) for the purpose of complying with a subpoena, warrant, summons or order issued or made by a court, person or body with jurisdiction to compel the production of information;

(f) to an officer or employee of a municipality if the information is necessary for the performance of the duties of, or for the protection of the health or safety of, the officer or employee;

- (g) to a municipality to meet the necessary requirements of municipal operation;
  - (h) for the purpose of
    - (i) collecting a debt or fine owing by an individual to the municipality, or
    - (ii) making a payment owing by the municipality to an individual;
  - (i) to the auditor for audit purposes;
  - (j) to a representative of the bargaining agent who has been authorized in writing by the employee, whom the information is about, to make an inquiry;
  - (k) to the Public Archives of Nova Scotia, or the archives of a municipality, for archival purposes;
  - (l) to a municipality or a law-enforcement agency in Canada to assist in an investigation
    - (i) undertaken with a view to a law-enforcement proceeding, or
    - (ii) from which a law-enforcement proceeding is likely to result;
  - (m) if the information is disclosed by a law-enforcement agency to
    - (i) another law-enforcement agency in Canada, or
    - (ii) a law-enforcement agency in a foreign country under an arrangement, written agreement, treaty or legislative authority;
  - (n) if the responsible officer determines that compelling circumstances exist that affect anyone's health or safety;
  - (na) in accordance with subsections (4) or (5);
  - (o) so that the next of kin or a friend of an injured, ill or deceased individual may be contacted;  
or
  - (p) for research, archival and historical purposes as provided in this Section.
- (3) A use of personal information is a use compatible with the purpose for which the information was obtained, if the use
- (a) has a reasonable and direct connection to that purpose; and
  - (b) is necessary for performing the statutory duties of, or for operating a legally authorized program of, the municipality that uses the information or to which the information is disclosed.

(4) A municipality may disclose personal information for a research purpose, including statistical research, if

(a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form;

(b) any record linkage is not harmful to the individuals that information is about and the benefits to be derived from the record linkage are clearly in the public interest;

(c) the responsible officer has approved conditions relating to

(i) security and confidentiality,

(ii) the removal or destruction of individual identifiers at the earliest reasonable time, and

(iii) the prohibition of any subsequent use or disclosure of that information in individually identifiable form without the express authorization of the municipality; and

(d) the person to whom that information is disclosed has signed an agreement to comply with the approved conditions, this Part and any of the municipality's policies and procedures relating to the confidentiality of personal information.

(5) The Public Archives of Nova Scotia, or the archives of a municipality, may disclose personal information for archival or historical purposes where

(a) the disclosure would not be an unreasonable invasion of personal privacy;

(b) the disclosure is for historical research;

(c) the information is about someone who has been dead for twenty or more years; or

(d) the information is in a record that is in the custody or control of the archives and open for historical research on the coming into force of this Part. *1998, c. 18, s. 485; 2008, c. 25, s. 10.*

### **Disclosure in public interest**

486 (1) Whether or not a request for access is made, the responsible officer may disclose to the public, to an affected group of people or to an applicant information

(a) about a risk of significant harm to the environment or to the health or safety of the public or a group of people; or

(b) the disclosure of which is, for any other reason, clearly in the public interest.

(2) Before disclosing information pursuant to subsection (1), the responsible officer shall, if practicable, notify any third party to whom the information relates.

(3) Where it is not practicable to comply with subsection (2), the responsible officer shall mail a notice of disclosure to the last known address of the third party. *1998, c. 18, s. 486.*

### **Request by applicant for review**

487 (1) A person who makes any request for access or for correction of personal information may ask for a review of any decision, act or failure to act of the responsible officer that relates to the request.

(2) A third party notified of a request for access may ask for a review of any decision made about the request by the responsible officer.

(3) A person who makes a request pursuant to this Part for access to a record or for correction of personal information may, within thirty days after the person is notified of the decision or within thirty days after the date of the act or failure to act, appeal directly to the Supreme Court of Nova Scotia as provided in this Part, if no third party has been notified or if a third party who has been notified consents to that appeal.

(4) to (6) repealed 2007, c. 9, s. 32.

*1998, c. 18, s. 487; 2003, c. 9, s. 91; 2007, c. 9, s. 32.*

### **Procedure for request for review**

488 (1) A written request for a review shall be filed with a review officer

(a) within sixty days after the person asking for the review is notified of the decision;

(b) within sixty days after the date of the act or failure to act;

(c) by a third party, within twenty days after notice is given; or

(d) within a longer period allowed by the review officer.

(2) The failure of the responsible officer to respond in time to a request for access to a record is to be treated as a decision to refuse access to the record, but the time limit for filing a request for review does not apply. *1998, c. 18, s. 488.*

### **Copies of request and settlement of matter**

489 (1) On receiving a request for a review, a review officer shall forthwith give a copy to

(a) the responsible officer concerned;

(b) an applicant, if the review was requested by a third party; and

(c) any other person that the review officer considers appropriate.

(2) A review officer may try to settle a matter under review through mediation.

(3) Where a review officer is unable to settle a matter within thirty days through mediation, the review officer shall conduct a review. *1998, c. 18, s. 489.*

### **Review in private and nature of review**

490 (1) A review officer may conduct a review in private.

(2) The following persons are entitled to make representations to a review officer in the course of a review:

(a) the person who applies for the review;

(b) a third party or applicant who is entitled to notice pursuant to this Part;

(c) the responsible officer whose decision is the subject of the review; and

(d) any other person the review officer considers appropriate.

(2A) Where, pursuant to clause (2)(d), the review officer considers that a person is an appropriate person to make representations in the course of a review of a decision of the responsible officer of a municipality, then, notwithstanding anything contained in this Act, that person

(a) is entitled to

(i) a copy of the report of the review officer pursuant to Section 492,

(ii) appeal the decision of the responsible officer pursuant to Section 494, and

(iii) written notice of an appeal under subsection 494(2); and

(b) is party to the appeal to which the notice of appeal referred to in subclause (a)(iii) relates.

(3) A review officer may decide

(a) whether the representations are to be made orally or in writing;

(b) whether a person is entitled to be present during a review or to have access to, or comment on, representations made to the review officer by any other person. *1998, c. 18, s. 490; 2003, c. 9, s. 92.*

### **Powers of review officer**



491 (1) Notwithstanding another Act of the Legislature, or any privilege that is available at law, a review officer may, in a review,

(a) require to be produced and examine any record that is in the custody, or under the control, of the municipality named in the request made pursuant to this Part; and

(b) enter and inspect any premises occupied by the municipality.

(2) A municipality shall comply with a requirement imposed by the review officer pursuant to clause (1)(a) within such time as is prescribed by the regulations.

(3) Where a municipality does not comply with a requirement imposed by the review officer pursuant to clause (1)(a) within the time limited for so doing by subsection (2), a judge of the Supreme Court of Nova Scotia may, on the application of the review officer, order the municipality to do so.

(4) In an application made pursuant to subsection (3), a judge may give such directions as the judge thinks fit, including ordering which persons shall be parties to the application, which persons shall be given notice of the application and the manner in which such notice shall be given.

(5) An order made pursuant to subsection (3) may contain such provisions and such terms and conditions as the judge thinks fit. *1998, c. 18, s. 491; 2000, c. 9, s. 57; 2003, c. 9, s. 93.*

#### **Duties of review officer on completing review**

492 (1) On completing a review, a review officer shall

(a) prepare a written report setting out the review officer's recommendations with respect to the matter and the reasons for those recommendations; and

(b) send a copy of the report to the responsible officer, and where the matter was referred to the review officer by

(i) an applicant, to the applicant and to any third party notified pursuant to this Part, or

(ii) a third party, to the third party and to the applicant.

(2) In the report, the review officer may make any recommendations with respect to the matter under review that the review officer considers appropriate. *1998, c. 18, s. 492.*

#### **Duties of responsible officer on receipt of report**

493 (1) Within thirty days after receiving a report of a review officer, the responsible officer shall

(a) make a decision to follow the recommendation of the review officer or any other decision that the responsible officer considers appropriate; and

(b) give written notice of the decision to the review officer and the persons who were sent a copy of the report.

(2) The responsible officer shall give notice, in writing, to the persons who were sent a copy of the report and the decision of the responsible officer, of their right to appeal the decision of the responsible officer to the Supreme Court of Nova Scotia within thirty days of the date of making the decision.

(3) Where the responsible officer does not give notice within the time required, the responsible officer is deemed to have refused to follow the recommendation of the review officer. *1998, c. 18, s. 493; 2005, c. 55, s. 8.*

### **Appeal to Supreme Court**

494 (1) Within thirty days after receiving a decision of the responsible officer, an applicant or a third party may appeal that decision to the Supreme Court of Nova Scotia.

(1A) An appeal is deemed not to have been taken pursuant to this Section unless a notice of appeal is given to the Minister of Justice by the person taking the appeal.

(1B) Where a notice of appeal is given pursuant to subsection (1A), the Minister of Justice may become a party to the appeal by filing with the prothonotary of the Supreme Court of Nova Scotia a notice stating that the Minister of Justice is a party to the appeal.

(2) The responsible officer who has refused a request for access to a record, or part of a record, shall, immediately on receipt of a notice of appeal by an applicant, give written notice of the appeal to any third party that the responsible officer

(a) has notified pursuant to this Part; or

(b) would have notified pursuant to this Part if the responsible officer had intended to give access to the record, or part of the record.

(3) The responsible officer who has granted a request for access to a record or part of a record shall, immediately on receipt of a notice of appeal by a third party, give written notice of the appeal to the applicant.

(4) An applicant or a third party who has been given notice of an appeal may appear as a party to the appeal.

(5) The review officer is not a party to an appeal.

(6) Where the responsible officer decides to give access to a record or a part of a record after the review officer files a report setting out the review officer's recommendations respecting the matter, the responsible officer shall not give access until the time limited for a third party taking an appeal from the decision to the Supreme Court of Nova Scotia expires and

(a) no appeal has been taken by a third party from the decision within the time limited for so doing; or

(b) where an appeal has been taken within that time by a third party, it has subsequently been abandoned or withdrawn,

but, where an appeal is taken by a third party, the responsible officer shall not give access until either the decision of the responsible officer is upheld by an order of the Supreme Court and the order becomes final by lapse of time or the decision of the responsible officer is upheld by the highest authority to which any further appeal or appeals are taken. *1998, c. 18, s. 494; 2003, c. 9, s. 94; 2005, c. 55, s. 9.*

### **Powers of Supreme Court**

495 (1) On an appeal, the Supreme Court of Nova Scotia may

(a) determine the matter de novo; and

(b) examine any record in camera in order to determine on the merits whether the information in the record may be withheld pursuant to this Part.

(2) Notwithstanding any other Part or any privilege that is available at law, the Supreme Court of Nova Scotia may, on an appeal, examine any record in the custody or under the control of a municipality, and no information shall be withheld from the Court on any grounds.

(3) The Supreme Court of Nova Scotia shall take every reasonable precaution, including, where appropriate, receiving representations ex parte and conducting hearings in camera, to avoid disclosure by the Court or any person of any information

(a) or other material, if the nature of the information or material could justify a refusal by a responsible officer to give access to a record or part of a record; or

(b) as to whether a record exists, if the responsible officer, in refusing to give access, does not indicate whether the record exists.

(4) The Supreme Court of Nova Scotia may disclose to the Minister of Justice or the Attorney General of Canada information that may relate to the commission of an offence pursuant to another enactment by an officer or employee of a municipality.

(5) Where the responsible officer has refused to give access to a record or part of it, the Supreme Court of Nova Scotia, if it determines that the responsible officer is not authorized to refuse to give access to the record, or part of it, shall

(a) order the responsible officer to give the applicant access to the record, or part of it, subject to any conditions that the Court considers appropriate; or

(b) make any other order that the Court considers appropriate.

(6) Where the Supreme Court of Nova Scotia finds that a record falls within an exemption, the Court shall not order the responsible officer to give the applicant access to the record, regardless of whether the exemption requires, or merely authorizes, the responsible officer to refuse to give access to the record. *1998, c. 18, s. 495.*

### **Exercise of right or power**

496 Any right or power conferred on an individual by this Part may be exercised

(a) where the individual is deceased, by the individual's representative, if the exercise of the right or power relates to the administration of the individual's estate;

(b) where a personal guardian or property guardian has been appointed for the individual, by the guardian, if the exercise of the right or power relates to the powers and duties of the guardian;

(c) where a power of attorney has been granted, by the attorney if the exercise of the right or power relates to the powers and duties of the attorney conferred by the power of attorney;

(d) where the individual is less than the age of majority, by the individual's legal custodian in situations where, in the opinion of the responsible officer, the exercise of the right or power would not constitute an unreasonable invasion of the privacy of the individual; or

(e) by a person with written authorization from the individual to act on the individual's behalf. *1998, c. 18, s. 496.*

### **Delegation of powers by responsible officer**

497 (1) The responsible officer may delegate to one or more officers of the municipality a power granted to, or a duty vested in, the responsible officer.

(2) A delegation

(a) shall be in writing; and

(b) may contain any limitations, restrictions, conditions or requirements that the responsible officer considers necessary or advisable. *1998, c. 18, s. 497.*

## **Burden of proof**

498 (1) At a review or appeal into a decision to refuse an applicant access to all or part of a record, the burden is on the responsible officer to prove that the applicant has no right of access to the record or part.

(2) Where the record or part that the applicant is refused access to contains personal information about a third party, the burden is on the applicant to prove that disclosure of the information would not be an unreasonable invasion of the third party's personal privacy.

(3) At a review or appeal into a decision to give an applicant access to all or part of a record containing information that relates to a third party

(a) in the case of personal information, the burden is on the applicant to prove that disclosure of the information would not be an unreasonable invasion of the third party's personal privacy; and

(b) in any other case, the burden is on the third party to prove that the applicant has no right of access to the record or part. *1998, c. 18, s. 498.*

## **Limitation of liability**

499 No action or other proceeding lies against the responsible officer or any person acting on behalf of, or under the direction of, the responsible officer for damages resulting from the

(a) disclosure in good faith of all, or part of, a record pursuant to this Part or any consequences of that disclosure; or

(b) failure to give any notice required pursuant to this Part, if reasonable care is taken to give the required notice. *1998, c. 18, s. 499.*

## **Offence and penalty**

500 (1) Every person who maliciously collects or discloses personal information in contravention of this Part or the regulations is guilty of an offence and liable, on summary conviction, to a penalty of not more than five thousand dollars or to imprisonment for six months, or both.

(1A) Every person who knowingly alters a record that is subject to a request in order to mislead the person who made the request is guilty of an offence and liable on summary conviction to a fine of not more than two thousand dollars or to imprisonment for six months, or both.

(2) Section 4 of the Summary Proceedings Act does not apply to this Part. *1998, c. 18, s. 500; 2003, c. 9, s. 95.*

## **Regulations**

501 (1) The Governor in Council may make regulations

- (a) prescribing procedures to be followed in taking, transferring and processing requests for access;
  - (b) prescribing or limiting fees to be paid pursuant to this Part;
  - (c) prescribing additional circumstances in which a responsible officer may waive the payment of all, or any part, of a prescribed fee;
  - (d) prescribing the categories of sites that are considered to have heritage or anthropological value;
  - (e) prescribing requirements to be met with respect to disclosures of information to law enforcement agencies or investigative bodies;
  - (f) prescribing the form and manner of a review pursuant to this Part;
  - (g) prescribing the form and manner of an appeal pursuant to this Part;
  - (h) prescribing any matter that is to be included in a notice that is required pursuant to this Part;
  - (i) prescribing forms for the purpose of this Part;
  - (j) prescribing any other matter or thing required or authorized by this Part or the Freedom of Information and Protection of Privacy Act to be prescribed in regulations;
  - (k) respecting the application, with respect to this Part, of regulations made pursuant to the Freedom of Information and Protection of Privacy Act;
  - (l) defining any word or expression used, but not defined, in this Part;
  - (m) enlarging or restricting the meaning of any word or expression defined in this Part;
  - (n) for any purpose contemplated by this Part;
  - (o) to carry out effectively the intent and purpose of this Part.
- (2) The regulations made pursuant to the Freedom of Information and Protection of Privacy Act apply with respect to this Part with all necessary changes, unless the Governor in Council determines otherwise, by regulations made pursuant to subsection (1).
- (3) A regulation may apply to all persons or bodies, or to a class of persons or bodies, to whom this Part applies and there may be different regulations for different classes of persons.
- (4) The exercise by the Governor in Council of the authority contained in this Section is regulations within the meaning of the Regulations Act. 1998, c. 18, s. 501.

## **Amendments apply**

502 Any amendments to the Freedom of Information and Protection of Privacy Act apply mutatis mutandis to this Part to the extent that they may be made to apply to this Part. *1998, c. 18, s. 502.*

Note - The Freedom of Information and Protection of Privacy Act was amended by Chapter 11 of the Acts of 1999 (2nd Session).

## PART XXI

### GENERAL

#### **Lawful direction to act and inspections**

503 (1) Where a council, village commission, committee or community council or the engineer, the administrator or another employee of a municipality lawfully directs that anything be done and it is not done, the council, village commission, engineer, administrator or employee may cause it to be done at the expense of the person in default.

(2) No action shall be maintained against a municipality, a village or any agent, servant or employee of the municipality or the village for anything done pursuant to this Section.

(3) Where an inspection is required or conducted pursuant to a by-law or an enactment

(a) the inspector may enter in or upon land or premises at a reasonable time without a warrant;

(b) except in an emergency, the inspector shall not enter a room or place actually being used as a dwelling without the consent of the occupier, unless the entry is made in daylight hours and written notice of the time of the entry is given to the occupier at least twenty-four hours in advance;

(c) and where a person refuses to allow the inspector to exercise, or attempts to interfere or interferes with the inspector in the exercise of, a power granted pursuant to this Act, the inspector may apply to a judge of the Supreme Court of Nova Scotia for an order

(i) to allow the inspector entry to the building, and

(ii) restraining a person from further interference; and

(d) it is an offence to refuse access to an inspector or to interfere with an inspector in the exercise of a power granted pursuant to this Act. *1998, c. 18, s. 503; 2001, c. 35, s. 25.*

#### **No liability**

504 (1) Where a municipality or a village inspects buildings or other property pursuant to this Act or another enactment, the municipality or the village and its officers and employees are not

liable for a loss as a result of the manner or extent of an inspection or the frequency, infrequency or absence of an inspection, unless the municipality or the village was requested to inspect at appropriate stages, and within a reasonable time, before the inspection was required, and either the municipality or the village failed to inspect or the inspection was performed negligently.

(2) An inspection is not performed negligently unless it fails to disclose a deficiency or a defect that

(a) could reasonably be expected to be detected; and

(b) the municipality or the village could have ordered corrected.

(3) Notwithstanding the Limitation of Actions Act or another statute, a municipality or a village and its officers and employees are not liable for a loss as a result of an inspection or failure to inspect, if the claim is made more than six years after the date of the application for the permit in relation to which the inspection was required.

(4) If a municipality or a village receives a certification or representation by an engineer, architect, surveyor or other person held out to have expertise respecting the thing being certified or represented, the municipality or the village and its officers and employees are not liable for any loss or damage caused by the negligence of the person so certifying or representing. *1998, c. 18, s. 504; 2001, c. 35, s. 26.*

### **Offence and penalty**

505 (1) A person who

(a) violates a provision of this Act or of an order, regulation or by-law in force in accordance with this Act;

(b) fails to do anything required by an order, regulation or by-law in force in accordance with this Act;

(c) permits anything to be done in violation of this Act or of an order, regulation or by-law in force in accordance with this Act; or

(d) obstructs or hinders any person in the performance of their duties under this Act or under any order, regulation or by-law in force in accordance with this Act,

is guilty of an offence.

(2) Unless otherwise provided in a by-law, a person who commits an offence is liable, upon summary conviction, to a penalty of not less than one hundred dollars and not more than ten thousand dollars and in default of payment, to imprisonment for a term of not more than two months.



(3) Every day during which an offence pursuant to subsection (1) continues is a separate offence.

(4) In addition to a fine imposed for contravening a provision of this Act, a regulation or a by-law of a municipality made pursuant to this Act, a judge may order the person to comply with the provision, order, regulation or by-law under which the person was convicted, within the time specified in the order.

(5) Any person who fails to comply with an order under subsection (4) is guilty of an offence. *1998, c. 18, s. 505; 2005, c. 55, s. 10.*

### **Offence and penalty**

506 A person who removes, defaces or makes illegible a notice or order posted pursuant to this Act is guilty of an offence and is liable, on summary conviction, to a penalty of not less than one hundred dollars nor more than five thousand dollars and in default of payment, to imprisonment for a period of not more than ninety days. *1998, c. 18, s. 506; 2000, c. 9, s. 58.*

### **Cost of work is first lien**

507 Where a council, village commission, committee or community council or the engineer, the administrator or another employee of a municipality lawfully causes work to be done pursuant to this Act, the cost of the work, with interest at the rate determined by the council, by policy, or by the village commission, by by-law, from the date of the completion of the work until the date of payment, is a first lien on the property upon which, or for the benefit of which, the work was done. *1998, c. 18, s. 507; 2001, c. 35, s. 27.*

### **Offence and penalty**

508 Where no penalty is specified for the violation of this Act, a person who contravenes the provision is guilty of an offence and is liable, on summary conviction, to a penalty of not less than one hundred dollars and not more than five thousand dollars and in default of payment, to imprisonment for a period of not more than ninety days. *1998, c. 18, s. 508.*

### **Service of notice**

509 (1) Any notice, decision or other document required to be served pursuant to this Act may be served personally, by mailing it to the person at the latest address shown on the assessment roll, by electronic mail or by facsimile.

(2) A notice, decision or other document is deemed to have been served on the third day after it was sent. *2000, c. 9, s. 59.*

### **Service on clerk sufficient**

510 Where notice is authorized or required to be served on a municipality or village, service on the clerk is sufficient service. *1998, c. 18, s. 510.*

### **Action brought in corporate name**

511 An action brought by or against a municipality or village shall be brought by or against it in its corporate name. *1998, c. 18, s. 511.*

### **Limitation of Actions Act**

512 (1) For the purpose of the Limitation of Actions Act, the limitation period for an action or proceeding against a municipality or village, the council, a council member, a village commissioner, an officer or employee of a municipality or village or against any person acting under the authority of any of them, is twelve months.

(2) Subsection (1) applies, with all necessary changes, to a service commission and a board, commission, authority, agency or corporation of a municipality or a board, commission, authority, agency or corporation jointly owned or established by municipalities or villages.

(3) No action shall be brought against any parties listed in subsection (1) or (2) unless notice is served on the intended defendant at least one month prior to the commencement of the action stating the cause of action, the name and address of the person intending to sue and the name and address of that person's solicitor or agent, if any. *1998, c. 18, s. 512.*

### **No liability**

513 (1) A municipality, village or inter-municipal corporation created pursuant to Section 60, and its officers and employees, are not liable for

(a) failure to provide a service or the manner in which a service is provided, unless the municipality, village or inter-municipal corporation created pursuant to Section 60 fails to meet a standard of care to be determined having regard to financial, economic, personnel, social, political and other factors or constraints in the circumstances, including whether the service is a volunteer or partly volunteer service;

(b) failure to maintain a public place, that is subject to the direction, control and management of the municipality, village or inter-municipal corporation created pursuant to Section 60, in a reasonable state of repair, unless the municipality, village or inter-municipal corporation created pursuant to Section 60 has actual or constructive notice of the state of disrepair and fails to take steps to remedy or otherwise deal with the state of disrepair within a reasonable time;

(c) failure to enforce a by-law, unless the decision not to enforce the by-law is not made in good faith.

(2) Where an overflow of water from a sewer, drain, ditch or watercourse is a consequence of snow, ice or rain, a municipality, village or inter-municipal corporation created pursuant to Section 60 is not liable for a loss as a result of the overflow. *1998, c. 18, s. 513; 2008, c. 25, s. 11.*

## **No liability**

514 A municipality, village or inter-municipal corporation created pursuant to Section 60, and its officers and employees, are not liable for damages caused

(a) directly or indirectly, by

(i) the operation, maintenance, repair, breaking or malfunction of wastewater facilities, a stormwater system or a water system, or

(ii) interference with the supply of water through a water system,

unless the damages are shown to be caused by the negligence of the municipality, village or inter-municipal corporation created pursuant to Section 60 or its officers or employees;

(b) by the discharge of sewage or water into premises from a municipal sewer unless the discharge was caused by the improper construction, or neglect in the maintenance of, the sewer or a failure to remedy a matter that was known, or reasonably should have been known, to the municipality, village or inter-municipal corporation created pursuant to Section 60 and should reasonably have been repaired; or

(c) in any case, where this Act or the by-laws of the municipality, village or inter-municipal corporation created pursuant to Section 60 have not been complied with by an owner or previous owner of the property. *1998, c. 18, s. 514; 2005, c. 25, s. 12.*

## **No liability**

515 (1) Where a municipality, village or inter-municipal corporation created pursuant to Section 60 operates a utility or provides a service, it is not liable for a loss as a result of the breakage of a pipe, conduit, pole, wire, cable or a part of the utility or service or the discontinuance or interruption of a service or connection by reason of

(a) accident;

(b) disconnection for non-payment or non-compliance with a term or condition of service; or

(c) necessity to repair or replace a part of the utility or service.

(2) A municipality, village or inter-municipal corporation created pursuant to Section 60 is not liable for nuisance as a result of the construction or operation of a work, if the nuisance could not be avoided by any other practically feasible method of carrying out the work. *1998, c. 18, s. 515; 2005, c. 25, s. 13.*

## **Right of indemnity**

516 Where a municipality or village is found liable for damages as a result of the unsafe condition of a street or sidewalk, or of a nuisance or encumbrance on it, the municipality or village has a right of indemnity for all such damages, and for costs and expenses incurred in connection therewith, against any person whose act or omission caused the street or sidewalk to be unsafe or caused the nuisance or encumbrance. *1998, c. 18, s. 516.*

### **Right of indemnity**

517 (1) Where a municipality is found liable for damages as a result of the unsafe condition of a street, bridge or sidewalk that was transferred to it by Her Majesty in right of the Province, it has a right of indemnity for all such damages, and for costs and expenses incurred in connection therewith, against Her Majesty.

(2) Subsection (1) does not apply to a street, bridge or sidewalk

(a) reconstructed or substantially rebuilt or repaired by the municipality; or

(b) after ten years from the date on which it was transferred to the municipality. *1998, c. 18, s. 517.*

### **Requirement to consult with Union**

518 The Minister shall consult with the executive of the Union of Nova Scotia Municipalities respecting any proposed amendment to this Act. *1998, c. 18, s. 518.*

### **Requirement to notify Union**

519 (1) The Minister shall notify the Union of Nova Scotia Municipalities at least one year prior to the effective date of any legislation, regulation or administrative action undertaken by or on behalf of the Government of the Province that would have the effect of decreasing the revenue received by municipalities in Nova Scotia or increasing the required expenditures of municipalities in Nova Scotia.

(2) Subsection (1) does not apply with respect to any legislation, regulation or administrative action applying to the Province generally and not mainly to municipalities. *1998, c. 18, s. 519.*

### **Regulations**

520 (1) The Minister may make regulations

(a) defining any term used, but not defined, in this Act;

(b) prescribing forms and procedures for the purpose of this Act;

(c) altering forms set out in this Act;

(d) [for] the effective administration of this Act; and

(e) [for] the collection, standardization, maintenance and sharing of information related to the subdivision and development of land.

(2) The exercise by the Minister of the authority contained in subsection (1) is regulations within the meaning of the Regulations Act. *1998, c. 18, s. 520.*

521 to 536C repealed 2008, c. 39, s. 389.

## PART XXIII

### TRANSITIONAL AND REPEAL

#### **Continuation in office**

537 Town clerks, town treasurers, municipal clerks and municipal treasurers who hold office during good behaviour at the coming into force of this Act continue to hold office during good behaviour until such time as they resign or retire. *1998, c. 18, s. 537.*

#### **Continuation in force**

538 The by-laws, orders, policies and resolutions in force in a municipality or village immediately prior to the coming into force of this Act continue in force to the extent that they are authorized by this Act or another Act of the Legislature until amended or repealed. *1998, c. 18, s. 538.*

#### **Dissolution of business commission**

539 (1) Every business improvement district commission is dissolved and its assets and liabilities are vested in the municipality that established it.

(2) A municipality may transfer property of a business improvement district commission to a nonprofit organization incorporated for purposes similar to those of the dissolved commission. *1998, c. 18, s. 539.*

#### **Dissolution of industrial commission**

540 (1) Every industrial commission established by, or pursuant to, a statute is dissolved and its assets and liabilities are vested in the municipality that established it.

(2) A municipality may transfer property of an industrial commission dissolved by this Act to a nonprofit organization incorporated for purposes related to the improvement of the economy and commerce of the municipality. *1998, c. 18, s. 540.*

#### **Dissolution of regional transit authority**

541 (1) Every regional transit authority is dissolved and its assets and liabilities are vested in the municipality that established it.

(2) Municipalities that are members of a regional transit authority are deemed to have

(a) entered into an intermunicipal services agreement for the provision of public transportation services on the same terms and conditions as contained in the incorporating documents of the regional transit authority; and

(b) dedicated the property of the authority to that purpose. *1998, c. 18, s. 541.*

### **Dissolution of corporations and commissions**

542 (1) Every incorporated waterfront development corporation, parking commission, tree commission, parks commission or recreation commission established by a municipality or by statute is dissolved and its assets and liabilities are vested in the municipality that established it or in which it operated.

(2) A municipality may transfer property of a waterfront development corporation, parking commission, tree commission, parks commission or recreation commission dissolved by this Act to a nonprofit organization incorporated for purposes similar to those of the dissolved body or related to the improvement of the municipality. *1998, c. 18, s. 542.*

### **Transitional tax rates**

543 (1) Where a regional municipality is incorporated, the council may authorize, for the ten fiscal years commencing on the incorporation date,

(a) different commercial and residential tax rates in each former municipal unit by phasing down or up the rates that applied within the municipal unit immediately before the incorporation date; and

(b) the levying and collecting of a separate rate within each former municipal unit for debt charges arising from debt outstanding immediately prior to the incorporation date.

(2) A council may levy a rate on an area to recover outstanding deficits, debts, debt charges or other items of past expenditure that the council determines should be recovered from the ratepayers of the area.

(3) A rate levied pursuant to subsection (2) applies to the assessed value of all taxable property and business occupancy assessments in the area.

(4) In the first fiscal year of a regional municipality, the council may levy and collect taxes at the same rates as were levied by the municipal governments, applied to the assessed value of all taxable property and business occupancy assessments on the same basis as the rates levied by

municipal governments, provided the total sum so levied will be sufficient to meet the estimated requirements of the regional municipality for that year.

(5) This Section applies to Cape Breton Regional Municipality, Halifax Regional Municipality and Region of Queens Municipality from the date of their respective incorporations. *1998, c. 18, s. 543.*

### **Reference to municipality**

544 A reference in an enactment to a municipality, as defined in the Municipal Affairs Act, is a reference to a municipality, village or service commission as defined in this Act. *1998, c. 18, s. 544.*

### **Agriculture and Marketing Act amended**

545 amendment

### **Angling Act amended**

546 amendment

### **Assessment Act amended**

547 amendments

### **Atomic Energy of Canada Tax Sharing Act repealed**

548 Chapter 27 of the Revised Statutes, 1989, the Atomic Energy of Canada Limited Tax Sharing Act, is repealed. *1998, c. 18, s. 548.*

### **Brucellosis Control Act repealed**

549 Chapter 44 of the Revised Statutes, 1989, the Brucellosis Control Act, is repealed. *1998, c. 18, s. 549.*

### **Building Code Act amended**

550 amendments

### **Cape Breton Regional Municipality Act repealed**

551 Chapter 3 of the Acts of 1994, the Cape Breton Regional Municipality Act, is repealed. *1998, c. 18, s. 551.*

### **Cattle Pest Control Act amended**

552 amendments

**Community Act repealed**

553 Chapter 80 of the Revised Statutes, 1989, the Community Act, is repealed. *1998, c. 18, s. 553.*

**Deed Transfer Tax Act repealed**

554 Chapter 121 of the Revised Statutes, 1989, the Deed Transfer Tax Act, is repealed. *1998, c. 18, s. 554.*

**Education Act amended**

555 amendments

**Education of the Blind Act repealed**

556 Chapter 138 of the Revised Statutes, 1989, the Education of the Blind Act, is repealed. *1998, c. 18, s. 556.*

**Environment Act amended**

557 amendment

**Fire Department Two Platoon Act repealed**

558 Chapter 170 of the Revised Statutes, 1989, the Fire Department Two Platoon Act, is repealed. *1998, c. 18, s. 558.*

**Forests Act amended**

559 amendments

**Halifax Regional Municipality Act repealed**

560 Chapter 3 of the Acts of 1995, the Halifax Regional Municipality Act, is repealed. *1998, c. 18, s. 560.*

**Heritage Property Act amended**

561 amendments

**Industrial Commissions Act repealed**



562 Chapter 221 of the Revised Statutes, 1989, the Industrial Commissions Act, is repealed. *1998, c. 18, s. 562.*

**Industrial Estates Limited Act amended**

563 amendment

**Land Holdings Disclosure Act amended**

564 amendment

**Municipal Act repealed**

565 Chapter 295 of the Revised Statutes, 1989, the Municipal Act, is repealed. *1998, c. 18, s. 565.*

**Municipal Affairs Act repealed**

566 Chapter 296 of the Revised Statutes, 1989, the Municipal Affairs Act, is repealed. *1998, c. 18, s. 566.*

**Municipal Boundaries & Representation Act repealed**

567 Chapter 298 of the Revised Statutes, 1989, the Municipal Boundaries and Representation Act, is repealed. *1998, c. 18, s. 567.*

**Municipal Elections Act amended**

568 amendments

**Municipal Finance Corporation Act amended**

569 amendments

**Nova Scotia Power Privatization Act amended**

570 amendments

**Planning Act repealed**

571 Chapter 346 of the Revised Statutes, 1989, the Planning Act, is repealed. *1998, c. 18, s. 571.*

**Police Act amended**

572 amendment

### **Public Highways Act amended**

573 amendment

### **Queens Regional Municipality Act repealed**

574 Chapter 9 of the Acts of 1995, the Queens Regional Municipality Act, is repealed. *1998, c. 18, s. 574.*

### **Regional Municipalities Act repealed**

575 Chapter 16 of the Acts of 1995-96, the Regional Municipalities Act, is repealed. *1998, c. 18, s. 575.*

### **Regional Transit Authority Act repealed**

576 Chapter 389 of the Revised Statutes, 1989, the Regional Transit Authority Act, is repealed. *1998, c. 18, s. 576.*

### **Rio Algom Limited Municipal Taxation Act repealed**

577 Chapter 9 of the Acts of 1992, the Rio Algom Limited Municipal Taxation Act, is repealed. *2000, c. 9, s. 60.*

### **Rural Fire District Act amended**

578 amendments

### **Shopping Centre Development Act amended**

579 amendment

### **Stray Animals Act repealed**

580 Chapter 448 of the Revised Statutes, 1989, the Stray Animals Act, is repealed. *1998, c. 18, s. 580.*

### **Towns Act repealed**

581 Chapter 472 of the Revised Statutes, 1989, the Towns Act, is repealed. *1998, c. 18, s. 581.*

### **Utility and Review Board Act amended**

582 amendments

### **Village Service Act repealed**

583 Chapter 493 of the Revised Statutes, 1989, the Village Service Act, is repealed. *1998, c. 18, s. 583.*

**Effective dates**

584 (1) This Act, except subsections 134(2) and (3) and Section 199, has effect on and after April 1, 1999.

(2) Subsections 134(2) and (3) have effect on and after April 1, 2003.

(3) Section 199 has effect on and after April 1, 2000. *1998, c. 18, s. 584.*

SCHEDULE A

FORM A

WARRANT

TO: Any police officer, civil constable, by-law enforcement officer or other municipal employee

(taxpayer) is indebted to the (Municipality) for (amount) taxes and interest.

You are required forthwith to distrain the goods and chattels of (taxpayer) for that amount and for the expenses of collection, and if need be to remove them to some place of safekeeping.

If the property distrained is not redeemed by payment of that amount, with the expenses of collection, and any additional charges and expenses, you shall sell the goods and chattels distrained upon to satisfy the amount due.

Given under my hand and the municipal seal  
this day of , 19 .

Treasurer

FORM B

RETURN

The warrant of distress for taxes hereto annexed was directed to me to be executed, and I have executed it by

(or I have been unable to find sufficient goods to realize the amount due for taxes, and interest and costs, fees and expenses and that the amount remaining due after the levy and sale is )

(or I have been unable to find any goods whereon to levy)

date

FORM C

CERTIFICATE OF SALE FOR TAXES

THIS IS TO CERTIFY that on (date) , (purchaser) of (address) purchased for the sum of \$ the lands and premises described in Schedule "A" hereto annexed, which were sold for arrears of taxes due to the (Municipality) , the same having been assessed to (assessed owner) , and described in a deed recorded in Book at Page .

A deed conveying the property to the purchaser or as directed by the purchaser will be provided upon payment of the prescribed fee at any time after three [six] months from the date of the sale if the property is not redeemed.

Given under the hand of the treasurer and the seal of the (Municipality)  
this day of , 19 .

Treasurer

#### FORM D

#### CERTIFICATE OF DISCHARGE

THIS IS TO CERTIFY that the (Municipality) has been paid the amount required to redeem the land described in Schedule "A" hereto annexed, which had been assessed to (assessed owner) and was on (date) sold for arrears of taxes to (purchaser) , and with respect to which a certificate of sale for taxes was issued and was recorded in Book at Page .

The certificate of sale for taxes is now released.

Given under the hand of the treasurer and the seal of the (Municipality) this day of , 19 .

Treasurer

#### FORM E

#### TAX DEED

THIS TAX DEED is made this day of , 19

BETWEEN:

The Municipality of ,  
hereinafter called the "Grantor"

OF THE ONE PART

- and -

The Purchaser's Name  
hereinafter called the "Grantee"

OF THE OTHER PART

Whereas the Grantor did advertise and sell on (date) the land assessed to described in Schedule "A" hereto annexed for arrears of taxes, interest and expenses.

Now This Indenture Witnesses that in consideration of the sum of One Dollar and other good and valuable consideration the Grantor hereby conveys to the Grantee all the lands or interests described in Schedule "A".

In Witness Whereof, we have set our hands and affixed the seal of the Municipality the day and year first above written.

SIGNED, SEALED AND DELIVERED ) MUNICIPALITY OF  
in the presence of )

)  
) per:  
) Mayor/ Warden  
)  
)  
) per:

) Clerk

PROVINCE OF NOVA SCOTIA )  
COUNTY OF )

ON THIS day of , A. D., 19 , before me, the subscriber, personally came and appeared , the subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that and , the Mayor/Warden and Clerk of the Grantor herein, signed, sealed and delivered the same in h presence.

---

A Commissioner of the Supreme  
Court of Nova Scotia

Note: Schedule "A" is to contain a full metes and bounds description of the property being conveyed, and must also contain a proper back reference to the next earlier deed, and to the deed to the delinquent taxpayer.

*1998, c. 18, Sch. A.*

## SCHEDULE B

### Statements of Provincial Interest

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Introduction

Definition

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## INTRODUCTION

Nova Scotia's land and water resources are fundamental to our physical, social and economic well-being. But they are finite resources and using them in one way can mean the exclusion of other uses forever. Therefore, it is important that decisions about Nova Scotia's land and water be made carefully. Ill-advised land use can have serious consequences for the physical, economic and social well-being of all Nova Scotians.

These statements of Provincial interest recognize the importance of our land and water resources. The statements also address issues related to the future growth of our communities. They are intended to serve as guiding principles to help Provincial Government departments, municipalities and individuals in making decisions regarding land use. They are supportive of the principles of sustainable development.

Development undertaken by the Province and municipalities should be reasonably consistent with the statements.

As the statements are general in nature, they provide guidance rather than rigid standards. They reflect the diversity found in the Province and do not take into account all local situations. They must be applied with common sense. Thoughtful, innovative and creative application is encouraged.

## DEFINITIONS

These definitions apply to the Statements of Provincial Interest.

**Agricultural Land** means active farmland and land with agricultural potential as defined by the Canada Land Inventory as Class 2, 3 and Class 4 land in active agricultural areas, speciality crop lands and dykelands suitable for commercial agricultural operations as identified by the Department of Agriculture and Marketing.

**Floodplain** means the low lying area adjoining a watercourse.

**Floodproofed** means a measure or combination of structural and non-structural measures incorporated into the design of a structure which reduces or eliminates the risk of flood damage, usually to a defined elevation.

**Floodway** means the inner portion of a flood risk area where the risk of flooding is greatest, on average once in twenty years, and where flood depths and velocities are greatest.

**Floodway Fringe** means the outer portion of a flood risk area, between the floodway and the outer boundary of the flood risk area, where the risk of flooding is lower, on average once in one hundred years, and floodwaters are shallower and slower flowing.

**Groundwater Recharge Area** means the area of land from which water flows to supply a well.

**Hazardous Materials** means dangerous goods, waste dangerous goods and pesticides as defined in the Environment Act C.1, S.N.S. 1994-95.

**Municipal Water Supply Watershed** means an area encompassing a surface watershed or recharge area, or a portion of it, serving as a water supply area for a municipal water system.

**Off-site Fill** means fill that has been imported from outside the floodplain or fill which is transported from the Floodway Fringe to the Floodway.

**Planning Documents** means a municipal planning strategy, land-use by-law, development agreement and subdivision by-law.

## STATEMENT OF PROVINCIAL INTEREST REGARDING DRINKING WATER

### **GOAL**

To protect the quality of drinking water within municipal water supply watersheds.

### **BASIS**

A safe supply of drinking water is a basic requirement for all Nova Scotians.

Inappropriate development in municipal water supply watersheds may threaten the quality of drinking water.

Some water supply watersheds are located outside the municipality using the water. The municipality depending on the water therefore has no direct means of protecting its supply.

### **APPLICATION**

This statement applies to all municipal water supply watersheds in the Province including surface watersheds and groundwater recharge areas.

### **PROVISIONS**

1. Planning documents must identify all municipal water supply watersheds within the planning area.
2. Planning documents must address the protection of drinking water in municipal water supply watersheds. Measures that should be considered include
  - (a) restricting permitted uses to those that do not pose a threat to drinking water quality;
  - (b) balancing the expansion of existing uses against the risks posed to drinking water quality;
  - (c) limiting the number of lots. Too many lots may result in development which cumulatively affects drinking water quality. The minimum size of lots and density of development should be balanced against the risks posed to the quality of drinking water;
  - (d) setting out separation distances between new development and watercourses to provide protection from run-off;
  - (e) establishing measures to reduce erosion, sedimentation, run-off and vegetation removal associated with development.
3. Existing land use and the location, size and soil conditions of a municipal water supply watershed will determine the land-use controls that should be applied. Large surface watersheds, for example, may be able to sustain more development than a small groundwater recharge area.

It is recognized that in some situations the long-term protection of the drinking water supply may be impractical. In these cases planning documents must address the reasons why the water supply cannot be protected. Municipalities in this situation should consider locating an alternate source of drinking water where long-term protective measures can be applied.

4. The Province supports the preparation of watershed management strategies for all municipal water supply watersheds. These strategies should be prepared by the concerned municipalities and the municipal water utility, in consultation with all affected parties, including landowners.

## STATEMENT OF PROVINCIAL INTEREST REGARDING FLOOD RISK AREAS

### **GOAL**

To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.

### **BASIS**

Floodplains are nature's storage area for flood waters [floodwaters].

New development in a floodplain can increase flood levels and flows thereby increasing the threat to existing upstream and downstream development.

Five floodplains have been identified as Flood Risk Areas under the Canada-Nova Scotia Flood Damage Reduction Program.

### **APPLICATION**

This statement applies to all Flood Risk Areas that are designated under the Canada-Nova Scotia Flood Damage Reduction Program. These are

- (1) East River, Pictou County,
- (2) Little Sackville River, Halifax County,
- (3) Sackville River, Halifax County,
- (4) Salmon and North Rivers, Colchester County, and
- (5) West and Rights Rivers and Brierly Brook, Antigonish County.

There are other areas in the Province that are subject to flooding which have not been mapped under the Canada-Nova Scotia Flood Damage Reduction Program. In these areas, the limits of potential flooding have not been scientifically determined. However, where local knowledge or information concerning these floodplains is available, planning documents should reflect this information and this statement.

### **PROVISIONS**

1. Planning documents must identify Flood Risk Areas consistent with the Canada-Nova Scotia Flood Damage Reduction Program mapping and any locally known floodplain.
2. For Flood Risk Areas that have been mapped under the Canada-Nova Scotia Flood Damage Reduction Program planning documents must be reasonably consistent with the following:
  - (a) within the Floodway,



(i) development must be restricted to uses such as roads, open space uses, utility and service corridors, parking lots and temporary uses, and

(ii) the placement of off-site fill must be prohibited;

(b) within the Floodway Fringe,

(i) development, provided it is floodproofed, may be permitted, except for

(1) residential institutions such as hospitals, senior citizen homes, homes for special care and similar facilities where flooding could pose a significant threat to the safety of residents if evacuation became necessary, and

(2) any use associated with the warehousing or the production of hazardous materials,

(ii) the placement of off-site fill must be limited to that required for floodproofing or flood risk management.

3. Expansion of existing uses must be balanced against risks to human safety, property and increased upstream and downstream flooding. Any expansion in the Floodway must not increase the area of the structure at or below the required floodproof elevation.

4. For known floodplains that have not been mapped under the Canada-Nova Scotia Flood Damage Reduction Program, planning documents should be, at a minimum, reasonably consistent with the provisions applicable to the Floodway Fringe.

5. Development contrary to this statement may be permitted provided a hydrotechnical study, carried out by a qualified person, shows that the proposed development will not contribute to upstream or downstream flooding or result in a change to flood water [floodwater] flow patterns.

#### STATEMENT OF PROVINCIAL INTEREST REGARDING AGRICULTURAL LAND

### **GOAL**

To protect agricultural land for the development of a viable and sustainable agriculture and food industry.

### **BASIS**

The preservation of agricultural land is important to the future of Nova Scotians.

Agricultural land is being lost to non-agricultural development.

There are land-use conflicts between agricultural and non-agricultural land uses.

### **APPLICATION**

This statement applies to all active agricultural land and land with agricultural potential in the Province.

### **PROVISIONS**

1. Planning documents must identify agricultural lands within the planning area.

2. Planning documents must address the protection of agricultural land. Measures that should be considered include:

(a) giving priority to uses such as agricultural, agricultural related and uses which do not eliminate the possibility of using the land for agricultural purposes in the future. Non-agricultural uses should be balanced against the need to preserve agricultural land;

(b) limiting the number of lots. Too many lots may encourage non-agricultural development. The minimum size of lots and density of development should be balanced against the need to preserve agricultural land;

(c) setting out separation distances between agricultural and new non-agricultural development to reduce land-use conflicts;

(d) measures to reduce topsoil removal on lands with the highest agricultural value.

3. Existing land-use patterns, economic conditions and the location and size of agricultural holdings means not all areas can be protected for food production, e.g., when agricultural land is located within an urban area. In these cases, planning documents must address the reasons why agriculture lands cannot be protected for agricultural use. Where possible, non-agricultural development should be directed to the lands with the lowest agricultural value.

#### STATEMENT OF PROVINCIAL INTEREST REGARDING INFRASTRUCTURE

### **GOAL**

To make efficient use of municipal water supply and municipal wastewater disposal systems.

### **BASIS**

All levels of government have made significant investment in providing municipal water supply and municipal wastewater disposal infrastructure systems.

Unplanned and uncoordinated development increases the demand for costly conventional infrastructure.

### **APPLICATION**

All communities of the Province.

### **PROVISIONS**

1. Planning documents must promote the efficient use of existing infrastructure and reduce the need for new municipal infrastructure. Measures that should be considered include:

(a) encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development;

(b) discouraging development from leapfrogging over areas served by municipal infrastructure to unserved areas;

(c) directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered;

(d) identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.

2. Where on-site disposal systems are experiencing problems, alternatives to the provision of conventional wastewater disposal systems should be considered. These include the replacement or repair of malfunctioning on-site systems, the use of cluster systems and establishing wastewater management districts.

3. Installing municipal water systems without municipal wastewater disposal systems should be discouraged.

4. Intermunicipal solutions to address problems and provide infrastructure should be considered.

## STATEMENT OF PROVINCIAL INTEREST REGARDING HOUSING

### **GOAL**

To provide housing opportunities to meet the needs of all Nova Scotians.

### **BASIS**

Adequate shelter is a fundamental requirement for all Nova Scotians.

A wide range of housing types is necessary to meet the needs of Nova Scotians.

### **APPLICATION**

All communities of the Province.

### **PROVISIONS**

1. Planning documents must include housing policies addressing affordable housing, special-needs housing and rental accommodation. This includes assessing the need and supply of these housing types and developing solutions appropriate to the planning area. The definition of the terms affordable housing, special-needs housing and rental housing is left to the individual municipality to define in the context of its individual situation.

2. Depending upon the community and the housing supply and need, the measures that should be considered in planning documents include: enabling higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types.

3. There are different types of group homes. Some are essentially single detached homes and planning documents must treat these homes consistent with their residential nature. Other group homes providing specialized services may require more specific locational criteria.

4. Municipal planning documents must provide for manufactured housing.

### **IMPLEMENTATION**

1. These statements of provincial interest are issued under the Municipal Government Act. The Minister of Housing and Municipal Affairs, in cooperation with other provincial departments, is responsible for their interpretation.

2. Provincial Government departments must carry out their activities in a way that is reasonably consistent with these statements.

3. New municipal planning documents as well as amendments made after these statements come into effect must be reasonably consistent with them.

4. Councils are encouraged to amend existing planning documents to be reasonably consistent with the statements. Where appropriate, the preparation of intermunicipal planning strategies is encouraged.

5. Reasonably consistent is defined as taking reasonable steps to apply applicable statements to a local situation. Not all statements will apply equally to all situations. In some cases, it will be impractical because of physical conditions, existing development, economic factors or other reasons to fully apply a statement. It is also recognized that complete information is not always available to decision makers. These factors mean that common sense will dictate the application of the statements. Thoughtful innovation and creativity in their application is encouraged.

6. Conflicts among the statements must be considered and resolved in the context of the planning area and the needs of its citizens.

7. The Department of Housing and Municipal Affairs, with other Provincial departments, may prepare guidelines and other information to help municipalities in implementing the statements. Provincial staff are available for consultation on the reasonable application of the statements.

*1998, c. 18, Sch. B.*





# Special Places Protection Act

CHAPTER 438

OF THE

REVISED STATUTES, 1989

amended 1990, c. 45; 1994-95, c. 17; 2004, c. 6, s. 31; 2005, c. 28

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**NOTE** - This electronic version of this statute is provided by the Office of the Legislative Counsel for your convenience and personal use only and may not be copied for the purpose of resale in this or any other form. Formatting of this electronic version may differ from the official, printed version. Where accuracy is critical, please consult official sources.

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## An Act to Provide for the Preservation, Regulation and Study of Archaeological and Historical Remains and Palaeontological and Ecological Sites

### Short title

1 This Act may be cited as the Special Places Protection Act. *R.S., c. 438, s. 1.*

### Purpose of Act

2 The purpose of this Act is to

(a) provide for the preservation, protection, regulation, exploration, excavation, acquisition and study of archaeological and historical remains and palaeontological sites which are considered important parts of the natural or human heritage of the Province;

(b) provide for the preservation, protection, regulation, acquisition and study of ecological sites which are considered important parts of the natural heritage of the Province and, notwithstanding the generality of the foregoing, preserve, regulate, acquire and study those ecological sites that

(i) are suitable for scientific research and educational purposes,

(ii) are representative examples of natural ecosystems within the Province,

(iii) serve as examples of ecosystems that have been modified by man and offer an opportunity to study the natural recovery of ecosystems from such modification,

(iv) contain rare or endangered native plants or animals in their natural habitats,

(v) provide educational or research field areas for the long-term study of natural changes and balancing forces in undisturbed ecosystems; and

(c) promote understanding and appreciation among the people of the Province of the scientific, educational and cultural values represented by the establishment of special places. *R.S., c. 438, s. 2.*

### **Interpretation**

3 In this Act,

(a) "Committee" means the Advisory Committee on the Protection of Special Places;

(aa) "heritage object" means an archaeological, historical or palaeontological object or remain but does not include such an object to which the Treasure Trove Act applies;

(b) "Minister" means the member of the Executive Council assigned responsibility for this Act;

(c) "Museum" means the Nova Scotia Museum;

(d) "registered owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the registry of deeds, and includes a person shown as a tenant of land on the last revised assessment roll;

(e) "special places" means those places referred to in Section 2. *R.S., c. 438, s. 3; 1990, c. 45, s. 1; 2005, c. 28, s. 1.*

### **Act binds Crown**

4 (1) This Act binds Her Majesty in right of the Province.

(2) repealed 1990, c. 45, s. 2.

*R.S., c. 438, s. 4; 1990, c. 45, s. 2.*

### **Advisory Committee on Protection of Special Places**

5 (1) There is hereby established a committee to be known as the Advisory Committee on the Protection of Special Places.

(2) The Committee shall be appointed by the Minister and shall be composed of

(a) one person employed by the department for which the Minister has responsibility, who is the chair of the Committee;

(b) three persons who are representative of

(i) the Department of Environment and Labour,

(ii) the Department of Tourism, Culture and Heritage, and

(iii) the Department of Natural Resources; and

(c) up to six other persons who may include persons recognized as experts in fields pertinent to this Act and persons who represent aboriginal interests.

(3) Members of the Committee may be appointed for such terms as the Minister determines.

(4) repealed 2005, c. 28, s. 2.

(5) Members of the Committee shall be eligible for re- appointment.

(6) A member of the Committee shall not receive any remuneration for being a member thereof, but shall be reimbursed for actual expenses incurred in connection therewith. *R.S., c. 438, s. 5; 2005, c. 28, s. 2.*

### **Duties and powers**

6 The Committee shall be responsible to the Minister and shall have power to

(a) make recommendations to the Minister concerning the administration, classification and acquisition of special places;

(b) conduct research with respect to existing and possible future special places;

(c) recommend regulations to the Minister with respect to management plans and other matters related to ecological sites;

(d) conduct research concerning the possible removal from designation of existing special places;

(e) ensure that, if a special places designation is being considered that appears to effect the operation of some other public Act, the persons charged with the administration of that Act have the opportunity to make representations to the Committee before any recommendations are made to the Minister;

(f) do any other thing which the Minister may assign the Committee with respect to assisting him in the proper administration of this Act. *R.S., c. 438, s. 6.*

### **Designation of protected site**

7 (1) The Minister, with the approval of the Governor in Council, may designate any land within the Province, including land covered with water, that has outstanding archaeological, historical or palaeontological significance as a protected site.

(2) A designation made pursuant to subsection (1) shall contain a description of the land sufficient to identify it and a copy of the designation shall be deposited in the registry of deeds for the registration district in which the land is situated.

(2A) Every designation of a protected site shall be published in one edition of the Royal Gazette and the effective date of such designation shall be the date of the publication of the aforesaid designation in the Royal Gazette.

(2B) Such publication shall contain a description of the protected site sufficient to identify the boundaries of same.

(3) The Minister may place appropriate signs or other devices at a protected site indicating that the land is a protected site, but no sign or device is required to be placed at a site.

(4) Where the land to be so designated is privately owned,

(a) the Minister shall cause notice of the intention to designate to be served upon each registered owner not less than thirty days prior to designation;

(b) the owner may comment upon the proposed designation within the period of time specified by the Minister; and

(c) no person shall be entitled to any damages for compensation for injurious affection as a result of the designation of land or land covered with water. *R.S., c. 438, s. 7; 1990, c. 45, s. 3.*

### **Termination of designation**

7A (1) Where it appears to the Committee that the continued designation of land as a protected site is inappropriate, the Committee may recommend to the Minister that the designation be terminated.



(2) Before making a recommendation pursuant to subsection (1), the Committee shall give notice of the proposed recommendation in a newspaper circulating in the Province giving at least thirty days for receipt by the Committee of written submissions by the public and, where the land is privately owned, the notice shall be served on the registered owner of the land.

(3) The Committee shall not make a recommendation pursuant to subsection (1) until thirty days following the deadline for receipt of written submissions pursuant to subsection (2).

(4) Upon receipt by the Minister of a recommendation pursuant to this Section to terminate a designation, the Minister may, with the approval of the Governor in Council, terminate the designation.

(5) Where the Minister terminates the designation of land, the Minister shall cause notice of the termination to be deposited in the registry of deeds for the registration district in which the land is situate and, where the land is privately owned, to be sent to the registered owner of the land.  
*1990, c. 45, s. 4.*

### **Heritage research permit**

8 (1) No person shall carry out explorations or make excavations on any land in the Province, including land covered with water, for the purpose of seeking heritage objects, without a heritage research permit.

(2) The Minister, or a person authorized by the Minister, may issue heritage research permits authorizing archaeological, historical or palaeontological explorations and excavations in the Province.

(3) A heritage research permit shall be subject to the following:

(a) the application must be made on a form approved by the Minister;

(b) the applicant must be competent to conduct heritage research as proposed on the form provided;

(c) the permit holder must submit a report on the work done to the Minister within the time specified on the permit and in such detail as the Minister requires; and

(d) the permit holder must deliver possession of all heritage objects recovered, while excavating pursuant to the heritage research permit, to the Museum or to any other public institution which the Minister may designate, which objects become the property of the Province.

(4) Notwithstanding clause (d) of subsection (3), the Museum or other public institution designated by the Minister pursuant to said clause (d) may return any heritage object received to the person who recovered it, subject to such conditions as to the care and disposition of the object as the Museum or other institution, as the case may be, determines. *R.S., c. 438, s. 8; 1990, c. 45, s. 5.*

### **Effect of permit**

9 A permit issued under this Act does not

- (a) authorize the permit holder to enter upon lands or remove heritage objects therefrom without the consent of the owner or person entitled to grant consent; or
- (b) relieve the permit holder from compliance with any enactment, regulation or law relating to excavations on land. *R.S., c. 438, s. 9.*

### **Cancellation of permit**

10 The Minister may cancel a permit at any time and the permit shall, upon cancellation, cease to be in force. *R.S., c. 438, s. 10.*

### **Seizure of heritage object**

11 Where a heritage object has been recovered from any site in the Province by a person who is not a holder of a permit or by a permit holder in contravention of his permit, the Minister or a person authorized by him may seize the heritage object and deliver it to the Museum, which object becomes the property of the Province. *R.S., c. 438, s. 11; 1994-95, c. 17, s. 1.*

### **Prohibition where no permit**

12 Notwithstanding the issue of a licence pursuant to the Treasure Trove Act, no person shall

- (a) excavate or otherwise alter a protected site or remove any objects from a protected site unless he is the holder of a permit;
- (b) knowingly destroy, desecrate, deface or alter archaeological or historical remains or a palaeontological site whether designated or not unless he holds a heritage research permit to excavate the specific site. *R.S., c. 438, s. 12; 1990, c. 45, s. 6.*

### **Stop order**

13 (1) When, in the opinion of the Minister, any special place, whether designated or not, is threatened with destruction by reason of commercial, industrial or other development or activity, the Minister may order the development or activity to cease in whole or in part for thirty days and, upon the recommendation of the Minister, the Governor in Council may continue the order until a site survey and, if necessary, a site investigation and salvage is carried out under the direction of the Museum.

(2) When such a development or activity is carried out by a government department or agency or a developer, the Governor in Council may require that funds be provided by that department, agency or developer to cover the costs of site survey, investigation and salvage.

(3) Where a site survey, investigation or salvage is ordered, it shall be carried out in such a manner that it will not cause undue hardship on the agency, owner or person responsible for the development or activity. *R.S., c. 438, s. 13; 1990, c. 45, s. 7.*

### **Designation of ecological site**

14 (1) The Minister, with the approval of the Governor in Council, may on Crown land or on private land with the consent of the owner, including land covered with water, designate certain areas of the Province as ecological sites.

(2) The Minister may formulate a management plan for an ecological site at any time and may seek the assistance of the Committee when so doing.

(3) Every designation of an ecological site shall be published in one edition of the Royal Gazette and the effective date of such designation shall be the date of the publication of the designation in the Royal Gazette.

(4) Such publication shall contain a description of the ecological site sufficient to identify the boundaries of same.

(5) The Minister may place appropriate signs or other devices at an ecological site indicating that the land is a protected site, but no sign or device is required to be placed at a site.

(6) The ecological sites shall be designated by a description of the lands sufficient to identify them and such designation shall be registered as soon as possible by the Minister in the registry of deeds office for the registration district in which the lands are situated.

(7) Before the registration of the aforesaid designation, the Minister shall forthwith by registered mail give notice to the registered owner or owners of the lands so designated.

(8) A designation of an ecological site

(a) runs with the land to which it applies and binds all successors in title to the land or any estate in the land unless the designation is terminated pursuant to this Act; and

(b) is not affected by any tax deed conveying the land to which it applies.

(9) Subsection (8) applies to all designations of ecological sites whether made before or after the coming into force of that subsection. *R.S., c. 438, s. 14; 1990, c. 45, s. 8; 2004, c. 6, s. 31; 2005, c. 28, s. 3.*

### **Termination of designation**

14A (1) Where it appears to the Committee that the continued designation of land as an ecological site is inappropriate, the Committee may recommend to the Minister that the designation be terminated.

(2) Before making a recommendation pursuant to subsection (1), the Committee shall give notice of the proposed recommendation in a newspaper circulating in the Province giving at least thirty days for receipt by the Committee of written submissions by the public and, where the land is privately owned, the notice shall be served on the registered owner of the land.

(3) The Committee shall not make a recommendation pursuant to subsection (1) until thirty days following the deadline for receipt of written submissions pursuant to subsection (2).

(4) Upon receipt by the Minister of a recommendation pursuant to this Section to terminate a designation, the Minister may, with the approval of the Governor in Council, terminate the designation.

(5) Where the Minister terminates the designation of land, the Minister shall cause notice of the termination to be deposited in the registry of deeds for the registration district in which the land is situate and, where the land is private land, to be sent to the registered owner of the land. *1990, c. 45, s. 9.*

### **Management of designated Crown land**

15 Crown lands designated as ecological sites shall be under the administration and control of the Minister. *R.S., c. 438, s. 15.*

### **Ecological research permit**

16 (1) The Minister, or a person authorized by the Minister, may issue ecological research permits authorizing ecological research or other ecological activities within the designated ecological sites.

(2) Such permits so issued shall be subject to the following:

(a) an application for a permit must be made on a form approved by the Minister;

(b) the applicant must be competent to conduct ecological research or other ecological activities as proposed on the form provided;

(c) the permit holder must submit a report on the work done or activities carried on to the Minister within the time specified on the permit; and

(d) the permit may be made subject to such conditions as the Minister, or a person authorized by the Minister, may prescribe in order to protect the designated ecological site or some part thereof from any such proposed research or activities, and, if the lands are privately held, such research or activities must be carried on with the written consent of the landowner.

(3) The Minister may cancel the permit at any time and the permit shall, upon cancellation, cease to be in force. *R.S., c. 438, s. 16; 1990, c. 45, s. 10.*

## **Ecological research permit**

17 After the designation of an ecological site, no person shall carry on any activity which may alter any part of the terrain or of the vegetation or carry on any acts which may disturb the fauna or the flora within the designated site, unless such person has first obtained an ecological research permit from the Minister, or a person authorized by the Minister. *R.S., c. 438, s. 17; 1990, c. 45, s. 11.*

## **Prohibition on disposal or grant of rights**

18 (1) The Province, upon the designation of an ecological site upon Crown lands, and notwithstanding the provision of any other special or general statute, shall not grant, lease or otherwise dispose of lands that comprise such a site.

(2) Any grant of the Province of any rights under any other statute, including, but not so as to restrict the generality thereof, the mining rights, fishing and game rights, forestry rights and water rights, shall be forbidden on any ecological site designated and any grant purported to be made shall be null and void. *R.S., c. 438, s. 18.*

## **Restriction on expropriation**

19 Notwithstanding any general or special Act, including the provisions of the Expropriation Act, no expropriation power can be exercised within the limits of a designated ecological site without the express authorization of the Minister, in addition to any other authorization necessary to carry out such expropriation power. *R.S., c. 438, s. 19.*

## **Regulations**

20 (1) The Governor in Council, upon the recommendation of the Minister, may make regulations for the protection, preservation and use of special places on Crown lands and with respect to special places on private lands with the further consent of the landowner and, generally and without restricting the generality thereof, may make regulations

- (a) establishing management plans for designated ecological sites;
- (b) for the classification of ecological sites and the uses to which each classification can be put;
- (c) for the control of entry onto a special place and the control of activities within such places;
- (d) respecting the control, regulation, restriction or prohibition of any kind of use, development or occupation of the land or of any of the natural resources in a special place;
- (e) respecting the sign, plaques and markers to be placed at a special place;
- (f) determining measures, including financial incentives, to encourage the identification, preservation and protection of special places;

(g) respecting generally any other matter or thing necessary or incidental to the protection of special places.

(2) The exercise by the Governor in Council of the authority set forth in this Section shall be regulations within the meaning of the Regulations Act. *R.S., c. 438, s. 20; 1990, c. 45, s. 12.*

### **Service of notice**

21 (1) Service of any notice required to be made by this Act shall be sufficient if served upon the person by registered mail at his last known address.

(2) Where a person upon whom service should be made cannot be identified or his address is not known, service shall be sufficient if notice is affixed in a conspicuous place on the land and a copy is delivered to any occupant of the land. *R.S., c. 438, s. 21.*

### **Offence and penalty**

22 (1) Every person who contravenes any provision of this Act or who, being the holder of a permit, fails to comply with any term or condition of any permit issued under this Act is guilty of an offence and is liable on summary conviction to a penalty not exceeding ten thousand dollars.

(2) Where a corporation is convicted of an offence against this Act, the maximum penalty that may be imposed upon the corporation is one hundred thousand dollars and not as provided in subsection (1). *R.S., c. 438, s. 22; 1990, c. 45, s. 13.*

### **Existing designations and permits preserved**

23 Notwithstanding the repeal of the former Historical Objects Protection Act, every designation made and permit issued under that Act remains good and valid. *R.S., c. 438, s. 23.*



# Policy Framework for the Management of Assets and Acquired Services

---

## 1. Effective Date

This framework is effective as of November 1<sup>st</sup>, 2006.

## 2. Context

### 2.1 Purpose

The Policy Framework for the Management of Assets and Acquired Services and its associated policy instruments set the direction for the management of assets and acquired services to ensure the conduct of these activities provides value for money and demonstrates sound stewardship in program delivery. A failure to effectively manage these activities can result in increased program and administrative costs and can compromise program outcomes.

Assets include a very broad range of resources ranging from land, buildings and major IT systems to furniture and equipment. Acquired services can be very simple, such as temporary help, or highly complex service delivery arrangements.

This framework sets out the principles for the management of assets and acquired services, which are consistent with the Management Accountability Framework. As with all areas of government management, it is firmly grounded in the Values and Ethics Code for the Public Service.

In addition, the framework identifies key legislation, policy instruments, community professional standards and requirements for integrated information systems that constitute the basis for the government's management practices and controls for assets and acquired services.

Finally, the framework supports the role of Treasury Board ministers in making effective management and expenditure decisions in the context of assets and acquired services while ensuring Parliamentarians have the necessary information for the oversight of management and spending in the Estimates process.

## 3. Principles

3.1. Decisions with respect to the management of assets and acquired services:

- are consistent with government priorities and departmental mandates, enable program outcomes, address critical risks, and comply with legislation, regulations and policies;
- demonstrate public service values and ethics, rigorously assess health and safety, actively promote environmental stewardship, contribute to broader government objectives and ensure access, service quality, privacy, and security;
- encourage innovation by considering the full range of options available to best meet program needs;
- are informed by financial and non-financial performance measures and results; and
- are fair, transparent and accessible to serve Parliament's appropriation and oversight role and the Treasury Board's management role.

3.2. Value for money and sound stewardship in the management of assets and acquired services are achieved through:

- strategic and integrated decision-making and management processes at a government-wide, horizontal, portfolio, departmental and program levels to optimize the use of assets and services;
- a risk-based and complexity-based approach to processes, systems, capacity, resourcing, oversight and reporting to promote the attainment of program outcomes;
- a life cycle management approach reflecting direct and indirect costs of assets and services, to ensure affordability, cost effectiveness and performance;
- consideration of asset performance and utilization in retention and disposal decisions made in support of program delivery;
- delegation of authority based on need, capacity and on an effective regime of accountabilities and responsibilities;
- efficient and effective business processes; and
- management systems, processes and information that provide the basis for managing performance and for assigning costs to support:
  - effective fact-based decision-making, budgeting and reporting consistent with the Management Resources and Results Structure (MRRS)
  - re-allocation in response to changing priorities,
  - risk-based oversight and monitoring and
  - demonstrated compliance with legislation, regulations and policy.

## 4. Accountabilities, Roles and Responsibilities

### 4.1 Deputy Heads

Deputy Heads are accountable to their respective Ministers and to Treasury Board for the management of assets and acquired services in departments. They are responsible for implementing an effective management framework, including departmental procedures, processes and systems, that demonstrates how the department is managing based on the principles identified above. The framework must demonstrate how the management of assets and acquired services is effectively integrated with program, expenditure, financial and human resources related considerations to promote value for money.

Deputy Heads are responsible for ensuring that the monitoring of assets and acquired services management practices and controls is in place within the department and for acting expeditiously when control failures are identified. Responses must be fact-based, get to root causes and respect due process when dealing with issues of personal conduct.

The specific responsibilities of departmental deputy heads for the life-cycle management of assets and acquired services are described in a suite of Treasury Board *policy instruments*.

### 4.2 Treasury Board and Treasury Board of Canada Secretariat (Secretariat)

The Treasury Board and its Secretariat are responsible for establishing a government-wide system of management and control for federal assets and acquired services pursuant to the authority given in the *Financial Administration Act* and *Federal Real Property and Federal Immovables Act*.

A key element of the Treasury Board's role is the review and approval of departmental investment plans, including assessment of the performance and cost of assets and acquired services from



government-wide, horizontal, portfolio, departmental and program perspectives.

The Secretariat is responsible for providing appropriate policies, directives, tools and guidance necessary to support this framework and government-wide learning. It also performs a community leadership role by sharing information and fostering best practices.

The Secretariat establishes professional standards for communities of practice. This specifically includes support for the identification of core competencies and associated training and, where applicable, certification standards required of employees working in all areas of life-cycle asset management.

The Secretariat monitors the implementation of Treasury Board policies in and across departments. Where necessary, the Secretariat ensures that the appropriate remedial measures are undertaken by Deputy Heads in support of their responsibilities for the monitoring of asset and acquired services management practices and controls.

### **4.3 Common Service Organizations**

Common Service Organizations provide services to departments that support the effective management of assets and acquired services. Common Service Organizations are responsible for contributing to the achievement of value for money for Canadians by providing professional services that are responsive to the needs of client departments in the most cost effective way possible.

## **5. Relationship to other Treasury Board Frameworks**

This Framework is linked to and informed by other key frameworks and associated policies such as the [Foundation Framework for Treasury Board Policies](#), the Integrated Risk Management Framework and the Financial Management Policy Framework.

The specific legislative, regulatory and policy instruments that support this framework are set out in the attached Appendix.

The Asset and Acquired Services policy responsibilities complement legislative and policy requirements in the areas of program, expenditure, financial and human resources management thereby ensuring value for money and sound stewardship in program delivery.

## **6. Monitoring, Reporting and Performance Assessment**

Performance indicators, reporting requirements and compliance mechanisms with respect to the life-cycle management of assets and acquired services are identified in individual policies, where applicable

Information gathered through policy monitoring and reporting, as well as through the review of audits conducted by departments or the Office of the Auditor General, is used to assess a department's management performance. These assessments may be used to inform discussions between the Secretary of the Treasury Board and Deputy heads on the Management Accountability Framework (MAF).

Deputy Heads are responsible for ensuring that the findings of MAF assessments and issues identified through monitoring are examined, reviewed and effectively acted upon.

Departmental performance is the basis for increased delegations and or their limitation or removal by Treasury Board Ministers. Delegations for asset and acquired services related management

activities are informed by a department's demonstration of management capacity relative to this framework and associated policies, directives and standards.

## 7. Consequences

The Foundation Framework for Treasury Board Policies explains the role that consequences play in the application of Treasury Board policies. Assets and acquired services policies provide more subject-specific information on consequences.

## 8. Enquiries

Responsibility for the policy instruments supporting this policy framework is vested with the Treasury Board of Canada Secretariat.

Please direct enquiries to:

Executive Director  
Assets and Acquired Services Directorate  
Treasury Board of Canada Secretariat  
140 O'Connor Street  
Ottawa Ontario K1A 0G5  
Telephone: (613) 957-0517  
Facsimile: (613) 957-2405  
E-mail: [rpmpd@tbs-sct.gc.ca](mailto:rpmpd@tbs-sct.gc.ca)

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## Appendix - Supporting Legislation, Regulations and Policy Instruments

### Legislation

[\*Defence Production Act\*](#)  
[\*Financial Administration Act\*](#)  
[\*Federal Real Property and Federal Immovables Act\*](#)  
[\*Surplus Crown Assets Act\*](#)  
[\*Public Works and Government Services Act\*](#)  
[\*Comprehensive Land Claim Agreements\*](#)  
[\*Agreement on Internal Trade North American Free Trade Agreement and other international trade agreements\*](#).

### Regulations

Canadian International Trade Tribunal Procurement Inquiry Regulations  
[Controlled Goods Regulations](#)  
[Federal Real Property Regulations](#)  
[Procurement Trade Regulations](#)  
[Government Contracts Regulations](#)  
[Procurement Ombudsman Regulations](#)

### Policy Instruments

[Common Services Policy](#)

[Policy on Decision Making in Limiting Contractor Liability in Crown Procurement Contracts](#)

[Policy on Fire Protection, Investigation and Reporting](#)

[Procurement Contracts](#)

[Policy on Investment Planning - Assets and Acquired Services](#)

[Policy on Management of Real Property](#)

- [Accessibility Standard for Real Property](#)
- [Appraisals and Estimates Standard for Real Property](#)
- [Directive on the Sale or Transfer of Surplus Real Property](#)
- [Reporting Standard on Real Property](#)

[Policy on Management of Materiel](#)

- [Controlled Goods Directive](#)
- [Directive on Disposal of Surplus Materiel](#)
- [Directive on Fleet Management: Executive Vehicles](#)
- [Directive on Fleet Management: Light-Duty Vehicles](#)

[Policy on Managing Procurement](#)

[Policy on the Management of Projects](#)

**PARKS CANADA  
GUIDING PRINCIPLES  
AND  
OPERATIONAL POLICIES**

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## MESSAGE FROM THE MINISTER

As the Minister responsible for Canadian Heritage, I am pleased to present *Parks Canada Guiding Principles and Operational Policies*. I extend my appreciation to those Canadians who helped in the development of this comprehensive policy. You have made an important contribution to the preservation of Canada's national heritage.

What we value as Canadians is our freedom, our clean environment, the beauty and wildness of nature, and the paths of human endeavour that brought us to where we are today. The peace and sense of renewal we feel in wandering through a forest, along a mountain path or beside a surging sea encourage us to want to share these experiences with our children. The sense of wonder and reverence we feel as we learn about the past human activities that laid the foundation of our country stimulate a profound concern for ensuring the survival of historic places, artifacts and structures.

These values, which we cherish so deeply, motivate us to make protection of natural areas and commemoration of historic places a high national priority. Such areas and sites represent the very essence of our identity as a people. They characterize the way we see ourselves and how others see us as a nation. Through our efforts, we demonstrate to the world a thoughtful, caring attitude towards the national and international treasures of nature and culture so richly bestowed upon Canadians.

The inspiration and knowledge we derive from these special heritage places more than justify our efforts to protect and commemorate them. More important, as a civilized society we have a fundamental stewardship responsibility to ensure that the record of our past, the rich diversity of wild spaces and species, the beauty and grandeur of our lands and seas, and the cultural character of our communities are not inadvertently lost over time.

Canada has in place a world-class system of heritage areas and programs, be they national historic sites, national parks, heritage rivers, heritage railway stations and buildings, historic canals or marine conservation areas. These places are located all across Canada and are part of a global heritage family. Canadians must share in the continuing challenge of managing and safeguarding these national treasures – not only because of the magnitude of the task, but because it is important that we feel part of the effort to preserve such an abundant legacy.

Michel Dupuy  
Minister of Canadian Heritage



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## FOREWORD

This document is a comprehensive statement of broad principles that gives direction to both present programs and future initiatives of Parks Canada. It provides a framework for the delivery of heritage programs and for responsible management decisions that reflect the national interest while being sensitive to local considerations.

The document explains how the federal government, within the context of Parliamentary approvals, carries out its national programs of natural and cultural heritage recognition and protection as assigned to the Minister responsible for Parks Canada. This program is but part of a family of protected heritage areas and activities administered by other federal, provincial, territorial and non-government organizations, and depends increasingly on the cooperation of others.

The policies provide national direction for more detailed policies in specific subject areas, and for various park and historic site management plans, which take into account Canada's regional diversity. Further, they can be a guide for other agencies, organizations and individuals also involved in commemorating, protecting and presenting natural and cultural heritage.

The Parks Canada Policy of 1979 is replaced by this document, which reflects the many changes that have occurred since then. These include a greater sense of urgency in dealing with environmental and heritage matters, new and amended legislation, as well as changes in heritage programs.

The legislative and program changes which have occurred since 1979 include:

- amendments to the *National Parks Act* (1988);
- passage of the *Heritage Railway Stations Protection Act* (1988);
- new policies, including the Federal Heritage Buildings Policy (1982) and the National Marine Parks Policy (1986); and
- the Canadian Heritage Rivers System (1984).

## PREFACE

*"... deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all nations of the world."*

(World Heritage Convention, UNESCO)

### **Canadian Identity and Heritage**

As Canadians we appreciate the beauty of the natural environment and the richness of our history. These elements contribute to an understanding and collective sense of Canada's national identity as well as a shared sense of pride. They unify us as a people yet express our national diversity. Canadians share this heritage with each other and welcome others to value, respect and learn about it. We celebrate this rich heritage through national historic sites, national parks and park reserves, heritage railway stations, historic canals, marine conservation areas, heritage rivers, federal heritage buildings and historical markers.

These national symbols contribute to our Canadian identity in many ways. They depict a diversity of cultures and natural environments. They are national symbols, yet can be located in virtually any part of the country – urban, rural and remote. They are also tangible links not only with the past and the present but with the future. Heritage places provide a window to the world and showcase our global responsibilities in ensuring continued protection and presentation of a heritage that has both national and international significance.

Canada's environment encompasses a vast array of terrestrial and marine ecosystems — the Arctic tundra, the western mountains, the prairies, the Precambrian Shield, and the eastern uplands, including the off-shore areas of the Great Lakes, and the Atlantic, Arctic, and Pacific coasts. The environment also includes places and landscapes associated with human heritage. These historic places — which represent thousands of years of

human history and encompass places of work and worship, commerce and culture, law and leisure — evoke our past, our aspirations and our values.

### **Conservation Strategies and Sustainable Development**

Heritage places must be managed in a manner that sustains them and respects their intrinsic values.

Heritage places contribute to broader sustainable development and conservation strategies by:

- maintaining ecological integrity and biodiversity of natural areas;
- preserving the commemorative integrity of historic places;
- promoting a conservation ethic, citizenship values based on a respect for the environment and heritage, ecosystem and cultural resource management; and
- generally demonstrating conservation principles and approaches set out in various relevant United Nations Reports.

### **The World Heritage Convention and Heritage Places**

Canada played a major role in devising the 1972 *Convention concerning the Protection of the World Cultural and Natural Heritage*, which has as its objectives the protection, conservation and presentation of cultural and natural heritage of outstanding universal value. Under the terms of the convention, Canada has committed itself to identify and to delineate sites associated with cultural and natural heritage within Canada; to adopt a general policy that aims to give the cultural and natural heritage a function in the life of the community; to establish one or more services charged with the protection, conservation and presentation of this heritage; to take appropriate legal, scientific, technical, administrative and financial measures, as

well as to foster the establishment of training centres, to achieve the objectives of the Convention, and to avoid any deliberate measures that might damage cultural and natural heritage. The Convention also establishes a framework for international cooperation and assistance.

### **The Convention on Biological Diversity and Protected Heritage Areas**

By administering protected heritage areas, Parks Canada plays a major role in implementing the *Convention on Biological Diversity*, adopted in Rio de Janeiro in 1992. Protected areas such as national parks and reserves, marine conservation areas, and some national historic sites can contribute directly to the in-situ conservation of biological diversity and, therefore, to Canada's national strategy for the conservation and sustainable use of biological diversity.

In fulfilling its mission in this regard, Parks Canada promotes the protection of ecosystems and natural habitats, the maintenance and recovery of viable wild populations of species in natural settings, as well as the environmentally sound management of surrounding or adjacent areas.

While the primary purpose of national historic sites and other cultural heritage sites is not to conserve biological diversity, a number of such sites may contribute to biological diversity because of their size and/or ecological features. Good environmental stewardship encompasses a concern for places that reflect the human as well as the biophysical heritage.

### **Early History**

For more than a century, the Government of Canada has been involved in protecting outstanding natural areas and in commemorating significant aspects of Canadian history. This extensive experience has enabled Canada to be recognized, internationally, as a world leader in the management of heritage.

Canada's national parks system began in 1885 when

26 km<sup>2</sup> around mineral hot springs near Banff Station, Alberta, were set aside for public use. The *Rocky Mountains Park Act* of 1887 defined the first parks as "public park and pleasure grounds for the benefit, advantage and enjoyment of the people of Canada." The *National Parks Act*, originally enacted in 1930, dedicates the national parks to the people of Canada for their benefit, education and enjoyment and makes provision to keep them unimpaired for the enjoyment of future generations.

The setting aside of historic Fort Anne in Annapolis Royal, Nova Scotia, in 1917, followed by the establishment of the Historic Sites and Monuments Board of Canada in 1919, laid the foundation for Canada's system of national historic sites. The 1930 *National Parks Act* also provided a legislative framework for the setting aside of federal lands for historical purposes. The *Historic Sites and Monuments Act* of 1953, reflecting the strong sense of national purpose that followed the Second World War, provided statutory authority for the designation of national historic sites – regardless of ownership – as well as a legislative basis for acquiring and for contributing directly to the care and preservation of these sites.

### **The Present**

Parks Canada's protected heritage areas play a significant part in achieving Government of Canada goals of:

- completing the parks systems and protecting Canada's natural heritage, including contributing towards the setting aside as protected space 12 per cent of the country; and
- commemorating the historical heritage of importance to all Canadians.

## **The Future**

Parks Canada is committed to establishing a comprehensive network of protected heritage areas representative of Canada's natural and cultural heritage. To achieve this goal, Parks Canada needs the cooperation and involvement of others.

Efforts will be made to manage natural protected areas on an ecosystem basis, while meeting compatible social and economic needs, and maintaining the areas in a natural state. Cultural heritage areas will be managed in accordance with

cultural resource management principles and practice so that their commemorative integrity is ensured and that the fabric of the communities in which they are located is enhanced.

Protected heritage areas can demonstrate the interdependence of humans and the environment, and provide enhanced educational and interpretive opportunities. As a result, Canadian heritage values should increasingly be recognized as part of a nationally unifying ethic.

These are the challenges for the future.

## **PART I**

### **POLICY OVERVIEW AND GUIDING PRINCIPLES**

## **MISSION FOR THE DEPARTMENT OF CANADIAN HERITAGE**

Parks Canada, as an integral part of the Department of Canadian Heritage, plays an important role in: *"Building our future together — strengthening a shared sense of Canadian identity which respects the diversity of the land and the people."*

## **VISION FOR PARKS CANADA**

Parks Canada's leadership in the management of protected heritage areas aims at promoting sound principles of stewardship and citizen awareness, and ecological and commemorative integrity. This is done by:

- adhering to international conventions such as the World Heritage Convention and the Convention on Biological Diversity;
- responsibly managing a system of national heritage areas and programs (e.g., national parks, national historic sites, historic canals, heritage rivers and heritage railway stations);
- providing opportunities for the public to get involved; and
- working with others to support heritage areas.

Parks Canada envisions having a stronger leadership role in protecting and presenting heritage areas well into the next century. This role will have two key components: a broad definition of protected heritage, and a view of leadership that encompasses more than ownership. It is recognized

that national historic sites and national parks are but one component of the Canadian network of heritage areas.

Leadership by example means managing areas of national significance. But it also means helping and cooperating with others to protect and present heritage — for example, through providing technical advice and national standards, and fostering and advocating heritage protection and presentation, both nationally and internationally.

Stewardship of heritage areas is a shared responsibility. Canadian citizens must be more aware and involved in decision-making and in the delivery of heritage programs.

The future integrity of Canada's existing and proposed natural and cultural heritage areas will continue to be a priority for Parks Canada. With increasing challenges to and demands on Canada's heritage areas, it is important not only to develop a strategic policy to ensure the perpetuity of these special places, but also to clearly articulate Parks Canada's leadership role in working with Canadians to support these areas. The public will increasingly share in this responsibility. This will lead to a broader range of heritage areas and programs. This policy document will guide these efforts and the designation and management of special places into the next century.

## **POLICY CONTEXT**

Parks Canada's *purpose* is:

*To fulfill national and international responsibilities in mandated areas of heritage recognition and conservation; and to commemorate, protect and present, both directly and indirectly, places which are significant examples of Canada's cultural and natural heritage in ways that encourage public understanding, appreciation and enjoyment of this heritage, while ensuring long-term ecological and commemorative integrity.*

### **Introduction**

Parks Canada operates within a broad and varied context, consistent with national and international commitments, to protect and present places that represent the world's natural and cultural heritage. These commitments recognize that people and the environment are inseparable and that survival is fundamentally linked to a healthy environment and respect for human heritage. It is important, therefore, to ensure that these policies anticipate and respond to challenges and opportunities as they arise.

Issues of international, national and regional scope affect heritage places. Canada must continue to respond positively to increasing international emphasis on the commemoration, protection and presentation of places representing the world's natural and cultural heritage. The goal of sustainable development must include the goal of maintaining the integrity of Canada's natural and cultural heritage. The global economy is changing, and the contribution of the tourism sector in the North American economy, including Canada, is expected to continue to increase. While Parks Canada does not have a direct mandate for tourism, it does have a part to play in recognizing and supporting tourism's place in presenting an image of Canada to visitors, in helping to maintain a sound and prosperous economy, and in fostering sustainable development that benefits local communities.

Parks, national historic sites and canals provide demonstration and communication opportunities for environmental and heritage citizenship initiatives, and various other departmental activities. In addition, the federal environmental assessment legislation is meticulously applied in heritage places administered by Parks Canada.

### **Parks Canada Mandate**

Parks Canada plays a leading role in federal government activities related to recognizing places representative of Canada's natural heritage and places of national historic importance, and in protecting and presenting these places to the public. Parks Canada is also responsible for erecting and maintaining a variety of heritage markers.

The legislation mandating Parks Canada activities includes the *National Parks Act*, the *Historic Sites and Monuments Act*, the *Heritage Railway Stations Protection Act*, and the *Department of Transport Act*. The Federal Heritage Buildings program and the Canadian Heritage Rivers program are operated under Cabinet authority and federal-provincial agreement between parks ministers respectively.

In some cases, Parks Canada's heritage activities entail direct responsibility for the management of federal lands and their associated resources. This is the case for national parks, aspects of marine conservation areas, and a number of national historic sites, including historic canals. In other cases, activities are focused on formal designations by the Government of Canada and, where mandated, providing support for the preservation and interpretation of designated heritage properties that are managed by others. These include all heritage railway stations; most federal heritage buildings; most Canadian heritage rivers; and many national historic sites.



## Shared Responsibility

Parks Canada contributes to an international heritage agenda through its leadership role in, participation in, or support for, international conventions, programs, agencies and agreements. These include, among others:

- UNESCO's World Heritage Convention;
- the Ramsar Convention on Wetlands of International Significance;
- the Convention on Biological Diversity;
- UNESCO's Québec Declaration on World Heritage Towns;
- the Venice Charter for the Conservation and Restoration of Monuments and Sites;
- the International Charter for Archaeological Heritage Management;
- the World Charter for Nature;
- UNESCO's Biosphere Reserves Program;
- the International Council for Monuments and Sites (ICOMOS);
- the International Centre for the Study of the Preservation and Restoration of Cultural Properties (ICCROM); and
- the World Conservation Union (also known as IUCN).

As well, many bilateral and multilateral initiatives between countries often involve heritage information exchanges and joint activities.

Canadians can take pride in their internationally recognized contribution to heritage conservation – as exemplified by the many World Heritage Sites found in Canada – and their emerging role in promoting responsible stewardship throughout the world.

Global environmental and heritage concerns are responded to through research and public presentation programs at protected heritage areas. These programs may encompass such themes as acid rain, climate change, biodiversity, endangered species and the impact of development, natural

processes and disasters on heritage places. This contributes to forging the relationship between international commitments, and national and local actions.

Because heritage areas and sites cannot be managed in isolation, cooperative working relationships and agreements are actively sought with agencies and individuals involved in the management of surrounding or adjacent landscapes, ecosystems and communities. This helps all parties achieve mutually supportive environmental, service, social, and cultural objectives for conservation and sustainability. The first priority in relationships is always to ensure long-term ecological and commemorative integrity of heritage areas. Therefore, it is important for Parks Canada to monitor and respond to existing or proposed activities external to heritage areas.

Parks Canada recognizes that while protected heritage areas often play a major role in local economies, sustainable tourism must be based upon:

- maintaining and enhancing ecological and commemorative integrity;
- respecting the intrinsic natural, cultural and scenic values of Canada's protected heritage areas; and
- providing education and recreation opportunities which foster a sense of Canadian identity.

Based on these guidelines, Parks Canada will cooperate with other levels of government and tourism stakeholders to encourage a sustainable heritage tourism industry.

## The Family of Heritage Places and Programs

The heritage areas and programs administered by Parks Canada are but a part of the nationwide family of parks, historic sites, protected areas, and heritage programs in Canada. Cooperation and coordination among heritage interests is not only desirable but essential to ensuring more effective conservation of significant heritage places and to minimizing any duplication of efforts.

Agreements with provincial and territorial governments, as well as with allied non-government organizations and Aboriginal peoples, can be significant means of ensuring recognition, establishment and protection of heritage places. The responsibilities and complementary roles of provincial, territorial and other governments, as well as national and local heritage and Aboriginal groups are valued.

### **Aboriginal Interests**

Where Aboriginal interests have not been previously dealt with by treaty or other means, it is the Government of Canada's policy to negotiate comprehensive claims based on traditional and continuing use and occupancy of land. Claims settlements may include particular Aboriginal rights and benefits in relation to wildlife management and the use of water and land, and may provide for these through participation on advisory or public government bodies. Such arrangements would recognize the government's responsibility to protect the interests of all users,

including the general public and third parties, to ensure resource conservation, to respect international agreements, and to manage renewable resources within its jurisdiction. Where existing Aboriginal or treaty rights occur within protected heritage areas, the principles set out in court decisions which may serve to clarify these rights, such as *Regina v. Sparrow*, will be respected.

When establishing new national parks or reserves, and national marine conservation areas, or acquiring national historic sites, Parks Canada works within Canada's legal and policy framework regarding Aboriginal peoples' rights, as recognized and affirmed by Section 35 of the *Constitution Act, 1982*. Accordingly, Parks Canada will consult with affected Aboriginal communities at the time of new park establishment and historic site acquisition, or as part of an Aboriginal land claim settlement.

## **GUIDING PRINCIPLES**

Parks Canada contributes at the international, national and local levels to sustaining cultural and natural heritage through a continuing commitment to the following principles. Ensuring commemorative integrity and protecting ecological integrity are always Parks Canada's paramount values in applying these principles as well as the more detailed activity policies.

### **1- ECOLOGICAL AND COMMEMORATIVE INTEGRITY**

*Protecting ecological integrity and ensuring commemorative integrity take precedence in acquiring, managing, and administering heritage places and programs. In every application of policy, this guiding principle is paramount. The integrity of natural and cultural heritage is maintained by striving to ensure that management decisions affecting these special places are made on sound cultural resource management and ecosystem-based management practices.*

*It is recognized that these places are not islands, but are part of larger ecosystems and cultural landscapes. Therefore, decision-making must be based on an understanding of surrounding environments and their management.*

Rigorous adherence to this principle is fundamental to ensuring a continuing contribution to heritage and environmental stewardship.

Heritage areas are designated and managed for their intrinsic and symbolic values, and for the benefit of the public. Fostering appreciation and understanding of commemorative and ecological integrity is the foundation for public use and enjoyment.

The various internal and external factors that contribute to the deterioration of heritage places and ecosystems are carefully analyzed. Protection and presentation are afforded in ways appropriate to the type, significance and sensitivity of the ecosystems and heritage resources involved.

Because protected heritage areas are influenced by surrounding and adjacent land uses, and, in turn, the management of heritage areas influences those surrounding areas, cooperative relationships are sought. The first priority for Parks Canada is always to ensure long-term ecological and commemorative integrity of heritage areas. Using its influence, Parks Canada makes concerted efforts to encourage compatible external activities and to discourage incompatible ones within the greater ecosystem or cultural landscape setting of a heritage area.

### **2- LEADERSHIP AND STEWARDSHIP**

*In achieving results relating to protection and presentation of cultural and natural heritage, leadership is established by example, by demonstrating and advocating environmental and heritage ethics and practices, and by assisting and cooperating with others.*

A leadership role involves a broader responsibility to the conservation and interpretation community within Canada as well as other countries. Therefore, training and other forms of cooperative assistance are needed to share experiences and expertise.

Stewardship involves both a leadership and a participatory role. However, varying degrees of cooperative action are inherent in all of Parks Canada's heritage activities.

A leadership role may be considered for additional heritage activities or programs where:

- internationally acknowledged types of areas or programs are involved (e.g., Natural Monuments or Landmarks);
- appropriate approaches can be developed with provinces, territories and other potential partners; and
- heritage values are of national or international significance.

Conversely, a participatory role may be considered in heritage conservation initiatives where:

- types of areas or programs are involved that are not included within international classification systems (e.g., heritage trails);
- other conservation groups have the lead role; and
- significant heritage values are involved.

Parks Canada's leadership role includes the responsibility to help promote among various agencies, groups and governments the federal government's long-term goal to preserve and celebrate national heritage and to set aside 12 per cent of Canada as protected space. In this regard, Parks Canada promotes the concept of an integrated family or network of heritage areas, and cooperates with provinces and territories in their protected area and heritage strategies.

### **3- NEW PROTECTED HERITAGE AREAS**

*The identification, selection, designation, and establishment of nationally significant natural areas and historic places are based on open, systematic, rigorous, cooperative, and knowledge-based practices.*

Significant expressions of the country's natural and cultural heritage are identified, wherever found throughout Canada, for possible inclusion in national systems of heritage places. Nationally significant heritage places are identified in consultation with affected provincial and territorial governments, Aboriginal peoples, and other parties. Interim protection for an area may be sought until formal protection is attained.

These initiatives are supported by research, data bases, and collaboration with the public and government agencies. A high priority is placed on working with others to ensure that Canada's systems of natural areas and historic places represent the human history and natural diversity of our country.

### **4- EDUCATION AND PRESENTATION**

*The long-term success of efforts to commemorate, protect, and present Canada's natural and cultural heritage depends on the ability of all Canadians to*

*understand and appreciate this heritage, and to personally adopt practices which are sensitive to heritage and the environment. This is encouraged through a variety of communication, interpretation and outreach programs, and demonstrated leadership at the local, national and international levels.*

It is important that people discover and learn about their heritage and ecosystems and that they contribute to their sustainability. Opportunities are, therefore, provided to understand heritage values, and related management and environmental issues, as well as broader conservation concerns. The sharing of information, including published and unpublished results of research and controlled access to collections, is an important element in encouraging this understanding.

The provision of accurate, comprehensive and timely information is important in fostering awareness, appreciation, appropriate use and understanding, and in encouraging public involvement and stewardship. This is achieved through such means as interpretation, communication, outreach, environmental education, citizenship, and public participation programs, as well as through advisory committees.

### **5- HUMAN - ENVIRONMENT RELATIONSHIP**

*People and the environment are inseparable. Protection and presentation of natural and cultural heritage take account of the close relationship between people and the environment.*

Though a distinction is often made between places that are of cultural heritage significance and places of natural heritage significance, people and their environment cannot be separated. Therefore, protection and presentation of natural areas recognize the ways in which people have lived within particular environments. Likewise, efforts to protect and present historic places recognize where biophysical factors have been influential in Canada's development and history.

## **6- RESEARCH AND SCIENCE**

*Management decisions are based on the best available knowledge, supported by a wide range of research, including a commitment to integrated scientific monitoring.*

Parks Canada requires applied and basic research and monitoring activities to make responsible decisions in its management, planning and operating practices, as well as to broaden scientific understanding. Research activities are encouraged and managed to ensure that commemorative and ecological integrity are maintained.

Parks Canada cooperates with, assists, and is assisted by many natural and social science researchers, and specialists in human history. These may include those associated with other federal, provincial and territorial government agencies, universities, interest groups, and the private sector. Local knowledge is also of value to Parks Canada in managing heritage areas.

## **7- APPROPRIATE VISITOR ACTIVITIES**

*Opportunities will be provided to visitors that enhance public understanding, appreciation, enjoyment and protection of the national heritage and which are appropriate to the purpose of each park and historic site. Essential and basic services are provided while maintaining ecological and commemorative integrity and recognizing the effects of incremental and cumulative impacts.*

Public opportunities are provided for in ways which contribute to heritage protection and national identity objectives, and which build public support for, and awareness of, Canadian heritage.

Parks Canada recognizes the need for control and management of appropriate activities. Public demand alone is not sufficient justification for provision of facilities and services in support of appropriate activities.

Services, facilities and access for the public must directly complement the opportunities provided, be

considered essential, take account of limits to growth, and not compromise ecological and commemorative integrity nor the quality of experiences. They must be consistent with approved management plans. Also, they must reflect national standards for environmental and heritage protection and design, as well as high-quality services, the diversity of markets and equity of access considerations for disabled persons and visitors of various income levels.

There are inherent dangers associated with some natural and cultural features and public activities. Therefore, risk management programs involving others are developed by Parks Canada for the safety of visitors. Public safety considerations are built into planning and design processes. Priority is placed on accident prevention, education and information programs designed to protect visitors, in ways consistent with the commemorative and ecological integrity of heritage places. Visitors are encouraged to learn about any risks associated with heritage places and to exercise appropriate self-reliance and responsibility for their own safety in recreational or other activities they choose to undertake.

## **8- PUBLIC INVOLVEMENT**

*Public involvement is a cornerstone of policy, planning and management practices to help ensure sound decision-making, build public understanding, and provide opportunities for Canadians to contribute their knowledge, expertise and suggestions.*

Canadians are provided with the opportunity to state their views on such major issues as national policies, the establishment of new national parks, the acquisition of national historic sites, and the preparation and review of management plans, before final decisions are made. Special opportunities for public participation are provided to individuals and groups at the local and regional levels, including Aboriginal peoples, who may be more directly affected by Parks Canada initiatives and operations.

For public participation to be effective, certain

fundamental practices will be adhered to. These are:

- the provision of clear, timely, relevant, objective and accurate information;
- an indication of the areas requiring decisions and relevant policies, legislation and agreements;
- adequate notice and time for public review;
- the careful consideration of public input;
- feedback on the nature of comments received and on Parks Canada response to participants; and
- respect for all interested publics.

## **9- COLLABORATION AND COOPERATION**

*Parks Canada works with a broad range of federal, provincial, territorial and municipal government agencies, the private sector, groups, individuals, and Aboriginal interests to achieve mutually compatible goals and objectives. These relationships support regional integration, partnerships, cooperative arrangements, formal agreements, and open dialogue with other interested parties, including adjacent or surrounding districts and communities.*

Volunteers, non-profit cooperating associations and their national organization, the Canadian Parks Partnership, adjacent land-owners or tenants, Aboriginal peoples, universities, as well as other research and educational institutions, among others, can all make fundamental contributions to heritage protection and environmental citizenship efforts. The private sector can also play an important role in helping to achieve heritage conservation objectives by delivering environmental and heritage messages, establishing and maintaining compatible business enterprises, and helping to provide appropriate high-quality services in or near parks and historic sites, in a manner consistent with these policies.

## **10- ACCOUNTABILITY**

*Parks Canada is accountable for the application of, and adherence to, these principles and for the implementation of the activity policies. This accountability will be formally reviewed through State of the Parks reporting.*

State of the Parks Reports are prepared periodically for tabling in Parliament. These Reports deal with the state of all heritage places administered by Parks Canada and with progress toward establishing new areas. They help to ensure that threats to heritage places are identified. State of the Environment Reports also monitor progress with respect to protected natural areas in general throughout Canada, and Parks Canada contributes to this effort.

## **Policy Application**

These Principles set out the key elements of policy which apply broadly to Parks Canada's heritage activities. Specific policies for national parks, national historic sites, historic canals, national marine conservation areas and other activities, are set out in Part II, "Activity Policies," and Part III, "Cultural Resource Management Policy." These provide more detailed direction for the management of the various heritage places and programs of Parks Canada.

In addition to these policies, further management details may be found within strategic plans, management directives, management plans, business plans, ecosystem management plans, service plans, community plans, and regulations.



**PART II**  
**ACTIVITY POLICIES**



## **NATIONAL PARKS POLICY**

# NATIONAL PARKS POLICY

## BACKGROUND

### OBJECTIVE

#### 1.0

##### The National Parks System

#### 1.1

Identifying Representative Natural Areas

#### 1.2

Selecting Potential National Parks

#### 1.3

Assessing National Park Feasibility

#### 1.4

National Park Agreements

#### 1.5

Establishing National Parks in Legislation

#### 2.0

##### Management Planning

#### 2.1

Management Plans

#### 2.2

Zoning

#### 2.3

Designated Wilderness Areas

#### 3.0

##### Protecting and Managing Park Ecosystems

#### 3.1

Ecosystem Protection

#### 3.2

Ecosystem-Based Management

#### 4.0

##### Public Understanding, Appreciation and Enjoyment of National Parks

#### 4.1

Management of Visitor Activities

#### 4.2

Interpretation and Public Education

#### 4.3

Visitor Services and Facilities

#### 4.4

Access and Circulation

#### 4.5

Visitor Accommodation

#### 5.0

##### Historical Activities and Infrastructure

#### 5.1

National Park Communities

#### 5.2

Golf Courses and Commercial Ski Areas

#### 6.0

##### Land Tenure and Residency

#### 6.1

Land Tenure

#### 6.2

Residency

# NATIONAL PARKS POLICY

## BACKGROUND

Canadians live in a land rich in natural beauty and diversity. For millions of years, natural forces and not human activities were the major influences on this landscape. Prior to the arrival of Europeans, Aboriginal peoples depended almost entirely on the natural environment. But more recently, with the advent of an agricultural and then an industrial society, human activities have been altering that environment at an accelerating pace.

National parks protect environments representative of Canada's natural heritage for the benefit of present and future generations. The challenge for Parks Canada is to maintain the ecological integrity of the parks while providing opportunities for public enjoyment and education. This requires the careful protection of the natural features and processes for which each park is established, a key component of which is the fostering of public awareness of the value of safeguarding representative natural landscapes in the national parks system.

National parks cannot sustain all the types of activities and development which a broad range of visitors might desire. Generally, access and services which relate directly to the objective for national parks will be provided within the parks, while a broader range of needs will be met in the surrounding region. The cooperation of tourism and other sectors will be essential to help establish the appropriate balance of services and facilities on a regional basis.

Throughout the last century, the growth in Canada's population and the exploitation of natural resources have decreased the areas available for national park establishment, and have heightened competition for potential park lands, particularly in southern Canada. Opportunities for Canadians to experience unspoiled natural areas have become more limited

and thus the need for action is more urgent.

Representing each of Canada's 39 terrestrial natural regions in the national parks system will not be easy. Most lands have some kind of interest or commitment for uses such as oil and gas development, mining, hydro-electricity, forestry, agriculture and private recreation. Land-use conflicts and jurisdictional issues will have to be resolved in cooperation with the provinces, territories, Aboriginal peoples, and all interested parties including local residents. In spite of these challenges, Parks Canada remains committed to completing the system of national parks and, through the "Government of Canada Green Plan" has been given the opportunity to do so by the year 2000.

In the establishment and management of national parks, Parks Canada will strive to maintain ecological integrity. Achievement of this goal will require cooperation with individuals and other government agencies in ecosystem management beyond park boundaries, recognizing that there are legitimate but often different objectives for surrounding regions. Consequently, maintaining ecological integrity will be a major consideration in proposing park boundaries, in determining how the park's resources will be protected and interpreted, and in seeking effective regional integration through cooperative efforts with governments and landowners in the surrounding area.

In addition to their natural features, many national parks contain areas which have cultural and historic significance. These will be managed according to the "Cultural Resource Management Policy," found in Part III of this document.

In parks where there are existing Aboriginal or treaty rights, the exercise of these rights will be respected. As well, in some national parks, traditional activities by Aboriginal peoples will

continue as a result of rights defined by land claim agreements and treaties, or by specific agreements negotiated during the process of park establishment. Given the legislative and constitutional basis of such agreements, they are expected to supersede Parks Canada policy and in some instances will consequently amend the *National Parks Act*. Continuation of traditional activities and related cooperative management will result in new national parks that recognize the importance of the natural environment in sustaining Aboriginal cultures. Traditional renewable resource harvesting for domestic purposes by other local people may also continue for finite periods on an exception basis, where no immediate alternative can be found.

In addition to the contribution which national parks make to achieving Government of Canada goals related to completing the parks system, protecting Canada's natural heritage, and setting aside 12 per cent of Canada as protected space, national parks can contribute directly and indirectly to the achievement of many other Government of Canada goals, such as:

- preserving the integrity, health, and biodiversity of Arctic ecosystems;
- strengthening and building environmental partnerships;
- providing timely, accurate and accessible information to enable Canadians to make environmentally sensitive decisions;
- helping to develop an environmentally literate society;
- strengthening environmental science with special emphasis on understanding regional ecosystems; and
- striving to ensure that all operations and procedures meet or exceed national targets for sustaining the environment.

Management plans provide the framework for decision-making within each park. The *National Parks Act* requires public consultations during the preparation of park management plans and stipulates that the maintenance of ecological integrity through the protection of natural resources will be the first priority when considering park zoning and visitor use.

## **OBJECTIVE**

To protect for all time representative natural areas of Canadian significance in a system of national parks, and to encourage public understanding, appreciation, and enjoyment of this natural heritage so as to leave it unimpaired for future generations.

### **1.0 The National Parks System**

National parks protect representative examples of the Canadian landscape. To this end, Parks Canada has identified 39 terrestrial natural regions across Canada, each of which warrants representation in the national parks system. Efforts to create new parks are concentrated on those natural regions that do not have a national park.

National park establishment work is guided by the National Parks System Plan. The plan provides a description of each of the 39 National Park Natural Regions and the status of national park establishment in each. Parks Canada will periodically update the plan, including the listing of representative natural areas which are identified during regional analysis studies. In addition, Parks Canada will keep up to date an action plan to describe the activities which must be undertaken to complete the representation of each of the national park natural regions.

Parks Canada, acting alone, cannot protect all the areas identified as representative of Canada's natural regions.

But by making public the system plan and action plan, Parks Canada hopes to encourage other public agencies and appropriate private organizations to work towards protecting areas that will not be included within the national park system.

Public support and the cooperation of other levels of government are essential in establishing new national parks or adjusting the boundaries of existing national parks. The park establishment process is therefore based upon public consultation and intergovernmental cooperation.

There is no rigid process for establishing new national parks. Each situation is unique and the steps leading up to the creation of a new national park reflect individual circumstances. The normal sequence, however, is characterized by five steps: identifying representative natural areas; selecting a potential national park; assessing park feasibility; negotiating a park agreement and obtaining clear title; and establishing a new national park in legislation. The following policies related to park establishment are grouped under these headings.

## **1.1 Identifying Representative Natural Areas**

### **1.1.1**

Representative natural areas will be identified for those national park natural regions not represented in the national parks system. The following criteria will be used:

- i) the area must portray the geology, physiography, vegetation, wildlife, and ecosystem diversity characteristic of the natural region; and,
- ii) the area's ecosystems must be in a healthy, natural state, or, if they are stressed or significantly modified, the area must have the potential for being restored to a natural state.

### **1.1.2**

Representative natural areas will be identified in consultation with provincial and territorial governments, with other federal agencies and with the interested public.

### **1.1.3**

Representative natural areas will be identified regardless of their current protected status or jurisdiction.

## **1.2 Selecting Potential National Parks**

### **1.2.1**

Potential national parks will be selected from among the representative natural areas identified in those natural regions that do not already have adequate representation in the national parks system.

### **1.2.2**

In selecting potential national parks, consideration will be given to a wide range of factors, including:

- i) the extent to which the area represents the ecosystem diversity of the natural region;
- ii) the potential for supporting viable populations of wildlife species native to the natural region;
- iii) the ecological integrity of the area's ecosystems, as well as those of the surrounding lands;
- iv) the occurrence of exceptional natural phenomena, and rare, threatened or endangered wildlife and vegetation;
- v) the existence of significant cultural heritage features or landscapes;
- vi) opportunities for public understanding, education and enjoyment;
- vii) competing land and resource uses;
- viii) possible threats to the long-term sustainability of the area's ecosystems;
- ix) complementarity with the objectives of existing or planned protected natural areas of other jurisdictions in the region;
- x) the potential for establishing an adjacent national marine conservation area that is

- representative of its marine region;
- xi) the implications of Aboriginal rights, comprehensive land claims and treaties with Aboriginal peoples; and
- xii) international criteria for national parks.

### 1.2.3

Potential national parks will be selected in consultation with provincial or territorial governments, other federal agencies, non-government organizations, affected Aboriginal peoples and the interested public.

## 1.3

### Assessing National Park Feasibility

#### 1.3.1

Parks Canada, in conjunction with provincial or territorial governments, will undertake an assessment of the feasibility of a new park proposal; where there are opportunities, this will be undertaken as part of other processes such as regional land use planning, provincial protected area strategies or Aboriginal comprehensive land claim negotiations.

#### 1.3.2

As part of the feasibility assessment, there will be consultations to seek the views of local communities, Aboriginal peoples, non-government organizations, relevant industries, other government departments and the interested public. Parks Canada will provide information regarding the purpose and the environmental, social and economic implications of the national park proposal.

#### 1.3.3

In proposing the boundaries of a potential national park, Parks Canada will endeavour to establish a park with a size and configuration that:

- i) protects ecosystems and landscape features representative of the natural region;
- ii) accommodates the habitat requirements of viable populations of wildlife species that are native to the

- natural region;
- iii) includes an undisturbed core which is relatively unaffected by impacts originating from the surrounding landscape;
- iv) does not fragment sensitive, highly diverse or productive natural communities;
- v) maintains drainage basin integrity;
- vi) protects exceptional natural phenomena, and vulnerable, threatened or endangered wildlife and vegetation;
- vii) offers opportunities for public understanding and enjoyment;
- viii) results in minimum long-term disruption of the social and economic life particularly in the surrounding region; and
- ix) does not encompass permanent communities.

In addition, consideration may be given to including significant cultural heritage features or landscapes within a proposed national park.

#### 1.3.4

It is the policy of the Department of Indian Affairs and Northern Development to ensure that an inventory of the non-renewable natural resource potential of areas in the Northwest Territories and Yukon be compiled prior to their formal establishment as new national parks. The fundamental qualities of the area which recommend it for national park status will be taken into account in any land use activities associated with compiling the inventory. Parks Canada will cooperate with other federal agencies responsible for carrying out such inventories.

#### 1.3.5

Parks Canada will consider, in cooperation with agencies having jurisdiction over land and resource uses, ways to prevent the loss of ecological values during the feasibility assessment process.

#### 1.3.6

Following completion of a park feasibility assessment, governments will decide whether to proceed to negotiate a park agreement.

#### 1.3.7

Boundary adjustments intended to improve the representation of the natural themes or the ecological integrity of an existing national park will be assessed according to the above policies.

### 1.4.

#### National Park Agreements

##### 1.4.1

New national park agreements will be negotiated between the Government of Canada and the government and/or Aboriginal peoples having constitutional authority regarding the lands; the agreement will commit the parties to establishing a national park under the *National Parks Act* and will set out the terms and conditions under which this will take place.

##### 1.4.2

Areas which include Provincial Crown Lands will be established as national parks according to an agreement between the Government of Canada and the provincial government setting out terms and conditions for the acquisition of all third party interests and the transfer of administration and control of Provincial Crown Lands to the Crown in Right of Canada.

##### 1.4.3

National parks in the territories will be established pursuant to agreements with the territorial government and with relevant Aboriginal organizations.

##### 1.4.4

The Crown in Right of Canada will own the land and subsurface rights within the legislated boundaries of national parks.

##### 1.4.5

Commercial exploration, extraction or development of natural resources will be terminated before national parks are formally established. Certain traditional subsistence uses of natural resources may be permitted to continue in designated parts of a national park as outlined in

sections 1.4.10, 1.4.11, 1.4.12 and 1.5.2.

##### 1.4.6

Private lands and interests will be acquired by negotiated settlement. Term interests may be allowed to expire. In exceptional cases, where lands are essential for park purposes, a settlement may require using expropriation to establish clear title to some properties.

##### 1.4.7

Parks Canada will contribute toward the cost of special provisions agreed at the time of park establishment to reduce negative impacts on occupants or other users of lands acquired for a national park.

##### 1.4.8

A variety of means will be used to foster opportunities for local residents to find employment and business opportunities related to the operation of national parks.

##### 1.4.9

Cooperative arrangements for complementary use and management of lands adjacent to national parks will be pursued with government and non-government agencies at the local, provincial, territorial and federal levels in order to maintain ecosystem integrity and to foster sustainable development.

##### 1.4.10

Existing Aboriginal and treaty rights of the Aboriginal peoples of Canada will be honoured. These may be defined in treaties and comprehensive claim agreements.

##### 1.4.11

In areas subject to existing Aboriginal or treaty rights or to comprehensive land claims by Aboriginal peoples, the terms and conditions of park establishment will include provision for continuation of renewable resource harvesting activities, and the nature and extent of Aboriginal peoples' involvement in park planning and management.

#### 1.4.12

In addition to Aboriginal or treaty rights, when new national parks are proposed within areas where local people have traditionally depended on the land for subsistence and no immediate alternative can be found, an agreement may be negotiated regarding the continuation of specified subsistence resource harvesting activities for a finite period of time, subject to regulation.

#### 1.4.13

Parks Canada will negotiate interim measures as part of the park agreement in order to facilitate effective protection and management of the area until the national park is formally established under federal legislation. In the territorial north, one such measure may be withdrawal from further disposition of the lands for a proposed new national park under the *Territorial Lands Act*.

### 1.5

#### Establishing National Parks in Legislation

##### 1.5.1

National parks will be formally established through amendment to the *National Parks Act*. The proposed legislation will give effect to the terms of a new park agreement.

##### 1.5.2

Where new national parks are established in conjunction with the settlement of land claims of Aboriginal peoples, final boundaries of the national park as well as harvesting rights and involvement of Aboriginal peoples in park planning and management will be proposed in legislation according to the terms of the land claim agreement. In the interim, the area may be set aside as a "national park reserve" under the Act and traditional hunting, fishing and trapping activities by Aboriginal peoples will continue. Other interim measures may also include local Aboriginal peoples' involvement in park reserve management.

## 2.0

### Management Planning

Park management plans are essential for the direction of park managers. They are also commitments to the public of Canada from the Minister responsible for Parks Canada regarding the use and protection of national parks. They contain statements of management objectives in sufficient detail to indicate how a park will protect and represent the natural and cultural aspects of its region. In keeping with these objectives, plans will: specify the type and degree of resource protection and management needed to assure the ecological integrity of the park and the management of its cultural resources; define the type, character and locale of visitor facilities, activities and services; and identify target groups.

The 1988 amendments to the *National Parks Act* state that the maintenance of ecological integrity must be the first consideration in management planning. Parliament has confirmed the Parks Canada policy of preparing management plans for all parks and of public involvement in this process. It is now mandatory that within five years of the proclamation of a national park under any Act of Parliament, the Minister shall approve and table that park's management plan in Parliament. The Minister must also review, amend as necessary and re-table the management plans every five years.

Appropriate public participation at the national, regional and local levels is an essential part of the development of management plans.

Generally, management planning will begin as soon as lands are placed under Parks Canada administration and control, although it may still be years before all issues are resolved and a park is established under the *National Parks Act*. Interim management guidelines are prepared to direct essential park operations until a management plan is approved. The guidelines will be conservative and will not propose major development or resource manipulation. Definition of resource



management practices and existing and potential opportunities for understanding, appreciation and enjoyment will form a key part of the interim guidelines.

## **2.1 Management Plans**

### **2.1.1**

Parks Canada will prepare management plans for the Minister's approval and tabling in Parliament:

- i) within five years after the proclamation of a park under any Act of Parliament; or
- ii) within five years of the transfer of administration and control to Parks Canada of lands proposed for establishment as national parks.

Management plans will be reviewed every five years for re-tabling with any amendments.

### **2.1.2**

In the preparation of a management plan, the maintenance of ecological integrity through the protection of natural resources and processes will be the first priority when considering zoning and visitor use. The protection of cultural resources will receive a high level of consideration subject to this legislated requirement.

### **2.1.3**

Each management plan will contain a statement of park purpose and objectives that will reflect the role of the park in the system of national parks, and in the natural region in which it is located.

### **2.1.4**

Park management plans provide the framework for further detailed sub-plans concerning:

- i) ecosystem management (park conservation plan); and
- ii) interpretation, visitor services and visitor risk management (park service plan).

### **2.1.5**

Parks Canada will inform and involve a broad spectrum of the Canadian public in the preparation, review and amendment of park management plans.

### **2.1.6**

The implementation and effectiveness of each park management plan will be monitored continuously.

### **2.1.7**

Parks Canada will cooperate with other levels of government, private organizations and individuals responsible for the planning of areas adjacent to national parks to maintain ecological integrity and to ensure that services and facilities are integrated in a positive manner with surrounding regions.

### **2.1.8**

Management plans for national parks which have additional international or national designations such as World Heritage Site, Biosphere Reserve, Ramsar Site, Canadian Heritage River, or National Historic Site, will include strategies for protection and promotion of the values that resulted in the additional designations.

## **2.2 Zoning**

The national parks zoning system is an integrated approach by which land and water areas are classified according to ecosystem and cultural resource protection requirements, and their capability and suitability to provide opportunities for visitor experiences. It is one part of an array of management strategies used by Parks Canada to assist in maintaining ecological integrity through providing a framework for the area-specific application of policy directions, such as for resource management, appropriate activities, and research. As such, zoning provides direction for the activities of park managers and park visitors alike. The application of zoning requires a sound information base related to both ecosystem structure, function and sensitivity, as well as the opportunities and impacts of existing and

potential visitor experiences.

The zoning system provides a means to reflect principles of ecological integrity by protecting park lands and resources and ensuring a minimum of human-induced change. In certain national parks not all zones will be represented. Where zones which permit a concentration of visitor activities and supporting services and facilities are required (i.e., Zones IV and V), they will occupy no more than a small proportion of a national park.

In some cases, environmentally or culturally sensitive areas or sites may warrant special management but do not fit the zoning designations below. Park management plans will include the guidelines necessary for the protection and use of such areas or sites. Their designation complements the zoning system and is important to the protection of the full range of valued resources in certain national parks. Likewise, a temporal zoning designation may be considered for certain areas as part of the management planning program. Ecosystem management requirements will be paramount in consideration of any temporal zones.

#### 2.2.1

The national parks zoning system will apply to all land and water areas of national parks, and to other natural areas within the Parks Canada system as appropriate. It does not preclude resource harvesting activities which are permitted by virtue of national park reserve status, land claim settlements and/or by new park establishment agreements.

#### 2.2.2

Any change to a park's zoning constitutes a major amendment to the park management plan and may only be made following an environmental assessment, public notice and public participation in the decision.

#### 2.2.3

The national park zoning system comprises the following five zones. (While the broad zoning framework is presented here, implementation depends upon more detailed guidance found in the zoning chapter of the directive on the National Parks Management Planning Process.)

##### 2.2.3.1

#### Zone I - Special Preservation

Specific areas or features which deserve special preservation because they contain or support unique, threatened or endangered natural or cultural features, or are among the best examples of the features that represent a natural region. Preservation is the key consideration. Motorized access and circulation will not be permitted. In cases where the fragility of the area precludes any public access, every effort will be made to provide park visitors with appropriate off-site programs and exhibits interpreting the special characteristics of the zone.

##### 2.2.3.2

#### Zone II - Wilderness

Extensive areas which are good representations of a natural region and which will be conserved in a wilderness state. The perpetuation of ecosystems with minimal human interference is the key consideration. Zones I and II will together constitute the majority of the area of all but the smallest national parks, and will make the greatest contribution towards the conservation of ecosystem integrity.

Zone II areas offer opportunities for visitors to experience, first hand, a park's natural and cultural heritage values through outdoor recreation activities which are dependent upon and within the capacity of the park's ecosystems, and which require few, if any, rudimentary services and facilities. Where the area is large enough, visitors will also have the opportunity to experience remoteness and solitude. Opportunities for outdoor recreation activities will be encouraged

only when they do not conflict with maintaining the wilderness itself. For this reason, motorized access and circulation will not be permitted, with the possible exception of strictly controlled air access in remote northern parks, as specified in 4.4.3.

Parks Canada will use a variety of other direct and indirect strategies for managing public use, and will evaluate the effectiveness of these strategies on a regular basis.

#### 2.2.3.3

##### Zone III - Natural Environment

Areas which are managed as natural environments, and which provide opportunities for visitors to experience a park's natural and cultural heritage values through outdoor recreation activities requiring minimal services and facilities of a rustic nature. While motorized access may be allowed, it will be controlled. Public transit that facilitates heritage appreciation will be preferred. Park management plans may define provisions for terminating or limiting private motorized access.

#### 2.2.3.4

##### Zone IV - Outdoor Recreation

Limited areas which are capable of accommodating a broad range of opportunities for understanding, appreciation and enjoyment of the park's heritage values and related essential services and facilities, in ways that impact the ecological integrity of the park to the smallest extent possible, and whose defining feature is direct access by motorized vehicles. Park management plans may define provisions for limiting private motorized access and circulation.

#### 2.2.3.5

##### Zone V - Park Services

Communities in existing national parks which contain a concentration of visitor services and support facilities. Specific activities, services and

facilities in this zone will be defined and directed by the community planning process. Major park operation and administrative functions may also be accommodated in this zone. Wherever possible, Parks Canada will locate these functions to maintain regional ecological integrity.

## 2.3

### Designated Wilderness Areas

The 1988 amendments to the *National Parks Act* provide for the designation, by regulation, of wilderness areas within a park. It is intended that the designated wilderness area boundaries will be consistent with Zone II boundaries, although the requirement to produce a legal boundary survey may cause some slight variations. In addition, where Zone I areas are included in or are adjacent to Zone II areas, or are large enough to be considered on their own, they may also be included in designated wilderness areas, but will be managed to conform to their special requirements for protection.

While the criteria for defining designated wilderness areas mirror that for Zone II Wilderness, an Order in Council designation places a legislative constraint on development. Once the Order is in place, provisions of the *National Parks Act* come into effect which prohibit authorization of any activity in a designated wilderness area that is likely to impair its wilderness character. Only those activities would be allowed which are required for: park administration; public safety; the provision of basic user facilities including trails and rudimentary campsites; the carrying on of traditional renewable resource harvesting activities where authorized; and, in exceptional circumstances, access by air to remote parts of such areas.

As with all other crucial stages of management planning, the boundaries and appropriate uses of proposed designated wilderness areas will be determined with public input during the preparation or review of a management plan.

Changes to the boundary of a designated wilderness area would have to be preceded by public consultation and approved through an Order in Council.

### **3.0 Protecting and Managing Park Ecosystems**

Management for park purposes differs markedly from that of other lands, where effort may be directed toward modifying or controlling nature, producing crops or extracting natural resources. Within national parks, effort is directed at maintaining ecosystems in as natural a state as possible. This goal has far-reaching implications in that many concepts and practices that are relevant or essential to successful resource management on other lands are inappropriate in national parks.

Sustaining the integrity of park ecosystems will be a major challenge in the coming years. Parks seldom contain complete or unaltered ecosystems. This, combined with increasing and cumulative stress from sources such as adjacent land use, downstream effects of air and water pollution, invasion by exotic species, visitor use and climate change can result in irreversible degradation of park ecosystems, the loss of biodiversity and impoverishment of gene pools. In recognizing the challenge, Parks Canada has produced the *Strategic Framework to Sustain the Integrity of Ecosystems*, which contains principles to which this Policy conforms and which are reflected in the following statements.

Ecosystem management provides a conceptual and strategic basis for the protection of park ecosystems. It involves taking a more holistic view of the natural environment and ensuring that land use decisions take into consideration the complex interactions and dynamic nature of park ecosystems and their finite capacity to withstand and recover from stress induced by human activities. The shared nature of ecosystems also implies that park management will have effects on surrounding lands and their management.

To be effective, ecosystem management must be far-reaching and have a broad base of support. In particular it requires understanding and collaboration among all those whose activities influence the ecological integrity of the park. Parks Canada must demonstrate leadership by working closely with other land management agencies to develop a better understanding of the relationship between existing land use practices and their effects on the natural environment. National parks are becoming increasingly important in national and international efforts to maintain biodiversity and genetic resources. Consequently, Parks Canada negotiates specific agreements with provincial and territorial planning and conservation agencies and also supports involvement in the UNESCO Man and the Biosphere Program as a means of integrating regional planning around parks.

Ecosystem management must be credible and therefore solidly based in science. Thus, the concept of partnerships is particularly important since universities, conservation organizations and the private sector have much to contribute towards research and environmental monitoring initiatives within national parks.

When research confirms that the structure and function of park ecosystems have been seriously altered by human activities, and that reliance on natural processes alone cannot achieve restoration objectives, intervention may be warranted. Since management action to restore ecosystems will have far-reaching and long-lasting effects, caution must be exercised. Management must be guided by the establishment of clear, practical and measurable objectives that are consistent with the park management plan and by the rigorous application of science in the collection and interpretation of research and monitoring data.

### **3.1 Ecosystem Protection**

3.1.1  
National park ecosystems will be given the

highest degree of protection to ensure the perpetuation of natural environments essentially unaltered by human activity.

### 3.1.2

Human activities within a national park that threaten the integrity of park ecosystems will not be permitted. Where ecosystem integrity is threatened by human activities outside the park, Parks Canada will initiate collaborative action with adjacent land management agencies or owners to try to eliminate or reduce the threat.

### 3.1.3

Parks Canada will prevent new sources of pollution from developing within national parks and will take action to eliminate or minimize existing sources inside or outside parks. Pollution concerns which are localized will be addressed at the park level, while those which are wide ranging will be addressed in cooperation with other appropriate government agencies.

### 3.1.4

Sport hunting will not be permitted in a national park. Sport fishing may be permitted in a national park but will be restricted to designated areas.

### 3.1.5

Parks Canada, in cooperation with other law enforcement agencies, will ensure compliance with the *National Parks Act and Regulations* and other relevant legislation to protect natural resources, maintain the public peace and protect life and property. Strict enforcement action will be taken to detect and stop illegal activities such as poaching and pollution.

### 3.1.6

The public will be consulted in the development of park regulations and visitors will be made aware of the rationale for such regulations.

## 3.2

### Ecosystem-Based Management

#### 3.2.1

In keeping with park management plans, Parks Canada will establish measurable goals and management strategies to ensure the protection of ecosystems in and around national parks.

#### 3.2.2

Decision-making associated with the protection of park ecosystems will be scientifically based on internationally accepted principles and concepts of conservation biology.

#### 3.2.3

National park ecosystems will be managed with minimal interference to natural processes. However, active management may be allowed when the structure or function of an ecosystem has been seriously altered and manipulation is the only possible alternative available to restore ecological integrity.

#### 3.2.4

Provided that park ecosystems will not be impaired, the manipulation of naturally occurring processes such as fire, insects and disease may take place when no reasonable alternative exists and when monitoring has demonstrated that without limited intervention:

- i) there will be serious adverse effects on neighbouring lands; or
- ii) major park facilities, public health or safety will be threatened; or
- iii) the objectives of a park management plan prescribing how certain natural features or cultural resources are to be maintained cannot be achieved.

#### 3.2.5

Where manipulation is necessary it will be based on scientific research, use techniques that duplicate natural processes as closely as possible, and be carefully monitored.



### 3.2.6

An integrated data base will be developed and kept up to date for each national park to provide, along with research and environmental monitoring, the baseline information required to protect and maintain park ecosystems and contribute to State of the Parks reporting to Parliament. In defining information needs, the spatial and temporal dimensions of park ecosystems and ecosystem processes will be a primary consideration. Therefore, data requirements will regularly extend beyond park boundaries.

### 3.2.7

Parks Canada will work with other government agencies, universities and conservation organizations involved in conservation biology and environmental monitoring to develop integrated programs for the collection, storage, analysis and interpretation of data.

### 3.2.8

Parks Canada will actively promote national parks as sites for scientific research that will contribute to the long-term protection and better public understanding of ecosystems. Parks Canada will initiate projects or cooperate in programs sponsored by other government agencies and the scientific community to ensure that benchmark research areas are established and maintained in national parks to better understand the effects of human activity on ecosystems both inside and outside national parks.

### 3.2.9

Parks Canada will take the lead role in establishing integrated and collaborative management agreements and programs with adjacent land owners and land management agencies. Parks Canada will seek mutually satisfactory solutions to trans-boundary concerns associated with the management of shared ecosystem components, the effects of adjacent land use practices on park ecosystems, or the effects of park management practices on the use of adjacent lands. Parks Canada will also

participate in regional land use planning and management initiatives sponsored by other jurisdictions to encourage the understanding and cooperation of other agencies in protecting park ecosystems, and for Parks Canada to better understand the management concerns of those other agencies.

### 3.2.10

A species of plant or animal, which was native to but is no longer present in a park, may be reintroduced after scientific research has shown that reintroduction is likely to succeed and that there will be no significant negative effects on the park and neighbouring lands. Parks Canada will seek the cooperation of adjacent land owners and land management agencies to ensure the success of reintroduction programs.

### 3.2.11

All practical efforts will be made to prevent the introduction of exotic plants and animals into national parks, and to eliminate or contain them where they already exist.

### 3.2.12

In each national park, an array of representative and unique aquatic ecosystems will be closed to sport fishing. In addition, opportunities will be provided for benchmark research on, and interpretation of, aquatic systems that may require that other areas be closed to sport fishing.

Where fish populations can sustain some harvest without impairing resources, angling may be permitted in designated areas. Regulations will be conservatively based on continuing stock assessments and will conform to the principle that angling is part of an overall aquatics program involving public education, recreation and ecosystem protection.

Fish stocking will be discontinued except where necessary to restore indigenous fish populations that have been adversely affected by habitat modification.

When studies indicate that structures such as weirs and dams have seriously altered aquatic ecosystems and restoration of these ecosystems is feasible, Parks Canada will have these structures removed and rehabilitate the area.

#### 3.2.13

Parks Canada will be exemplary in the implementation of federal legislation pertaining to environmental assessment and review in national parks. In addition, all programs, policies and plans will be subject to environmental assessment. Parks Canada is committed to making the results of all assessments available to the public.

#### 3.2.14

Parks Canada will participate in environmental impact assessments for proposed developments outside national parks that may affect park ecosystems.

#### 3.2.15

When extractive activities are permitted in a national park pursuant to sections 1.4.11 and 1.4.12, Parks Canada will place a high priority on the management, monitoring and regulation of harvesting activities. Predator control or habitat modification to artificially enhance the availability of resources for harvesting will not be permitted.

### 4.0

#### **Public Understanding, Appreciation and Enjoyment of National Parks**

National Parks are "dedicated to the people of Canada for their benefit, education and enjoyment ... and shall be maintained and made use of so as to leave them unimpaired for the enjoyment of future generations." Since these words were enshrined in the *National Parks Act* in 1930, many millions of Canadians have visited their national parks. Millions more in Canada and around the world have enjoyed books, films, articles and photographs depicting the intricate wonders of these special places. From these direct and indirect experiences has grown an increased level

of understanding and appreciation of the natural values for which the parks are established and protected. This has, in turn, led to strong public support for maintaining the ecological, educational and cultural values of the parks by people of widely varied interests and capabilities. Maintaining this support is essential to completing the national parks system as well as for protecting the existing parks.

To fulfill the obligations of the *National Parks Act* and serve the people of Canada, park values must be maintained forever. A comprehensive Visitor Activity Management Process has been developed that is predicated on analysis of social science information and integrated with natural and cultural science information. Clear service objectives must be used in determining benefit, education and enjoyment opportunities, since the provision of such opportunities must be measured against the obligations imposed by the Act to maintain the parks unimpaired. This means that not every kind of use requested by the public can be provided.

In meeting the obligations of the Act, Parks Canada does not stand alone. Provincial, territorial, municipal and private agencies will be encouraged to provide complementary opportunities, programs and facilities outside national parks in ways that respect shared ecosystems and the distinctive qualities of local communities. The practice of environmentally sustainable tourism will constitute an important mutual linkage with other land management agencies and private interests.

### 4.1

#### **Management of Visitor Activities**

##### 4.1.1

The Visitor Activities Management Process will be used to match visitor interests with the specific educational and outdoor recreation opportunities determined for each national park through the management plan.





#### 4.1.2

Consistent with maintaining ecological integrity, each national park may offer a variety of outdoor recreation opportunities conforming to the zoning determined in the management plan. These will serve visitors of diverse interests, ages, physical capabilities and skills so that they can understand and experience the park's natural environment .

#### 4.1.3

Only outdoor activities which promote the appreciation of a park's purpose and objectives, which respect the integrity of the ecosystem, and which call for a minimum of built facilities will be permitted.

#### 4.1.4

As new or modified forms of outdoor recreation emerge, each will be assessed for its appropriateness nationally before consideration in the park management planning process. Individual park management plans will then specify the types and ranges of both new and existing appropriate outdoor recreation activities and their supporting facilities. Parks Canada will also periodically review its national directives to ensure that new forms of outdoor recreation are adequately considered.

#### 4.1.5

The private sector and non-governmental organizations, such as volunteers, cooperating associations and the Canadian Parks Partnership, will be encouraged to provide skills development programs that will increase visitor understanding, appreciation and enjoyment of the national parks.

#### 4.1.6

An integrated visitor activities data base will be developed and kept up to date for each national park to provide, along with research, monitoring and evaluation, the visitor information required for park management decisions and state of the parks reporting to Parliament. The information gained will be used to add to or improve existing opportunities, and in the development and review of park management plans, service plans, and

visitor risk management programs. Both activity data and park infrastructure and environment data will be incorporated into risk assessments. Risk control measures will consider the experience needs of the visitor and promote visitor self-reliance accordingly.

#### 4.1.7

Parks Canada will use a variety of direct and indirect strategies for managing public use. Examples of direct strategies include zoning, rationing use intensity, restricting activities, and law enforcement. Examples of indirect strategies include facility design, information dispersal, and cost recovery mechanisms.

#### 4.1.8

Provisions for public understanding, appreciation and enjoyment of the cultural resources located in national parks, and associated activities, services and facilities, will be made in accordance with the policy on Cultural Resource Management.

### 4.2

#### **Interpretation and Public Education**

##### 4.2.1

Parks Canada will continue to develop and enhance its information, interpretation and extension programs and services as a principal means of achieving its protection and presentation objectives, building constituencies and fostering national identity.

##### 4.2.2

Information will be made available to all Canadians, as well as to park visitors, to encourage and assist them in understanding, appreciating, enjoying and protecting their national parks.

##### 4.2.3

Parks Canada will welcome visitors and make them aware of the opportunities for understanding, appreciating and enjoying each national park through its programs, services and facilities. It will also provide information on

relevant regulations and the necessary skills and equipment to safely participate in an activity. Particular efforts will be made to provide visitor orientation at key locations to ensure that visitors understand the purpose of national parks and their role in protecting them; can easily locate park features, services and facilities; and can freely choose whether they wish to participate in an activity or not. Visitors will be made aware of risk assessment information and of their responsibility to incorporate this information into their activity planning.

#### 4.2.4

Parks Canada will provide the public with interesting and enjoyable opportunities to observe and discover each park's natural, cultural, historical and environmental features and processes, as well as the park's resource management issues and practices, both within and outside national parks. It will present these opportunities in a variety of ways using personal and non-personal interpretive techniques. Parks Canada may present park themes and messages directly or indirectly through cooperative arrangements.

#### 4.2.5

Parks Canada will relate park themes and messages to broader environmental issues to provide the public with opportunities to acquire the knowledge and skills to make environmentally responsible decisions.

#### 4.2.6

Parks Canada will provide interpretation programs on challenges to maintaining the ecological integrity of national parks in order to foster greater public understanding of the role that protected spaces play in a healthy environment.

#### 4.2.7

Information on a park and its themes will be accessible to all visitors. Where the location of a service or facility illustrating the themes prevents access by persons with disabilities, special programs or services will be offered.

#### 4.2.8

Institutions and groups may be permitted to use the parks for educational activities or research, in ways that do not impair the ecosystem or limit enjoyment by other users.

#### 4.2.9

Parks Canada will be responsible for the preparation and presentation of interpretation programs and special events. In meeting this objective, Parks Canada will welcome and seek the assistance of informed individuals, professionals, and interest groups.

### 4.3

#### Visitor Services and Facilities

##### 4.3.1

Parks Canada, working in cooperation with others, will offer high-quality visitor services by ensuring park resources do not deteriorate, and that quality visitor experiences are not diminished.

##### 4.3.2

Parks Canada will cooperate with the tourism sector towards fulfilling public needs for a broad range of essential services and facilities within the regions surrounding national parks, particularly as they relate to the practice of environmentally sustainable tourism. To avoid impacts on park ecosystems and to contribute to regional economic development, the location of commercial services and facilities should take place in adjacent communities. Parks Canada will locate its own administrative facilities outside the parks wherever possible provided that the location would have the least impact on a shared ecosystem.

##### 4.3.3

Certain services and facilities are essential for public access to, as well as understanding, appreciation and enjoyment of, heritage areas. Provision of such services and facilities within national parks will be based upon the following considerations:

- impacts on the ecosystem as well as on specific natural and cultural resources;
- contribution to the interpretation of park themes and messages;
- heritage character and historical appropriateness;
- types of opportunities and activities appropriate to the area, as set out in management plans;
- a high degree of concern for site planning and choice of construction materials;
- environmentally appropriate design, aesthetics, architectural motif, and energy conservation; and
- the needs and expectations of visitors, consistent with park objectives.

#### 4.3.4

Within national parks, essential services and facilities will serve the basic needs of the public, and will be directly related to the provision of understanding, appreciation and enjoyment of the natural and cultural heritage. While protection of the environment and heritage resources is paramount, Parks Canada is committed to the principles of service excellence. Normally, services and facilities will be grouped together within appropriate zones for energy conservation and protection of park resources, public convenience and equality of access.

#### 4.3.5

The involvement of the public including private and voluntary organizations, such as cooperating associations and the Canadian Parks Partnership, will be encouraged in the planning, development and operation of appropriate services and facilities for visitors in national parks.

#### 4.3.6

The setting of rates controlled by Parks Canada for use of services and facilities provided either by Parks Canada or by private enterprise should take into account such market factors as supply and demand, and the price, quality and location of related services outside national parks.

#### 4.3.7

Parks Canada will continue to develop and adopt architectural and environmental design guidelines and standards for each park so that the scale, site, accessibility, form, aesthetics and function of structures are in harmony with the setting.

### 4.4

#### Access and Circulation

##### 4.4.1

Where feasible, access and circulation within national parks will be designed to supply opportunities for understanding, appreciation and enjoyment for visitors of all ages, skills and physical abilities. Special information programs will be offered where direct access is excessively challenging or inappropriate. All access and circulation will be defined in management plans and conform with zoning.

##### 4.4.2

Non-motorized means of transportation will be favoured in national parks wherever feasible. Public transit for park purposes will be preferred where special circumstances warrant.

##### 4.4.3

Access by private or commercial aircraft within national parks will not be allowed except to remote areas where reasonable travel alternatives are not available; where it has been authorized through the management planning process and specified by regulation; and under strict controls designating landing sites, times, flight lines, altitudes and any special conditions related to resource protection, including wildlife harassment or the enjoyment of the park by other visitors.

##### 4.4.4

Roads and trails may be constructed if their primary function is to serve park purposes, they have been approved under the park management plan and they meet the full requirements of the Federal Environmental Assessment and Review Process. New roads and trails that constitute

through routes designed to serve other than park purposes will not be considered.

### 4.5

#### Visitor Accommodation

##### 4.5.1

Within national parks, preference will be given to basic accommodation facilities such as campgrounds, hostels and shelters which enhance visitors' understanding, appreciation and enjoyment of the parks' special values and which provide access to additional, enjoyable park experiences including a range of appropriate recreational opportunities.

##### 4.5.2

In particular, camping opportunities, activities and services are directly related to the national park mandate of providing benefit, education and enjoyment to park visitors and, therefore, will be the principal form of accommodation made available to the majority of park visitors.

##### 4.5.3

In some national parks, the commercial sector may be invited to provide roofed accommodation due to severe climate conditions and the lack of existing or potential adjacent facilities. Any such facility must not impair the wilderness experience of others, will be assessed within the management planning process, and if authorized must stringently conform to the zoning plan.

##### 4.5.4

Where commercial accommodation is provided within national parks, it will enhance understanding, appreciation and enjoyment of natural settings; provide access to additional park experiences, including a range of recreational opportunities; and be available for use by the general public.

### 5.0

#### Historical Activities and Infrastructure

When Canada's national park system was born at

Banff over a century ago, there was still a vast wilderness in Canada and a different perspective prevailed on the values and purposes of national parks. It was not deemed inappropriate to establish permanent and seasonal communities within national parks to serve the needs and wants of the park visitors. Similarly, some parks were created around national transportation corridors more for their scenery and tourism appeal than for other natural heritage considerations. Such development is part of the national park history. The communities and recreational facilities, including golf courses and commercial downhill skiing areas, continue to provide enjoyment and livelihood for a large number of park visitors and residents.

Through careful planning and consultation with all stakeholders, Parks Canada manages these park communities, transportation corridors and recreational developments in ways that minimize impairment to the ecological integrity of the parks. The communities in the national parks and the way they are managed represent a unique opportunity to demonstrate the overriding values of ecological integrity, environmental citizenship, environmental stewardship and sustainable development through applied research and partnership.

Nonetheless, given the limited range of unspoiled wilderness left in Canada, it is inappropriate to establish additional communities or intensive infrastructure for recreation in existing and future national parks.

## **5.1 National Park Communities**

Because of their size, permanent population, year-round services and extensive municipal infrastructure, the communities of Banff and Jasper are classified as Towns. They are communities considered to have tax bases adequate to support a form of local self-government. Accordingly, by agreement with the residents and under the enabling provisions of

the *National Parks Act* amendments, Parks Canada began negotiating the transfer of municipal taxing, utility and planning authorities to the Town of Banff in 1988. On January 1, 1990, the Town became an officially incorporated Alberta municipality under conditions set by a federal provincial agreement.

Official designation as Visitor Centres is given to communities that provide a focus for and concentration of visitor activity services and facilities. Waterton, Wasagaming and Waskesiu are classified as Visitor Centres, in addition to being the administrative headquarters of Waterton Lakes, Riding Mountain and Prince Albert National Parks, respectively. Visitor use of these centres is primarily seasonal and they offer a limited range of facilities. Land was provided for seasonal cottage residence in each of these communities in past years when such use was considered appropriate.

Lake Louise is also a Visitor Centre but, along with Field in Yoho, does not contain areas for cottage residence. At Lake Louise all residential land is either used for government housing or tied to commercial leases and developed as staff accommodation. Field, meanwhile, is a largely residential community accommodating the administrative centre for the park as well as an operational centre for the Canadian Pacific Railway.

Resort Subdivisions are summer seasonal cottage subdivisions established early in the history of Jasper, Wood Buffalo, Prince Albert and Riding Mountain National Parks.

### **5.1.1**

The boundary of the Town of Banff has been established by a Town Plan prepared in conjunction with the park management plan, and has been set out in the *National Parks Act*. The same provision will apply to the Town of Jasper if the residents opt for self-government measures in the future.

### **5.1.2**

No new communities will be developed within national parks.

#### 5.1.3

Statements of principles governing the management of park communities may be developed, and then be approved by the Minister.

#### 5.1.4

No additional lands will be made available for private cottages and camps or seasonal camping areas.

#### 5.1.5

Where there is a community in a national park, a community plan will be prepared based on direction contained in the park management plan. Community plans will be approved by the Minister.

#### 5.1.6

Parks Canada will encourage the establishment of community groups to advise park superintendents on matters affecting local interests.

#### 5.1.7

The Crown in Right of Canada will continue to own the land in all national park communities. The Minister will give final approval to community plans and land use regulations or bylaws based upon community plans, and will be the final authority on planning matters.

#### 5.1.8

Where Parks Canada retains exclusive community government authorities, charges and taxes to be levied for municipal and health services will be based on cost accounting data and the municipal taxing practices of the province in which a park is located.

### 5.2

#### **Golf Courses and Commercial Ski Areas**

##### 5.2.1

Due to the amount of land they require and the need for intense manipulation of natural regimes,

no new golf courses will be constructed in national parks and expansions to existing golf courses will not be considered.

##### 5.2.2

Due to the pressures placed on alpine and subalpine environments, the 1988 *National Parks Act* amendments prohibited development of new commercial skiing areas inside the national parks. The five existing commercial alpine skiing areas will be managed within their legislated boundaries according to long-range development plans approved by the Minister and subject to public consultations.

### 6.0

#### **Land Tenure and Residency**

Although there is limited application in new national parks, tenure and residency provisions apply across the system as described below.

#### 6.1

##### **Land Tenure**

##### 6.1.1

Limited tenure may be granted on national park lands in the form of permits, leases, or licences of occupation for the provision of essential services and facilities for park visitors and for authorized residential uses.

##### 6.1.2

Upon the expiry of a lease, licence, or permit of occupation, where not already provided in an existing agreement, a replacement instrument may be negotiated if the purpose is supported by the park management plan; if the holder has complied with the terms and conditions of the expiring agreement; and if the granting of a replacement agreement is consistent with federal government policy on fair access.

### 6.1.3

Parks Canada will acquire leasehold interests in national parks where a park management plan identifies that the leasehold lands or facilities are required for public purposes.

## **6.2**

### **Residency**

#### 6.2.1

Persons who have established a need to reside in a national park as defined in regulations will be entitled to acquire the appropriate instrument of tenure for as long as the need to reside status is maintained.

#### 6.2.2

Residents of national parks will live in park communities or on the sites of their work stations.

#### 6.2.3

Condominium ownership of private accommodation will be allowed for those who have established a need to reside in park communities as defined in regulations.



## **NATIONAL MARINE CONSERVATION AREAS POLICY**

# NATIONAL MARINE CONSERVATION AREAS POLICY

## BACKGROUND

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#### **The National Marine Conservation Areas System**

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##### 1.2

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##### 1.3

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#### **Managing the Use of National Marine Conservation Areas**

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##### 3.2

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##### 4.1

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##### 4.2

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##### 4.3

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##### 4.4

Tenure

## EXPLANATORY NOTE

In Canada, the establishment of marine protected areas is in its infancy. Although a national marine parks policy was produced in 1986, it was not based on practical experience. Since then, further study and consultation have led to a clarification of the concept that demonstrates the differences between terrestrial national parks and the needs for marine area management.

As proposed in these new policy statements, "national marine parks" are better classified as "national marine conservation areas." These areas would have a highly protected core made up of Preservation Zones I and Natural Environment Zones II, as well as multiple-use Conservation Zones III.

As Parks Canada acquires operational experience in the establishment and management of marine conservation areas, it will be necessary to reassess elements of this policy to ensure that they are workable. Appropriate consultation will occur before any changes are made to the policy.

# NATIONAL MARINE CONSERVATION AREAS POLICY

## BACKGROUND

### Context for Policy Revisions

The creation of marine protected areas has become an urgent concern of many coastal states. To accelerate the establishment of a Canadian system of marine protected areas, Parks Canada developed a policy for the establishment of national marine parks. It received Ministerial approval in 1986 following extensive public consultations.

Since then, an agreement was signed in 1987 with Ontario to establish Fathom Five in Georgian Bay as Canada's first national marine park. In 1988, Canada signed an agreement with British Columbia calling for the creation of a marine park at South Moresby in the Queen Charlotte Islands, and with Quebec in 1990 to examine the feasibility of establishing a joint federal provincial marine park at the confluence of the Saguenay Fiord and St. Lawrence Estuary. These new marine park proposals, as well as preliminary work on other park proposals, have provided considerable practical experience and opportunity for Parks Canada staff to work with officials from other government agencies and the public to implement the 1986 policy.

During this period, considerable effort has been spent at the national and international levels examining the fundamental principles and practices associated with planning and managing systems of marine protected areas. At the national level, Parks Canada and various advisory groups, interest groups and universities have sponsored several workshops, seminars and publications providing valuable insight and support for the establishment of marine protected areas in Canadian waters. As well, public consultation on the proposed revision to this policy has provided many useful suggestions.

At the international level, the 4th World Wilderness Congress (1987) and the 17th General Assembly of the International Union for the Conservation of Nature (IUCN) (1988) passed important resolutions setting out a broad policy framework for the planning and management of marine protected areas. In 1992, the IUCN prepared more detailed guidelines on marine protected areas that were tabled at the 4th World Congress on National Parks and Protected Areas.

The international community is urging all states to develop national and global representative systems of marine protected areas in order to meet the objectives of the World Conservation Strategy. Citing the Parks Canada approach as a possible model, coastal states are urged to develop a biogeographical classification system to aid in the selection of a truly representative system of marine protected areas. To help ensure their long-term viability, they urge that the establishment of marine protected areas be based on a high level of cooperation between the public and all levels of government. Furthermore, the areas set aside should be relatively large and managed on a sustainable basis.

While the basic tenets of the 1986 National Marine Parks Policy remain, the revised policy responds to the broad experience gained at all levels over the past several years, and to recent public comments. Policies have required some restructuring and clarification and some new principles and concepts have been introduced which Parks Canada hopes will facilitate the planning and management of a national system of marine protected areas in Canada. One of the changes made has been to refer to these areas as "national marine conservation areas" instead of "national marine parks." Parks Canada believes that this designation more accurately reflects the purpose and objectives of these areas.

### Management and Planning Considerations in

## **the Marine Environment**

The policy recognizes that planning and management considerations in the marine environment differ from those associated with terrestrial national parks.

Differences in the nature of marine ecosystems are a fundamental consideration. For example, terrestrial parks are usually associated with semi-closed ecosystems dominated by components that are essentially fixed in space and subject to rates of change over relatively long periods of time. On the other hand, marine protected areas are almost always associated with open ecosystems that are large and dynamic and where rates of change associated with many important ecological processes involve relatively little time. Several pelagic, demersal and anadromous fish species and many of the marine mammals and invertebrate species undertake far-ranging migrations associated with their feeding or reproductive cycles.

The water column is the fundamental component in most marine ecosystems. The density of sea water allows it to suspend and transport materials over great distances and thereby link geographically isolated areas. It provides a transportation medium for pollutants that enter the sea from the atmosphere or from terrestrial run-off, and renders marine protected areas vulnerable to a wide range of potentially harmful downstream effects. This characteristic also generally affords marine ecosystems a greater capacity for natural regeneration than their terrestrial counterparts. The water column sustains primary production and provides for most of the habitat requirements of marine plants and animals (including benthic communities) through the transportation of nutrients, food and their larvae.

The nature and effect of human activities in the marine environment also differ from those on land. Maintaining the structural integrity of terrestrial ecosystems due to habitat loss and fragmentation associated with activities such as

forestry, agriculture and transportation are usually critical concerns on land. However, they are less of a concern in marine environments. (Exceptions apply to estuarine and near-shore areas.) Of far greater concern in the sea are the effects of pollution and over-exploitation of resources that gradually alter physical, chemical and biological processes in ways that are not often immediately apparent.

It is important to understand that, for the most part, our knowledge of marine ecosystems lags far behind that of terrestrial ecosystems. Furthermore, the technology available to study marine ecosystems is not as extensive or as revealing as that used on land, and the logistics of operating in the marine environment make marine research a generally costly proposition.

The complexity of legislation and jurisdictions affecting the marine environment is also a significant consideration. For example, within Canada, there are at least 36 federal acts and 20 provincial and territorial acts together with numerous international conventions and accords that relate to the protection and use of the marine environment and marine resources. In view of the openness of marine ecosystems and the high degree of connectivity between marine environments and between these and upstream terrestrial activities, the long-term viability of marine protected areas will require close collaboration and cooperation across many jurisdictional boundaries.

The policy also recognizes the need for flexibility in the approach to the planning and management of these areas since from region to region, Canadians view the marine environment and the role of marine protected areas quite differently. This is a reflection of strongly held social and economic values concerning the protection and use of the marine environment and its resources. While Parks Canada believes these areas must make a meaningful contribution to the protection of Canada's marine heritage, it also believes that the objectives for these areas are unlikely to be

achieved without the cooperation, support and continued involvement of those most directly affected by their establishment.

In addition to their natural features, most national marine conservation areas contain significant cultural resources. These will be managed according to the Cultural Resource Management Policy found in Part III of this document.

### **The Concept of A National Marine Conservation Area**

In keeping with guidance from the IUCN, Parks Canada is committed to establishing a system of marine protected areas that is representative of the full range of Canada's marine environments. For this reason, and to assist in their effective conservation, these areas will ideally be quite large. For example, the proposed study area for the Gwaii Haanas National Marine Conservation Area encompasses 3,180 km<sup>2</sup> of coastal waters.

National marine conservation areas will include the sea bed, its subsoil and the overlying water column. In coastal areas, they may include wetlands, river estuaries, islands and other coastal lands. However, they may also be established wholly offshore to protect marine areas some distance from Canada's coastline.

Since marine protected areas are vulnerable to downstream effects associated with adjacent terrestrial areas, establishing a marine conservation area in proximity to an existing national park or another protected area could provide additional protection to a conservation area.

The management philosophy associated with national marine conservation areas will differ from that in terrestrial national parks in one very important respect. Instead of trying to protect marine ecosystems in a state essentially unaltered by human activity, which is the primary goal in terrestrial national parks, management effort in national marine conservation areas will be

directed towards the conservation of these areas in the sense that it is defined in the World Conservation Strategy. Therefore, the focus will be on the management of a wide range of human activities to ensure the greatest sustainable benefit to present generations while maintaining the potential of the area to meet the needs and aspirations of future generations. In this context, conservation embraces a number of management concepts including preservation, maintenance, sustainable use, and restoration of the natural marine environment.

The success of this program will hinge on the establishment of integrated management systems which, ideally, should help to coordinate the management of marine and terrestrial areas well beyond the boundaries of a national marine conservation area. In some cases, this would involve the participation of Parks Canada in integrated management programs sponsored by other agencies. In other instances, it will require that Parks Canada take a lead role in facilitating and coordinating the efforts of government and non-government agencies and affected users to collaborate and share in the stewardship of these areas. In the long term, it is hoped that these areas might serve as models for a more holistic approach to the planning and management of marine environments.

An essential feature of all national marine conservation areas will be the setting aside of some zones for protection purposes. These zones will recognize the existence of particularly significant and vulnerable ecosystem components or cultural resources, their importance for ecological research or environmental monitoring, and their potential for non-consumptive recreational use and public education. These zones would be identified during the preparation of a proposal to create a national marine conservation area.

While amendments were made to the *National Parks Act* in 1988 to allow for the establishment of marine protected areas on an interim basis, new

legislation will be required to better reflect the mandate and overall responsibility of the Minister for the administration, control and coordinated management of national marine conservation areas to ensure the protection of their associated marine ecosystems. This legislation must also recognize the responsibilities of other federal and provincial ministers in areas such as the administration and control of fisheries, navigation and shipping.

## **OBJECTIVE**

To protect and conserve for all time national marine areas of Canadian significance that are representative of the country's ocean environments and the Great Lakes, and to encourage public understanding, appreciation and enjoyment of this marine heritage so as to leave it unimpaired for future generations.

### **1.0**

#### **The National Marine Conservation Areas System**

National marine conservation areas are intended to conserve representative examples of Canada's marine environments, coastal zone, and Great Lakes. Based on current scientific information, Canada's oceans and Great Lakes have been divided into 29 marine regions, each of which warrants representation in the system of national marine conservation areas. Efforts to create new marine conservation areas are concentrated on those marine regions that are unrepresented.

Establishment of new marine conservation areas will be guided by the National Marine Conservation Area System Plan. The Plan will provide a description of the 29 marine regions, and the status of system planning for each. Parks Canada will periodically update the Plan, including the listing of representative marine areas identified during regional analysis studies. In addition, Parks Canada will keep an Action Plan up to date to describe the activities that must be undertaken to complete the representation of each

of the marine regions.

Parks Canada, acting alone, cannot protect all the areas identified as representative of Canada's marine regions. But by making public the Systems Plan and Action Plan, Parks Canada hopes to encourage other public agencies and appropriate private organizations to work to protect areas that will not be included within the national marine conservation area system.

Public support and the cooperation of other levels of government are essential in establishing new national marine conservation areas or adjusting the boundaries of existing ones. The establishment process is therefore based upon public consultation and intergovernmental cooperation.

There is no rigid process for establishing national marine conservation areas. Each situation is unique and the steps leading up to their creation will reflect individual circumstances. The normal sequence, however, is characterized by five steps: identifying representative marine areas; selecting a potential national marine conservation area; assessing marine conservation area feasibility; negotiating a marine conservation area agreement; and establishing a new national marine conservation area in legislation. The following policies related to marine conservation area establishment are grouped under these headings.

### **1.1**

#### **Identifying Representative Marine Areas**

##### **1.1.1**

Representative marine areas will be identified for those marine regions that are not represented in the system. The following criteria are used:

- i) the area must portray the geological, oceanographic, biological and ecosystem diversity that is characteristic of the marine region; and
- ii) the area's ecosystems must be in a healthy, natural state, or, if they are stressed or significant environmental

degradation has taken place, restoration and maintenance of their essential structure and function must be considered feasible.

#### 1.1.2

Representative marine areas will be identified in consultation with provincial and territorial governments, other federal agencies and with the interested public.

#### 1.1.3

Representative marine areas will be identified regardless of the current protected status or jurisdiction.

### 1.2

#### **Selecting Potential National Marine Conservation Areas**

##### 1.2.1

Potential national marine conservation areas will be selected from among the representative marine areas, in those marine regions which do not already have adequate representation in the system of marine conservation areas.

##### 1.2.2

In selecting potential national marine conservation areas, consideration will be given to a wide range of factors including:

- i) the extent to which the area represents the ecosystem diversity of the marine region;
- ii) the degree to which the area contributes to the maintenance of essential ecological processes and life support systems for downstream areas (e.g., the protection of nursery or juvenile rearing areas);
- iii) the importance of the area in maintaining biodiversity and protecting critical habitats of rare, threatened or endangered species;
- iv) the occurrence of exceptional natural phenomena and cultural resources;

- v) the existing or potential value of the area for ecological research and monitoring;
- vi) opportunities for public understanding, education and enjoyment;
- vii) possible threats to the long-term sustainability of the area's marine ecosystems as well as those of the surrounding lands;
- viii) minimizing conflict with existing or probable marine resource uses such as significant commercial fishing areas, mineral or energy resources, navigation routes or defence exercise areas;
- ix) complementarity with the objectives of existing or planned protected marine or coastal areas of other jurisdictions in the marine region;
- x) the potential of establishing an adjacent national park or national park reserve representative of its natural region;
- xi) the potential to cooperatively manage existing and potential uses of the marine resources within and adjacent to the potential marine conservation area on a sustainable basis, compatible with the objective of protecting its biotic resources and other park values; and
- xii) the implications of comprehensive land claims and treaties with Aboriginal peoples.

##### 1.2.3

A composite national marine conservation area consisting of two or more non-contiguous areas may be considered where it will facilitate achieving marine conservation area identification and selection objectives.

##### 1.2.4

Potential national marine conservation areas will be selected in consultation with provincial and territorial governments, other federal agencies, non-government organizations, and the interested public.



### **1.3 Assessing National Marine Conservation Areas Feasibility**

#### **1.3.1**

To initiate an assessment of the feasibility of a marine conservation areas, Parks Canada will first consult with other federal departments and agencies, provincial and territorial governments and seek their cooperation and support.

#### **1.3.2**

Parks Canada will then initiate discussions with local communities and affected user groups to seek their cooperation in conducting a feasibility study, to determine the best timing and process for their active participation, and how to incorporate the knowledge of individuals living and working in the area.

#### **1.3.3**

As a guide, the feasibility study should include recommendations on the conservation and management objectives of the area, its boundaries, a draft zoning plan as described in section 2.1.0 with a description of the purpose and objectives of each zone and the uses that will be permitted, including fishing. It should also identify specific issues of concern to local communities and affected user groups and, when possible, recommend how they could be addressed.

#### **1.3.4**

In proposing the boundaries of a potential national marine conservation area, every effort will be made to establish an area with a size and configuration that:

- i) protects a wide diversity of marine ecosystems representative of the marine region;
- ii) accommodates the habitat requirements of viable populations of marine species that are native to the marine region;
- iii) does not fragment sensitive, highly diverse or productive marine communities;

- iv) protects exceptional marine phenomena, and rare, threatened or endangered marine wildlife and plants;
- v) includes important sites for ecological research and monitoring;
- vi) offers opportunities for public understanding and enjoyment;
- vii) results in minimum long-term disruption of the social and economic life in the surrounding region; and
- viii) does not encompass permanent communities.

In addition, consideration may be given to including submerged cultural features or coastal/island sites which are significant in portraying human use of marine resources within a proposed national marine conservation area.

#### **1.3.5**

As part of the feasibility assessment, Parks Canada will cooperate with those federal departments or provincial/territorial governments responsible for assessing the renewable and nonrenewable natural resource potential of the proposed marine conservation area. Any associated field activities will take into account the natural and cultural qualities which recommend the area for marine conservation area status.

#### **1.3.6**

Boundary adjustments intended to improve the representation of an existing marine conservation area or its ecological integrity will be assessed according to the above policies.

### **1.4 National Marine Conservation Areas Agreements**

#### **1.4.1**

National marine conservation areas will be established pursuant to agreements with the concerned provincial or territorial governments, federal departments and agencies, and with Aboriginal organizations, as appropriate.

#### 1.4.2

The Crown in Right of Canada will own all land, including the sea or lake bed and its subsoil, within a national marine conservation area. Private lands and interests will be acquired by negotiated settlement, and term interests may be allowed to expire.

#### 1.4.3

The agreement will describe the boundaries of the national marine conservation area, and will stipulate the role(s) of concerned government departments and agencies, any local communities and affected user groups, as well as interested non-government organizations and the public in the cooperative stewardship, planning and management of the marine conservation area.

#### 1.4.4

Parks Canada will take a lead role in developing cooperative arrangements with all concerned parties for the complementary use and management of resources within a national marine conservation area.

#### 1.4.5

Commercial exploration, extraction or development of nonrenewable resources and ocean dumping will not be permitted within a national marine conservation area.

#### 1.4.6

Parks Canada and the provincial and federal governments will foster opportunities for local residents to find employment and business opportunities related to the operation of national marine conservation areas.

#### 1.4.7

Where the resources of a marine conservation area are, or may be, significantly impacted by upstream pollution sources, Parks Canada will cooperate with government and non-government agencies at the local, provincial, territorial, federal and international levels in order to monitor water quality and endeavour to prevent or mitigate

pollution effects.

#### 1.4.8

Prior to the establishment of a marine conservation area, Parks Canada will prepare a report setting out the area's purpose and objectives, boundaries agreed to, zoning plan, and the various agreements made with other governments and federal departments for the cooperative management of the marine conservation area.

### 1.5

#### **Establishing National Marine Conservation Areas in Legislation**

##### 1.5.1

Marine conservation areas will be formally established by the Parliament of Canada through amendment to the *National Parks Act* or in accordance with new legislation respecting the establishment of national marine conservation areas.

##### 1.5.2

When new national marine conservation areas are established in conjunction with the settlement of land claims of Aboriginal peoples, the final boundaries as well as harvesting rights and involvement of Aboriginal peoples in planning and management will be proposed in legislation according to the terms of the land claim agreement. In the interim, the area may be set aside as a "national marine conservation areas reserve" under the Act and traditional hunting, fishing and other marine resource based activities by entitled Aboriginal peoples will continue.

### 2.0

#### **Management Planning**

The goal of a national marine conservation area management plan is to provide for sustainable use of the area consistent with the need to maintain the structure and function of marine ecosystems. The plan provides guidance to marine conservation area managers and users about the

day-to-day management and use of the area. It also outlines how the Minister responsible for Parks Canada proposes to conserve the area's resources in keeping with the provisions of the *National Parks Act*.

Management planning is an iterative process: plans must be prepared within five years of the area's proclamation and be reviewed and amended as necessary every five years thereafter. Since planning decisions are inevitably based on incomplete knowledge of the area's resources, plans will always lean to the side of caution when prescribing reasonable levels of use. However, through continuing cooperative and inter-disciplinary approach, information about the physical, biological and socio-economic characteristics of the area will be compiled and interpreted to avoid uncertainty in decision-making.

Zoning is an essential part of the national marine conservation area management plan. Its main purposes are to define and map the different levels of protection and use that will occur in the marine conservation area and to separate potentially conflicting human activities. Zoning must be comprehensive but also as simple as possible to ensure it can be readily understood by the public, and be translated into management actions and regulations that are easy to comply with and enforce. To avoid unnecessary regulation of human activities, each zone will have clear and justifiable objectives.

The three proposed marine conservation zones reflect a continuum of protection and use. Different levels of protection and use will be permitted in each zone, or at different times.

Temporal and vertical zoning may provide flexibility and objectivity in harmonizing use. For example, temporal zoning could prohibit visitor access to, or commercial fishing near, a particular fish spawning ground, sea bird colony or whale calving area during the reproductive season but allow it throughout other, less critical periods.

Depending on the factors involved, the time span may be long term, seasonal, cyclical or even diurnal. Vertical zoning may also be appropriate in some situations where, for example, certain benthic species or habitats require absolute protection while fishing, transportation or recreational uses continue at or near the surface of the water column.

In some cases, environmentally or culturally sensitive sites may require special management but do not fit the zoning designations below. Management plans will include the guidelines necessary for the protection and use of such sites. In other cases, a marine conservation area may encompass an existing protected area where the degree of protection and use allowed does not correspond precisely to the national marine conservation area zoning definitions. In this situation, where the existing protected area contributes to the overall purpose and objectives of the conservation area, it may be designated as a special use zone to ensure its function and identity remain intact.

#### 2.1

Parks Canada will adopt an inter-disciplinary approach to management planning to ensure a broader perception and understanding of issues, and the development of solutions to problems that are more comprehensive, far-reaching and durable.

#### 2.2

Parks Canada will prepare management plans for the Minister's approval and tabling in Parliament within five years of an area's proclamation under the *National Parks Act* or other legislation. Management plans will be reviewed every five years thereafter.

#### 2.3

Maintaining the structure and function of marine ecosystems will be a first priority when considering the zoning and management of visitor use and renewable resource harvesting activities.

#### 2.4

Cultural resources will be managed in accordance with the Cultural Resource Management Policy.

#### 2.5

Each management plan will contain a statement of the purpose and objectives of the marine conservation area in the national system and in the marine region in which it is located. As well, it will detail the specific protection and use objectives of each designated zone.

#### 2.6

Parks Canada will inform and involve a broad spectrum of the Canadian public in the preparation, review and amendment of management plans.

#### 2.7

A management advisory committee will be formed for each conservation area to ensure regular consultation and direct involvement of resource users and residents of the surrounding region in the preparation and implementation of the management plan.

#### 2.8

Parks Canada will cooperate with other federal agencies and levels of government, private organizations and individuals involved in the planning and management of areas adjacent to marine conservation areas to ensure that research, management and regulatory programs, facilities and services are integrated in effective and economical ways.

#### 2.9

Management plans for national marine conservation areas which have additional international and national designations such as World Heritage Site, Biosphere Reserve or National Historic Site, will include strategies for protection and promotion of the values that resulted in the additional designations.

#### 2.10

The national marine conservation area zoning

system will apply to all land and water areas of national marine conservation areas, and will state the specific protection and use objectives of each designated zone. Parks Canada will monitor the degree to which those objectives are being achieved and assess the validity of the designation during the review of the management plan.

The zoning provisions outlined below are intended to serve as a guide only. They may change as Parks Canada acquires planning and management experience in several marine conservation areas. Also, an alternative zoning system may be recommended for a national marine conservation area during the feasibility study.

##### 2.10.1

Zone I (Preservation) - Areas will be considered for Zone I designation when their management objectives involve protecting:

- i) habitats deemed critical to the survival and maintenance of depleted, vulnerable, threatened or endangered species;
- ii) habitats of more common species and communities that are particularly sensitive to human disturbances;
- iii) unique or best examples of a natural feature;
- iv) cultural resources of national historic significance or of historic significance; or,
- v) areas considered important for long-term environmental monitoring or ecological research.

In Zone I areas, renewable resource harvesting will not be permitted. Visitor use will not normally be allowed but in certain cases, where the public education benefits are high, provisions may be made for limited and closely supervised visitor access. Permanent facilities will not be permitted, unless they are essential for public safety or the protection of natural features.

##### 2.10.2

Zone II (Natural Environment) - Areas will be considered for Zone II designation when their management objectives involve:

- i) creating a buffer zone around Zone I areas in order to enhance protection of its special habitats or features;
- ii) protecting highly representative areas that provide opportunities for non-consumptive recreational use and public education in as natural a setting as possible; and
- iii) conducting environmental monitoring and research projects in which public education is an integral part of the study program.

In Zone II areas, renewable resource harvesting activities including recreational hunting and fishing will be prohibited. Research, public education and low-intensity outdoor recreation will be permitted. Where practical and safe, the use of non-motorized transportation would be encouraged. Only minimal facility development would be allowed.

#### 2.10.3

Zone III (Conservation) - Areas will be considered for Zone III designation when their management objectives involve:

- i) renewable resource harvesting activities, aquaculture and marine transportation; or
- ii) providing opportunities for a broad spectrum of outdoor recreation and public education activities.

In Zone III areas, provision will be made for reasonable use consistent with maintaining the structure and function of marine ecosystems. Hunting may be permitted in designated areas on a conservative basis, subject to ongoing population assessments and visitor safety concerns. Permanent facilities for conservation area administration, public education, visitor services and accommodation would be allowed.

#### 2.10.4

Zones of a marine conservation area may be subject to temporary access or use restrictions when specific components or functions of a marine ecosystem require additional protection. These temporary zoning restrictions may be seasonal, cyclical, diurnal (on a daily or nightly basis), or combinations thereof, as warranted.

#### 2.10.5

Vertical zoning may be used to provide more protection to natural or cultural resources at or near the sea floor while recreational, transportation or near-surface fishing activities continue above.

#### 2.10.6

Changes to an area's zoning, including provisions for temporal and vertical zoning, will only be made following public notice and public participation in the decision.

#### 2.10.7

Establishing and maintaining a core of Zone I and II areas will be an essential feature of all national marine conservation areas.

### 3.0

#### **Managing the Use of National Marine Conservation Areas**

Managing the use of national marine conservation areas will be based on the "ecosystem management" concept. This involves adopting a holistic view of the natural environment, ensuring that decisions consider the dynamic and interactive nature of ecosystems, human activities within the ecosystems, and their finite capacity to recover from stress caused by human disturbances.

To be effective, ecosystem management must have a broad base of support. It requires understanding and collaboration among all those who directly use the area or who influence the ecological integrity of a marine conservation area by their activities in the surrounding hinterland.

Forging strong partnerships is also important, particularly in research and environmental monitoring where user groups, universities, conservation organizations and the private sector have much to contribute.

Ecosystem management must be based in science. Adequate baseline information about the physical, oceanographic and biological characteristics, and existing and potential uses of the conservation area is required to guide planning and management of the area and to develop public education programs. Monitoring is required to detect changes occurring in the marine environment and to determine whether these are due to natural causes or to stress caused by human activities.

### **3.1 Ecosystem Management**

3.1.1 Measurable goals and management strategies will be formulated for each national marine conservation area to ensure the protection and maintenance of its ecosystems.

3.1.2 Where marine ecosystems or components thereof have been seriously degraded, Parks Canada will initiate restoration programs in cooperation with others.

3.1.3 When a marine species which spends a part of its natural life cycle in a marine conservation area is adversely affected by human activities outside the area, Parks Canada will cooperate with Canadian and international regulatory agencies to promote its conservation throughout its range.

3.1.4 Extirpated species that are native to the marine conservation area may be reintroduced after research has shown that reintroduction is likely to succeed and that its probable effects are acceptable within the conservation area and the

surrounding region.

3.1.5 The introduction of exotic plants or animals into the wild in a marine conservation area will not be permitted.

3.1.6 Federal environmental assessment and review legislation will be implemented in conservation areas in an exemplary fashion. Parks Canada will also review and comment upon environmental impact assessments for proposed developments that are near established or potential marine conservation areas.

3.1.7 Parks Canada will encourage understanding and cooperation in achieving marine area conservation goals by participating in regional sea and coastal zone planning programs sponsored by other jurisdictions and interested parties.

3.1.8 To promote science-based management, Parks Canada will work with others in compiling and analyzing baseline information on the physical, oceanographic and biological characteristics of the marine conservation area and surrounding lands, use of marine resources within this geographic area and their effects.

### **3.2 Protection and Compliance**

3.2.1 Parks Canada will implement appropriate regulations under the *National Parks Act* or other statutes in accordance with management and zoning decisions set out in the approved conservation area management plan.

3.2.2 Parks Canada, in cooperation with other law enforcement agencies, will monitor compliance with the marine conservation area regulations that have been implemented to protect marine

ecosystems, maintain the public peace and protect life and property. Strict enforcement action will be taken to detect and stop illegal activities such as poaching.

### 3.2.3

The public will be consulted in the development of regulations applicable to marine conservation areas, and visitors will be made aware of the rationale for such regulations.

### 3.2.4

Under the *National Parks Act*, Parliament must approve new pipeline or submarine cable rights of way through a national marine conservation area while the Governor in Council retains authority to alter existing rights of way. The Minister will recommend that new or altered corridors be authorized only where it is demonstrated that, relative to alternative routes or modes, a new or altered route:

- i) will provide significant economic advantages; and
- ii) will not significantly increase damage or long-term risk to the area's marine environment.

All such proposals will be subject to the Federal Environmental Assessment and Review Process and must be constructed and operated so as to satisfy all environmental impact mitigation measures that have been agreed upon.

## 3.3 Fishing and Aquaculture

### 3.3.1

Fishing is an appropriate activity in Zone III areas, subject to protecting the conservation area's ecosystems, to maintaining viable stocks, and to attaining the purpose and objectives of the marine conservation area.

### 3.3.2

Aquaculture may be permitted in Zone III areas if it does not impair the structure and function of the

marine conservation area's ecosystems and does not conflict with other fisheries, navigation, marine outdoor recreation and public education activities.

### 3.3.3

Fishing and aquaculture closures in Zone I and II areas and changes to fishing and aquaculture practices in Zone III areas will be agreed to between Parks Canada, the Department of Fisheries and Oceans (DFO) and, where applicable, provincial agencies in consultation with the fishing industry, at the time of establishment of a marine conservation area, and reviewed during management planning.

### 3.3.4

Fisheries in national marine conservation areas will be regulated under the provisions of the *Fisheries Act*. Other statutes may also be used to provide additional protection to marine ecosystems.

### 3.3.5

Fisheries in marine conservation areas will be managed in accordance with fisheries management plans established by DFO. Parks Canada will participate in the negotiation of these plans to secure the protection of marine ecosystems in and around marine conservation areas.

### 3.3.6

Parks Canada will work cooperatively with DFO and the fishing industry to minimize indiscriminate methods of fishing and the use of gear that is destructive to the sea bed within a conservation area.

### 3.3.7

Shore based support facilities for fishing will be permitted in Zone III areas if operated in a manner that does not conflict with the purpose and objectives of the conservation area. Parks Canada may contribute to the cost of relocating or upgrading existing facilities that are incompatible with the area's purpose and objectives. Expansion

and improvement will require approval by Parks Canada, DFO and other involved federal or provincial/territorial agencies.

and recreational uses.

### 3.3.8

Proposals to introduce any new fishery into a marine conservation area (including aquaculture), not agreed to at the time the conservation area was established, will be considered during the management planning process. These proposals will be subject to the prior completion of stock assessment and environmental impact studies.

## 3.4

### Marine Transportation

#### 3.4.1

Transportation, navigation and aids to navigation, and the operation of pleasure craft in marine conservation areas will be regulated under the *Canada Shipping Act* and other applicable legislation and regulations.

#### 3.4.2

The routing of new transportation corridors within marine conservation areas will be considered during the management planning process, and will take into account the need for essential services, such as ferries and northern supply routes.

#### 3.4.3

Vessel access to, and movement within, marine conservation areas will be managed in conformity with conservation area objectives and the area's zoning plan in a manner that will:

- i) circumvent areas frequented by threatened or endangered species and their habitats;
- ii) provide the public with opportunities to understand and enjoy the conservation area;
- iii) ensure public safety; and
- iv) minimize conflict between commercial



#### 3.4.4

Traditional Aboriginal and other fishermen's rights of marine access, including over-ice transportation, will be recognized, subject to the requirement of protecting fish and wildlife, including marine mammals, and habitat important to their well-being.

### 4.0

#### **Public Understanding, Appreciation, and Enjoyment of National Marine Conservation Areas**

Parks Canada has an important leadership role in marine environmental education. Its interpretation and public education programs are intended to promote the development of an environmental consciousness in all Canadians and a willingness to take personal and collective action to better protect and maintain the marine environment.

Through interpretation programs, Parks Canada challenges visitors to develop a better understanding and appreciation of the area's marine heritage and the issues affecting it and the surrounding region. Through public education programs, and in cooperation with others, Parks Canada hopes to foster a stronger environmental ethic among all Canadians and to broaden support for marine conservation, including the establishment of marine conservation areas and other marine protected areas. These programs will also promote the wise use and stewardship of marine resources by local people and visitors.

Only recreational activities that are compatible with the long-term protection of the marine conservation area and that allow visitors to enjoy the marine environment for what it is and on its own terms will be encouraged. Visitors will be encouraged to develop the knowledge, skills and camaraderie required to visit marine conservation areas safely with minimal disturbance to the environment and to develop an appreciation and respect for local traditions and ways of life.

In responding to visitor needs for services, facilities and access to marine conservation areas, Parks Canada must act with care and imagination. Their provision will depend on the sensitivity of a particular environment to human impact. Marine conservation areas offer rare and outstanding opportunities to experience and learn about Canada's marine heritage. They cannot, however, accommodate every kind of service and facility requested by the public. The difficulties of access and movement within marine areas make it essential that services and facilities be designed to allow for safe contact with the water.

### 4.1

#### **Management of Visitor Activities**

##### 4.1.1

The Visitor Activity Management Process will be used to match visitor interests with specific educational and outdoor recreation opportunities determined for each marine conservation area through the management plan.

##### 4.1.2

Parks Canada will encourage those outdoor recreational uses of a marine conservation area that broaden visitor understanding and appreciation of the natural environment, and that cause minimal disturbance to the environment, wildlife and local life styles.

##### 4.1.3

In providing opportunities for outdoor recreation, Parks Canada will take into account the different needs of visitors depending on their age, physical capabilities and levels of skill and knowledge to function safely in the marine environment.

##### 4.1.4

Parks Canada will encourage the private sector and non-governmental organizations to provide skills and knowledge development programs to increase visitor understanding and enjoyment of the marine conservation areas.

#### 4.1.5

As new or modified forms of outdoor recreation emerge, each will be assessed for its appropriateness nationally before consideration in the management planning process. Individual management plans will then specify the types and ranges of both new and existing appropriate outdoor recreation activities and their supporting facilities. Parks Canada will also review its national directives periodically to ensure that new forms of outdoor recreation are adequately considered.

#### 4.1.6

An integrated visitor activities data base will be developed and kept up to date for each national marine conservation area to provide, along with research, monitoring and evaluation, the visitor information required for management decisions and state of the parks reporting to Parliament. The information gained will be used to add to or improve existing opportunities, and in the development and review of management plans, service plans, and visitor risk management programs. Both activity data and infrastructure and environment data will be incorporated into risk assessments. Risk control measures will consider the experience needs of the visitor and promote visitor self-reliance accordingly.

#### 4.1.7

Parks Canada will use a variety of direct and indirect strategies for managing public use. Examples of direct strategies include zoning, rationing use intensity, restricting activities, and law enforcement. Examples of indirect strategies include facility design, information dispersal, and cost-recovery mechanisms.

#### 4.1.8

Provisions for public understanding, appreciation and enjoyment of the cultural resources located in national marine conservation areas, and associated activities, services and facilities, will be made in accordance with the Cultural Resource Management Policy.

## 4.2

### **Interpretation and Public Education**

#### 4.2.1

Parks Canada will cooperate with others in developing marine conservation area interpretation and public education programs that will provide visitors and all Canadians with accurate information of the area's marine ecosystems, key environmental issues and the various programs that have been implemented for the protection and wise use of these ecosystems.

#### 4.2.2

Visitors will be informed of activities permitted in the conservation area, and the services and facilities available to them in the area and surrounding region. In particular, visitors will be made aware of the dependence of local people on the area's marine resources, and will be asked to respect their values and traditions during their visit.

#### 4.2.3

Various marine conservation interpretation programs will be made available to visitors, including those with disabilities, in a manner which causes little or no disturbance to the natural environment.

#### 4.2.4

Parks Canada will cooperate with schools, universities and other learning institutions in developing public education programs, and to encourage the use of marine conservation areas as centres for environmental education and research.

## 4.3

### **Visitor Services and Facilities**

#### 4.3.1

Parks Canada will only provide facilities and services in marine conservation areas that are deemed essential for interpretation, public education and recreational activities in the approved management plan.

#### 4.3.2

In developing facilities within a marine conservation area, impacts on the area's resources and established uses such as fishing will be minimized, and due attention will be given to visitor risk management.

#### 4.3.3

The establishment of artificial reefs to attract marine organisms for display purposes, the intentional sinking of vessels or other man-made objects for recreational diving, and similar facilities will not be permitted in marine conservation areas.

#### 4.3.4

Parks Canada will encourage visitors to become familiar with the skills, knowledge and equipment they should have in order to safely undertake outdoor activities in the marine conservation area.

#### 4.3.5

Parks Canada will coordinate accident prevention and search and rescue services in and around marine conservation areas with the Canadian Coast Guard and other agencies involved in public safety.

#### 4.3.6

Parks Canada will work with the tourism sector to fulfill public needs for a broad range of services and facilities adjacent to the marine conservation areas, and will locate its own administrative facilities accordingly.

#### 4.3.7

Private and voluntary organizations, such as cooperating associations, will be encouraged to plan, develop and operate essential visitor services and facilities within a marine conservation area.

## **Tenure**

#### 4.4.1

No lands or foreshore areas within a marine conservation area will be made available for private cottages, camps, seasonal camping areas, or for any exclusive recreational use by individuals or organisations. In areas where settlement has already occupied shorelines in locations contemplated for a national marine conservation area, the boundary may include such shorelines since they are often important biological areas. In such cases, a shoreline zoning classification system will be developed to regulate nearshore developments.

#### 4.4.2

Limited tenure may be granted on marine conservation area lands and waters in the form of permits, leases, or licences of occupation for the provision of essential services and facilities for visitors.

## **4.4**

#### 4.4.3

Upon the expiry of a lease, licence, or permit of occupation (when not already provided in an existing agreement), a replacement instrument may be negotiated if the purpose is supported by the conservation area management plan; if the holder has complied with the terms and conditions of the expiring agreement; and if the granting of a replacement agreement is consistent with federal government policy on fair access.



# **CANADIAN HERITAGE RIVERS SYSTEMS POLICY**

# **CANADIAN HERITAGE RIVERS SYSTEM POLICY**

## **BACKGROUND**

### **OBJECTIVE**

#### **1.0**

**Creating a National System**

#### **2.0**

**Rivers Under Parks Canada Jurisdiction**

#### **3.0**

**Technical and Financial Assistance**

# CANADIAN HERITAGE RIVERS SYSTEM POLICY

## BACKGROUND

Canada's rivers are keys to the understanding of our country's natural and human history. Virtually all of the nation's freshwater eventually flows through rivers into five different salt water bodies: the Atlantic, Pacific and Arctic Oceans, Hudson Bay, and into the Gulf of Mexico. Modern industrial development has irreversibly changed many rivers through the construction of dams for hydro-electricity and irrigation, and through the disposal of waste into them. There is relentless pressure on Canada's important rivers from industry, agriculture and urbanization.

To help identify, conserve and encourage public use of important rivers, the Canadian Heritage Rivers System (CHRS) was set up as a cooperative program by the federal, provincial and territorial governments. The System is overseen by a Board comprised of representatives appointed by each participating government. Parks Canada and the Department of Indian Affairs and Northern Development represent the federal government on this Board.

This policy outlines how Parks Canada will implement its responsibilities for the coordination of the CHRS as well as its own participation in nominating, designating and managing rivers under the Minister's authority.

All agencies participating in the Canadian Heritage Rivers System, including Parks Canada, adhere to the agreed objectives and policies which are described in the document, *The Canadian Heritage Rivers System: Objectives, Principles and Procedures*. The System's objectives are to give national recognition to the important rivers of Canada and to ensure their future management in such a way that the natural and human heritage which they represent is conserved and interpreted, and the opportunities they possess for recreation and heritage appreciation are realized by residents

of and visitors to Canada.

## **Parks Canada Objective for the Canadian Heritage Rivers System**

Within the framework of the Canadian Heritage Rivers System, the objective of Parks Canada is:

To foster protection of outstanding examples of the major river environments of Canada in a cooperative system of Canadian Heritage Rivers, and to encourage public understanding, appreciation and enjoyment of their human and natural heritage.

### **1.0 Creating a National System**

#### 1.1

As the lead federal agency on the Canadian Heritage Rivers Board, Parks Canada will advocate a national perspective on the development of the System.

#### 1.2

Parks Canada will encourage the membership of all provinces and territories in the System.

#### 1.3

Through the development of national framework plans, Parks Canada will support and encourage the nomination of rivers that represent the natural and cultural heritage of all of Canada's river environments.

#### 1.4

Parks Canada will cooperate with other federal agencies and, where necessary, coordinate actions between these agencies and participating provincial and territorial governments, on issues concerning the nomination, designation and management of rivers in the System.

#### 1.5



Through the Board Secretariat, and working with other federal agencies, national cooperating associations and non-governmental organizations, Parks Canada will publicly promote the System as a national program.

## **2.0 Rivers Under Parks Canada Jurisdiction**

2.1  
Parks Canada will nominate as Canadian Heritage Rivers, rivers under its own jurisdiction which, according to its own framework plans, represent the natural and cultural heritage of Canada's rivers.

2.2  
Management plans for national parks or other areas under Parks Canada jurisdiction in which designated Canadian Heritage Rivers are located will be prepared according to the National Parks Policy. These plans will contain specific reference to the management of these rivers according to CHRS objectives, and will be lodged with the Board to fulfill the requirements for designation of rivers to the CHRS.

2.3  
Parks Canada will demonstrate leadership by managing designated Canadian Heritage Rivers located in national parks and other areas under its jurisdiction according to CHRS objectives, resource management objectives, and other relevant federal government policies.

2.4  
Parks Canada will monitor the condition of its Canadian Heritage Rivers and will report as required to the Board on their condition.

2.5  
Parks Canada will work with neighbouring jurisdictions and appropriate agencies to protect the upstream watersheds of its Canadian Heritage Rivers.

2.6  
Parks Canada will assume the cost of public information programs for Canadian Heritage Rivers under its own jurisdiction.

## **3.0 Technical and Financial Assistance**

3.1  
Parks Canada will provide direct financial and technical assistance to participating governments for the completion of studies and plans leading to the nomination and designation of Canadian Heritage Rivers.

3.2  
Parks Canada will provide the Board and its member governments with technical assistance on matters concerning the nomination, designation and management of Canadian Heritage Rivers, and will undertake national river studies on behalf of the Board.

3.3  
Through a Secretariat operated on behalf of the Board, Parks Canada will provide support for plaquing ceremonies to commemorate the designation of rivers to the System, assume the cost of a national and international public information program for the System, and will provide support for coordinating the ongoing monitoring of designated rivers.

## **NATIONAL HISTORIC SITES POLICY**

# NATIONAL HISTORIC SITES POLICY

## **BACKGROUND**

## **OBJECTIVES**

### **Commemorating Canada's Past**

#### **1.0**

#### **Roles and Responsibilities**

##### 1.1

The Role of the Minister

##### 1.2

The Role of the Historic Sites and Monuments Board of Canada

##### 1.3

The Role of Parks Canada

#### **2.0**

#### **Determining National Historic Significance**

##### 2.1

Scope

##### 2.2

Criteria

##### 2.3

Designation

#### **3.0**

#### **Forms of Commemoration**

##### 3.1

Plaques

##### 3.2

Monuments

##### 3.3

Agreements

##### 3.4

Acquisition

##### 3.5

Other Forms of Commemoration

#### **4.0**

#### **Rescinding Commemoration**

## **PROTECTING AND PRESENTING NATIONAL HISTORIC SITES (See Part III, Cultural Resource Management Policy)**

## NATIONAL HISTORIC SITES POLICY

### BACKGROUND

As places that exemplify thousands of years of human history and hundreds of years of nation building, Canada's national historic sites are part of the inheritance of all Canadians. Extending from the northwest corner of the Yukon to the eastern tip of Newfoundland, these historic places reflect a diversity of cultures, geographical settings and time periods as vast as Canada itself, symbolizing its national identity and human environmental heritage.

National historic sites evoke many of the great themes of human history, in circumstances that represent the commonplace as well as the unique. They remind Canadians and visitors to Canada that our past is rich and varied, encompassing places as diverse as Port au Choix in Newfoundland, a 4,000-year-old Aboriginal site depicting the Maritime Archaic culture; the Lachine Canal, in Montréal, one of the most important places associated with Canada's industrial and transportation history; York Factory, in Manitoba, once the headquarters of a fur trade empire that covered western and northern Canada, and Kitwanga Fort site in British Columbia, part of a significant intertribal trading network. At the same time, national historic sites reflect the enormous impact that the biophysical environment — our natural heritage — has had on the landscape of Canadian history. As places where we commemorate our history and our diverse but common heritage, national historic sites play a significant role in the public education of all Canadians.

The term "national historic site" embraces the entire spectrum of nationally significant historic places, ranging in size from the gravesites of the Fathers of Confederation to extensive cultural landscapes in urban, rural and wilderness settings. These places may contain surface and subsurface remains, individual buildings or complexes of

buildings and other works, artifacts, natural features and combinations thereof. Where individual national historic sites do not constitute cultural landscapes in their own right, they form part of a larger cultural landscape. Recognition of this enhances our appreciation of the value of these historic places and their associated environments.

The impulse to commemorate significant aspects of the past is one that Canadians share with others around the world. Most nations have formal or informal programs of this nature, and over 100 countries, including Canada, adhere to the United Nations' World Heritage Convention. The Convention has as its objective the identification, protection, conservation and presentation of cultural and natural heritage places of outstanding universal value. A number of Canada's national historic sites have been recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as World Heritage Sites, including L'Anse aux Meadows in Newfoundland, the only authenticated site of the Viking presence in the New World, and Ninstints Village in British Columbia, with its unsurpassed collection of Haida totem and mortuary poles. Another Canadian World Heritage Site, the Historic District of the city of Québec, contains several national historic sites that were instrumental in its World Heritage designation, chief among them being the walls of the old city.

At the federal level, responsibility for designating the nation's historic places rests with the Minister of Canadian Heritage, who acts on the advice of the Historic Sites and Monuments Board of Canada. The Board also advises the Minister on the commemoration of persons, events and other historical phenomena.

Early governmental activities in Canada relating to the commemoration of historic places tended to focus on marking and preserving battle and

fortification sites because of their importance — real and symbolic — as landmarks in Canada's national evolution. Local initiative was often instrumental in the commemoration of these places. The importance of local interest in the conservation of national heritage has long been a feature of the national historic sites program, as has been the recognition that our national history is to be found in all parts of the country.

It was not until the second decade of the 20th century that the first national program for preserving sites of historical interest was established within the Dominion Parks Branch of the former Department of the Interior. Largely the work of an early commissioner of the Branch, this program represented a blending of the cultural heritage and natural conservation movements of the time, and began the long organizational association between national historic sites and national parks that has continued to the present. With the formation of the Historic Sites and Monuments Board of Canada in 1919, provision was made for outside experts to advise the Minister on the commemoration of nationally significant aspects of Canadian history.

Three pieces of federal legislation have been instrumental in the development of the historic sites program: the *Dominion Forest Reserves and Parks Act* of 1911; Part II of the *National Parks Act* (1930), which makes provision for the setting aside of federal lands to commemorate an event of national importance, or to preserve a historic landmark or "any object of historic, prehistoric, or scientific interest of national importance;" and the *Historic Sites and Monuments Act* (1952-53), which describes the powers of the Minister with respect to the commemoration of historic places and outlines the role of the Historic Sites and Monuments Board of Canada.

The federal government plays an essential role in historical commemoration, specifically at the national level, but many others are actively involved. Private citizens, historical societies, heritage groups, professional bodies and others play a major part in identifying and conserving

heritage, and in lobbying governments at all levels to devise, implement or expand legislation and programs. In fact, most of the proposals for commemoration considered by the Minister are submitted by the public.

Provincial and territorial governments also play a significant role, not only through the programs they sponsor and the historic sites they operate, but also because provincial jurisdiction over private property enables the provinces to pass and enforce legislation extending legal protection to designated properties or sites not owned by governments or subject to federal regulation. Federal-provincial-territorial cooperation is facilitated by formal mechanisms, as well as by ongoing contact at the agency level.

National historic sites represent a true national partnership in the preservation of Canada's heritage. The Minister of Canadian Heritage is responsible for designating these sites and for directly managing a number of them, while many others are owned by other levels of government, corporations and individuals. This partnership, which is often informal rather than formal, is symbolized by the term "Family of National Historic Sites." The family includes sites that are operated as heritage institutions, as well as those that continue to serve traditional commercial, administrative, industrial and spiritual purposes, touching the everyday lives of people across Canada in national historic sites such as the Historic District of Lunenburg, Christ Church Cathedral in Fredericton, the Chateau Frontenac in the city of Québec, Union Station in Toronto, Stirling, in Alberta, Igloolik Island in the Northwest Territories, or Stanley Park in Vancouver. To a degree unforeseen even ten years ago, historic sites are increasingly viewed as an integral part of the human environment, rather than as enclaves where the past is separated from the present.

While Canadians can take pride in their national historic sites, there is no room for complacency. Each year significant places associated with our

history are destroyed, either by natural causes or through human action or inaction. Many sites of great value remain to be commemorated, and many await the resources necessary to properly protect and effectively present them. Our historic sites represent a legacy that, once lost, can never be replaced.

The Government of Canada is aware that a strong and secure sense of the past is an indispensable source of confidence in the future, particularly for a country that is outward-looking by choice and independent by conviction. National historic sites provide tangible and irreplaceable links to what defines us as a nation and a people, and along with other national institutions and symbols, especially those of historic value, are integral to "our sense of country." The federal government is dedicated to assuring that the existing system of national historic sites remains strong and, equally important, that new sites are added to ensure that the full range of Canada's human history is adequately represented within the national commemorative program.

The designation and stewardship of national historic sites reflect the values of those who have been given responsibility for the commemoration of our heritage. The need to identify and to preserve non-renewable heritage resources has never been more urgent or important. Future generations will judge the content and quality of our stewardship.

This policy sets out objectives, describes means to achieve them, and provides guidelines for evaluating the program using such concepts as commemorative integrity.

## **OBJECTIVES**

- To foster knowledge and appreciation of Canada's past through a national program of historical commemoration.
- To ensure the commemorative integrity of national historic sites administered by Parks Canada by protecting and presenting them for

the benefit, education and enjoyment of this and future generations, in a manner that respects the significant and irreplaceable legacy represented by these places and their associated resources.

- To encourage and support the protection and presentation by others of places of national historic significance that are not administered by Parks Canada.

## **Commemorating Canada's Past**

Commemoration is the means by which Canada gives official recognition to subjects of national historic significance. Such subjects cover the whole range of Canada's human history, including persons, places, events and other phenomena. Commemoration may take any of the forms described in the *Historic Sites and Monuments Act* and in Part II of the *National Parks Act*.

A commemoration will possess four qualities:

- i) It will be formally approved by the Minister;
- ii) It will communicate the national significance of what is being commemorated;
- iii) In the case of resources of national historic significance administered by Parks Canada, it will respect the legacy that these resources represent; and
- iv) It will be enduring.

The concept of commemorative integrity is used to describe the health or wholeness of a national historic site. A national historic site possesses commemorative integrity when the resources that symbolize or represent its importance are not impaired or under threat, when the reasons for the site's national historic significance are effectively communicated to the public, and when the site's heritage values are respected by all whose decisions or actions affect the site.

## **1.0**

## **ROLES AND RESPONSIBILITIES**

### **1.1**

#### **The Role of the Minister**

The Minister of Canadian Heritage is responsible for directing the national program of historical commemoration provided for in legislation.

##### **1.1.1**

The Minister will respond to public and other requests relating to the commemoration of aspects of Canada's human history.

##### **1.1.2**

The Minister will make designations of national historic significance, based on recommendations of the Historic Sites and Monuments Board of Canada.

##### **1.1.3**

The Minister will determine the appropriate forms of commemoration for recognizing national historic significance, based on recommendations of the Historic Sites and Monuments Board of Canada, and information provided by the department.

##### **1.1.4**

Provinces and territories will be notified when the Minister receives a request for designation affecting that province or territory, and will thus have an opportunity to provide information they consider relevant.

##### **1.1.5**

In the case of a national historic site under the authority of another federal minister or agency, the Minister will seek an interdepartmental agreement providing for the protection of the site.

##### **1.1.6**

To protect national historic sites that are not owned by the federal government, the Minister will, at the time of designation, encourage the province or territory in which the site is located to apply its own heritage legislation. To the extent

permitted by law, the Minister will recognize provincial or territorial heritage designations on lands under his or her authority.

##### **1.1.7**

The Minister will, at the time of designation, provide owners of national historic sites with a copy of the Cultural Resource Management Policy, and encourage them to apply the principles and practice described in the Policy. Where operational requirements permit, owners of national historic sites will be provided with professional and technical advice upon request.

### **1.2**

#### **The Role of the Historic Sites and Monuments Board of Canada**

The Historic Sites and Monuments Board of Canada is an independent body that provides the Minister of Canadian Heritage with impartial and expert advice on matters relating to historical commemoration, and devises its own policies to carry out its responsibilities. In practice, the Minister will not designate or commemorate without the Board's advice. All parts of the country are represented on the Board, which includes two residents from Ontario, two from Quebec, one from each of the other provinces and territories, as well as the National Archivist of Canada, an official of the Canadian Museum of Civilization and an official of the Department of Canadian Heritage. The Historic Sites and Monuments Board of Canada meets at least twice a year and submits recommendations to the Minister for approval.

##### **1.2.1**

The Historic Sites and Monuments Board of Canada will advise the Minister on those aspects of Canadian history that it considers worthy of a Ministerial designation of national historic significance, and will provide the Minister with reasons for the proposed designation.

### 1.2.2

The Historic Sites and Monuments Board of Canada will advise the Minister on the form of commemoration it considers appropriate to recognize national historic significance, and may advise the Minister on any other matter relating to the commemoration of Canada's history.

### 1.2.3

When the Historic Sites and Monuments Board of Canada recommends that the Minister acquire a site to commemorate an aspect of Canadian history, the recommendation will be based on historical considerations relating to the national historic significance of the site, or its resources. The Board may advise the Minister on which *in situ* or extant resources, if any, are considered to have national historic significance.

## 1.3

### **The Role of Parks Canada**

Parks Canada and its predecessors have been responsible for the national historic sites program since 1914.

### 1.3.1

Parks Canada will fulfill the Minister of Canadian Heritage's responsibility to provide a Secretary and other employees of the department necessary for conducting the business of the Historic Sites and Monuments Board of Canada.

### 1.3.2

Parks Canada will undertake studies on all aspects of Canada's human history relative to the national program of historical commemoration, and will compile inventories of sites in order to ensure that the commemorative program reflects the rich and varied texture of Canada's past. These studies will be undertaken to assist the Historic Sites and Monuments Board of Canada and the department in identifying, evaluating, selecting and commemorating sites of national historic significance.

### 1.3.3

Parks Canada will maintain and periodically update a long-range systems plan to identify and address gaps in the commemorative program and to provide a basis for making systematic decisions regarding forms of commemoration.

### 1.3.4

Parks Canada will provide managerial, policy, planning, research and technical facilities and services to support the effective implementation of the national commemorative program.

### 1.3.5

Opportunities for public involvement in the national commemorative program contribute to an overall sense of national identity and to a greater appreciation of the public benefits of national historic sites. Parks Canada will provide opportunities for public involvement in the identification, development and operation of national historic sites, and will work with individuals and volunteer groups such as cooperating associations to achieve commemorative objectives.

### 1.3.6

Parks Canada is committed to ongoing cooperation with those who are involved in the commemoration of Canada's history. It will consult and cooperate with agencies at the federal and other government levels, with non-government organizations and with members of the public to achieve commemorative objectives.

### 1.3.7

Parks Canada will encourage understanding, appreciation and enjoyment of Canada's history and of Canada's national historic sites by communicating the scope of the national historic sites system and by making the results of research available to the public through departmental, cooperative and private sector publications and other media.



### 1.3.8

Parks Canada will inform the public about those aspects of Canada's human history that have been designated nationally significant by the Minister, and about the location and significance of national historic sites so that Canadians can become better acquainted with the special places associated with their history. Only in those rare cases where the integrity of a site and its resources would be threatened will information about the location be withheld.

### 1.3.9

Parks Canada will review existing federal legislation for purposes of enhancing the statutory protection of national historic sites under federal jurisdiction.

### 1.3.10

Parks Canada will protect and present national historic sites under its administration in accordance with the Cultural Resource Management Policy.

### 1.3.11

Parks Canada will monitor the condition of national historic sites.

## 2.0

### **Determining National Historic Significance**

Only those aspects of Canadian history that have been declared by the Minister to be of national historic significance will be commemorated.

## 2.1

### **Scope**

#### 2.1.1

Any aspect of Canada's human history not specifically excluded by policies of the Historic Sites and Monuments Board of Canada may be considered for a Ministerial designation of national historic significance. Living persons and places located outside Canadian territory are among the exclusions.

#### 2.1.2

With the exception of Prime Ministers, who are eligible for commemoration immediately upon death, a minimum of 25 years must normally elapse following the death of an individual, in order to allow the Historic Sites and Monuments Board of Canada to make an informed, impartial recommendation based solely on historical considerations concerning the possible national significance of that person.

#### 2.1.3

The Historic Sites and Monuments Board of Canada will not recommend that religious and ethnic groups per se be specifically commemorated except where their contributions are represented by sites, individuals, or events of national historic significance.

## 2.2

### **Criteria**

Designations of national historic significance will be based on the following general criteria:

- i) the subject under consideration will have had a nationally significant impact on Canadian history, or will be deemed to represent a nationally important example or illustration of Canadian human history.
  - Uniqueness or rarity are not, in themselves, evidence of national historic significance, but may be used as criteria in connection with i);
  - A representative example may be deemed to warrant a designation of national historic significance because it eminently typifies an important aspect of Canadian history.
- ii) a site, structure or object may be designated by virtue of an association with a nationally significant aspect of Canadian history, provided that the association is itself sufficiently important for the site to merit a designation of national historic significance.

## 2.3

## **Designation**

### **2.3.1**

The Historic Sites and Monuments Board of Canada will consider proposals for commemoration that have originated with the public and other sources. Public involvement in proposing subjects that might qualify as being of national historic significance will be encouraged.

### **2.3.2**

Recommendations of national historic significance and the forms of commemoration relating thereto will be forwarded to the Minister for consideration. To ensure that the commemorative program is one of high calibre, advice to the Minister will be based on sound research.

### **2.3.3**

Parks Canada will advise the Minister on operational and other implications of approving a Historic Sites and Monuments Board of Canada recommendation of national historic significance, specifically as it relates to the form of commemoration.

### **2.3.4**

A designation of national historic significance will be made when the Minister approves a recommendation from the Historic Sites and Monuments Board of Canada to that effect.

## **3.0**

### **Forms of Commemoration**

Aspects of Canadian history declared to be of national historic significance will be commemorated. Formal activities relating to commemoration, such as the unveiling of a plaque or monument, or the dedication of a national historic site, will usually be accompanied by a ceremony. Such ceremonies provide an excellent opportunity for Canadians to learn about their history.

## **3.1**

### **Plaques**

Aspects of Canadian history declared to be of national historic significance will normally be commemorated by a Ministerial plaque bearing the inscription of the Historic Sites and Monuments Board of Canada. A plaque is not a national historic site, although it may be erected at or on a national historic site. The existence of a Ministerial plaque at a site not administered by Parks Canada does not imply provision for protection or maintenance of the site by Parks Canada.

#### **3.1.1**

Plaques will be erected only after it has been determined that the existence and/or location of the plaque will not adversely affect the integrity of the site.

#### **3.1.2**

Plaques will be erected at a place on Canadian territory that is closely associated with that which is being commemorated.

#### **3.1.3**

The appropriate text for a plaque will be recommended to the Minister by the Historic Sites and Monuments Board of Canada.

#### **3.1.4**

The text on all plaques will appear in both official languages and, when recommended by the Historic Sites and Monuments Board of Canada, in other languages.

## **3.2**

### **Monuments**

The Minister may authorize the erection of a monument when, based on the advice of the Historic Sites and Monuments Board of Canada, the Minister considers that the aspect of Canadian history being recognized would most appropriately be commemorated by a monument.

3.2.1  
The design of monuments should convey to the public what is being commemorated.

3.2.2  
Proposals for the design of monuments will be invited from Canadian artists and sculptors, including those residing within the region where the monument is to be erected.

3.2.3  
The monument will be erected or installed at a place closely associated with that which is being commemorated.

### **3.3 Agreements**

The Minister may enter into agreements with others for the marking, care and preservation of historic places, based on recommendations of the Historic Sites and Monuments Board of Canada.

3.3.1  
Under the National Cost-Sharing Program, the Minister may enter into an agreement to contribute toward the cost of acquiring, conserving and presenting a site or structure declared to be of national historic significance and, further, may provide professional and technical advice, subject to all of the following:

- i) the site or structure will be owned by a province, territory, municipality, or incorporated body;
- ii) an agreement to share costs will be recommended by the Historic Sites and Monuments Board of Canada;
- iii) the site or structure will be accessible to the public;
- iv) the use of the site or structure will not compromise or detract from the significance or integrity of that which is being commemorated; and
- v) the agreement between the Minister and the owner of the national historic site will

be based on the principles set out in the Cultural Resource Management Policy.

### **3.4 Acquisition**

Each of Canada's national historic sites illustrates an important aspect of Canada's history. Federal ownership is not a requirement — indeed, the majority of Canada's national historic sites are owned by individual citizens, public and private organizations, and other levels of government. It is neither feasible nor desirable for the Government of Canada to own *all* national historic sites. Nevertheless, the federal government will continue to acquire national historic sites to ensure that the responsibility for this national program does not fall on others alone, so that the heritage represented by these sites is protected and accessible to Canadians in all parts of the country, and to provide leadership and active involvement in heritage conservation and interpretation.

3.4.1  
The Historic Sites and Monuments Board of Canada may recommend to the Minister the acquisition of a national historic site.

3.4.2  
Before a Ministerial decision is made, Parks Canada will inform the Minister of the operational, financial and policy implications of acquiring a national historic site to meet commemorative objectives, including development of the site where relevant.

3.4.3  
When, in the opinion of the Minister, the acquisition of a national historic site by the Government of Canada is warranted in order to commemorate national historic significance, the Minister will seek Treasury Board approval for the proposed acquisition.

In the case of a national historic site that is already owned by the federal government, but

which is not under the Minister's authority, the usual procedure by which the Minister will acquire administration of the site will be by agreement between Ministers.

A national historic site under the Minister's authority may be set aside in accordance with Part II of the *National Parks Act* so that regulations under that Act may apply to it. Such a setting aside is an administrative rather than a commemorative action, and is treated in the Cultural Resource Management Policy.

#### 3.4.4

National historic sites will be identified for acquisition in accordance with the following criteria:

- i) the site will be recognized as a significant commemorative addition to the network of national historic sites under the Minister's authority; and
  - sufficient knowledge of this and related sites will exist to ensure that the integrity of the network of national historic sites will be maintained; and
  - the site will include significant resources related directly to the purpose for which the site is being commemorated, and these resources will possess sufficient integrity to make commemoration meaningful; and
  - the benefits to the public in terms of knowledge and appreciation of Canadian history will be high, i.e., the site and/or its resources will have excellent potential for interpretation and, consequently, for illustrating an important aspect of Canadian history; and
  - the site and/or its resources will be deemed to merit preservation by the federal government for the enjoyment of this and future generations.
- ii) a site may be acquired when, in the opinion of the Minister, based on a

recommendation of the Historic Sites and Monuments Board of Canada, the site is of such exceptional or outstanding importance in Canadian history as to merit acquisition on grounds of significance alone.

#### 3.4.5

In setting priorities for acquiring national historic sites, consideration will be given to:

- factors in the systems plan such as historical theme representation; and
- potential for providing opportunities and encouragement for Canadians and visitors to Canada to better their knowledge of this country and its history by visiting all parts of Canada.

A site that is under threat may have a higher priority for acquisition than one which is not, providing that other criteria and factors are satisfied equally.

#### 3.4.6

A national historic site may be set apart to preserve an object or objects of historic or scientific interest of national importance pursuant to Part II of the *National Parks Act* at a location that is not itself of national historic significance. When this occurs, the site will be in a locality directly associated with the object or objects or their creator(s).

#### 3.4.7

In response to the advice of the Historic Sites and Monuments Board of Canada, the Minister may recommend to the Governor in Council that a national historic site be commemorated by the establishment of a historic museum. It is policy not to seek the establishment of a historic museum, except when it is considered indispensable to achieving commemorative objectives.

Historic museums, where approved, will be established within, or adjacent to, places that have

been declared to be of national historic significance. Structures built or used for interpretation or visitor reception are not "historic museums," unless so designated by the Governor in Council.

#### 3.4.8

National historic sites will be acquired by the Minister in accordance with the following guidelines:

- residents of the locality and the provincial or territorial government will be consulted; and
- an impact assessment will be conducted to identify the effects of acquisition (such an assessment will include a consideration of possible threats to the resources posed by acquisition).

The public will be encouraged to become involved in the acquisition and development of the national historic site.

### 3.5

#### **Other Forms of Commemoration**

The Historic Sites and Monuments Board of Canada may propose alternative forms of commemoration to the Minister, providing the alternative is formal, meaningful, appropriate and enduring.

### 4.0

#### **Rescinding Commemoration**

To maintain the integrity of the commemorative program, a designation of national historic significance or an approved form of commemoration may be revoked by the Minister, acting on the advice of the Historic Sites and Monuments Board of Canada. Such action will be undertaken rarely, and then only when:

- i) the commemoration was based on the existence of resources that have since disappeared; or
- ii) the resources have fallen into such a state

- of disrepair as to nullify the reason(s) for the commemoration; or
- iii) the commemorative significance of the structure or site has been severely compromised as a result of having been moved and/or altered.

### **PROTECTING AND PRESENTING NATIONAL HISTORIC SITES**

The protection and presentation of national historic sites, regardless of ownership, are major objectives of Canada's national commemorative program. In the case of national historic sites administered by Parks Canada, protection and presentation are fundamental to commemoration since without protection there can be no historic site to be enjoyed, and without presentation there can be no understanding of why the site is important to our history and, hence, to all Canadians.

Protecting and presenting national historic sites administered by Parks Canada is dealt with in the Cultural Resource Management Policy, which serves as the overall management policy for Parks Canada-administered national historic sites (see Part III of this document). Cultural resource management is based on the ethic that respect for the legacy represented by resources should influence all actions and activities related to those resources, so that the people of Canada may benefit from and enjoy this legacy now and in the future.

## **HISTORIC CANALS POLICY**

# HISTORIC CANALS POLICY

## **BACKGROUND**

## **OBJECTIVE**

### **1.0 Navigation**

1.1  
Providing for Navigation

### **2.0 Resource Management**

2.1  
Planning for Resource Management and Use

2.2  
Protecting Cultural Resources

2.3  
Protecting Natural Resources

2.4  
Presentation

### **3.0 Appropriate Use**

4.0  
**Working with Others**

# HISTORIC CANALS POLICY

## BACKGROUND

Canals have been part of transportation in Canada since the building of three small canal locks at Sainte-Marie Among the Hurons in the 1640's to the present-day operation of the St. Lawrence Seaway. Originally built for transportation, trade and in some cases defence, a number of Canada's canals no longer serve commercial purposes, but have developed into places to appreciate and enjoy our cultural and natural heritage through land- and water-based activities.

In recognition of this change from commercial transportation to heritage appreciation, the Government of Canada transferred the responsibility for a number of operating canals in the 1970's from the Minister of Transport to the Minister responsible for Parks Canada. Those canals that continue to be operated for purposes of through navigation as well as for the protection and presentation of their cultural and natural resources are covered by this policy.

Historic canals vary from single locks, such as the St. Peters Canal in Nova Scotia, to complex systems of interconnected locks, channels and natural waterways, such as the Trent-Severn Waterway in Ontario. The latter canals have an impact that goes far beyond the movement of boats from one lock to another. They form extensive cultural and natural heritage corridors that link cities and towns and whose drainage basins encompass large geographical areas. In some cases, the management of these heritage corridors is subject to federal-provincial agreements.

A number of the historic canals, such as the Chambly in Quebec, have been declared to be of national historic significance. In addition, specific resources on certain historic canals have been declared to be of national historic significance. The locks, dams and blockhouses on the Rideau

Canal in Ontario are examples of resources that have been so designated.

Providing opportunities and services for appropriate use (as defined in section 3.0 of this policy) of the historic canals is an important part of canal operations. Parks Canada will maintain a proper balance between appropriate use and heritage resource protection, so that the legacy these canals represent will be understood and appreciated. Consultation and cooperation are also important to the effective management of the historic canals. Various levels of government, as well as groups and concerned individuals, have a role in fostering public appreciation, enjoyment and understanding of the values represented by the historic canals.

## OBJECTIVE

To foster appreciation, enjoyment and understanding of Canada's historic canals by providing for navigation; by managing cultural and natural resources for purposes of protection and presentation; and by encouraging appropriate uses.

### 1.0 Navigation

The canals covered by this policy are distinguished from other canal sites administered by Parks Canada because they are operated for purposes of through navigation as well as for their heritage values.

#### 1.1 Providing for Navigation

1.1.1  
Navigation forms an important part of the heritage character and heritage experience that these canals provide. However, structures, operating devices and procedures will not be modified to increase the capacity of historic canals.



### 1.1.2

The following considerations will guide the provision of navigation: availability of adequate water levels, maintenance of public safety, preservation of heritage character, physical condition of the works, time of year, demand, and available human and financial resources.

### 1.1.3

Where navigation is maintained, Parks Canada objectives will be to maintain adequate canal water depths, structures and navigation aids in order to provide for navigation.

### 1.1.4

Water levels and flows required for navigation on the canals will be monitored and managed to minimize flooding and adverse resource impacts.

### 1.1.5

Canals that become non-navigable are no longer subject to the provisions of this policy, but will continue to be managed in accordance with other Parks Canada policies.

## **2.0 Resource Management**

Historic canals provide a range of opportunities for the public to enjoy activities on water and land, and to learn about aspects of Canada's cultural and natural heritage. As with all resources administered by Parks Canada, the cultural and natural resources are managed so as to protect and present the legacy that they represent.

Cultural resources form part of the historical context of the canals and, coupled with natural resources, provide a landscape whose heritage character should be protected, appreciated, enjoyed and understood. Natural landscapes and habitats along the canals complement the cultural resources and contribute to the environmental quality of the canals. Systematic management of the historic canals will provide for the protection, presentation and appropriate use of cultural and natural resources as well as for navigation.

## **2.1 Planning for Resource Management and Use**

### 2.1.1

Management plans for each historic canal will treat the canal and its cultural and natural resources as an entity and will provide for present and future sustainable uses.

### 2.1.2

Public consultation is an inherent part of the planning for the management of historic canals, and opportunities will be provided for public contribution to the planning process.

### 2.1.3

Land acquisition will be made on the basis of approved plans or agreements and will be by mutual agreement with the owner. It is not the intention of Parks Canada to acquire additional lands, except where essential to the proper management of a canal.

### 2.1.4

Lands identified through a planning process as surplus to canal requirements may be disposed of, subject, where necessary, to the application of reservations such as flooding rights.

### 2.1.5

Parks Canada will encourage local governments and other agencies to contribute, by means of plans, zoning bylaws and public education, to the protection of the heritage character of corridors formed by the canals and adjacent lands.

## **2.2 Protecting Cultural Resources**

### 2.2.1

Cultural resources will be protected according to the Cultural Resource Management Policy.

### 2.2.2

Manually operated devices on locks, bridges and dams will be retained when they form part of the historical character and heritage experience of a canal.

### 2.2.3

Because of the heritage character of these canals, there may be an element of risk associated with their use. Parks Canada will take reasonable precautions, but will not significantly alter historic fabric or intrude on the heritage character of a canal. Before any physical modification is contemplated, other non-intrusive options will be considered.

### 2.2.4

Parks Canada has been given stewardship responsibility for the historic canals because of their heritage value. Modification of a cultural resource to meet significant operational or safety purposes will be considered only after thorough review, taking into account the maintenance of this stewardship responsibility. Any proposed modification or action (human or natural) affecting a level 1 cultural resource (as defined in the Cultural Resource Management Policy) that results in a change to the attributes upon which the level 1 designation was based will be reviewed in accordance with section 4.0 of the policy on National Historic Sites to ensure that the resource still merits being considered nationally significant.

### 2.2.5

Parks Canada will encourage others to protect cultural resources on lands not administered by Parks Canada that are adjacent to the canals.

## 2.3

### Protecting Natural Resources

#### 2.3.1

Natural resources will be protected in accordance with Parks Canada policies.

#### 2.3.2

Canals will be operated and maintained in ways that seek an appropriate balance between use and environmental impacts, and comply with the Canadian Water Quality Guidelines.

#### 2.3.3

Parks Canada will encourage others to protect ecologically related natural landscapes and habitats, including wetlands, on lands not administered by Parks Canada that are adjacent to the canals.

#### 2.3.4

Parks Canada will manage dredge and fill activities to ensure that wetland environments, fish habitat and undisturbed shorelines are protected.

## 2.4

### Presentation

#### 2.4.1

Presentation programs will be developed to provide the public with an appreciation of the significant values of individual historic canals, in order to foster enjoyment of their cultural and natural resources and to encourage an understanding of how these canals have contributed to the development of Canada.

#### 2.4.2

All presentation, including visitor activities, relating to cultural and natural resources will be conducted in accordance with Parks Canada policies.

#### 2.4.3

The development and management of appropriate facilities, services and programs for visitor activities on the historic canals will be planned in a market-sensitive manner.

#### 2.4.4

Presentation programs, including visitor activities, will not impair resources and will stress the principle that cultural and natural resource conservation contributes to the public benefit and

is a responsibility of the public as well as of Parks Canada.

### **3.0 Appropriate Use**

Appropriate uses and activities are defined as those which contribute to the public's appreciation and enjoyment of the historic canals, which respect the heritage character of canal resources, and which are compatible with public safety.

3.1  
Compatible and appropriate uses of historic canals will be encouraged so that the land and water resources can be enjoyed in all seasons.

3.2  
The use and operation of historic canals will be managed in accordance with the Historic Canals Regulations.

3.3  
The intensity, type and location of use of historic canals may be limited by notice or regulation to ensure visitor safety, enjoyment and resource protection.

3.4  
Regulations necessary for public safety, navigation, and use of cultural and natural resources will be enforced by the appropriate authority.

3.5  
Water that is surplus to navigation requirements may be used to meet the needs of recreation, wildlife conservation, power generation, municipalities or other appropriate uses in accordance with the Federal Water Policy.

3.6  
Hydro-electric development proposals on lands administered by Parks Canada may be considered when they are consistent with the protection of cultural and natural resources. Such proposals will be subject to the federal environmental assessment

and review process, the Dominion Water Power Regulations, as well as to public consultation.

3.7  
Leases, licences and permits for use of canal lands or water will specify any limitations to protect cultural resources, environmental quality, public safety, and the enjoyment of other canal users and residents, and will be subject to review under the federal environmental assessment and review process. Commercial operations will be controlled and monitored. Special privileges that would result in unfair competition will not be granted.

3.8  
New applications for major works or for any significant change in the type or capacity of service offered by a commercial establishment on lands administered by Parks Canada will be subject to the federal environmental assessment and review process, including public consultation.

### **4.0 Working with Others**

In recognition of the actual and potential impact of the operation of the historic canals on others, Parks Canada will cooperate with provincial departments, individuals, agencies and groups to achieve its objectives. The involvement of others (including volunteer groups such as cooperating associations) in the provision of certain appropriate services and facilities to the public contributes to the achievement of objectives relating to public needs.

4.1  
Parks Canada will consult with tourism and recreational groups, as well as with other levels of government, in identifying opportunities for the private sector to supply appropriate services and facilities on the historic canals.

4.2  
Historic canals contribute to regional tourism by being managed in a manner that recognizes historical and environmental requirements. Where

appropriate, Parks Canada will participate in, and provide leadership to, selected community and inter-agency tourism initiatives.

#### 4.3

Parks Canada recognizes that the management of historic canals has a social and economic impact on adjacent lands and other jurisdictions, and will work with local, provincial and other federal agencies to assist in the planning, protection and presentation of cultural and natural resources in the regions adjacent to the historic canals.

#### 4.4

Parks Canada will cooperate with the appropriate provincial authorities in their management of renewable natural resources that are harvested on lands and waters administered by Parks Canada.



## **FEDERAL HERITAGE BUILDINGS POLICY**

# FEDERAL HERITAGE BUILDINGS POLICY

## BACKGROUND

## OBJECTIVE

### 1.0

#### Designation of Federal Heritage Buildings

#### 1.1

Identification

#### 1.2

Evaluation

#### 1.3

Registration

### 2.0

#### Review of Proposed Interventions to Federal Heritage Buildings

#### 2.1

Classified Buildings

#### 2.2

Recognized Buildings

#### 2.3

Conflict Resolution Concerning Reviews of Interventions

#### 2.4

Notification of Other Governments

### 3.0

#### Consultation and Monitoring

### 4.0

#### Public Input

## FEDERAL HERITAGE BUILDINGS POLICY

### BACKGROUND

Our architectural heritage is a part of what makes us proud to be Canadians. It enriches the landscape around us, and situates us in time and space. It tells us about our past and our present, strengthening our sense of identity and reflecting that identity in all its diversity.

This architectural heritage is both important and irreplaceable. As such it must be identified and protected if it is to benefit the lives of future generations in the way that it has benefited our lives and the lives of generations past. In recent years there has been a steadily growing interest in protecting this architectural heritage on the part of citizens as well as governments. The Government of Canada has committed itself to taking the steps necessary to identify and to protect its own heritage buildings.

In the 1970's Parks Canada was charged with developing a policy proposal to identify those federal buildings that represent an important part of our national heritage, and to provide for the conservation and sustainable uses of these buildings. Cabinet approved this policy in 1982, and Treasury Board subsequently issued an administrative policy providing direction for its implementation. A number of buildings have already been designated as "federal heritage buildings," among them, Old Government House in Fredericton, the Grande Allée Drill Hall in the city of Québec, the former Kingston Post Office, and Royal Roads Military College in Victoria.

The Minister of Canadian Heritage is responsible for the Federal Heritage Buildings Review Office (FHBRO), which assists departments in the implementation of this policy. The FHBRO maintains an interdepartmental committee called the Federal Heritage Buildings Committee to advise on the heritage designation of federal buildings and on proposed interventions. The

committee normally consists of members from the Department of Canadian Heritage, Public Works Canada, the custodial department of the building in question and, for buildings in the National Capital Region, the National Capital Commission.

The Federal Heritage Buildings Policy provides for the designation of federal heritage buildings and for the determination of their heritage character. This character includes the distinct characteristics that give buildings their importance, their quality, style or uniqueness. The policy also provides for a case-by-case review of any proposed intervention that might affect the heritage character of designated buildings, as well as for the resolution of any conflict that might arise between custodial departments and the Federal Heritage Buildings Review Office. The policy applies to all federal departments and to certain agencies that are responsible for real property, as well as to those branches designated as departments for the purposes of the *Financial Administration Act*. Crown corporations may voluntarily submit themselves to the policy, and are encouraged to do so.

The federal government's purpose in devising this policy is to identify and protect federal heritage buildings in ways that respect their heritage value and are attentive to local, regional, provincial and territorial priorities for heritage protection; to endeavour to provide continuing protection to federal heritage buildings that leave federal ownership; to encourage others to conserve buildings that are of heritage interest to them; and to promote the application of cultural resource management principles and practice in the treatment of federal heritage buildings.

### OBJECTIVE

To protect the heritage character of designated federal buildings in the interest of present and future generations by promoting the long-term use



of these buildings in ways that preserve their heritage character.

## **1.0 Designation of Federal Heritage Buildings**

All federal buildings 40 years old or older for which alteration, demolition, or disposal are planned must be identified and referred to the Federal Heritage Buildings Review Office for evaluation, in order to determine if the buildings have heritage value. Also to be evaluated are buildings 40 years old or older whose acquisition is being contemplated.

### **1.1 Identification**

Ministers of departments to which this policy applies, including the Minister of Canadian Heritage, will identify for evaluation by the Federal Heritage Buildings Review Office all federal buildings in their custody which are 40 years old or older and for which an intervention is planned. Departments, other governments and members of the public may request at any time that a federal building 40 years old or older be evaluated. Departments may also request evaluation of, and advice on, buildings less than 40 years old.

### **1.2 Evaluation**

1.2.1  
The Federal Heritage Buildings Review Office will evaluate the identified buildings to determine if they merit heritage designation. Parks Canada will prepare research that addresses historical, architectural and environmental criteria, as well as any other relevant information, as a basis for this evaluation.

1.2.2  
A building evaluated as a heritage building will be recommended for designation as a "classified" or as a "recognized" federal heritage building. A classified building is the higher of these two designations.

### **1.3 Registration**

1.3.1  
The Federal Heritage Buildings Review Office will convey the recommended designation (classified or recognized) to the custodial department. The recommendation will be accompanied by a statement of heritage character.

1.3.2  
When the custodial department concurs with the recommendation, the Minister of Canadian Heritage approves the designation. When the custodial department does not concur, it may request an evaluation by an individual or individuals jointly agreed upon by the custodial department and the FHBRO. In the case of a building located in the National Capital Region, the designation also requires a recommendation of the Chairman of the National Capital Commission.

1.3.3  
A federal building which has been designated under this policy will be entered in the Register of Federal Heritage Buildings, along with a statement of its heritage character. A visible marker of its status as a federal heritage building may also be provided.

1.3.4  
Provincial and territorial governments will be provided with lists of evaluated federal buildings in their provinces or territories on an ongoing basis, as well as with copies of the reports upon which evaluations are based, and the heritage character statements for designated buildings.

## **2.0 Review of Proposed Interventions to Federal Heritage Buildings**

An intervention is defined as an action that may have an impact on the heritage character of a classified or recognized heritage building. Intervention includes alteration, demolition and disposal. Interventions will be reviewed only after a building has been evaluated. The review will be based on the statement of heritage character and will be conducted in accordance with established criteria and a body of standards. The review will vary depending on whether the designation is "classified" or "recognized."

### **2.1 Classified Buildings**

2.1.1  
The custodial department will submit any concept proposal that involves an intervention to a classified building to the Federal Heritage Buildings Review Office.

2.1.2  
The Federal Heritage Buildings Review Office will review the proposal on the basis of established criteria and standards in order to determine the potential effects on the heritage character of the building. If effects on the heritage character are likely to occur, detailed design proposals will be examined. When the review is complete, the FHBRO will make its recommendations to the custodial department.

### **2.2 Recognized Buildings**

2.2.1  
The custodial department will submit any proposals for demolition or disposal to the Federal Heritage Buildings Review Office, which will in turn ensure that alternatives have been adequately explored. If demolition is proposed, the FHBRO will look into the possibility of

recording the building and, in the case of disposal, the FHBRO will seek means of providing continuing protection.

2.2.2  
For all other interventions, the responsibility for reviewing proposals, plans and specifications will rest with the custodial department of the building in question, which will use the same review standards and criteria as the Federal Heritage Buildings Review Office.

### **2.3 Conflict Resolution Concerning Reviews of Interventions**

When there is an impasse concerning proposed interventions, the Ministers concerned will resolve the matter.

### **2.4 Notification of Other Governments**

In addition to what has been described above, provincial and territorial government heritage agencies will be notified of proposals for disposal or demolition of federal heritage buildings in their jurisdictions. It is federal government policy to offer surplus buildings to the appropriate province or territory before they are sold by public tender.

2.4.1  
When a designated building is sold to a non-government party, provinces and territories will be encouraged to apply their historic resource protection legislation to the building.

### **3.0 Consultation and Monitoring**

The Federal Heritage Buildings Review Office will encourage consultation between custodial departments and experts in building conservation.

### 3.1

Custodial departments of designated buildings will be provided with the FHBRO Code of Practice and with training to assist them in their stewardship of these buildings.

### 3.2

As is the case with other federal policies, custodial departments will be expected to monitor their own actions to ensure compliance.

## 4.0

### **Public Input**

In response to proposals from other government agencies, heritage groups and individuals, the practicality of extending the policy to federal works other than buildings, as well as to federal agencies and Crown corporations not currently covered by the policy, will be explored.

## **HERITAGE RAILWAY STATIONS POLICY**

## **HERITAGE RAILWAY STATIONS POLICY**

### **BACKGROUND**

### **OBJECTIVE**

#### **1.0 Designation of Heritage Railway Stations**

1.1  
Identification

1.2  
Evaluation

1.3  
Registration

**2.0  
Review and Authorization of Proposed  
Interventions**

**3.0  
Monitoring**

## HERITAGE RAILWAY STATIONS POLICY

### BACKGROUND

For more than a century, railway stations have been an integral part of the Canadian landscape. Not only do they stand as testimony to Canada's development, but to many Canadian communities they are an important source of pride. That a great many Canadians feel an attachment to these railway stations is shown by their enthusiastic efforts to preserve them.

Until the late 1980's, public efforts to preserve railway stations were hindered by the absence of legislation. As most railway stations are owned or controlled by federally regulated railway companies, they are not subject to the various provincial laws that protect heritage. In 1988 Parliament passed a private member's bill to protect these railway stations. The *Heritage Railway Stations Protection Act* was given Royal Assent in September 1988.

The *Heritage Railway Stations Protection Act* requires federally regulated railway companies to obtain authorization from the Governor in Council before removing, destroying, altering or disposing of a heritage railway station, and before altering any of the heritage features of the station. It also allows for timely public involvement in opposing those interventions that are seen as potentially deleterious to a heritage railway station or its heritage features. The Act provides for heavy fines for infractions.

The Heritage Railway Stations Policy is based on the *Heritage Railway Stations Protection Act*. Responsibility for the implementation of the Act and this policy has been given to the Minister of Canadian Heritage, who is supported by the Historic Sites and Monuments Board of Canada.

The Heritage Railway Stations Policy promotes consultation, dialogue and public participation in the pursuit of the shared goal of identifying and

conserving the built heritage. The policy establishes processes for identifying and evaluating heritage railway stations; for specifying, where applicable, the features that give them heritage value; and for reviewing on a case-by-case basis any intervention that might affect them or their heritage features. The federal government encourages railway companies that own or control these stations to apply cultural resource management methods in their treatment of them, and to set an example in conserving aspects of Canada's built heritage.

### OBJECTIVE

To protect heritage railway stations for the benefit of present and future generations, by ensuring that these railway stations and the features that represent their heritage character are preserved.

#### 1.0

#### Designation of Heritage Railway Stations

Under this policy, any railway stations that are owned or controlled by railway companies subject to the *Railway Act* will be considered eligible for designation; this includes the Canadian National Railway Company with respect to both its own railways and Government of Canada railways which it manages and uses.

#### 1.1

#### Identification

##### 1.1.1

The railway companies, other levels of government and the general public will be encouraged to propose eligible railway stations to the Minister of Canadian Heritage for designation.

##### 1.1.2

Parks Canada will notify the railway company and the provincial or territorial government in which the station is located of the proposed designation,

and will carry out the research necessary for the identification and evaluation of eligible railway stations.

## **1.2 Evaluation**

### **1.2.1**

The Historic Sites and Monuments Board of Canada will evaluate eligible stations in accordance with historical, architectural and environmental criteria that have been established for this purpose, using research prepared by Parks Canada and other relevant information.

### **1.2.2**

The Board will advise the Minister whether a station should be designated a heritage railway station. If the recommendation is positive, the Board may also recommend designation for certain features of the station.

## **1.3 Registration**

### **1.3.1**

Once the Minister has approved a positive recommendation from the Board, a station is designated as a heritage railway station and, when applicable, certain of its features are designated as heritage features. Affected railway companies and provincial or territorial governments will be notified.

### **1.3.2**

A designated station will be entered in the Register of Heritage Railway Stations, maintained by Parks Canada, along with a statement of its heritage character. Designated railway stations will be recognized by appropriate markers or otherwise.

## **2.0 Review and Authorization of Proposed Interventions**

A heritage railway station cannot be destroyed, removed, disposed of or altered, nor can its heritage features be altered, without the authorization of the Governor in Council. Alterations to meet an emergency, or the disposal of a station to a railway company to which the Act also applies, do not require authorization.

### **2.1**

A railway company that proposes an intervention to a heritage railway station must give written public notice of such intention.

### **2.2**

Parks Canada will review proposed interventions in accordance with established criteria in order to determine their impact, if any, on the heritage railway station or on any of its heritage features. Parks Canada may give advice to railway companies in this regard.

### **2.3**

An individual, group or government may signify its objection to proposed interventions by filing a notice with the Minister, setting out the reasons for objection and the pertinent facts on which the objection is based.

### **2.4**

When a notice of objection has been filed with the Minister, the Minister may refer the matter to the Historic Sites and Monuments Board of Canada.

### **2.5**

In reviewing objections, the Board may convene a public meeting to give all interested persons a reasonable opportunity to make representations to it.

### **2.6**

Upon receipt of the results of the Historic Sites and Monuments Board of Canada review, the Minister will recommend to the Governor in Council approval or rejection of the proposed intervention, or approval of a modified intervention, and will inform the railway company, the relevant provincial or territorial

government and interested members of the public.

2.7

If the recommendation is approved, the Governor in Council may authorize the railway company to carry out the proposed or modified intervention, under such terms and conditions as the Governor in Council deems appropriate.

2.8

Parks Canada will provide technical advice to meet an emergency situation when requested to do so by a railway company.

2.9

When a designated railway station is sold to a party not subject to the *Railway Act*, the province or territory within which the station is situated will be asked to apply its historic resource protection legislation to the station.

**3.0**

### **Monitoring**

Parks Canada will monitor compliance with regulations under the *Heritage Railway Stations Protection Act*, and see that work is carried out in conformity with authorized terms and conditions. The Canadian public will play a monitoring role by demonstrating its interest in the conservation of this aspect of our cultural heritage.





**PART III**  
**CULTURAL RESOURCE MANAGEMENT POLICY**

# CULTURAL RESOURCE MANAGEMENT POLICY

## BACKGROUND

### OBJECTIVE

#### **1.0 Principles of Cultural Resource Management**

1.1  
Principles of Value

1.2  
Principles of Public Benefit

1.3  
Principles of Understanding

1.4  
Principles of Respect

1.5  
Principles of Integrity

#### **2.0 The Practice of Cultural Resource Management**

2.1  
Inventory of Resources

2.2  
Evaluation of Resources to Determine Cultural Resources and Their Historic Value

2.3  
Consideration of Historic Value in Actions Affecting Cultural Resources

2.4  
Monitoring and Review of Ongoing Activities

#### **3.0 Activities of Cultural Resource Management**

3.1  
Corporate Direction

3.2  
Planning

3.3  
Research

3.4  
Conservation

3.4.1  
General

3.4.2  
Maintenance

3.4.3  
Preservation

3.4.4  
Modification

3.5  
Presentation

3.5.1  
General

3.5.2  
Interpretation

3.5.3  
Special Programs and Events

3.5.4  
Services and Facilities

## CULTURAL RESOURCE MANAGEMENT POLICY

### BACKGROUND

Parks Canada is one of the principal cultural resource management organizations in Canada. It is responsible for a vast array of cultural resources in public settings at national parks (including national marine conservation areas), national historic sites and historic canals, as well as in collections and at other properties that it administers.

Cultural resource management is an integrated and holistic approach to the management of cultural resources. It applies to all activities that affect cultural resources administered by Parks Canada, whether those activities pertain primarily to the care of cultural resources or to the promotion of public understanding, enjoyment and appropriate use of them.

For purposes of this policy a cultural resource is a human work, or a place that gives evidence of human activity or has spiritual or cultural meaning, and that has been determined to be of historic value. Cultural resources are distinguished from other resources by virtue of their assigned historic value. This value derives from an association with an aspect or aspects of human history. Parks Canada may apply the term cultural resource to a wide range of resources in its custody, including, but not limited to, cultural landscapes and landscape features, archaeological sites, structures, engineering works, artifacts and associated records.

Frequently, cultural resources occur in complexes or assemblages. Such assemblages might include movable and immovable resources, resources that are above ground and below, on land and in water, and whose features are both natural and fabricated.

The term cultural resource embraces the whole as well as the parts that make up the whole. Because

the whole is almost always greater than the sum of its parts, effective cultural resource management does not focus on the components — the discrete resources — at the expense of the overall place. Cultural resource management thus operates on two levels. *It applies to the overall management of a national historic site or a historic canal (which can be considered as cultural resources), as well as to the individual cultural resources that are contained in a national historic site, national park, or historic canal.*

The challenges of managing cultural resources for public benefit are considerable. By their very nature, the most significant cultural resources are those whose protection and public presentation are most desirable, although in the case of certain sacred sites located on lands administered by Parks Canada, broad public presentation may not be appropriate. In carrying out its commitment to responsible stewardship, Parks Canada must determine how best to promote visitation and public understanding of cultural resources, without diminishing the qualities and attributes that give those resources their value. It must respond to the desire for access while safeguarding the irreplaceable resources being visited, and the values that those resources represent. It must encourage appropriate contact with cultural resources while not consuming those resources. It must integrate the management of the cultural and the natural realms. Finally, it must determine the most effective means of protection and presentation within available financial and human resources. These challenges require a policy framework which is holistic, which deals with cultural resources as symbolic as well as physical entities, and which is motivated by a sense of responsibility to pass on the legacy entrusted to us.

Cultural resource management depends on a strong corporate or organizational ethic embodied in a set of principles. In its practice, cultural

resource management integrates professional, technical and administrative activities to ensure that cultural resources are identified and evaluated, and that their historic value is duly considered in all actions that might affect them. In the case of cultural heritage sites, cultural resource management provides the means for ensuring their commemorative integrity.

Canadian efforts to protect and present cultural resources for public benefit are part of a world-wide endeavour to protect, understand and appreciate our human heritage. In its stewardship of treasures of national historic significance as well as of other valued cultural resources, Parks Canada acts within a national and international community of agencies that share the responsibility of managing our human heritage for public benefit. In so doing, Parks Canada both contributes to and benefits from the development of a national and international body of principles and practices of cultural resource management.

To promote awareness of cultural resource management, Parks Canada encourages all stewards of cultural resources to apply cultural resource management principles and practice. In addition to managing the cultural resources entrusted to it in accordance with the policy, Parks Canada will make this policy available to other trustees of cultural heritage, including the owners of national historic sites.

## **OBJECTIVE**

To manage cultural resources administered by Parks Canada in accordance with the principles of value, public benefit, understanding, respect and integrity.

### **1.0 Principles of Cultural Resource Management**

In managing cultural resources Parks Canada will adhere to principles of value, public benefit, understanding, respect, and integrity, and will proceed on a case-by-case basis. These principles

are not mutually exclusive; they share common elements and work most effectively when considered as a whole rather than individually. Applying the principles is the key to sound cultural resource management, because the principles provide the means for determining the appropriateness of actions affecting cultural resources. Given the complexity of cultural resources, it is apparent that they cannot be managed on the basis of a general list of approved or prohibited activities. Consequently, all activities that might affect cultural resources, including activities relating to conservation and presentation, will be evaluated, and when approved, implemented in accordance with these principles.

An activity that compromises the commemorative integrity of a national historic site will not be permitted.

The principles provide requisite guidance for treating both the material and non-material aspects of heritage conservation and presentation.

The principles of this policy apply to all agreements that Parks Canada makes with others respecting the management of cultural resources.

The guidance provided by these principles is made more explicit in directives, manuals, standards and guidelines developed by Parks Canada.

### **1.1 Principles of Value**

1.1.1 For purposes of this policy, resources that have historic value are called cultural resources. It is for this value that cultural resources will be safeguarded and presented for public benefit.

1.1.2 While all cultural resources are valued, some cultural resources are deemed to be of the highest possible value and will be protected and presented accordingly.

- Parks Canada will value most highly those cultural resources of national historic significance.

#### 1.1.3

Cultural resources rarely occur in isolation. They often derive their value from being part of a place or a site.

- Parks Canada will value cultural resources in their context and will consider resources as a whole as well as discrete parts.

#### 1.1.4

Cultural resources will be valued not only for their physical or material properties, but also for the associative and symbolic attributes with which they are imbued, and which frequently form the basis of their historic value.

#### 1.1.5

A cultural resource whose historic value derives from its witness to many periods in history will be respected for that evolution, not just for its existence at a single moment in time.

- Parks Canada will reveal an underlying or previous physical state of an object, structure or site at the expense of later forms and material only with great caution; when historic value is clearly related to an earlier form, and when knowledge and existing material of that earlier form allow.

#### 1.1.6

A cultural resource that derives its historic value from the interaction of nature and human activities will be valued for both its cultural and natural qualities.

#### 1.1.7

Natural ecosystem features and paleontological resources frequently form an integral part of the history and landscape of national historic sites and historic canals. These features and resources in national historic sites and historic canals will be valued in a manner that reflects the role of Parks

Canada as an important environmental steward.

- Parks Canada will conduct a natural ecosystem feature inventory on lands and waters within national historic sites and historic canals to determine the state of such features and to identify natural features of special significance that should be protected.
- Wildlife habitat of species that have been designated as rare, threatened or endangered by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), or by the province or territory in which the area is located, will be protected.
- Natural ecosystem features, which by virtue of their strategic location and physical or biological characteristics are of value to government agencies involved in environmental monitoring and programs to maintain biodiversity and genetic resources in Canada, will be protected.
- Natural ecosystem features of special significance will be managed in accordance with the principles and relevant policies regarding the protection and management of natural ecosystems set out in section 3.0 of the National Parks Policy, and by the applicable directives and procedures used to guide the management of natural ecosystem features in the national parks.
- National historic sites and canals with extensive areas may be zoned in order to indicate the types of activities that are appropriate in different parts of the site or canal.

## 1.2

### Principles of Public Benefit

#### 1.2.1

Cultural resources are dedicated and held in trust so that present and future generations may enjoy and benefit from them.

- Public benefit of cultural resources will be most appropriately achieved by the protection

and presentation of that which is of national historic significance.

- The continuing public benefit of a resource will be assured through ongoing maintenance and care.

#### 1.2.2

To understand and appreciate cultural resources and the sometimes complex themes they illustrate, the public will be provided with information and services that effectively communicate the importance and value of those resources and their themes.

- Parks Canada will select the means for presenting the history and cultural heritage of its national parks, national historic sites and historic canals in ways that recognize the nature and interests of the public it serves.

#### 1.2.3

Parks Canada will encourage public involvement in the protection and presentation of cultural resources at national parks, national historic sites and historic canals.

- Appropriate uses of cultural resources will be those uses and activities that respect the historic value and physical integrity of the resource, and that promote public understanding and appreciation.
- Information about cultural resources will be made available. In cases where revealing the location of a cultural resource could constitute a threat to the resource (certain fragile archaeological remains, for example), information about location may be withheld.
- In the interest of long-term public benefit, new uses that threaten cultural resources of national historic significance will not be considered, and existing uses which threaten them will be discontinued or modified to remove the threat.

### 1.3

#### Principles of Understanding

##### 1.3.1

The care and presentation of cultural resources require knowledge and understanding of those resources, of the history they represent, and of the most effective means to communicate that history to the public for whom the resources are held in trust.

- Cultural resource management activities will be based on knowledge, and professional and technical skills and expertise.
- Parks Canada will integrate the contributions of relevant disciplines in planning and implementing cultural resource management, and will place a particular importance on interdisciplinary teamwork.
- Adequate research, recording and investigation will precede any action that might affect cultural resources and their presentation.

##### 1.3.2

The importance of genuine public understanding, appreciation and enjoyment of cultural resources will be recognized. The understanding of cultural resources requires knowledge that goes beyond a simple knowledge of the physical properties of the resources.

- Genuine public understanding may require the recording and use of traditional and other knowledge that previously did not exist in written form.
- Parks Canada will proceed on the basis that the meaning of cultural resources may exist in a continuum ranging from national significance to local or special significance for particular people, and that the two orders of significance can be communicated.
- Parks Canada will identify the nature and various interests of the public to develop effective means of communication.

### 1.3.3

Information about cultural resources will be recorded and those records will be maintained for the future.

- Parks Canada will maintain up-to-date inventories and records on its cultural resources. Dossiers will contain basic data and related documentation, including the results of research and evaluation, records of decision and actions taken. Heritage recording will be carried out on cultural resources of national historic significance.
- When faced with loss due to human or natural forces and when long-term stabilization or salvage is not possible, cultural resources will be recorded and documented to preserve a public record.

### 1.3.4

Parks Canada will avoid actions that reduce the potential for long-term conservation and for future understanding and appreciation of a cultural resource and the legacy that it represents.

## 1.4

### Principles of Respect

#### 1.4.1

Those who hold our heritage in trust are responsible for passing on that heritage in ways that maintain its potential for future understanding, appreciation and study. As an irreplaceable part of this heritage, cultural resources will be managed with continuous care and with respect for their historic character; that is, for the qualities for which they are valued.

- Parks Canada will respect the distinguishing features that constitute the historic character of a cultural resource.
- Uses of cultural resources will be respectful of, and compatible with, their historic character. This applies equally to the use of landscapes and structures, the display or use of artifacts and to public activities affecting cultural resources.

- Appropriate visitor activities and public uses of cultural resources at national parks, national historic sites and historic canals will respect the resources and be consistent with the purpose, themes and objectives of the park, historic site or canal.

#### 1.4.2

Trustees are obliged to act in ways that best ensure the continued survival of the resource, with minimum deterioration.

- Parks Canada will respect cultural resources by using the least destructive and most reversible means to accomplish objectives. Variance from the path of least intrusive action must be justified.
- Respectful, preventive and continuing maintenance will form an indispensable part of cultural resource management.

## 1.5

### Principles of Integrity

#### 1.5.1

Parks Canada will present the past in a manner that accurately reflects the range and complexity of the human history commemorated at or represented in a national historic site, historic canal or national park.

- Evidence that is specific to a resource or site will always be preferred to general evidence of a type or period.
- There are times when one may have to rely on evidence that is indirect, but which is consistent with what is highly probable in the light of known facts and patterns. Conservation and interpretation based on such evidence will be permitted only when the activities founded thereon are based on extensive knowledge, when they are carefully documented and recorded, and when, with respect to the physical features that constitute the historic character of a cultural resource, they are reversible.



- The use of indirect or comparative evidence will be acknowledged.
- History will be presented with integrity. This will include the presentation of differing contemporary views, perspectives informed by traditional knowledge, and later interpretations. Parks Canada will not play the role of arbiter of Canada's human history.
- Depictions of the past without basis in knowledge will not be considered.

### 1.5.2

Cultural resources should be distinguishable from, and not overwhelmed by, efforts to conserve, enhance and present them.

- New work of all kinds will be distinguishable from the work of the past.
- New work will be sensitive to the historic character of the resource or resources of which it forms a part and will not overwhelm those resources.
- Reconstructions and reproductions of past forms should not be confused with what is genuinely the work of the past. Reproductions and reconstructions will be suitably marked so as to distinguish them from the original and, in the case of national historic sites, will not be used when they impair the commemorative integrity of those sites.

## 2.0

### **The Practice of Cultural Resource Management**

Parks Canada will apply the principles of this policy within a practical framework of cultural resource management. The practice of cultural resource management is not itself a formal process distinct from the activities and processes already in place; rather, it integrates those activities and processes within an overall policy structure.

The practice of cultural resource management requires that four elements be in place in all decision-making that affects cultural resources:

- i) the inventory of resources;
- ii) the evaluation of resources to determine which are to be considered as cultural resources and what it is that constitutes their historic value;
- iii) the consideration of historic value in actions affecting conservation and presentation; and
- iv) monitoring and review to ensure that conservation and presentation objectives continue to be met effectively.

The practice of cultural resource management provides a framework for decision-making rather than a set of predetermined answers. Its aim is to ensure that the historic character for which resources are valued is identified, recognized, considered and communicated.

The practice of cultural resource management in Parks Canada recognizes those international conventions and federal policies that encourage the consideration of heritage value in management; for example, the World Heritage Convention, the Environmental Assessment and Review Process, the Federal Heritage Buildings Policy and the Federal Policy on Land Use.

## 2.1

### **Inventory of Resources**

All resources administered by Parks Canada will be given initial consideration as cultural resources within the meaning of this policy.

#### 2.1.1

Parks Canada will develop and maintain inventories of all the resources it administers for the purpose of determining which resources should be identified as cultural resources.

#### 2.1.2

All buildings administered by Parks Canada that are 40 years old or older will be identified for the purposes of applying the Federal Heritage Buildings Policy.

## 2.2 Evaluation of Resources to Determine Cultural Resources and Their Historic Value

Evaluation enables Parks Canada to determine which resources are cultural resources and what constitutes their value; that is to say, what particular qualities and features make up the historic character of a cultural resource. An understanding of the historic character of a resource focuses the program's efforts at protection, presentation and appropriate use.

Ministerial plaques and monuments will be managed in accordance with this policy. Resources will be evaluated for their historical associations, their aesthetic and functional qualities and their relationships to social and physical environments, for purposes of determining which of the following three levels should be ascribed to a resource:

### 2.2.1

#### **Level I:**

National historic significance is the highest level assigned to a cultural resource in the custody of Parks Canada. National historic significance will be determined in accordance with the National Historic Sites Policy. It should be noted that there are national historic sites within the boundaries of national parks and that a number of the historic canals are also national historic sites.

#### 2.2.1.1

Evaluation to determine national historic significance is undertaken by the Historic Sites and Monuments Board of Canada. Its recommendation to the Minister, and any subsequent Ministerial designation, may specify which resources within a designated national historic site are themselves of national historic significance.

#### 2.2.1.2

Where a Ministerial designation is not specific with respect to the national historic significance

of resources at a national historic site, the program will apply the commemorative intent of the designation to determine which resources are to be specifically considered of national historic significance.

### 2.2.2

#### **Level II:**

A resource that is not of national historic significance may have historic value and thus be considered a cultural resource.

#### 2.2.2.1

Parks Canada will establish and apply criteria to determine which resources under its jurisdiction are Level II. A resource may be included in this category by virtue of its historical, aesthetic or environmental qualities. Criteria will also give consideration to such factors as regional or local association; or provincial, territorial or municipal designations.

#### 2.2.2.2

Buildings that are designated "classified" or "recognized" in accordance with the Federal Heritage Buildings Policy will automatically be considered as Level II cultural resources, unless they meet the requirements that have been described for Level I cultural resources. Buildings may also be considered Level II cultural resources in accordance with criteria described in 2.2.2.1, above.

### 2.2.3

#### **Other:**

While all resources under the administration of Parks Canada deserve initial consideration as cultural resources, resources that are determined, upon evaluation, not to meet criteria established for Levels I and II are exempted from this policy, and will be managed under other appropriate processes and policies.

#### 2.2.3.1

Resources evaluated and deemed not to be

cultural resources for purposes of this policy may be re-evaluated at a later date.

### **2.3 Consideration of Historic Value in Actions Affecting Cultural Resources**

Cultural resource management requires that the concept of historic value of cultural resources be fully integrated into the planning and delivery of conservation, presentation and operational programs.

#### **2.3.1**

Planning processes will recognize that resources of national historic significance are of highest value, and that resources of historic value are at the second level of importance.

#### **2.3.2**

In all actions that affect cultural resources, Parks Canada will consider the potential consequences of proposed actions and the cumulative impacts of those actions on the historic character of those resources, and will plan and implement measures that respect that historic character.

#### **2.3.3**

When a proposed action on lands or waters administered by Parks Canada requires an environmental assessment, that assessment will include consideration and mitigation of the impacts of the proposed action on cultural resources.

#### **2.3.4**

Interventions proposed to buildings designated "classified" under the Federal Heritage Buildings Policy will be submitted for review to the Federal Heritage Buildings Review Office.

#### **2.3.5**

In the case of buildings designated "recognized" under the Federal Heritage Buildings Policy, proposed interventions will be reviewed by the department, except for disposals and demolitions which will be submitted for review to the Federal

Heritage Buildings Review Office.

### **2.4 Monitoring and Review of Ongoing Activities**

Management processes will include the review and monitoring of activities that affect cultural resources and their presentation.

### **3.0 Activities of Cultural Resource Management**

#### **3.1 Corporate Direction**

Parks Canada will ensure the application of the principles and practice of cultural resource management in all activities that may affect cultural resources and the historic character of those resources.

##### **3.1.1**

The principles and practice of cultural resource management will apply to those contracts, leases, licences, concessions or agreements that affect cultural resources administered by Parks Canada.

#### **3.2 Planning**

Effective planning sets out the ways and means by which cultural resources will be cared for and presented. Planning activities flow from policy objectives and adhere to policy principles. Through these activities Parks Canada ensures that the elements of good cultural resource management practice are in place in all systems and processes.

Long-range direction for the management of the cultural resources at each national park, national historic site and historic canal is established through the processes of management and service planning.

##### **3.2.1**

Given the multi-disciplinary nature of cultural

resource management, planning practices will integrate in a timely fashion the contributions of responsible disciplines.

### 3.2.2

Management planning for a national historic site will be based on the commemorative objectives that led to the designation and acquisition of the site. Primary themes developed in the course of management planning will be consistent with that designation. When, as a result of further research, it is considered that a primary theme should be changed, the matter will be referred to the Historic Sites and Monuments Board of Canada. The goal of management planning for national historic sites is to ensure the commemorative integrity of national historic sites and the application of cultural resource management principles and practice.

### 3.2.3

Management plans for national historic sites that have been designated World Heritage Sites will contain strategies for protecting and promoting the values that resulted in this international designation.

### 3.2.4

Management planning that affects cultural resources in national parks will deal with cultural resources on the basis of this policy and will be consistent with human history themes established for a park.

### 3.2.5

Because cultural resources are managed for public benefit, public consultation is essential in planning. The principles of this policy will form part of the terms of reference for all public consultation regarding the management of cultural resources.

### 3.2.6

Parks Canada will cooperate actively with other appropriate agencies with respect to shared cultural resource management concerns in land use planning, tourism and marketing.

### 3.2.7

If, following the acquisition or establishment of a national park, national historic site or historic canal, additional lands or objects are required to meet program objectives, these will be identified and acquired in accordance with established authorities and planning processes.

### 3.2.8

When regulations are considered necessary for the effective management of public activities at a national historic site administered by Parks Canada, regulations made under an appropriate statutory authority will be applied.

## 3.3 Research

Ongoing research and investigation will be carried out as they are essential to the success of cultural resource management. Research is fundamental to the achievement of conservation objectives, high-quality interpretation and public programs, and the advancement of knowledge.

### 3.3.1

Research and the results of research will be the basis for activities that have an impact on cultural resources and their presentation.

### 3.3.2

Results of research will be made available to the public in the form of publications and other media.

### 3.3.3

Parks Canada will cooperate with other professionals, research agencies and individuals to achieve mutual objectives.

## 3.4 Conservation

Conservation encompasses the activities that are aimed at the safeguarding of a cultural resource so as to retain its historic value and extend its physical life. There are conservation disciplines

that address different kinds of cultural resources. All share a broad concept of conservation that embraces one or more strategies that can be placed on a continuum that runs from least intervention to greatest; that is, from maintenance to modification of the cultural resource.

### 3.4.1

#### **General**

##### 3.4.1.1

In planning conservation activities Parks Canada will ensure first and foremost the basic protection of its cultural resources. With regard to cultural resources, the highest obligation is to the protection and presentation of resources of national historic significance.

##### 3.4.1.2

In undertaking conservation activities Parks Canada is especially cognizant of the principles of respect for the existing form and material that constitute the historic character of a cultural resource. Conservation activities will therefore involve the least possible intervention to achieve objectives.

##### 3.4.1.3

In dealing with issues relating to the protection of existing fabric and enhancement through modification for presentation, Parks Canada will apply the five principles of cultural resource management to determine the most appropriate treatment. Respect for historic value will be the central consideration.

##### 3.4.1.4

In determining the most appropriate conservation treatment, consideration will be given to the following factors:

- i) the historic character of the cultural resource as determined through evaluation;
- ii) the physical condition, integrity and context of the resource;
- iii) the impact of the treatment on the

- iv) integrity of historic fabric and character;
- v) available documentation and information;
- v) the opportunities for presentation and potential appropriate uses of the resource; and
- vi) available financial and human resources.

##### 3.4.1.5

Activities involving some replacement are the most interventionist of conservation activities and will be the last to be considered.

##### 3.4.1.6

The reproduction, reconstruction or replication of a cultural resource will be considered as an interpretative option, not as a conservation activity. These activities are addressed in section 3.5.2 on Interpretation.

### 3.4.2

#### **Maintenance**

Conservation involves not just a once-in-a-lifetime intervention to a cultural resource but equally its routine and cyclical maintenance. Parks Canada will employ conservation maintenance to mitigate wear and deterioration without altering the performance, integrity or appearance of a resource.

### 3.4.3

#### **Preservation**

Preservation encompasses conservation activities that consolidate and maintain the existing form, material and integrity of a resource. Preservation includes short-term protective measures as well as long-term actions to retard deterioration or prevent damage. Preservation extends the life of the resource by providing it with a secure and stable environment.

Preservation activities will involve the least possible physical intervention and, in the case of interim measures, be as reversible as possible, so as not to jeopardize long-term conservation options. In the case of long-term measures,

preservation activities ensure the stability and security of a resource so that it can be kept serviceable through routine maintenance.

### **3.4.4 Modification**

Modification encompasses conservation activities that may change the existing form or materials through treatments, repair, replacement of missing or deteriorated parts, or recovery of earlier known forms and materials. It involves a higher level of intervention than preservation. Modification may be undertaken in order to satisfy new uses or requirements, compatible with the historic character of a resource, as in the case of appropriate adaptive re-use of a structure; or to reveal, recover or represent a known earlier state of a resource, which is called restoration. Modification may involve some replacement of fabric.

#### **3.4.4.1**

Parks Canada will base modification on a sound knowledge of, and respect for, the historic character of the resource; particularly as that character is expressed by the existing form and material of the resource.

#### **3.4.4.2**

Parks Canada will assess and consider the impact of proposed modification activities on the historic character of cultural resources and will identify and consider the consequences of modification using the cultural resource management principles of value, public benefit, understanding, respect and integrity.

#### **3.4.4.3**

Restoration is a modification activity that will require clear evidence and detailed knowledge of the earlier forms and materials being recovered.

#### **3.4.4.4**

In the case of sites and structures, modification

may include the activities of period restoration, and of rehabilitation for purposes of safety, property protection and access.

- i) Period restoration is the accurate recovery of an earlier form, fabric and detailing of a site or structure based on evidence from recording, research and analysis, through the removal of later additions and the replacement of missing or deteriorated elements of the earlier period. Depending on the intent and degree of intervention, period restoration may be a presentation rather than a conservation activity.
- ii) Rehabilitation is the modification, including adaptive re-use, of a resource to meet various functional requirements while preserving the historic character of the structure.

#### **3.4.4.5**

In the case of artifacts, modification includes removal of the products of deterioration such as corrosion, repair, and the infilling of missing parts. Modification also includes restoration, which returns the object or specimen to a known earlier visual state, using compatible construction methods and materials.

### **3.5 Presentation**

Presentation encompasses activities, facilities, programs and services, including those related to interpretation and visitor activities, that bring the public into contact, either directly or indirectly, with national historic sites, national parks and historic canals. Parks Canada presents these places by promoting awareness of them, by encouraging visitation, by disseminating information about them and about opportunities to enjoy them, by interpreting them and their wider significance to visitors and non-visitors, by providing opportunities for appropriate visitor use and public involvement, and by providing essential services and facilities.

### 3.5.1

#### **General**

The presentation of cultural resources offers the public a wide range of opportunities to understand, appreciate and enjoy those resources.

Information about cultural resources will be accessible to all visitors. Where the location of a resource, service or facility illustrating the historic value of cultural resources prevents access by persons with disabilities, special programs or services will be offered.

#### 3.5.1.1

Parks Canada will integrate its activities so that efforts at presentation will respect and enhance the historic value of the whole in order to contribute to a positive experience for the public. A knowledge of the nature and interests of the public will enable Parks Canada to enhance that experience by appropriate means of presentation.

#### 3.5.1.2

In planning and implementing the presentation of cultural resources at national historic sites, national parks and historic canals, Parks Canada will cooperate with individuals, organizations and agencies.

#### 3.5.1.3

New structures and buildings at national historic sites will respect and be compatible with the historic character of the site. Such new work will not be detailed in such a way as to be mistaken for a historic structure.

#### 3.5.1.4

Signs at national historic sites and for cultural resources will respect the historic character of those resources. Such signs may be distinctive.

#### 3.5.1.5

Parks Canada will encourage visitors to become familiar with the risks associated with access to cultural resources, and to exercise appropriate responsibility for their own safety. The qualities (historic value) that make access to a cultural resource desirable will not be diminished or destroyed in order to provide access, especially when public safety can be achieved by means other than modification.

#### 3.5.1.6

#### 3.5.1.7

Information about the richness and diversity of the family of national historic sites and how these sites express various aspects of our national identity will be made available to those who visit national historic sites administered by Parks Canada.

#### 3.5.2

##### **Interpretation**

Interpretation seeks to reveal meanings and relationships so that the public will gain an enhanced awareness of what cultural resources signify. It includes the specialized activities by which Parks Canada communicates an understanding and appreciation of the historic value of particular places, things, events and activities to visitors and the public. This communication may be accomplished through firsthand experience of historic places, appropriate use of cultural resources and the use of media. An understanding of public needs and interests is indispensable for effective interpretation, because such understanding makes it possible to identify effective means to communicate the significance of cultural resources.

##### 3.5.2.1

In its interpretive activities Parks Canada will communicate the historic character of the cultural resources being presented, the historical significance of the specific national historic site, national park or historic canal, the relevant links between historical activities and the natural environment and the value of cultural resource management.

##### 3.5.2.2

Where there is a Ministerial designation of national historic significance, the primary interpretive obligation will be to communicate what has been designated as being of national historic significance.



### 3.5.2.3

In selecting the most appropriate means and media for interpreting cultural resources and themes related to human history, Parks Canada will be guided by Ministerial decisions regarding the purpose and form of commemoration, and will consider the following factors:

- i) the commemorative intent, themes, purpose and objectives of the national historic site, national park or historic canal;
- ii) the historic value of the resource;
- iii) the interpretive potential of the resource and its themes;
- iv) visitor needs and expectations;
- v) the impact of interpretation activities on the resource;
- vi) the availability of knowledge on which to proceed;
- vii) opportunities for appropriate visitor use;
- viii) the relationship of specific interpretive options to the overall presentation of a site; and
- ix) available human and financial resources.

### 3.5.2.4

Outreach programs will be developed to enhance knowledge and appreciation of national historic sites (including historic canals) as well as cultural resources in national parks and to promote heritage awareness and conservation.

### 3.5.2.5

Interpretation is an ongoing activity. It will include the maintenance, monitoring and review of interpretation programs.

### 3.5.2.6

Interpretation need not be complex to be effective. The kinds and levels of interpretation may range from letting the spirit of the place speak for itself to creating a sense of the past, although these forms are not mutually exclusive. No hierarchy of resources or interpretation activities is implied by the following examples, and all may be used at a specific location.

### 3.5.2.6.1

#### **Spirit of Place**

Some cultural resources evoke an aura or spirit that speaks directly to visitors with minimal interpretive support material.

This interpretive approach will be considered for resources and complexes that have retained their historic uses or function or whose integrity is intact; whose meaning is readily comprehensible; whose condition will not support more intensive use and development or whose integrity would be compromised by more elaborate development.

### 3.5.2.6.2

#### **Interpretive Media**

Parks Canada will use a variety of personal, print, exhibit and electronic media when there is a need to offer background, detail and perspective on the history of cultural resources.

### 3.5.2.6.3

#### **Creating a Sense of the Past**

Creating a sense of the past for the visitor is an interactive interpretive approach that may use a combination of the following activities: accurate restoration, reconstruction or replication of cultural resources; volumetric representation(s) of cultural resources; reproduction of period costumes and objects; role playing and representations of past activities. Creating a sense of the past is a comprehensive interpretive option that requires the integration of all aspects of the scene or environment being interpreted (for example, landscape treatments should be consistent with period restorations/reconstructions).

Parks Canada will consider creating a sense of the past as an interpretive option when:

- i) there is a specific commemorative objective to provide the visitor with an understanding of a defined period in the

- ii) history of a site; and the action is consistent with the principles of value, public benefit, understanding, respect and integrity of the site and its resources; and
- iii) resources and their setting possess sufficient historical integrity to support a complete scene or environment; and
- iv) there is sufficient understanding of the resource to ensure accuracy of detail; and
- v) cost can be justified in relation to historic significance and interpretive potential; and
- vi) in the case of established sites, demonstrated visitor demand or expectations warrant this type of development.

#### 3.5.2.6.3.1

Reproductions may be manufactured and used in interpretation when:

- i) sufficient knowledge exists for an accurate reproduction; and
- ii) the original object is too fragile or cannot be provided with a stable display environment; or
- iii) more than one of an object is required; or
- iv) an object is to be handled or consumed.

#### 3.5.2.6.3.2

The use of reproductions will be acknowledged.

#### 3.5.2.6.3.3

In exceptional circumstances, the period reconstruction or replication of whole structures or complexes may be considered as the best possible means of achieving public understanding of a significant aspect of the past. Period reconstruction may not be undertaken unless:

- i) reconstruction of the vanished resource would make a significant contribution to historical, scientific or technical knowledge; and
- ii) the cost of reconstruction, including its maintenance and operation, can be

justified in relation to the historic significance and interpretive potential of the work.

If these considerations are met, reconstruction may only be considered if:

- a) there are no significant preservable remains that would be threatened by reconstruction; and
- b) the action will not compromise the commemorative integrity of the site; and
- c) there is sufficient research information to support an accurate reconstruction.

#### 3.5.2.6.3.4

The use of period reconstructions will respect existing cultural resources and will be acknowledged.

#### 3.5.2.6.3.5

Period reconstruction and reproductions are by definition contemporary work and have no *a priori* historic value. Because of their special character, however, they may be managed in accordance with this policy.

### 3.5.3

#### Special Programs and Events

Special programs and events offer important opportunities to integrate the presentation of cultural resources at national historic sites, national parks and historic canals with related activities in their surrounding communities and to develop partnerships with others.

In planning for these activities and uses Parks Canada will be sensitive to the size, nature and interests of existing and potential visitor groups, while acknowledging that not all visitor expectations are compatible with the mandate for national historic sites and national parks.

#### 3.5.3.1

Activities that are consistent with the principles of cultural resource management, that are

appropriate to the specific national park, national historic site or historic canal and that are acceptable will be encouraged.

#### 3.5.3.2

Where warranted, special programs for targeted groups of visitors will be developed.

#### 3.5.3.3

Special events and uses will be encouraged where they contribute directly to public appreciation of the historic themes, resources and opportunities of a national park, national historic site or historic canal.

#### 3.5.3.4

Special events and uses will respect cultural resources and their historic character and will not impair the safety, experience and enjoyment of visitors.

#### 3.5.3.5

Some special events and uses that are otherwise appropriate may depict the past in ways that are not specifically accurate to the site. In cases where such events or special uses are permitted, these discrepancies will be acknowledged.

#### 3.5.3.6

Research and study by others of cultural resources at national historic sites, national parks and historic canals will be encouraged as an appropriate activity when such work respects the principles of this policy and is compatible with visitor activities.

### 3.5.4

#### **Services and Facilities**

#### 3.5.4.1

Facilities and services necessary to achieve public understanding, appreciation and enjoyment of cultural resources will be provided.

#### 3.5.4.2

Services and facilities may be provided through contract, lease, licence, concession or agreement.



## **GLOSSARY**

## GLOSSARY

### Accommodation

**substantial:** privately owned and operated low-density, roofed, visitor accommodation located on leased land, and which may provide associated services such as food or equipment rentals in support of the main function of providing visitor accommodation.

**traditional:** low-cost visitor accommodation that includes a variety of backcountry and frontcountry camping opportunities with related amenities; shelters; and privately operated hostels.

### Active Management

Any prescribed course of action directed towards maintaining or changing the condition of cultural, physical or biological resources to achieve specific Parks Canada objectives.

### Activity Policy

A set of policies governing one of the seven program elements of Parks Canada, which include National Parks, National Historic Sites, Canadian Heritage Rivers, National Marine Conservation Areas, Historic Canals, Federal Heritage Buildings and Heritage Railway Stations.

### Appropriate Visitor Activity

An activity which:

- is consistent with these policies and the protection of ecological and/or commemorative integrity of protected heritage areas;
- is especially suited to the particular conditions of a specific protected heritage area; and
- provides the means to appreciate, understand and enjoy protected heritage area themes,

messages and stories.

### Biosphere Reserves

Representative examples of landscapes, each with their characteristic plants, animals and human uses, which have been given an international designation under Unesco's Man and the Biosphere Programme (MAB), launched in November 1971 by the United Nations Educational, Scientific and Cultural Organization. Each biosphere reserve is made up of a protected "core" of undisturbed landscape (such as a national park), together with nearby areas showing some of the ways in which once-similar landscapes are being managed to meet human needs.

### Canadian Heritage River

A river or section of a river which has been determined by the Canadian Heritage Rivers Board to have outstanding Canadian natural heritage, human heritage and/or recreational value.

### Canadian History

The record of the entire human past in what is now Canada.

### Canadian Parks Partnership

Formed in 1986 as a nation-wide alliance of volunteer cooperating associations, the Canadian Parks Partnership supports National Parks, National Historic Sites and Historic Canals in every province across Canada. It supports the department in accomplishing its mandate, enhancing programs, delivering messages and providing a vehicle for Canadians to participate in and have a sense of ownership of Canada's system of parks, national historic sites and canals. Revenue generated from products, corporate

sponsorships and donations goes into the Partners Parks Fund to support and enhance Parks Canada - Parks Service programs (see Cooperating Association).

### **Commemoration**

Ministerial recognition of the national significance of specific lands or waters by acquisition or by agreement, or by another means deemed appropriate within the Minister's authority for purposes of protecting and presenting heritage places and resources, erection of a plaque or monument.

### **Commemorative Integrity**

A historic place (national historic site, heritage railway station, federal heritage building, etc.) may be said to possess commemorative integrity when the resources that symbolize or represent its importance are not impaired or under threat, when the reasons for its significance are effectively communicated to the public, and when the heritage value of the place is respected.

### **Condominium Ownership**

A form of property ownership in which individual elements are owned by individuals, but common elements are held by all owners as tenants in common.

### **Cooperating Association**

A registered, non-governmental, nonprofit corporation which provides services to the public at National Parks, National Historic Sites, and Historic Canals. Cooperating associations and their national umbrella organization, the Canadian Parks Partnership (CPP), are principal partners with Parks Canada in achieving its mandate for heritage protection and education. Through their voluntary efforts and shared objectives the constituency of support for Canada's system of parks and historic sites is greatly enhanced. Through the sale of theme-related products and the conduct of special events, an association may

generate revenues for funding activities directly supportive of park, historic site or canal objectives (see Canadian Parks Partnership).

### **Cultural Landscape**

Any geographical area that has been modified, influenced, or given special cultural meaning by people.

### **Cultural Resource Management**

Generally accepted practices for the conservation and presentation of cultural resources, founded on principles and carried out in a practice that integrates professional, technical and administrative activities so that the historic value of cultural resources is taken into account in actions that might affect them. In Parks Canada, Cultural Resource Management encompasses the presentation and use, as well as the conservation of, cultural resources.

### **Cultural Resource**

A human work or a place which gives evidence of human activity or has spiritual or cultural meaning, and which has been determined to have historic value.

### **Ecological Integrity**

A condition where the structure and function of an ecosystem are unimpaired by stresses induced by human activity and are likely to persist.

### **Ecological Integrity, Maintenance of**

Managing ecosystems in such a way that ecological processes are maintained and genetic, species and ecosystem diversity are assured for the future.

### **Federal Heritage Building**

Any federally owned building that has been designated by the Minister of Canadian Heritage under the Federal Heritage Buildings Policy.

### **Federal Heritage Buildings Review Office**

An interdepartmental advisory body responsible for identifying which federal buildings merit designation as federal heritage buildings, and for monitoring the conservation and continued use of these buildings.

### **Heritage Railway Station**

A railway station that has been designated as a "Heritage Railway Station" by the Minister of Canadian Heritage.

### **Heritage Area**

A generic term used to signify those geographical areas which are included within the Parks Canada Program. These include National Parks, National Marine Conservation Areas, National Historic Sites and Historic Canals.

### **Heritage Resources**

A Heritage Area, or any natural or cultural features associated with Heritage Areas or potential Areas.

### **Heritage Tourism**

An immersion in the natural history, human heritage, the arts and philosophy, and the institutions of another region or country that creates understanding, awareness and support for the nation's heritage.

### **Historic Canal**

An administrative term referring to those canals operated by Parks Canada for purposes of navigation as well as for protection, enjoyment and interpretation of their cultural and natural heritage values. Many of these operating canals

have been designated as national historic sites under the authority of the *Historic Sites and Monuments Act*, and are managed in accordance with the "administration, preservation and maintenance" clause of that Act.

### **Historic Museum**

A museum established under the authority of section 3(c) of the *Historic Sites and Monuments Act* to commemorate a historic place.

### **Historic Value**

A value assigned by Parks Canada to a resource, whereby it is recognized as a cultural resource. All resources have historical value; only those which are considered to have importance over and above the historical, have historic value.

### **Historical**

Of, relating to, or of the nature of, history, as opposed to fiction. "Historical" refers more broadly to what is concerned with history, whereas the term "historic" refers to having importance in, or influence on, history.

### **Hostels**

A public building which offers low-cost, supervised, overnight accommodation for use by families, groups or individuals.

### **Indigenous Species**

Organisms that occur naturally in a particular area instead of being introduced, directly or indirectly, by human activity.

### **Land Tenure Agreements**

Any form of agreement including lease, licence of occupation or permits, that grants a right of occupancy of Parks Canada - administered lands from the Crown to the holder of the agreement.



### **Licence of Occupation**

A licence granting a right of occupancy of specified lands for a specific purpose, without conferring any interest in the lands.

### **Management Plan**

A document that constitutes the local expression of the general policies of the department and approved by the Minister following extensive public participation. This plan directs the long-term development and operation of a park, national historic site or canal. It constitutes a framework within which subsequent management, implementation and detailed planning will take place.

### **National Historic Site**

Any place declared to be of national historic interest or significance by the Minister responsible for Parks Canada.

### **National Marine Conservation Areas**

A designated marine area set aside in accordance with the National Marine Conservation Area Policy.

### **National Park**

Natural area of land and/or sea, designated to (a) protect the ecological integrity of one or more ecosystems for present and future generations; (b) exclude exploitation or occupation inimical to the purposes of designation of the area; and (c) provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally and culturally compatible.

Source: "Guidelines for Protected Areas Management Categories" - IUCN - The World Conservation Union (1994).

In Canada, the word also means a national park as described in Schedule 1 of the *National Parks Act*. It is an area which has been identified as a natural area of Canadian significance, which has been acquired by Canada and designated by Parliament as a national park, and over which Parks Canada has been given administration and control under the authority of the *National Parks Act*. It is managed for the benefit, education and enjoyment of Canadians so as to leave it unimpaired for future generations.

### **Natural Areas of Canadian Significance (NACS)**

A natural area which provides outstanding representation of the geology, physiography, vegetation and wildlife that is characteristic of its larger natural region. A potential national park is selected from among NACS within a natural region not represented in the system of national parks.

### **Park Conservation Plan**

A management document that contains objectives and action plans for the protection and management of a park's natural ecosystems and components.

### **Presentation**

Activities, services and facilities that bring the public into direct or indirect contact with national historic sites, national parks and historic canals, and the resources associated with them.

### **Proponent**

The individual or organization intending to undertake a project or activity that is subject to the federal environmental assessment and review process.

### **Protection**

With respect to ecosystems, it means regulatory,

resource management and public education programs aimed at ensuring they are maintained in as natural a state as possible. In the context of cultural resources, protection has a range of meanings. It may refer to the basic maintenance of a resource, often as a preliminary to other work; it may be used as a synonym for preservation or conservation, or it may refer to an administrative regime under which a site/resource is managed or protected.

### **Protected Heritage Areas**

Protected heritage areas are:

- a) areas that have been accorded "protected" status, because of their natural or cultural qualities, through acquisition or application of land-use controls;
- b) as well as areas that have been recognized as having natural or cultural heritage value and which require some form of protected status in order to ensure their long-term protection.

In the former case, management practices flow from the protected status; in the latter, management focuses on the need to devise an appropriate form of protection status. "Protected Heritage Areas" include, but are not limited to, all the program elements and activities set out in this Policy.

### **Recognition**

A term used to indicate that a heritage resource (natural or cultural) has significance to all Canadians and warrants protection and presentation, either directly or indirectly, through one of the Parks Canada programs.

### **Seasonal Camping Area**

An area in a visitor centre in which individual lots can be developed, and where moveable buildings can be placed, for a limited annual season under the authority of a seasonal camping permit; the permit gives no interest in the land to the permit holder. The areas exist only in the communities of

Wasagaming in Riding Mountain National Park, and Waskesiu in Prince Albert National Park.

### **Seasonal Cottage Residence**

The residential use of Parks Canada administered lands, held under a lease, which restricts occupancy of the cottage to a specified period of the year, normally April 1st to October 31st.

### **Service Plan**

A document that translates the conceptual direction of the Management Plan into a detailed offer of service to the public, with an implementation strategy.

### **Sustainable Manner**

The use of resources in a way that ensures their integrity is not destroyed.

### **Sustainable Use**

A general term meaning that people can gain direct and indirect benefits from heritage resources over the long term, without destroying them.

### **Visitor Activity Management Process**

A decision-making framework used by Parks Canada to contribute to the preparation, integration and implementation of the public opportunity portion of management plans and service plans. This framework applies to both new and existing parks, historic sites or canals and assists in: identifying opportunities and assessing public needs related to public understanding, appreciation and enjoyment; visitor activities planning, definition of levels of service, and operation of facilities; and evaluation of effectiveness in providing service to the public consistent with the Parks Canada mandate.

### **Visitor Risk Management**

A decision-making framework, based upon policy and directives, to structure visitor safety programs. Visitor risk management guides the development of a risk assessment and subsequent risk control measures. Visitor risk management determines appropriate levels of service to manage existing, new, potential, or shifting activity risk levels within a protected heritage area.

### **Visitor Activity**

Educational or recreational pursuits that contribute to an understanding, appreciation and enjoyment of heritage resources.

### **Volumetric Representation**

A representation that recreates the basic form (volume) of a cultural resource using techniques that do not entail the use of materials, details or construction methods of the original.

### **Volunteer**

A person, or group, who has signed an agreement to contribute time and talent to complete a project without pay.

### **Wilderness**

"An enduring natural area of sufficient size to protect pristine ecosystems which may serve physical and spiritual well being. It is an area where little or no persistent evidence of human intrusion is permitted so that ecosystems may continue to evolve." National Wilderness Colloquium (1988).

### **World Heritage Site**

A cultural or natural site that is designated as having outstanding universal value by the World Heritage Committee, according to its criteria. The committee was established to oversee implementation of Unesco's 1972 World Heritage Convention.

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**GENERAL****1.1 Introduction**

The Land Protection section of Dept of Agriculture is charged with the operation and maintenance of dykes and aboiteau structures throughout the province along the shores of the Bay of Fundy. The section is also charged with the operation and maintenance of flood control dams in the Musquodoboit area.

The province is broken into areas that are designated to individual Aboiteau Superintendents. These superintendents are based in areas around the province with head office in Truro.

The dykes maintained by the Dept of Agriculture are maintained to an elevation that will prevent topping on normal tide conditions. However these dykes may be at risk of topping do to extreme storm events. Inspections of these dykes are carried out on an annual basis or after extreme storm conditions.

This plan sets forth a detailed list of locations and contacts that may be required by the Land Protection section to protect life and property if an emergency should occur. Emergency events would include dyke overtopping, dyke breaches, aboiteau failure, limited aboiteau failure, dam failure, storm events, fresh water flooding, gate operation at the Avon River Causeway and dams failures of Nova Scotia Power on the Avon system near Windsor .

Within the Land Protection all staff are familiar with the operations of the dyke systems. All staff could move from area to area if an emergency should occur. With this document the list of contacts would assist staff to function reasonably well in other districts when required

The only area that would be a bit more difficult to manage would be the Avon River Causeway which would require knowledge on the operating procedures.

**1.2 Descriptions of Dyke Location**

The dykes are located through the province providing protection for farm land, roads, railroads, residential and commercial properties and other various type of infrastructure. The following is a general list of where these dykes are located.

**1.2.1 Truro Office**

The area covered from the Truro office include Colchester County, Truro, Stewiacke area, Shubenacadie area, Maitland area and the Musquodoboit dams. This area includes 217,480 ft of dyke, 72 structures and 10 flood control structures in the Musquodoboit area

In this area 124,890 ft of dyke is critical in protection of many types of infrastructure . The most critical area would be Truro and the surrounding area..

**1.2.2 Amherst Office**

The area covered from the Amherst office includes Amherst, Advocate, River Hebert, Minudie and other areas in Cumberland County. This area includes 171,000 ft of dyke with 58 structures.

In this area 96,800 ft of dyke protect many types of infrastructure. The most critical areas would be Amherst, Advocate & River Hebert

**1.2.3 Kentville Office**

The Kentville office covers Kings, Annapolis, Digby and Yarmouth Counties.

Kings County has 161,719 feet of dyke with 45 aboiteau structures. The dykes in Kings County protect five sewage treatment plants, 34 residential buildings and 29 commercial buildings. All 12 of these dykes protect sections of roads and highways that add up to 50,000 feet .

Annapolis County has 33,739 feet of dyke below the causeway, with 16 aboiteau structures. Above the causeway, which is controlled by the Power Corporation, there are approximately 400 acres of dykeland along both sides of the Annapolis River. There are 38 different sections of dykeland above the causeway. Twelve of these protect sections of main highways, 17 protect sections of utility lines, sewer plants and buildings. Nova Scotia Power has two power dams that drain into the Annapolis River and has mapped the area for flooding if a dam failure should occur.

Digby County has two dykes, approximately 12,000 feet of dyke with three aboiteau. Over 9,000 feet of road would be flooded if the dykes failed.

Yarmouth County has two dykes that are 1,153 feet in total, with two aboiteau that protect 3,500 feet of road.

**1.2.4 Windsor Office**

The area covered from the Windsor office includes Windsor Brooklyn area and the Noel, Burntcoat Area. This area includes 106,000 ft of dyke with 55 structures.

In this area 51,200 ft of dyke protect many types of infrastructure . The most critical area being the town of Windsor.

The Avon river causeway is also located in the area which protects 3400 acres from tidal flooding. It is highly unlikely that there would be tidal flooding from topping of this causeway.

The main concern would be fresh water flooding caused by a gate malfunction during a high runoff event or a dam failure on the Avon Hydro System.



## 2 OFFICE LOCATION and AREAS COVERED

<u>Office location</u>	<u>Staff on Site</u>	<u>Area Covered</u>
Truro Office NSAC	Engineer	All of province
	Surveyor	All of province
	Aboiteau Superintendent	Colchester County Truro Stewiacke Area Shubenacadie area Musquodoboit dams
Amherst Office Nappan Research Station	Aboiteau Superintendent	Cumberland County
Kentville Office Kentville Research Station	Aboiteau Superintendent	Kings County Annapolis County Digby County Yarmouth County
Windsor Office Avon River Causeway	Aboiteau Superintendent	Hants County Avon River Causeway Noel / Maitland Area

### **3 EMERGENCY RESPONSE PROCEDURES**

#### **3.1 Definitions and Ramifications**

##### **Potential Dyke Overtopping**

This would be an instance where the weather warnings have been issued to the effect that very high winds, or tidal surge is predicted. This may affect some or all or none of the dykes in a particular area. Whether dykes are affected depends on if it's a tide surge that effects all of the Bay of Fundy. Sometime surges may only effect dykes exposed in a certain direction. Very little preparation can be made for this except make people aware of the event.

##### **Dyke Overtopping**

This in most instances would be caused by tides being higher than predicted, caused by tidal surge or wind in exposed areas. If this occurs in winter when the dyke is frozen should cause little damage to dyke, however could cause widespread flooding. If this occurs any other time of year but especially in the spring when the frost is coming out of the dyke it could lead to dyke breach.

##### **Dyke Breach**

Depending on the size of the breach could have severe consequences. A short breach eg. 100 feet could possibly be repaired before the next high tide depending on accessibility and time of becoming aware of breach. A large reach could mean that the area could be out to tide for a considerable length of time and extent of flooding would depend on what part of the tide cycle the breach occurs on.

##### **Aboiteau Failure**

This would occur if an aboiteau structure actually collapsed or if dyke over the aboiteau failed. This situation could lead to prolonged tidal flooding of the area concerned. Actual length of time depending on degree of failure and if temporary repairs were feasible.

##### **Limited Aboiteau Failure**

This could consist of a number of scenarios, the most common being loss of gate or gate failure. These can generally be repaired in a relatively short time frame and would only cause very limited flooding if any, again depending on fresh water runoff at the time and size of structure and if one of a number of gates failed or if it's the only gate. Another cause of failure could be if blockage of upstream end occurred. Upstream blockage can be difficult to remove if it occurs during high runoff event and more so if it's a single barrel structure, generally can be remedied within several days. Could cause temporary fresh water flooding.

##### **Dam Breach**

The dams refers to flood control dams in the Musquodoboit River Watershed. A breach would likely only occur during very large runoff event. It could cause large volumes of water to be released during a time when brook and river flows are already high. Has the potential of causing localized

damage and extreme flooding for a distance downstream of structure.

### **Fresh Water Flood**

A fresh water flood could occur as a result of aboiteau upstream blockage, but most likely result from either an extreme rainfall even or ice blockage in channel below the aboiteau structure. Flooding as a result of extreme runoff event is generally over within 2 days of the event occurring. Flooding as a result of ice blockage is more difficult to determine length of time flooding would persist. Length of time would depend on volume of runoff, how porous the ice blockage, height of tides, and changing elevation of tides.

### **Gate Failure - Avon River Causeway**

A gate failure is defined as a failure of the gate operation system. This could be a mechanical or electrical failure that would prevent the normal operation of one or both gates. This would be most critical during a storm event.

### **Nova Scotia Power Hydro Emergency**

A Nova Scotia power hydro emergency is defined as an emergency on the Avon Hydro system that would cause an abnormal amount of water to enter Pisiquid Lake causing a change in normal operations at the Avon River Causeway.

## **3.2 Procedures**

### **3.2.1 Dyke Overtopping**

1. Be notified or observed by staff.
2. Aboiteau Superintendent go to site, assess the situation.
3. Take appropriate action if any.

### **3.2.2 Dyke Breach**

1. Be notified or observed by staff.
2. Aboiteau Superintendent assess the situation.
3. Take appropriate action.

### **3.2.3 Potential Dyke Overtopping**

1. Be informed of potential storm surge or Aboiteau Superintendent be aware of potential due to location and weather conditions.
2. Aboiteau Superintendent put special emphasis on inspecting the areas of concern.
3. Take appropriate action.

### **3.2.4 Aboiteau Failure**

1. Be notified or observed by staff.

2. Aboiteau Superintendent assess the situation.
3. Take appropriate action.

**3.2.5 Limited Aboiteau Failure**

1. Be notified or observed by staff.
2. Aboiteau Superintendent assess the failure.
3. Take appropriate action.

**3.2.6 Dam Breach**

1. Be notified or observed by staff.
2. Aboiteau Superintendent assess the situation.
3. Notify people downstream of situation if situation warrants it.
4. Take appropriate action for repair.

**3.2.7 Fresh Water Flood**

1. Be notified or observed by staff.
2. Aboiteau Superintendent assess the cause of the flooding.
3. Take appropriate remedial action as situation warrants.

**3.2.8 Gate Failure - Avon River Causeway**

1. Aboiteau Superintendent take appropriate action for repair.
2. Notify any other agency as appropriate if potential for flooding exists.

**3.2.9 Nova Scotia Power Hydro Emergency**

1. Notification will come from the Energy Control Center for Nova Scotia power.
2. Following notification check what part of the tide cycle is occurring, gate openings and water level.
3. Determine the severity of the problem and start notification
  1. EMO
  2. Town of Windsor
  3. Chief Engineer
  4. Staff if required
  5. Any other stake holders that should be notified
4. Maintain communication with EMO for updates on the situation.

## 4 CONTACT INFORMATION

4.1 Dept of Agriculture**Truro Office**

<u>Contact</u>	<u>Work</u>	<u>Home</u>	<u>Cellular</u>
Supervisor Andy Cameron	893-6569	463-0368	430-6371
Surveyor Darrell Hingley	893-6576	893-4166	890-4480
Aboiteau Superintendent Brad Crewe	893-6578	895-4059	899-6541
Foreman Rob Long	641-2243	893-0829	

**Amherst Office**

<u>Contact</u>	<u>Work</u>	<u>Home</u>	<u>Cellular</u>
Aboiteau Superintendent Gary Gilbert	667-6466	545-2776	664-6108
Foreman Steve Wilson		667-0297	694-9839

**Kentville Office**

<u>Contact</u>	<u>Work</u>	<u>Home</u>	<u>Cellular</u>
Aboiteau Superintendent <del>Lindsay Carter</del> <i>David Smith</i>	679-6019	<del>538-8163</del> <i>538-3689</i>	679-8307
Foreman Lester Hill		798-5805	790-1078

**Windsor Office**

<u>Contact</u>	<u>Work</u>	<u>Home</u>	<u>Cellular</u>
Aboiteau Superintendent Ken Carroll	798-5325	798-4431	792-8330
Foreman Clayton Sanford		538-8693	790-0561

**EMERGENCY PREPAREDNESS PLAN****Land Protection****4.2 Windsor Area****CONSTRUCTION EQUIPMENT & RENTALS**

<u>Contractor</u>	<u>Equipment</u>	<u>Work</u>	<u>After Hours</u>
B Daniels Const Windsor Forks	Excavator Dozer	798-8812	798-7778 (Cell)
Merks Enterprises	Excavator	679-7988	542-7769
Glen Johnson Windsor	Excavator Truck	798-5506	798-7736 (Cell)
Wayne Dimock Falmouth	Excavator Truck		798-7700 (Cell)
Spence Excavating Martock	Excavator Dozer	798-0178	497-5375 (Cell)
Bob Wilson Falmouth	Dozer	798-0351	798-7349 (Cell)
David Meehan Rawdon	Excavator Trucks	632-2884	798-7608 (Cell)
Keddy's Crane Wolfville	Boom truck	542-5580	
Davis Specialized Bedford	Boom truck	865-8296	497-6468 (Cell)
Irving Equipment	Cranes	1-800-561-2726	

**Equipment Rental**

Windsor Sales & Rentals Windsor	Rental shop	798-4008	798-4167
R&A Rentals Greenwich	Rental shop	542-7952	

**EMERGENCY PREPAREDNESS PLAN****Land Protection****4.2 Windsor Area****Contact Numbers****1. EMO**

<u>Contact</u>	<u>Work</u>	<u>Home</u>	<u>Cell</u>
EMO Director Graig MacLaughlan	424-5620 (24 Hrs)		
Western Zone Controller Vern Fraser	679-6100		
West Hants Coordinator Albert Bahri	798-8007	798-2164	790-2343
Alternate Rick Sherrard	798-8391	798-5503	790-2474

**2. Local Government**

<u>Contact</u>	<u>Work</u>	<u>Home</u>	<u>Cell</u>
Munc of West Hants Public Works-Rick Sherrard	798-8391	798-5503	790-2474
Town of Windsor Public Works- Don Beatty	798-2275	798-8746	798-7613

**3. Provincial Government**

<u>Contact</u>	<u>Work</u>	<u>Home</u>	<u>Cell</u>
Transportation Division Office	798-2369		
Operation Supervisor Hal Lavers (Brooklyn)	757-2929	798-8187	798-6362
Operation Supervisor Peter Taylor(Noel)	369-2169		758-7690

**EMERGENCY PREPAREDNESS PLAN**

**Land Protection**

**Windsor Area**

**Contact Numbers**

**4. Nova Scotia Power**

<b><u>Contact</u></b>	<b><u>Work</u></b>	<b><u>Home</u></b>	<b><u>Cell</u></b>
Energy Control Operator	428-7782 428-7783		
Superintendent Avon Hydro System Acting	542-5600		
Operations Personal Tim Curry	542-5600	798-8480	670-2420



**EMERGENCY PREPAREDNESS PLAN****Land Protection****4.3 Amherst Area****CONSTRUCTION EQUIPMENT & RENTALS**

<u>Contractor</u>	<u>Equipment</u>	<u>Work</u>	<u>After Hours</u>
Vaughn Melonson Amherst	Excavator Dozer	667-9467	667-1457
Baxter Trucking Amherst	Excavator Dozer	667-5805	694-4274
Glennies Trucking River Hebert	Excavator Dozer	251-2485	694-0809
Ron Baker & son River Hebert	Excavator Dozer	251-2712	664-2504
K. Lawrence Carter Amherst	Excavator Dozer	667-2892	664-7564
Charles Read Advocate	Dozer Excavator	392-2592	392-2523
Ron White Amherst	Boom truck	667-3291	
Roymac Amherst	Boom truck	667-8934	
Hubtown Crane Truro	Boom trucks	893-7715	
Irving Equipment	Cranes	1-800-561-2726	
<b><u>Equipment Rental</u></b>			
Top Line Rental Amherst	Rental shop	667-9850	
Amherst Hardware Amherst	Rental shop	667-3682	

**EMERGENCY PREPAREDNESS PLAN****Land Protection****4.3 Amherst Area****Contact Numbers****1. EMO**

<u>Contact</u>	<u>Work</u>	<u>Home</u>	<u>Cell</u>
EMO Director Graig MacLaughlan	424-5620 (24 Hrs)		
Central Zone Controller Dominic Fewer	893-5896		
Cumberland Co Coordinator Jim Hannon			

**2. Local Government**

<u>Contact</u>	<u>Work</u>	<u>Home</u>	<u>Cell</u>
Munc of Cumb Co. Robert Streach	667-2313		667-2358
Town of Amherst Ben Pittman	667-3352		

**3. Provincial Government**

<u>Contact</u>	<u>Work</u>	<u>Home</u>	<u>Cell</u>
Transportation Division Office Amherst	888-432-3233		
Operation Supervisor Dave Reid (Amherst)	667-3801		664-7370
Operation Supervisor Greg Frail (Parrsboro)	254-3252		664-7345

**EMERGENCY PREPAREDNESS PLAN****Land Protection****4.4 Kentville Area****CONSTRUCTION EQUIPMENT AND RENTALS****Kings Co.**

<u>Contractor</u>	<u>Equipment</u>	<u>Work</u>	<u>After Hours</u>
Merks Enterprises Grand Pre	Excavator	679-7988	542-7769
W.K. Sharpe & Sons Avonport	Excavators Dozer	542-5259	
G.K. Morse & Sons Centerville	Excavators Dozers	678-3902	
Howard Little Excavating Cambridge	Excavators Dozers	538-3275	
Keddy's Crane Wolfville	Boom truck	542-5580	
Davis Specialized Bedford	Boom truck	865-8296	497-6468 (cell)
Irving Equipment	Cranes	1-800-561-2726	

**Annapolis/Digby Counties**

<u>Contractor</u>	<u>Equipment</u>	<u>Work</u>	<u>After Hours</u>
Brown Bros. Excavating Upper Clements	Excavators Dozer	532-7095	
Albert Rice Contracting Bridgetown	Dozer Excavators	665-2375	
Spicer Construction Paradise	Excavators Dozer	665-4302	
D.J. Lowe Granville	Excavators Dozers	532-7100	
Digby Excavating Ltd. Marshalltown	Excavator Dozer	245-6312	467-3066

## EMERGENCY PREPAREDNESS PLAN

## Land Protection

### Yarmouth County

<u>Contractor</u>	<u>Equipment</u>	<u>Work</u>	<u>After Hours</u>
David Trefry Yarmouth	Excavators Dozer	742-3064	742-7187
Harris R & D Excavating Yarmouth	Excavators	742-2379	
Rose Valley Trucking & Ex Salmon River	Excavator Truck	649-2657	

### Equipment Rental

R&A Rentals Greenwich	Rental shop	542-7952	
Terry's Rentals Yarmouth	Rental shop	742-4051	

#### 4.4 Kentville Area

##### Contact Numbers

##### 1. EMO

<u>Contact</u>	<u>Work</u>	<u>Home</u>	<u>Cell</u>
EMO Director Graig MacLaughlan	424-5620 (24 Hrs)		
Western Zone Controller Vern Fraser	679-6100		
Kings Co Coordinator Gary Smith	690-6117		670-0191
Annapolis Co Coordinator Dave McCoubrey	532-0258		
Digby Co Coordinator Bently Rice	247-1865		

**EMERGENCY PREPAREDNESS PLAN****Land Protection****2. Local Government**

<u>Contact</u>		<u>Work</u>	<u>Home</u>	<u>Cell</u>
Kings Co Public Works-		690-6111		
Town of Wolfville Public Works-	Greg Morison	542-3232		
Town of Kentville Public Works-		679-2520		
New Minas Public Works-		681-0779		

**3. Provincial Government**

<u>Contact</u>		<u>Work</u>	<u>Home</u>	<u>Cell</u>
Transportation				
New Minas Base		679-6122		
Operation Supervisor Paul Maillet (Kings South)		679-6702		680-5914
Operation Supervisor Alan Slack (Kings North)		679-6703		670-0643
Operation Supervisor Tony Harvey (Lequille)		532-2844		532-8590
Operation Supervisor Brian Foote ( Digby)		245-4090		247-0196
Operation Supervisor Donald Houston (Yarmouth)		742-2415		
Operation Supervisor Paul Dugas ( Saulnierville)		769-2192		769-7679

4.5 Truro Area**CONSTRUCTION EQUIPMENT & RENTALS**

<u>Contractor</u>	<u>Equipment</u>	<u>Work</u>
Atlantic Explosives Ltd Up. Musq.	Dozer Excavator	568-2527
Colin Cox Trucking Up. Stewiacke	Dozer Excavator	671-2528
Terrance Cox Construction Ltd Up. Stewiacke	Excavator Truck	671-2772
Enos Crouse Stewiacke	Dozer Excavator	639-2093
Chris Cutten	Mini-excavator	895-9989
Rodney Dennis Great Village	Excavator	668-2073
Ditch Doctor(Adam Fisher) Glenhome	Longreach Excavator Excavator	662-2234
J&A Contractors (Trevor Fisher) Masstown	Longreach Excavator Excavator	662-2423
Evan Putman Masstown	Excavator	662-2430
T.R. Petroleum(Terry Weatherbee) Bible Hill	Dozer Excavators	897-0221
Ian Sinclair Contracting Ser. Ltd Truro	Dozer Excavators	895-9678
Websters Trucking & Excav. Ltd Truro	Dozer Excavators	895-5638
<b><u>Equipment Rental</u></b>		
Classic Rentals Truro	Rental shop	895-4242

# EMERGENCY PREPAREDNESS PLAN

Land Protection

## 4.5 Truro Area

### Contact Numbers

#### 1. EMO

<u>Contact</u>	<u>Work</u>	<u>Home</u>	<u>Cell</u>
EMO Director Graig MacLaughlan	424-5620 (24 Hrs)		
Central Zone Controller Dominic Fewer	893-5896		
Colchester Coordinator Carl Shaw			
East Hants Coordinator Kevin Dearman			

#### 2. Local Government

<u>Contact</u>	<u>Work</u>	<u>Home</u>	<u>Cell</u>
Colchester Co Public Works- Crawford MacPherson		897-3175	
Town of Truro Public Works- Andrew MacKinnon		895-4243	

#### 3. Provincial Government

Transportation Division Office	893-5780		
Operation Supervisor Paul MacDonald (Bible Hill)	892-5760		893-0695
Operation Supervisor Carl MacPhee (Milford)	758-3009		758-5321

**EMERGENCY PREPAREDNESS PLAN**

**Land Protection**

**Contact**

**Work**

**Home**

**Cell**

Operation Supervisor  
Bob MacLean (Londonderry) 758-3009

893-0609

Operation Supervisor  
Darryl Deyarmond (Up Stewiacke) 896-2218

890-02001



**BYLAW # 56**

**COUNTY OF KINGS**

**MUNICIPAL PLANNING STRATEGY**

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The Municipality of the County of Kings

(As Approved by the Minister of Municipal Affairs)

August 6, 1992

(Includes Text Amendments to November 12, 2009)



THE MUNICIPALITY OF THE COUNTY OF KINGS  
MUNICIPAL PLANNING STRATEGY

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## PREFACE

The Kings County Municipal Planning Strategy (MPS) was originally adopted in 1979. The Planning Act, 1983, requires a review to be commenced within five years of the effective date of the adopted Municipal Planning Strategy or from the date of its last review.

A review was initiated in 1985 with comprehensive revisions to the Agricultural District policies being approved in 1988 and 1989. That review was continued in 1990 to encompass the other sections of the Strategy.

The background research initiated in 1985 was used as the basis for the review of the Municipal Planning Strategy. Three planning subcommittees, Agricultural Resources, Business Development and Expansion, and Community Services and Development, were established in 1986 to recommend directions for future planning. Their recommendations formed the majority of the review considerations introduced in a Position Paper prepared in August, 1990.

This Municipal Planning Strategy has been updated and revised as a result of the extensive review process initiated in 1985 and completed in 1992.

A separate Municipal Planning Strategy for the Village of New Minas was adopted in 1975 and updated in 1982. Thus the policies of this Strategy do not apply in New Minas.

It is the intention of Municipal Council to prepare and adopt more detailed community plans for the other growth centres as becomes necessary to manage growth and plan for the provision of municipal infrastructure.



## **LEGISLATIVE MANDATE**

The authority for the preparation of the Municipal Planning Strategy for the Municipality of the County of Kings is given pursuant to Part VIII Section 212 of the *Municipal Government Act*.

The Municipal Planning Strategy consists of a number of statements of policy with respect to the use of lands within the County, the provision of municipal services, and any other matter related to the physical, social or economic development of the County.



## 1.1 KINGS COUNTY – A BRIEF HISTORY

Kings County, situated on Nova Scotia's northwestern shore bounded by the Bay of Fundy and Minas Basin, has long been known for the influence of the French explorers. However, the first extensive agricultural development began with the arrival of the French Acadians who settled the Minas Region in 1675. This wave of immigration represented an expansion of the colony at Port Royal at the mouth of the Annapolis River some seventy years previously.

The Region offered the newcomers rich soil deposits and the Acadians were quick to recognize the productive potential of the area and proceeded to dyke the tidal marshes, reclaiming several hundreds of acres from the sea. The dyked land readily yielded wheat, rye, hay and other field crops. Imported fruit trees from France were planted, producing orchards that were to gain international recognition. Field crops and vegetable production, livestock and poultry raising, and tree fruit cultivation combined with hunting and trapping enabled the Acadians to become somewhat self sufficient and made the Minas Region the most prosperous area of Nova Scotia.

By 1713, the British, in their struggle with the French, finally gained control of North America. The Acadians refused to swear allegiance to the throne of Great Britain and thus were expelled in 1755. The lands in Kings County vacated by the Acadians were given to New England Planters, and were divided into two townships, Horton and Cornwallis, with the Cornwallis River serving as the boundary between them. This group proceeded to reclaim additional land from the sea and improve the orchards.

The arrival of the Empire Loyalists, after the American Revolution in 1775 - 1783 provided the greatest stimulus to development. Many of these refugees settled in Aylesford township and although they were not primarily farmers, they soon turned to the land. Some of them were actively engaged in experimentation, particularly with different varieties of fruit.

The increase in the population resulted in an expansion of the economic base and new trade markets. The export of farm products, wood, fish, and hides to Halifax, New Brunswick and New England saw the rise in shipbuilding in 1790 which lasted more than a hundred years. Such communities as Scots Bay, Halls Harbour, Baxter's Harbour, Horton Landing, Black Rock, Kingsport, and Canning became the trade and shipbuilding centres of the era.

Wolfville became the education centre of the County in 1839 with the establishment of Acadia University comprising Horton Collegiate Academy, Acadia College and Acadia Ladies Seminary. Elsewhere, small manufacturing establishments sprang up including flour mills, cheese factories, tanneries, and a brick-making plant in Avonport by 1877.

The completion of the Windsor and Annapolis Railway in 1869 stabilized apple production by opening access to new markets, both locally and abroad. Once the County had penetrated the British market in the 1890's, Port Williams served as the

origin for much of the overseas apple shipments. However, with the advent of the railroad, shipbuilding and the coastal communities dependent upon that industry began their decline.

Kings County was officially incorporated as a Municipality in 1879 with the consolidation of the townships of Horton, Cornwallis and Aylesford. This paved the way to the establishment of the present local government structure in the County. The Towns of Kentville in 1886, Wolfville in 1893 and Berwick in 1923 were later incorporated out of the Municipality.

Until the Second World War when export markets almost collapsed entirely, apples and other tree fruits continued to be a major source of income for County farmers. The establishment of the Aldershot Militia Training Camp in 1904, and the Agricultural Research Station in 1913 at Kentville marked a government commitment to the economic base of the region. This was strengthened in 1941 with the construction of a Canadian Forces Base at Greenwood which has grown to include almost 2,000 servicemen and their families on the base and provide employment for nearly 650 residents in the west end of the County (1990).

Hundreds of farms line the valley floor in Kings County and account for over a third of the Provincial farm cash receipts.

The last twenty-five years have witnessed the agricultural base strengthen its links with food processing industries. Although there has been a diversification of economic activity and the County is not solely dependent on agriculture, over 50% of the estimated value of production in the manufacturing sector is in industries like meat and poultry or fruit and vegetable processing. This fact alone is a reflection of the dominance and continuing importance of the County's natural resource base.

The growth in the development of agriculture as well as forestry and other resources in Kings County has been equalled by urban growth. Communities which originally developed as market centres to serve the primary industrial sector had, by 1970, grown into financial, commercial and institutional centres.

Kentville had become the government and financial centre of Kings County and New Minas was quickly surpassing both Kentville and Wolfville in becoming the regional commercial centre. This urban development boom had been accompanied by a demand for residential lots which were readily available throughout the County. The relatively inexpensive rural land combined with the increasing preference for a rural living environment had encouraged development in the rural areas.

Kings County is fortunate to be able to combine the pleasant rural agricultural setting with the urban conveniences of the towns and villages within a one-hour drive from the Halifax - Dartmouth Metropolitan Area. Thus, it has, and will continue to, become one of the most attractive counties for residential development in the Province.



## 1.2 KINGS COUNTY - PLANNING PROGRAM

### 1.2.1 The Original Planning Concept - 1979

The need to accommodate growth and to preserve the agricultural resource base of Kings County was recognized in 1979.

The original Kings County Municipal Development Plan consisted of complementary Urban Growth Centre and Rural Land Capability policies to separate and define the urban and rural areas and plan future development within each.

The Growth Centre - Land Capability concept provided for two lifestyles within the County, urban and rural, while remaining sensitive to the pressures which one brings upon the other. The Strategy encouraged urban environments in Growth Centres, a rural development focus in Hamlets, and a strictly rural environment in the remainder of the County with the exception of the Shoreland Districts where cottage development was permitted.

### 1.2.2 A Review of Performance: 1979 – 1990

Has the Plan achieved the goals and objectives established in 1979? The following brief analysis illustrates that it has.

One issue which influenced the planning program was the amount of non farm development that was locating on prime agricultural land. Prior to the adoption of the Strategy, 35% of all housing was locating on lands classed as having high capability for agricultural production. Since the introduction of the Agricultural District designation and policies this figure has reduced significantly to 18% during the latter part of the eighties. The majority of new housing has successfully been directed to the Growth Centres or to lands with low soil capability for agriculture.

The policies have, therefore, reduced non-farm development on lands which are reserved for agricultural uses.

Over the same period, residential development in Growth Centres rose from 41% to 53% of the County total. Between 1976 and 1986, the growth centres attracted 72% of the Municipality's population growth. New Minas experienced the largest population increase of 1,300; Coldbrook grew by 700; Kingston and North Kentville grew by over 500; and, Greenwood and Centreville added over 300 to their populations. The Coldbrook - Wolfville corridor attracted 56% of all growth and Kingston/Greenwood attracted 17%, totalling three-quarters of all County growth within these two major

urban areas. This population growth in the Growth Centres represents 75% of the County's growth.

Commercial expansion statistics for the same period further indicate the success of the Growth Centre concept. Total commercial floor space in New Minas increased by 73% to 907,000 square feet while Kingston/Greenwood expanded by 26% to 350,000 square feet. The new K-Mart expansion will add another 150,000 square feet of commercial floor space in Greenwood. Two strip malls have been built in Coldbrook and an additional 40 acres of commercial land was redesignated in 1989 to accommodate commercial development in that community.

The location of the Nova Scotia Youth Centre, a young offenders facility, in Cambridge reinforced that community's role as a regional institutional centre. The new Valley Regional Hospital has located in North Kentville.

The cooperative marketing and development of the Annapolis Valley Regional Industrial Park by the Kings Regional Economic Development Commission also reflects the success of the Strategy's industrial policies, as does the industrial development in Port Williams and New Minas. The Michelin Plant in Cambridge, which had a major employment impact on the central part of the County, increased the viability of that Growth Centre.

The recreation and open space policies have facilitated new community parks in Coldbrook, Waterville, New Minas and Port Williams. The public response to the opening of the Aylesford Lake Park beach illustrates the support for public shoreland access policies and demand for similar facilities.

The above examples illustrate the success of the Strategy planning concepts in directing the County's growth and development. However this growth has led to a need for second generation, more refined, urban planning policies.

The Country Residential Districts have provided an alternative location for rural housing together with resource industrial land uses. A recent industrial development proposal, however, highlighted the potential for conflicts between land uses permitted in those districts.

The challenge to the Council of the Municipality of Kings is to further improve the effectiveness of its land use policies in planning for the future.

### **1.2.3 The Municipal Planning Strategy – 1992**

This revised Planning Strategy retains the basic Growth Centre/Land Capability concept successfully implemented since 1979. Kings County is one of the fastest growing counties in the province in terms of population,

yet it has retained a rural character. This rural character is reflected in the dominant agricultural landscape.

The County's economic growth is dependent upon the County's natural resource base, which has formed the backbone of the economy.

Thus, the Kings County Municipal Planning Strategy for the future confirms the Urban Growth Centre and Rural Land Capability Concept to:

*1.2.3.1 DIRECT THE MAJORITY OF FUTURE POPULATION GROWTH AND ASSOCIATED URBAN SERVICES INTO DESIGNATED GROWTH CENTRES.*

*1.2.3.2 TO PROTECT AND ENHANCE THE HIGH CAPABILITY NATURAL RESOURCE BASE IN RURAL AREAS FOR PRIMARY RESOURCE DEVELOPMENT AND ASSOCIATED RURAL LAND USE ACTIVITIES.*

*1.2.3.3 PROTECT THE CAPABILITY OF THE INLAND LAKES AND COASTAL SHORELAND AREAS TO PROVIDE HIGH QUALITY, SUSTAINABLE RECREATION.*

There is, however, one fundamental change. The original Growth Centre policies treated all Growth Centres the same. This revised planning approach emphasizes the individual character of each Growth Centre and provides a selection of policies and options to enhance and promote their respective unique character and growth opportunities. Policies for the Rural Districts have been refined to strengthen the protection of the County's valuable resource base.

PART 1	AMENDED DATE	SECTION
	July 17, 1997	1.2.3.3



## 1.3 KINGS COUNTY MUNICIPAL PLANNING STRATEGY - GOALS

The planning concept is directed towards achieving the following goals. Specific objectives are stated within each respective policy section.

### 1.3.1 Kings County Municipal Planning Strategy - General Goals

The General Goals are:

#### 1.3.1.1 TO FACILITATE A BROAD ECONOMIC BASE BY:

- *supporting the continued growth of the agricultural industry;*
- *providing opportunities for expanded industrial, commercial and tourism development;*
- *establishing a data base upon which to evaluate locational opportunities for industry within the County;*
- *identifying capital projects and infrastructure to support development, and setting priorities in relation to the Municipality's five year capital expenditure program.*

#### 1.3.1.2 TO PROTECT THE NATURAL ENVIRONMENT OF THE COUNTY BY:

- *providing sewage collection and treatment for all urban growth centres;*
- *providing a solid waste collection and disposal service throughout the Municipality;*
- *providing a recycling service;*
- *initiating a public education program directed towards homeowner responsibility for proper installation, inspection, and maintenance of rural on-site sewage disposal systems;*
- *providing a treatment facility for disposal of sludge pumped from private sewage disposal systems;*
- *ensuring the environmental compatibility of development within and adjacent to environmentally sensitive areas;*

- *establishing and maintaining in conjunction with the appropriate provincial departments an inventory of land uses requiring on site storage of hazardous goods.*

**1.3.1.3 TO PROTECT AND ENHANCE THE COUNTY'S HISTORICAL AND CULTURAL HERITAGE BY:**

- *providing for the establishment of a Heritage Advisory Committee and the preparation of a Heritage Bylaw;*
- *recognizing and planning for unique historical districts;*
- *providing for opportunities for reuse and continued use of heritage buildings and sites.*

**1.3.1.4 TO GUIDE GROWTH AND DEVELOPMENT IN WAYS WHICH PROVIDE OPPORTUNITIES TO ENHANCE THE QUALITY OF LIFE IN KINGS COUNTY.**

**1.3.1.5 TO ENCOURAGE GROWTH TO URBAN AREAS WHERE SERVICES CAN BE PROVIDED IN A COST-EFFECTIVE MANNER.**

**1.3.2 Kings County Municipal Planning Strategy - Urban Goal**

The Urban Goal is:

**1.3.2.1 TO DIRECT URBAN GROWTH AND DEVELOPMENT TO DESIGNATED GROWTH CENTRES BY:**

- *providing for a selection of commercial development opportunities adaptable to the development pattern of each growth centre;*
- *providing development opportunities for secondary and service industries to locate in the growth centres to strengthen community employment opportunities;*
- *providing options for accommodating a range of institutional uses and urban community facilities within growth centres;*
- *providing opportunities for development of a variety of housing options;*

- *providing a coordinated system of recreation areas and open space lands wherein communities can provide facilities and programs;*
- *providing a full range of urban services to centres including solid waste recycling, collection and disposal, sewage collection and treatment, water purification and distribution, street lighting, sidewalks, street paving, and storm sewers;*
- *designating growth centre development boundaries.*

### **1.3.3 Kings County Municipal Planning Strategy - Rural Goals**

The Rural Goals are:

#### **1.3.3.1 TO FACILITATE THE GROWTH OF THE AGRICULTURAL INDUSTRY IN THE COUNTY BY:**

- *designating lands with high agricultural soil capability as protected Agricultural Districts;*
- *reducing the undue fragmentation of farmland which limits future expansion of agricultural activity;*
- *encouraging industry associated with agriculture to locate and expand in the County;*
- *supporting the farm population in their efforts to increase the economic viability of the agriculture industry.*

#### **1.3.3.2 TO MINIMIZE AND REDUCE CONFLICTS BETWEEN THE AGRICULTURAL INDUSTRY AND NON AGRICULTURAL DEVELOPMENT BY:**

- *protecting the prime agricultural areas from the intrusion of uses which are incompatible with or adverse to the future growth of the agricultural sector;*
- *establishing standards for rural uses including separation distance requirements between certain agricultural uses and incompatible uses and ensuring proper waste disposal practices;*

- *discouraging rural residential subdivision development where services would be expensive and where such development will be detrimental to the future use of the land for agricultural development;*
- *controlling the physical development of communities within or adjacent to the Agricultural District to minimize the impact of urban expansion on the agricultural industry.*

1.3.3.3 *TO DESIGNATE FORESTRY DISTRICTS WHERE FOREST ACTIVITIES ARE GIVEN PRIORITY OVER OTHER LAND USES.*

1.3.3.4 *TO DESIGNATE RURAL AREAS OF LOW NATURAL RESOURCE CAPABILITY AS COUNTRY RESIDENTIAL DISTRICTS TO PROVIDE RESIDENTIAL DEVELOPMENT OPPORTUNITIES IN A RURAL SETTING THAT WILL NOT ADVERSELY AFFECT EXISTING OR POTENTIAL PRIMARY RESOURCE ACTIVITIES.*

1.3.3.5 *TO RESPOND TO THE GROWING DEMAND FOR SHORELAND RESIDENTIAL DEVELOPMENT AND WATER BASED RECREATION PURSUITS BY:*

- *providing for the designation of Shoreland Districts to accommodate seasonal and year round residential development;*
- *establishing environmental performance standards for shoreland development;*
- *providing for the acquisition and development of shoreland areas for use by the general public;*
- *providing for the development of commercial facilities serving the shoreland residents and recreation users;*
- *establishing a long-term policy to protect inland lakes from over development based on lake trophic state and shoreland biophysical capability to accommodate development.*



*1.3.3.6 TO DESIGNATE HAMLETS AS LOCAL RURAL CENTRES PROVIDING OPPORTUNITIES FOR RURAL HOUSING AND LOCAL COMMUNITY, SOCIAL AND COMMERCIAL SERVICES.*

PART 1	AMENDED DATE	SECTION
	July 17, 1997	1.3.3.5



## 2.1 URBAN DEVELOPMENT POLICIES – GROWTH CENTRES

A major goal of this Municipality is to direct urban growth to designated growth areas. Council has identified and designated twelve areas as Growth Centres. These Growth Centres vary widely in population, growth performance, urban amenities, and respective roles within an urban planning context. The policies of this part of the Strategy apply to the designated Growth Centres.

These urban policies are intended to enhance the urban variety and focus on the distinctiveness of each Growth Centre. Each Growth Centre has developed a different function and character. Recognition of this community uniqueness is fundamental to planning for each Growth Centre's future development.

Most Growth Centres offer similar development options. A selection of opportunities for residential, retail and service facilities for both consumers and businesses is available. Educational, health care and recreation facilities vary from one Centre to the next, and industrial development opportunities are available in some but not every Growth Centre. Equally varied among Growth Centres are the qualitative characteristics such as the physical landscape, the built environment and the social networks.

Council's planning approach for the future provides a range of development options to reflect each Growth Centre's distinct opportunities. The policies are intended to facilitate development in a way suited to the unique character and opportunities of each Growth Centre. Therefore, the policies apply uniformly but are intended to allow flexibility in application to each Growth Centre.

### 2.1.1 The Coldbrook - Wolfville Urban Corridor Growth Centres

The most densely populated area in the County is the Coldbrook - Wolfville Urban Corridor which contains 40 percent of the total County population, and more than 50 percent of taxable assessment. The range of community services and employment opportunities have stimulated growth in this area. This accounts for the residential growth immediately adjacent to the Towns of Wolfville and Kentville such as North Kentville, New Minas, Coldbrook and Port Williams.

There is a trend towards physical merging of the urban areas as they expand towards each other. This may eventually lead to a settlement pattern with little or no distinct separation between the Towns and the County's Growth Centres. This development trend and the interdependence of these communities makes it necessary to plan for the Growth Centres within a combined Town/County urban area context.

The wide variety of services and development opportunities have made the Coldbrook - Wolfville Urban Corridor a "Regional Centre" in the Annapolis Valley. The majority of future urban growth in the Municipality is expected

and planned to be accommodated within the Coldbrook - Wolfville Urban Corridor. A full range of urban land uses will be encouraged, particularly commercial and industrial development to serve the region and provide increased employment opportunities.

Composed of two Towns and four Growth Centres the Corridor involves three municipal units. The scope of this Strategy is limited to the policies of the Municipality of Kings County for communities within its jurisdiction. However, in formulating these policies Council recognized the influence that the Towns of Wolfville and Kentville exert on the County's Growth Centres.

Council has adopted a Secondary Planning Strategy for Coldbrook, which recognizes and reinforces the unique qualities of the community. The Coldbrook Secondary Planning Strategy focuses on supporting the balanced growth of residential and commercial uses in the community, protection of existing agricultural operations, protection of the environment, and supporting the community's transportation goals of improving pedestrian and automobile traffic circulation.

### **2.1.2 Kingston and Greenwood Growth Centres**

The growth of Kingston and Greenwood in recent decades has been influenced by the presence of the Canadian Forces Base in Greenwood. Despite Kingston's origins as a distinct community, which predates Greenwood by a century or more, the establishment of the Base stimulated growth. This has led to Kingston and Greenwood becoming the second largest combined urban area in the County. Together, the two Growth Centres serve a major trade area in western Kings and eastern Annapolis Counties. Combined residential growth since 1976 accounts for 17% of that of the whole Municipality.

Planning for these Growth Centres will recognize the differences in existing land use patterns and planning needs.

Council's policies aim to recognize the distinct character and special needs of Kingston and Greenwood. The Policies are intended to foster their individual strengths and identities through a process in which residents and business interests play a guiding role. Promoting Greenwood's regional influence and Kingston's traditional business district within the commercial network are among the special objectives for the Centres. Promoting the combined recreation, residential, and industrial opportunities are among the common objectives. Council has adopted Secondary Planning Strategies in Greenwood and Kingston to augment its general planning policies in those Growth Centres.

### **2.1.3 Traditional Village Growth Centres**

The traditional character of all the villages contributes to the Municipality's overall identity, illustrating, in a tangible way, the cultural heritage of Kings County. In recognition of this, special policies to guide commercial development in Growth Centres with a traditional village character have been established.

While Kingston and Port Williams can be considered in relation to the surrounding Towns and Growth Centres, development in the Growth Centres of Canning and Aylesford are less influenced by surrounding urban areas.

Planning policies are intended to encourage Traditional Village Growth Centres to develop in a way which complements and enhances their historical character.

### **2.1.4 Residential Growth Centres**

Hants Border and Centreville are predominantly residential in nature. As a wide range of urban amenities is available in nearby urban areas, the policies promote the residential character offered by these Growth Centres. It is therefore not the intention to encourage extensive commercial or industrial development in these Residential Growth Centres.

Council has adopted a Secondary Planning Strategy for Centreville, which recognizes and reinforces the unique qualities of the community. The Centreville Secondary Planning Strategy focuses on supporting the residential nature of the community through supporting the maintenance and development of recreational infrastructure and through the protection of the environment.

### **2.1.5 Village of Cornwallis Square Growth Centres**

The Village of Cornwallis Square is unique. It includes two Growth Centres, Cambridge and Waterville, both distinct and separate communities, as well as two Hamlets, namely Grafton and Woodville, within the Village service boundary.

Together the Growth Centres offer a number of opportunities for urban development. Waterville once played an active role in the agricultural industry. This history is reflected by its small commercial core. Future development is expected to be primarily residential with modest commercial growth. Neighbouring Cambridge represents one of the greatest concentrations of employment opportunities in the County.

Council's specific aim is to attract employment generators and encourage residential development in both Waterville and Cambridge.

### **2.1.6 Growth Centre Designation**

Originally the Growth Centre boundaries were based on the goal of conserving resource lands and recognized the existing settlement patterns and municipal servicing availability. These considerations are equally valid in the 1990's and have been expanded to include the following eleven factors:

- the impact of urban expansion on resource development;
- the goals and objectives of this Strategy;
- the financial impact on the Municipality;
- the availability, reliability, feasibility and practicality of providing municipal water and/or sewer services;
- projected growth and development demand;
- the existing development pattern;
- urban form;
- street pattern, function, extension and improvements;
- land use compatibility;
- commercial and community facilities; and,
- neighbourhood traffic and pedestrian linkages and circulation.

### **2.1.7 Urban Objectives**

- 2.1.7.1 To identify urban areas within the Municipality and designate them as Growth Centres.
- 2.1.7.2 To provide a policy framework to accommodate urban growth and development within defined areas.
- 2.1.7.3 To ensure the transition area between rural and urban environments is planned in a way that is sensitive to resource activities in the surrounding rural area.

- 2.1.7.4 To allocate land for residential, commercial, institutional, industrial, and parks and recreational open space areas.
- 2.1.7.5 To ensure planning policies and regulations reflect the unique character and opportunities of each Growth Centre.
- 2.1.7.6 To ensure development occurs in a manner in which regard is given to the protection of the environment.
- 2.1.7.7 To create an orderly urban land use pattern within the Growth Centres.
- 2.1.7.8 To optimize the use of community resources and public facilities.

**2.1.8 General Urban Policies**

- 2.1.8.1 Council shall define specific areas in which urban growth is to be concentrated. The following shall be designated as Growth Centres:

<i>AYLESFORD</i>	<i>HANTS BORDER</i>
<i>CAMBRIDGE</i>	<i>KINGSTON</i>
<i>CANNING</i>	<i>NEW MINAS</i>
<i>CENTREVILLE</i>	<i>NORTH KENTVILLE</i>
<i>COLDBROOK</i>	<i>PORT WILLIAMS</i>
<i>GREENWOOD</i>	<i>WATERVILLE</i>

- 2.1.8.2 The boundaries of each Growth Centre shall be delineated on the Growth Centre Future Land Use Maps. In delineating the boundaries of the Growth Centres, Council shall have regard to the following:
  - a. the impact of urban development on resource development
  - b. the goals and objectives of this Strategy
  - c. the financial impact on the Municipality
  - d. the availability, feasibility and practicality of providing municipal water and/or sewer services
  - e. projected growth and development demand
  - f. the existing development pattern

- g. urban form
- h. street pattern, function, extension and improvements
- i. land use compatibility
- j. commercial and community facilities
- k. neighbourhood traffic and pedestrian linkages and circulation

Future land use maps for each Growth Centre are adopted as part of this Strategy in Part 7, Maps. The Future Land Use Maps for Greenwood and Kingston - Map 7 and Map 9 respectively - are incorporated within the Secondary Planning Strategies for those Growth Centres which are appended as schedules to this Strategy.

2.1.8.3 Development in the Growth Centre of New Minas will be guided by the policies of the New Minas Sector Plan.

2.1.8.4 Council shall establish the following land use Districts to apply to lands within the boundaries of the Growth Centres:

- a. General Commercial (G)
- b. Central Business (B)
- c. Community Commercial (C)
- d. Residential Commercial (RC)
- e. Highway Commercial (H)
- f. Commercial Comprehensive Development (CCD)
- g. Industrial (M)
- h. Residential (R)
- i. Institutional (I)
- j. Parks and Open Space (P)
- k. Natural Environment (E)



These designations will be shown on the Growth Centre Future Land Use Maps and will be applied based on the existing development pattern and Council's intended future land use pattern.

- 2.1.8.5 Council shall have regard to Policy 2.1.8.2 and Section 2.11 in considering alterations to the boundaries of the Growth Centres or the creation of a new Growth Centre.
- 2.1.8.6 Council shall plan for the gradual phasing out of agricultural land uses within the Growth Centres by designating lands for urban land uses.
- 2.1.8.7 Notwithstanding Policy 2.1.8.6, Council shall allow for the replacement and reconstruction of livestock operations within Growth Centres, provided they were in existence prior to June 19, 1979. The Land Use Bylaw shall list such operations as nonconforming uses and limit the reconstruction in the following manner:
- a. maximum floor area of the structure will not be permitted to exceed that of the original building
  - b. the structure shall be located no closer to residential, or institutional uses, parks, watercourses or community facilities than the original structure
  - c. a permit for the replacement or reconstruction must be obtained within twelve months of the destruction of the original building
- 2.1.8.8 Through the policies for Resource Extraction uses contained in Section 4.6, Council intends to control uses accessory to extraction operations. The Resource Extraction (M7) Zone will be used to ensure that after aggregate extraction has occurred and related land uses have discontinued, subsequent land uses are consistent with the policies and the Future Land Use designations of this Strategy.
- 2.1.8.9 Through policies contained in 4.2.2 Natural Environment General Policies, Council may consider proposals to expand existing commercial and industrial uses onto lands within the Natural Environment District.

PART 2	AMENDED DATE	SECTION
	May 12, 1993	2.1.8.9
	January 22, 1996	2.1.8.7
	August 19, 1996	2.1.2 / 2.1.8.2
	December 2, 1997	2.1.2 / 2.1.8.2 / 2.1.8.4 d, e, f, g, h, i, j, k
	July 5, 2005	2.1.8.9
	January 9, 2006	2.1.4
	October 20, 2009	2.1.1

## 2.2 URBAN COMMERCIAL DEVELOPMENT

The Coldbrook - Wolfville Urban Corridor serves the entire County as a regional commercial centre. New Minas, Coldbrook and the two towns provide a full complement of commercial facilities and services. Locally oriented commercial uses have developed and are anticipated in North Kentville. Similarly, Port Williams is expected to contain local convenience services, and may increase the tourism commercial uses reflecting its historical Village character.

Commercial development in Greenwood and Kingston serves the less populated region of western Kings and eastern Annapolis Counties and adds to the commercial facilities in Berwick, Middleton and Annapolis County. Whereas Kingston has community commercial convenience services, Greenwood has a regional shopping centre and serves the immediate area, the military populations and the broader surrounding region.

Aylesford, Canning, Kingston and Port Williams are traditional villages with common ties to the early agricultural industry. Their settlement patterns are typically characterized by a commercial core and industries centred around the early century transportation network. As the full range of commercial services is available in nearby regional centres, it is not likely that extensive land reserves will be required for commercial development in the Villages.

Similarly, communities like Centreville, North Kentville and Hants Border have not experienced the demand for major commercial development. Council recognizes the residential character of these areas and shall encourage convenience commercial development.

Waterville has a fairly compact, yet low density, development pattern. The community has a small commercial core with a fire department, churches and a post office. Reserving the central core as a Commercial District is a practical planning approach. Neighbouring Cambridge has intensive institutional and industrial uses bordering a linear strip of alternating residential and commercial districts along Highway # 1.

Council intends to create a range of commercial district designations to broaden commercial opportunities. Council will define the nature and size of commercial uses permitted within each district reflecting the intended commercial function.

### 2.2.1 Urban Commercial – Objectives

- 2.2.1.1 To ensure that commercial development occurs in suitable locations within Growth Centres.
- 2.2.1.2 To ensure that commercial development is compatible with each Growth Centre's commercial service function.
- 2.2.1.3 To provide opportunities for commercial uses oriented to tourism and the travelling public.

- 2.2.1.4 To provide opportunities for commercial recreational uses catering to residents and tourists that are suited to urban areas.
- 2.2.1.5 To reduce the potential for land use conflicts between commercial and other uses.

## **2.2.2 General Commercial District Policies**

Many Growth Centres have a strip of commercial development along major collector streets. These strips are oriented to automobile access and contain a broad range of retail and business uses. The policies provide for the continued development of commercial strips and permit strip malls and shopping centres within these General Commercial districts.

- 2.2.2.1 Council shall establish a "General Commercial District" (G) designation and designate lands suitable for a broad range of commercial uses on the Growth Centre Future Land Use Maps. These areas will generally form commercial strips oriented to automobile traffic. In addition to a wide range of commercial uses, Shopping Centres and Community Facilities will be directed to locate in General Commercial Districts.
- 2.2.2.2 Permitted zones in the General Commercial District are:
  - a. General Commercial (C1)
  - b. Shopping Centre (C3)
- 2.2.2.3 Council shall establish a "General Commercial" (C1) Zone in the Land Use Bylaw for application within the General Commercial District. The C1 Zone will permit uses such as:
  - a. a broad range of commercial uses individually sited or in a single structure
  - b. Highway Commercial uses, as defined in Subsection 2.2.5, adjacent to Highway # 101 interchanges
  - c. Community Facilities as defined in Subsection 2.5.3 and Day Care Facilities as defined in Subsection 2.5.5
  - d. business and professional offices, and clinics
  - e. existing residential uses

- f. existing Light Industrial Commercial uses as defined in Subsection 2.3.3
- g. existing Institutional uses
- h. Indoor Recreational uses as defined in Subsection 2.2.7

All other uses in areas zoned C1 shall become non-conforming uses and be subject to the policies contained in Section 2.7, Urban Non-Conforming Uses.

2.2.2.4 Council intends to control the visual impact and traffic circulation concerns associated with commercial development within the General Commercial Districts. The Land Use Bylaw will include provisions that will apply to all future commercial development regarding the following:

- a. adequate off-street parking shall be provided to meet the anticipated needs of the commercial uses
- b. open storage and outdoor display shall be controlled
- c. the siting and characteristics of structures and signs shall be controlled
- d. traffic generators will be controlled by limiting such uses as service stations and fast food outlets at any intersection to two corners only
- e. landscaping designed to encourage attractive development, as well as to provide a buffer between commercial developments and residential uses

2.2.2.5 Council shall establish a Shopping Centre (C3) Zone in the Land Use Bylaw to accommodate Shopping Centre proposals. The C3 Zone will permit shopping centres, strip malls and uses accessory to shopping centres.

2.2.2.6 Within the General Commercial District Council intends to zone the majority of land General Commercial (C1) and permit shopping centres by an amendment to the Land Use Bylaw to rezone lands to the Shopping Centre (C3) Zone. Existing shopping centres shall be zoned C3.

2.2.2.7 In considering amendments to the Land Use Bylaw to rezone lands C3, Council shall require applicants to satisfy the provisions of the Nova Scotia *Shopping Centre Development Act*. In addition, Council shall have regard to the potential impacts of such development and shall require applicants to undertake necessary studies to ensure the development will be in keeping with the policies of this Strategy. This may involve the following:

- a. technical documentation confirming the need for additional commercial floor space
- b. a traffic study to the satisfaction of the Council in consultation with the Nova Scotia Department of Transportation and Infrastructure Renewal. Such a study may be required to demonstrate that traffic circulation within the parking areas and to and from the site will be provided to efficiently accommodate the anticipated traffic flows
- c. drawings and plans which show the overall design and character of the proposal including the proposed landscaping, traffic circulation, and signage
- d. any information required to demonstrate that all relevant policies of this Strategy can be met including general policies for amending the Land Use Bylaw contained in Part 6 of this Strategy

In considering such amendments Council shall have regard to the above and be satisfied that municipal services and the street network can accommodate the proposal.

### **2.2.3 Central Business District Policies**

The traditional villages have retained their original commercial cores which presents the opportunity to maintain their character as traditional Central Business Districts. These districts generally contain a variety of commercial, community and tourist services and have evolved in a pedestrian, rather than automobile oriented fashion. Commercial policies to accommodate and cultivate the unique development mix and form in Growth Centres where traditional Central Business Districts have evolved are contained in this Subsection.

2.2.3.1 Council shall establish a "Central Business District" (B) designation to be applied to Growth Centres with a traditional

village centre to recognize and encourage a pedestrian scale streetscape. Council intends to designate Central Business Districts on the Future Land Use Maps of the Growth Centres. A wide range of commercial and community services and facilities will be encouraged to locate in Central Business Districts.

2.2.3.2 Council shall establish a Central Business (C2) Zone in the Land Use Bylaw for application in the Central Business Districts. Council intends to zone all land in the Central Business District, Central Business (C2). The C2 Zone will permit uses similar to the C1 Zone as outlined in Policy 2.2.2.3. However, some uses will be prohibited and the development standards will be specifically designed to reflect the intent to maintain and/or create a pedestrian scale of development. Such standards may differ from the C1 Zone by:

- a. reducing or waiving the front yard requirements
- b. reducing the range of uses to those which can be scaled down to a size compatible with the intended pedestrian scale reflecting the character of the District
- c. directing parking to side and rear yards or accepting cash in lieu of parking to finance municipal parking facilities
- d. not permitting Highway Commercial uses as defined in Subsection 2.2.5
- e. prohibiting outdoor storage and limiting outdoor commercial display
- f. reducing the size and/or number of permitted signs

2.2.3.3 Within the C2 Zone, Council shall provide for off-street parking for new commercial uses or accept cash-in-lieu of the provision of parking. Funds received shall be used to purchase, construct and maintain public parking facilities. The cash-in-lieu required under this Policy shall be set out in the Land Use Bylaw and shall be based on the cost of purchasing and constructing individual parking spaces equal to the number required in the Bylaw.

Council may consult with local business organizations and/or the Village Commissions to co-ordinate planning for municipal parking lots.

- 2.2.3.4 Council shall encourage business associations and merchants to become involved in cooperative efforts to enhance and revitalize all or parts of Central Business Districts. Council intends to support community initiatives where possible in its bylaws such as including architectural control provisions in its Land Use Bylaw and, if applicable, by designating Heritage Conservation Districts in accordance with the General Planning Policies contained in Section 4.4 of this Strategy.

#### **2.2.4 Community Commercial District Policies**

Not all Growth Centres have developed commercially to create a General Commercial or a Central Business District. In such areas, an opportunity for commercial and community facilities primarily serving the local residential market and the surrounding rural residents is provided. This approach is intended to preserve the residential setting offered by the Residential Growth Centres. The designation may also be used to provide for satellite commercial districts in the larger Growth Centres as Secondary Commercial areas to either a General Commercial or Central Business District.

- 2.2.4.1 Council shall establish a "Community Commercial District" (C) designation to provide for small commercial areas in Growth Centres which do not have either a General Commercial District or a Central Business District. The designation has also been applied to recognize existing development in the larger Growth Centres outside of the General Commercial District or the Central Business District. Council intends that these Districts remain compact.
- 2.2.4.2 Council shall establish a Community Commercial (C5) Zone in the Land Use Bylaw to be applied to lands designated Community Commercial District. Permitted uses in the C5 Zone shall be limited to those of a local service nature. In addition, existing residential uses and new residential units in commercial buildings will be permitted. Community Facilities as defined in Subsection 2.5.3 will also be permitted. All other uses in areas zoned C5 shall become non-conforming and subject to the policies contained in Section 2.7, Urban Non-Conforming Uses.



- 2.2.4.3 Provisions in the Land Use Bylaw will limit the scale of the commercial uses and any related outdoor storage and display. The Bylaw will also provide for landscaping between commercial uses and abutting residential uses to reduce the visual impact of commercial development on surrounding land uses.
- 2.2.4.4 Council may recognize existing commercial uses in Residential Districts by zoning them C5 provided they are located on Major Collector Streets. It is not the intention that additional C5 Zones will occur in Districts other than Community Commercial Districts.

## **2.2.5 Highway Commercial District Policies**

To provide opportunities for commercial uses orientated to the travelling public in proximity to the interchanges along Highway # 101, a Highway Commercial Zone has been established. Highway Commercial uses will be accommodated within the General Commercial Districts in Aylesford and Coldbrook whereas a specific Highway Commercial District may be considered in other Growth Centres.

- 2.2.5.1 Council may establish a "Highway Commercial District" (H) designation to be applied to lands in proximity to interchanges along Highway # 101.
- 2.2.5.2 Council shall establish a Highway Commercial (C11) Zone in the Land Use Bylaw. Permitted uses in the C11 Zone will include services catering to the needs of travelling highway motorists and tourists. The Land Use Bylaw will strictly control signs and special provisions will address the need for visibility from the highway.
- 2.2.5.3 Council shall provide for Highway Commercial uses in Commercial Zones adjacent to Highway # 101 interchanges in General Commercial Districts. The provisions of the Land Use Bylaw for sign visibility for the Highway Commercial Zone shall be made optional for Highway Commercial (C11) Zone uses.

## **2.2.6 Commercial Comprehensive Development District Policies**

Occasionally certain areas of land will be identified which have unique attributes due to natural or human factors. Such areas should be a minimum of five (5) acres in size and may be visually prominent, strategically located, environmentally sensitive, and historically significant or contain existing

development, which makes them unique. These areas may benefit from detailed planning and may be designated in the Municipal Planning Strategy and Land Use Bylaw as Commercial Comprehensive Development (CCD) Districts under the provisions of the *Municipal Government Act*.

In both commercial and residential development contexts, those sites referred to above may require innovative design solutions to effectively develop them. Therefore, Council may consider proposals with alternative development standards. The development agreement will specify these standards.

2.2.6.1 Council shall establish a CCD District to be applied to blocks of land of at least 5 acres in size, with site characteristics or locations which make them unique and warrant careful, detailed site planning. Council may designate lands a CCD District subject to an amendment to this Strategy and the Land Use Bylaw.

2.2.6.2 In considering the establishment of a CCD District Council shall have regard for all applicable policies of this Strategy including the impact on existing commercial, industrial and residential development.

2.2.6.3 Council shall designate large parcels of land as CCD Districts as follows:

- a. a large parcel of land along Highway # 1 at the interchange of Highway # 101, in Coldbrook as a CCD District on the Future Land Use Map for Coldbrook
- b. a large parcel of land along Highway # 1 at the former site of the Horton District High School in the unincorporated area of Greenwich as CCD District on the Future Land Use Map for the Hamlet of Greenwich

2.2.6.4 Council shall establish a Commercial Comprehensive Development (C6) Zone for application to CCD Districts, in the areas referred to in Policy 2.2.6.3 above. To establish the range of business uses that would be eligible for consideration in a particular CCD District, Council will draw from those permitted in the General Commercial (C1) and Light Industrial-Commercial (M1) Zones of the Land Use Bylaw in effect at the time of application. Additionally, Council intends to permit in the C6 Zone, multiple unit residential uses, boarding houses and residential uses accessory to commercial and industrial uses. Outdoor storage will also be

strictly limited. Residential Facilities and Community Facilities (as provided for in Section 2.5 of this Strategy) may also be permitted. Permitted uses will be subject to the land owner(s) -concerning lands owned by each owner respectively- entering into a Development Agreement with Council.

2.2.6.5 In considering proposals to enter into development agreements with developers in the C6 Zone, Council shall have regard to the following matters:

- a. the development agreement will outline the phasing of development to ensure that no part of the site will develop in a manner that would prejudice or compromise development of the remainder of the site
- b. the development agreement may provide for a mixed-use development limited to a combination of uses within the scope of the policy and designed to achieve optimum compatibility
- c. notwithstanding 2.2.6.5 b. above however, Council intends to limit development agreements for primarily commercial development to a combination of commercial and light industrial uses and community facilities, with residential dwelling units as accessory uses only
- d. Council's policy for Shopping Centres contained in Policy 2.2.2.7 of this Strategy
- e. the policies of this Strategy including those for amending the Land Use Bylaw and for considering development agreements as contained in Part 6 of this Strategy

### **2.2.7 Commercial Recreation Policies**

Generally indoor commercial recreation uses are well suited to commercial areas as part of the business mix. Conversely those requiring large parcels of essentially open space areas are better suited at the fringe of a commercial district or, ideally, where the use abuts a residential area.

Positioning land extensive open space recreational uses between commercial and residential areas can lessen the potential for conflict between these uses provided it essentially creates an open space buffer.

Some commercial recreation activities can generate a lot of noise, attract large volumes of traffic, operate till late at night and commonly on a seasonal basis. These uses are seldom considered popular neighbours in either a residential or commercial urban setting. In fact, visible sites, away from urban areas are commonly preferred by both the operators and the public. The more intrusive types of commercial recreational businesses such as go-cart and race tracks, drive-in theatres, and theme parks will be directed to rural areas pursuant to and in keeping with, policies contained in Part 3 of this Strategy.

2.2.7.1 Council shall encourage indoor commercial recreation uses such as fitness clubs, bowling alleys and racquet clubs to locate in Central Business Districts and General or Community Commercial Districts by permitting them in zones intended for these Districts.

2.2.7.2 Council shall discourage commercial recreation uses that generate noise or large traffic volumes, such as but not limited to go cart and race tracks, drive-in theatres and theme parks, from locating in Growth Centres. Such uses may be permitted in the Rural Districts pursuant to the Rural Policies contained in Part 3 of this Strategy.

2.2.7.3 Council provides for a Recreational Open Space (P2) Zone in Subsection 2.6.3 of this Strategy. Existing Recreational Open Space uses shall be zoned P2 in the Land Use Bylaw. Council may consider new proposals pursuant to the policies contained in Subsection 2.6.3.

## **2.2.8 Neighbourhood Commercial Policies**

As Growth Centres increase in size and population, developing away from commercial areas, the need for local convenience goods and services may arise. Therefore, opportunities for limited commercial development outside designated commercial districts to serve a strictly neighbourhood convenience market are provided.

2.2.8.1 Council shall establish a Neighbourhood Commercial (C7) Zone in the Land Use Bylaw. Permitted uses in the C7 zone will be limited to convenience stores and residential uses. Provisions of the Land Use Bylaw will limit the scale of neighbourhood commercial uses and ensure new commercial uses are compatible with the surrounding area. In this regard the Land Use Bylaw will prohibit outdoor storage and display and include provisions for landscaping and screening from abutting residential uses.

- 2.2.8.2 Council shall zone to C7 existing uses that would be permitted in the C7 Zone in Residential Districts.
- 2.2.8.3 Council may consider applications for rezoning in Residential Districts to C7 subject to the following:
- a. frontage and direct access to a Major Collector Street is available
  - b. the subject site will not create an undue concentration of commercial uses and is at least 2,000 feet from any designated Commercial District in this Strategy or any commercial zone in the Land Use Bylaw
  - c. the rezoning will apply to a maximum of 100 continuous feet of road frontage
  - d. the subject site can meet all the requirements of the C7 Zone and the general policies for amending the Land Use Bylaw contained in Part 6 of this Strategy

### **2.2.9 Residential Commercial District Policies**

Within some of the older growth centres, the physical layout of the commercial district reflects both the historical origins of the community's economic base and the effects of a slow gradual transition to the present day business district. The remnants of the local infrastructure which often includes wharves, warehouses, rail sidings, and factories or plants for manufacturing or processing industries as well as adjacent housing all in close proximity to the business district are characteristic of communities like Kingston, Canning and others.

To reconcile the pressure for commercial space with the need to protect both current residents and industry at the commercial fringes, the planning process needs flexibility. The purpose of this planning approach is to accommodate a gradual long term land use change which reflects the slower cycles of neighbourhood transformation common to older and often smaller urban centres. Officially designating the intended areas also depends on broad community acceptance that at some point in the future (five to ten years) the area would be predominantly commercial or otherwise eligible for business development. This approach would provide for a gradual change from residential development to commercial by allowing the less intrusive or disruptive types of commercial development to occur. At the same time, adjacent residents would have the benefit of knowing how the surrounding area is expected to evolve commercially. The essence of this approach is to ensure new business

development is characterized by modest infilling and conversion of existing structures rather than broad scale redevelopment. If commercial land uses become predominant over residential uses, Council may consider taking steps to incorporate the transitional area into the General or Central Business District.

2.2.9.1 Council shall establish a "Residential Commercial District" (RC) designation which may be applied to developed areas within Growth Centres at the boundaries of a designated Central Business or General Commercial District. Council may apply this transitional land use designation only when the appropriate combination of social, economic and physical characteristics warrant, and the timing is suited to the development life-cycle of the subject area. Designation will be subject to an amendment to and in conformance with other relevant policies of this Strategy.

2.2.9.2 Council shall establish a Residential Commercial (C4) Zone in the Land Use Bylaw to be applied to lands designated Residential Commercial District. Permitted uses in the C4 Zone shall be limited to existing dwellings and a narrow range of commercial uses such as small-scale tourist accommodations, businesses specializing in retail goods and services, personal services, and professional offices. Council also intends to allow homes for special care, existing residential care facilities, churches and any uses permitted accessory to dwellings in residential zones.

2.2.9.3 Council shall include general lot standards with additional site and use specific conditions in the Land Use Bylaw to ensure reasonable separation distances and buffers between residential and commercial uses, as well as other requirements for access, parking, building size and design, maximum commercial floor area, outdoor storage, signs and lighting in order to minimize conflicts with other uses.

PART 2	AMENDED DATE	SECTION
	December 2, 1997	2.2.9
	March 6, 2001	2.2.6
	September 25, 2001	2.2.6.1 / 2.2.6.3 / 2.2.6.4 / 2.2.6.5
	July 5, 2005	2.2.2.7 b
	May 21, 2009	2.2.2.7 b

## 2.3 URBAN INDUSTRIAL DEVELOPMENT

The three Towns and adjacent Growth Centres such as Coldbrook and New Minas contain the greatest concentration of secondary and service industries in the County. The provincial government emphasized the importance of broadening the economic base of Kings County by establishing an industrial park in Kentville to accommodate secondary industry.

The Coldbrook - Wolfville Urban Corridor is expected to accommodate the majority of future secondary industrial growth. Infrastructure including transportation, and sewer and water services will support the growth of the industrial sector. Smaller industries taking advantage of a local market situation may be expected to locate in Growth Centres outside of these areas.

In the east end of the County, Port Williams offers a small industrial/business park along the Cornwallis River, with access to a public wharf and navigable waters. The heavy industrial area, in the vicinity of the Port Williams wharf, is under pressure for redevelopment as a more commercial, residential and tourist area. Council may consider redevelopment opportunities on a case-by-case basis until such time as a redevelopment plan is completed for the area.

Council intends to accommodate additional industrial space in the west end of the County, in Greenwood and Aylesford.

In Industrial Districts, Council intends to allow commercial uses which by virtue of land area needs and other characteristics of size, outdoor storage, traffic generation and operation, lend themselves well to an industrial setting.

### 2.3.1 Urban Industrial Objectives

- 2.3.1.1 To provide a selection of opportunities for industrial development.
- 2.3.1.2 To minimize land use conflicts between industrial uses and other urban land uses, particularly residential.
- 2.3.1.3 To provide opportunities for development of a mix of light industrial and compatible land extensive commercial uses within industrial districts.
- 2.3.1.4 To provide opportunities for development of heavy industrial uses subject to appropriate considerations.

### 2.3.2 General Urban Industrial Policies

- 2.3.2.1 Council shall establish an "Industrial District" (M) designation to provide opportunities for a range of industrial

uses. Council intends to designate Industrial Districts based on the existing development pattern in the Growth Centres. In addition, lands which have been identified as having favourable transportation, infrastructure and accessibility for industrial development shall be designated Industrial and reserved for such development.

2.3.2.2 Council recognizes that industrial uses vary in potential impact on surrounding uses. Therefore, Council intends to establish two separate zones as follows:

- a. Light Industrial Commercial (M1) Zone
- b. Heavy Industrial (M2) Zone

2.3.2.3 Non-industrial land uses in either the M1 or M2 Zone shall become non-conforming and subject to the relevant provisions of the *Municipal Government Act* and the policies of Section 2.7 where applicable.

2.3.2.4 Industrial uses which were in existence prior to June 19, 1979 which are not located in Industrial Districts shall be zoned Light Industrial Commercial (M1) in the Land Use Bylaw. However, industrial uses which are essentially incidental to residential uses which became non-conforming in 1979 shall remain non-conforming and subject to the policies of Section 2.7. Heavy industrial uses will only be permitted in Industrial Districts.

2.3.2.5 To reduce the potential for Land Use Conflicts and negative impacts on the Environment, the Land Use Bylaw will include special provisions addressing the following:

- a. setbacks from watercourses and wells for uses which have the potential for contamination such as fuel or chemical storage uses
- b. landscaping, berms and fences and/or deep setbacks to reduce visual impact on surrounding land uses or the travelling public

This shall apply on Major Collector Streets, and yards abutting residential uses, Districts or Zones and public parks.



### 2.3.3 Light Industrial Commercial Policies

The Light Industrial Commercial Zone policies are intended to provide for industrial uses which do not create or emit noises, smells, dust, fumes or other factors which are regarded as nuisances. Also, commercial businesses requiring large land blocks or serve the industrial business community and are compatible within an industrial setting are permitted.

- 2.3.3.1 Council shall establish a Light Industrial Commercial (M1) Zone in the Land Use Bylaw. Council intends to exclude industrial uses which are known to create or emit noises, smells, dust, fumes or otherwise present a potential for nuisance to surrounding land uses. Commercial uses serving the industrial sector and those which tend to require large blocks of land with extensive outdoor storage and/or warehouse space will be the nature of the permitted Commercial uses.
- 2.3.3.2 Council shall zone to M1 lands in designated Industrial Districts based on the existing development pattern. Undeveloped reserves of the Industrial Districts shall be zoned M1.
- 2.3.3.3 Lands containing Light Industrial Commercial uses or Heavy Industrial uses which are zoned M1 and located in Residential Districts will not be eligible for a change in zoning to Heavy Industrial (M2).
- 2.3.3.4 Council shall consider applications for the rezoning of lands adjacent to lands zoned Light Industrial Commercial (M1) outside of Industrial Districts provided it is for the expansion of an existing business or expanded use of existing structures in the M1 Zone and provided the site can meet all the requirements of the M1 Zone and the policies for amending the Land Use Bylaw contained in Part 6 of this Strategy.
- 2.3.3.5 Council shall provide for development of light industrial uses as permitted in the Commercial Comprehensive Development (C6) Zone of the Land Use Bylaw and in accordance with policies for the CCD District contained in Subsection 2.2.6 of this Strategy. Such development shall be subject to entering into a development agreement with Municipal Council.

## 2.3.4 Heavy Industrial Policies

The Heavy Industrial policies are intended to provide development opportunities for a wide range of manufacturing, assembling, fabrication and processing of goods or products in which nuisance factors are potentially high. It is the intent that these uses be separated from residential uses, preferably on interior sites within Industrial Districts surrounded by light industrial or commercial uses.

2.3.4.1 Council shall establish a Heavy Industrial (M2) Zone in the Land Use Bylaw. The M2 Zone will provide opportunities for a broad range of heavy and light industrial uses. Any uses permitted in the M1 Zone will be permitted in the M2 Zone.

Salvage Yards may be permitted in the M2 Zone and will be subject to the same policies as contained in Rural Subsection 3.7.6.

2.3.4.2 Council intends to minimize negative impacts of heavy industrial uses to the surrounding area. The Land Use Bylaw may require berms, fences and/or landscaping between industrial and non-industrial uses to reduce the visual impact of heavy industrial uses. The Land Use Bylaw may also contain provisions designed to reduce the visual impact of industrial uses on the travelling public on certain routes as suggested in Part 4 of this Strategy.

2.3.4.3 Council shall zone lands in Industrial Districts containing existing heavy industrial uses M2 in the Land Use Bylaw.

2.3.4.4 Council may permit new heavy industrial uses in Industrial Districts subject to an amendment to the Land Use Bylaw. In considering proposals for rezoning to M2, Council shall have regard to the following:

- a. the site is of sufficient size to be capable of accommodating the proposal in the manner prescribed in the Land Use Bylaw
- b. access is available through only Industrial or Commercial Zones to a designated Major Collector Street
- c. potential impact on the surrounding established land uses
- d. water and sewer services are available and adequate for the proposed use

- e. a minimum distance of 1000 feet is maintained between the lot line of the property to be rezoned and any Residential zone or public park
- f. that the proposal is consistent with all applicable policies of this Strategy including those for amending the Land Use Bylaw contained in Part 6 of this Strategy

In considering proposals which are likely to impact on the environment, such as to contribute to air, water, noise, or soil pollution; or, which have a potential for contaminating watercourses, Council may require an Environmental Study. The study shall analyze the potential for contamination and outline remedial measures, if necessary. In considering such proposals the Nova Scotia Department of Health and Nova Scotia Environment shall be consulted and asked to comment on the advisability of requiring an Environmental Study and to advise whether a formal Environmental Assessment under the *Environmental Assessment Act* is advisable or necessary.

#### 2.3.4.5

Council acknowledges that it cannot anticipate the land and location needs of all heavy industrial proposals. New Industrial Districts may be designated subject to an amendment to the appropriate Future Land Use Map. In considering an amendment to the Strategy, Council will consider the following:

- a. the adequacy of water and sewer services
- b. the adequacy of the transportation infrastructure of the proposed access route to the site
- c. access is available through only Industrial or Commercial Zones to a designated Major Collector Street
- d. the subject lands are of sufficient size and capable of meeting all the requirements of the Land Use Bylaw especially the separation distance criteria developed for rezoning near Residential Districts
- e. that the proposal is consistent with the Goals and Objectives of this Strategy, including considerations for amending the Strategy outlined in Part 6

### 2.3.5 Non-industrial Development – Special Provisions

Council may consider by development agreement the following uses on the properties described as PID # 55022305 and PID # 55445399 generally located on Terrys Creek Road in Port Williams:

- a. Full Service or Take Out Restaurant
- b. Lounge

2.3.5.1 In considering a Development Agreement under Section 2.3.5, Council shall be satisfied that the development, its uses and any associated structures meets the following criteria:

- a. the developer completes a traffic study that assesses the impact of the lounge or restaurant use on the local street pattern, pedestrian traffic and road intersections within 1000 feet of the development
- b. the developer provides the Municipality with a stamped engineered building plan that ensures the structure is adequately flood proofed
- c. the development, as determined by a qualified engineer or other qualified professional, meets the Nova Scotia Watercourse Alteration Specifications (1997) issued by Nova Scotia Environment
- d. the development meets the provisions of Section 2.12.5 regarding the Port Williams Wellfield
- e. the development meets the zone requirements of the Land Use Bylaw for the General Commercial (C1) Zone
- f. the policies outlined in Section 6.3.3.1 of the Municipal Planning Strategy

### 2.3.6 Port Williams Heavy Industrial (M2) Zone Transition Policies

The Growth Centre of Port Williams contains Heavy Industrial (M2) Zone lands located on the community's shorefront. Historically, the areas industrial development was strongly linked to the wharf, which was used until the early 1970's. Today, the wharf has fallen into disrepair and the industrial nature of the area appears to be on the decline as large industrial uses have closed in recent years. As the area transitions away from industrial uses, the lands located in the shorefront area present a

redevelopment opportunity. In 2005, the Village of Port Williams completed a vision document that recommended that the Central Business District be expanded to the Heavy Industrial (M2) Zone lands. This vision document forms the foundation for a Secondary Planning Strategy (SPS) process.

Although the Secondary Planning Strategy (SPS) process is working to update land use polices for the Heavy Industrial (M2) Zone lands, individual land owners facing business pressures may find it difficult to wait for the comprehensive review to be completed. Council recognizes these business pressures and has adopted this transition policy to enable individual property owners to seek a Land Use Bylaw amendment to allow a specified commercial use on property located in the Heavy Industrial (M2) Zone area of Port Williams. In considering such amendments, Council shall ensure the commercial use is appropriate and is not of a nature or size that may interfere or pre-empt the SPS process. These policies and any new land uses permitted in the M2 Zone should be replaced with the final Port Williams Secondary Planning Strategy.

- 2.3.6.1 Council may permit commercial uses on individual properties located in the Heavy M2 Zone in the Growth Centre of Port Williams through an amendment to the Land Use Bylaw that inserts the use and property location into the Heavy Industrial (M2) Zone's list of permitted uses. In considering such land use bylaw amendments Council shall have regard to the following:
- a. The use is permitted in the Central Business (C2) Zone, but is not a Beverage Room, Cabaret or Lounge;
  - b. The use is not prohibited by the Port Williams Wellfields;
  - c. The use is located within an existing building and will not require major building expansions or new buildings to be constructed;
  - d. Parking can be provided on site.

<b>PART 2</b>	<b>AMENDED DATE</b>	<b>SECTION</b>
	March 6, 2001	2.3.3.5
	September 25, 2001	2.3.3.5
	July 5, 2005	2.3.2.3 / 2.3.4.4
	September 13, 2005	2.3 / 2.3.5
	September 4, 2008	2.3.6
	May 21, 2009	2.3.4.4 / 2.3.5.1 c

## 2.4 URBAN RESIDENTIAL DEVELOPMENT

The predominance of the owner occupied, single detached dwelling on spacious lots has also changed very little since the early seventies and still comprises 75% of all urban housing. Very little mobile home development has occurred and the vast majority of multi-unit projects are less than 15 units in size.

Demand for single detached dwellings is expected to continue. It is recognized, however, that future housing needs will likely reflect an aging population, a downsizing of families, greater variety in the make-up of households. These trends will create a demand for greater variation in housing options. Thus, the Municipality will provide for a range of housing types including one and two unit dwellings, town houses, apartments, and mini homes in addition to mobile home parks. The Municipality is experiencing an increase in the demand for the development of subdivisions for mini-homes on individual lots. Policies to accommodate this development are being added in response to this demand. The planning emphasis will be to promote harmonious integration of all types of housing.

Homes for Special Care, Day Care Facilities and churches can be integrated into neighbourhoods provided traffic considerations are addressed. It is the intent of the Municipality to provide for some urban home occupations within Residential Districts, subject to conditions to ensure general compatibility.

Residential Comprehensive Development Districts can provide increased flexibility in development form, increased site controls for Council and the opportunity for public input. RCDDs also provide the opportunity to explore development schemes that focus on environmental sustainability or alternate development patterns.

### 2.4.1 Urban Residential Objectives

- 2.4.1.1 To promote quality residential development.
- 2.4.1.2 To enhance the visual and social character of existing residential neighbourhoods.
- 2.4.1.3 To foster residential infilling and efficient development of serviced land.
- 2.4.1.4 To provide opportunities for future residential development that reflects the needs of all residents and the ability of the Municipality to provide adequate municipal services.
- 2.4.1.5 To encourage and provide for a wide range of residential accommodations and a variety of neighbourhoods.

- 2.4.1.6 To encourage development of an adequate number of lots within all Growth Centres to accommodate future housing demands.
- 2.4.1.7 To promote the harmonious integration of a variety of housing types and residential densities within neighbourhoods.
- 2.4.1.8 To protect residential neighbourhoods from the intrusion of undesirable commercial and industrial activities.
- 2.4.1.9 To provide for higher density housing opportunities close to commercial and community services.
- 2.4.1.10 To increase the potential for rental accommodation to occur including private and publicly assisted housing.

**2.4.2 General Urban Residential Policies**

- 2.4.2.1 Council shall establish a "Residential District" (R) designation and designate lands which are predominantly residential on the Growth Centre Future Land Use Maps. In addition, Council intends to designate additional lands to accommodate future residential development. Council shall have regard for public service requirements such as sewer, water, transportation, open space and proximity to commercial and community facilities in designating Residential Districts.
- 2.4.2.2 Council intends to provide for a range of residential development options within the Growth Centres. To achieve this Council shall establish the following zones:
  - a. Residential Single Dwelling R1
  - b. Residential Manufactured Housing RM
  - c. Residential One and Two Unit R2
  - d. Residential Mixed Density R3
  - e. Residential Medium Density R4
  - f. Residential High Density R5



- g. Residential Comprehensive Development District R10

Within Residential Zones, with the exception of the R4 and R5 Residential Zones, Day Care Facilities will only be permitted subject to a Development Agreement as provided for in Subsection 2.5.5.

In 2007, Council amended its policy to require that all new multiple unit residential dwellings in the Coldbrook Growth Centre be considered by development agreement pursuant to the provisions of Policy 2.4.9. All existing R3 and R4 Zones shall remain in place and may be developed according to the provisions of each zone.

2.4.2.3 Additional permitted zones in the Residential District are:

- a. Institutional (I1) as provided for in Subsection 2.5.2
- b. Community Facilities (CF) as provided for in Subsection 2.5.3
- c. Residential Facilities (RF) as provided for in Subsection 2.5.4
- d. Neighbourhood Commercial (C7) as provided for in Subsection 2.2.8
- e. Parkland (P1), Recreational Open Space (P2), Environmental Open Space (01) as provided in Section 2.6
- f. existing commercial uses may be zoned Community Commercial (C5) as provided for in Subsection 2.2.4. However, it is not the intention that additional C5 Zones will occur in Residential Districts
- g. industrial uses which have been in existence since prior to June 19, 1979 may be zoned M1 to reflect the established use and may be permitted to expand as provided for in Policy 2.3.3.4

2.4.2.4 Council intends to provide opportunities for the development and integration of affordable housing by making provision for multi-unit residential development within the Residential District, for a variety of housing types and densities.

- 2.4.2.5 Council shall include regulations in the Land Use Bylaw regarding lot size, frontage, yard setbacks, building height, density, parking, access, landscaping and similar matters intended to provide for the harmonious integration of various housing types.
- 2.4.2.6 Council shall provide for adequate municipal investment in Growth Centre public services to accommodate the projected demands for up to 300 housing units per annum and accompanying urban land uses.
- 2.4.2.7 Council shall encourage residential infilling on existing vacant lots serviced by a central sewerage system. The Land Use Bylaw will permit the use of existing undersized lots.
- 2.4.2.8 Council intends to encourage and facilitate the development of rental accommodation in areas served by or close to a full range of commercial and community services. Accordingly, Council may pre-zone lands close to a range of community or commercial services for medium density housing.
- 2.4.2.9 Council intends to promote pedestrian movement throughout Residential Districts and shall encourage the creation of pedestrian or bicycle connections between residential uses and schools, open space, and shopping areas. Further, Council will encourage the creation of crosswalks, sidewalks and possibly recreational trail systems.
- 2.4.2.10 Generally, existing uses in Residential Districts which would not normally be permitted in the particular zone will become non-conforming and be subject to the provisions of the *Municipal Government Act* and the policies of Subsection 2.7.2.
- 2.4.2.11 In Residential Districts, Council may provide for the rezoning of lands from any Residential Zone to any other Residential Zone. In considering proposals for rezoning to the Residential Single Dwelling (R1) Zone, Council shall have regard to the following:
- a. the proposal includes no less than 5 acres of land
  - b. the proposal meets all applicable policies of this Strategy, including those for amending the Land Use Bylaw contained in Part 6 of this Strategy

The policies for rezoning to a higher density zone are contained in the following appropriate sections.

### **2.4.3 Single Dwelling Urban Policies**

Single detached housing is the predominant housing form in all Growth Centres. An increasing number of subdivisions are being developed and marketed solely for single detached dwellings. A specific zone to permit single detached dwellings, exclusively is being created in response to demand.

- 2.4.3.1 Council shall establish a Residential Single Dwelling (R1) Zone in the Land Use Bylaw. This zone is intended to apply to areas of developed single detached dwellings and areas already subdivided and marketed for single dwelling development within the designated Residential Districts. Adjacent lands and additional undeveloped lands mainly on the fringe of the Growth Centres may be zoned R1 and reserved for similar development.
- 2.4.3.2 Council shall limit the permitted uses in the R1 Zone to single detached dwellings, residential care facilities defined in Policy 2.5.4.2 and parks and playgrounds. Residential units in existence at the time of the coming into force of the R1 Zone will be permitted. Uses other than residential which are not permitted in the R1 Zone will become non-conforming and subject to the policies of Section 2.7.
- 2.4.3.3 Council intends to permit the following additional uses and shall include limitations and special site development standards in the Land Use Bylaw to ensure they are developed in a manner compatible with the surrounding uses:
- a. accessory residential uses as provided for in Subsection 2.4.10
  - b. existing farms
  - c. churches
- 2.4.3.4 Council may consider rezoning land from R1 to any other urban residential zone subject to the policies of this Section (2.4) and the policies for amending the Land Use Bylaw contained in Part 6 of this Strategy.

#### 2.4.4 **Manufactured Housing - Urban Policies**

In recent years a substantial portion of housing construction included factory - built or partially factory built housing. Homes which are only partially constructed in factories and completed at the building site are essentially the same as a conventional site - built single detached dwelling. However, mini-homes that are completely factory-built and transferred to the site are of a particular dimension, long and slim, that has led to them being classed with traditional mobile homes and have most often located in mobile home parks. It is recognized that mini-homes differ from conventional dwellings only in their method of construction as they are built to the same Building Code standard. However, due to their configuration and lot dimension requirements, it is not certain how easily integrated these homes will be in traditional subdivisions.

Therefore, to provide opportunities for mini-home developments on subdivision lots and to distinguish them from traditional mobile homes, a special zone is being created that will allow mini-homes to be interspersed with conventional one and two unit dwellings. The Zone will also allow Mobile Home Parks subject to conditions. Manufactured homes that are not built to National Building Code Standards shall be permitted only in these parks.

2.4.4.1 Council shall establish a Residential Manufactured Housing (RM) Zone in the Land Use Bylaw which will be applied to areas containing mobile home parks or a mix of mini-home units and one and two unit dwellings on individual lots. Some additional lands adjacent to these areas may also be reserved for a similar mixed development form.

2.4.4.2 Permitted uses in the RM Zone shall include:

- a. mini-homes
- b. single detached dwellings
- c. residential care facilities as defined in Policy 2.5.4.2
- d. two unit dwellings
- e. mobile home parks
- f. residential units existing at the time of the coming into force of the RM Zone
- g. parks and playgrounds

Existing uses in the RM Zone which are not permitted will become non-conforming and subject to the provisions of the *Municipal Government Act* and the policies of Section 2.7.

2.4.4.3 Council intends to permit the following additional uses and may include location limitations and/or special site development standards in the Land Use Bylaw to ensure they are developed in a manner compatible with the surrounding uses.

- a. accessory residential uses as provided for in Subsection 2.4.10
- b. existing farms
- c. churches

2.4.4.4 Council shall include special provisions in the Land Use Bylaw for mobile home parks to ensure the general compatibility of the proposal with adjacent residential uses:

- a. where a mobile home park abuts an R1 zone it shall be screened by deep yard setbacks, berms, fences, walls or vegetation. In particular, parking areas, refuse storage and collection areas shall be screened
- b. mobile home parks shall be a minimum of two acres and the density shall not exceed six mobile homes per acre

2.4.4.5 Council shall regulate the on-site development of mobile home parks concerning the provision of roads, sewers, water, lighting and recreation areas in accordance with the Municipal Mobile Home Parks Bylaw.

2.4.4.6 Council shall consider applications to rezone additional lands RM subject to an amendment to the Land Use Bylaw. In considering such amendments Council shall have regard to the following:

- a. the subject site must be capable of meeting the requirements of the Mobile Home Parks Bylaw and be a minimum of 2 acres
- b. the subject site can meet all requirements of the RM Zone and the policies for amending the Land Use Bylaw contained in Part 6

- 2.4.4.7 Council may consider rezoning land from RM to any other residential zone subject to the policies of this Section (2.4) and the policies for amending the Land Use Bylaw contained in Part 6 of this Strategy.

## 2.4.5 One and Two Unit Dwelling Urban Policies

Semi-detached and duplex housing offer opportunities for more affordable housing. As well, some housing types, are readily adaptable for conversion to two units. Such flexibility can be advantageous in accommodating changing housing needs and neighbourhood evolution. The intention of the one and two unit residential zone is to provide opportunity for this intensification to occur.

- 2.4.5.1 Council shall establish a Residential One and Two Unit (R2) Zone in the Land Use Bylaw. The R2 Zone is intended to apply to areas with a mix of one and two unit dwellings and areas subdivided and marketed for such development. In addition, Council intends to zone to R2 the majority of undeveloped lands within the Growth Centres to encourage similar development.

- 2.4.5.2 Permitted uses in the R2 Zone shall include:

- a. single detached dwellings
- b. two unit dwellings
- c. residential uses existing at the time of the coming into force of the R2 Zone
- d. residential care facilities as defined in Policy 2.5.4.2
- e. parks and playgrounds

Existing uses in the R2 Zone which are not permitted will become non-conforming and subject to the provisions of the *Municipal Government Act* and the policies of Section 2.7.

- 2.4.5.3 Council intends to permit the following additional uses and shall include location limitations and/or special site development standards in the Land Use Bylaw to ensure they are developed in a manner compatible with the surrounding uses:

- a. accessory residential uses as provided for in Subsection 2.4.10
- b. existing farms
- c. churches

2.4.5.4 Council may consider rezoning land from R2 to any other residential zone subject to the policies of this Section (2.4) and the policies for amending the Land Use Bylaw contained in Part 6 of this Strategy.

## **2.4.6 Urban Residential Mixed-Density Policies**

Older residential areas often include a mix of housing resulting from the conversion of large older homes to apartments and higher density redevelopments. The mix of housing is generally compatible because the building materials, height, scale and style are similar although the density varies. The Mixed Density Zone will be applied to these areas to allow the trend of intensification to continue. Additional areas will be zoned to provide further opportunities for new development with a mix of housing types, especially those areas close to commercial, community or institutional facilities.

2.4.6.1 Council shall establish a Residential Mixed Density (R3) Zone in the Land Use Bylaw. The R3 Zone is intended to apply to areas with a mix of residential uses ranging from low density to small scale multi-unit residential development. Council intends to zone to R3 additional lands to provide further opportunities for mixed density residential development in central locations and in proximity to Commercial, Community or Institutional Facilities.

2.4.6.2 Permitted uses in the R3 Zone shall include:

- a. one and two unit dwellings
- b. town house development
- c. multi-unit residential uses (up to 8 units per structure)
- d. residential units existing at the time of the coming into force of the R3 Zone
- e. Residential Care Facilities as defined in Policy 2.5.4.2

- f. boarding houses
- g. parks and playgrounds

Existing uses in the R3 Zone which are not permitted will become non-conforming and subject to the provisions of the *Municipal Government Act* and the policies of Section 2.7.

2.4.6.3 Council intends to permit the following additional uses in the R3 Zone and may include location limitations and special site development standards in the Land Use Bylaw to ensure they are developed in a manner compatible with the surrounding uses:

- a. accessory residential uses as provided for in Subsection 2.4.10
- b. existing farms
- c. churches

2.4.6.4 The Land Use Bylaw shall include regulations for the development of new multiple unit residential uses, between three and eight units, including the following:

- a. yards, fences, walls or vegetative screening shall be required to provide a visual screen between the proposal and abutting R1, RM or R2 rear or side yards. This screen is to reduce the potential impact of lighting, noise, views, parking areas and areas for the collection and storage of refuse on the abutting residents
- b. architectural design and landscaping features shall be compatible with the character of the surrounding area in terms of bulk, scale, rooflines, setbacks, building materials and exterior treatment
- c. the proposal shall have adequate parking in accordance with the provisions of the R3 Zone in the Land Use Bylaw
- d. a suitably located landscaped amenity area will be provided to meet the needs of the residents. This area must be adequate in size and be useable and suitable for the open space/leisure activities of the residents



e. the maximum density shall be 12 units per acre

2.4.6.5 In R3 zones, new development abutting the rear or side yards of developed lots in an adjacent R1 or R2 zone shall be similar in use to the abutting use.

2.4.6.6 Council shall consider applications for a rezoning to R3 in the following areas:

a. undeveloped areas exceeding five acres with direct Major or Residential Collector Street access

b. areas in close proximity to commercial, institutional or community facilities; or,

c. areas located between high and low density residential zones.

2.4.6.7 Council may consider rezoning land from R3 to any other residential zone subject to the policies of this Section 2.4 and the policies for amending the Land Use Bylaw contained in Part 6 of this Strategy.

## **2.4.7 Urban Residential Medium Density Policies**

Apartment buildings with 8-16 units account for five percent of all Growth Centre housing development. Such developments are located in all Growth Centres except Coldbrook and many of them are senior citizens housing.

2.4.7.1 Council shall establish a Residential Medium Density (R4) Zone in the Land Use Bylaw. The R4 Zone is intended to provide for multi-unit residential development up to 16 units per structure and up to a density of 16 units per net acre.

2.4.7.2 Permitted uses in the R4 Zone shall include:

a. multi-unit residential uses (up to 16 units per structure and 16 units per net acre)

b. town houses

c. residential uses existing at the time of the coming into force of the R4 Zone

d. accessory residential uses provided for in Subsection 2.4.10

- e. residential care facilities as defined in Policy 2.5.4.2
- f. day care facilities defined in Subsection 2.5.5
- g. residential facilities as provided for in Subsection 2.5.4
- h. churches
- i. parks and playgrounds

Existing uses in the R4 Zone which are not permitted will become non-conforming and subject to the provisions of the *Municipal Government Act* and the policies of Section 2.7.

2.4.7.3 Council shall include special provisions in the Land Use Bylaw for the R4 Zone addressing the following:

- a. yards, fences, walls or vegetative screening shall be required to provide a visual screen between the proposal and abutting R1, RM or R2 rear and side yards. This screen is to reduce the potential impact of lighting, noise, views, parking areas and areas for the collection and storage of refuse on the abutting residential properties
- b. the proposal shall have adequate parking in accordance with the provisions of the R4 Zone in the Land Use Bylaw
- c. a suitably located landscaped amenity area will be provided to meet the needs of the residents. This area must be adequate in size and be useable and suitable for the open space/leisure activities of the residents
- d. the maximum density shall be 16 units per acre

2.4.7.4 Council shall zone existing medium density development and consider rezoning new areas R4 in the following locations:

- a. areas near commercial zones
- b. sites within an R3 Zone separated from low density housing by multi-unit residential uses (i.e. three units or more)
- c. lands adjacent to an R3 Zone on sites with direct or Local Exterior Street access to a Major Collector Street; or,

- d. locations at the periphery of low density neighbourhoods

In considering rezoning proposals Council shall be satisfied that the proposed site is capable of accommodating the requirements of the Land Use Bylaw for the R4 Zone and policies for amending the Land Use Bylaw as contained in Part 6 of this Strategy.

- 2.4.7.5 Based on the criteria contained in Policy 2.4.7.4, lands have been reserved for medium density development by zoning them R4. Council may consider rezoning land from R4 to any other residential zone subject to the policies of this Section (2.4) and the policies for amending the Land Use Bylaw contained in Part 6 of this Strategy.

#### **2.4.8 Urban Residential High Density Policies**

New Minas and North Kentville are the largest Growth Centres and exhibit the fastest growth. These Centres contain the broadest range of housing options which is likely due to their proximity to major commercial and community facilities.

As the other Growth Centres develop, the development of higher density housing is expected to increase. The high density zone is intended to accommodate such developments. Generally high density Residential uses will be encouraged close to urban amenities, such as, schools, commercial and community facilities and bus services (where available).

- 2.4.8.1 Council shall establish a Residential High Density (R5) Zone in the Land Use Bylaw. The R5 Zone is intended to provide for high density multi-unit residential development up to 30 units per net acre.
- 2.4.8.2 Permitted uses in the R5 Zone shall include:
  - a. multi-unit residential uses (up to 30 units per net acre)
  - b. town houses
  - c. residential uses existing at the time of the coming into force of the R5 Zone
  - d. accessory residential uses as provided for in Subsection 2.4.10
  - e. residential care facilities as defined in Policy 2.5.4.2

- f. day care facilities defined in Subsection 2.5.5
- g. churches
- h. residential facilities as provided for in Subsection 2.5.4
- i. parks and playgrounds

Existing uses in the R5 Zone which are not permitted will become non-conforming and subject to the policies of Section 2.7.

2.4.8.3 Council shall include special provisions in the Land Use Bylaw for the R5 Zone in consideration of the following:

- a. yards, fences, walls or vegetative screening shall be required to provide a visual screen between the proposal and abutting R1, RM or R2 rear or side yards. This screen is to reduce the potential impact of lighting, noise, views, parking areas and areas for the collection and storage of refuse on the abutting residences
- b. the proposal shall have adequate parking in accordance with the provisions of the R5 Zone in the Land Use Bylaw
- c. a suitably located landscaped amenity area will be provided to meet the needs of the residents. This area must be adequate in size and be useable and suitable for the open space/leisure activities of the residents
- d. the maximum density shall be 30 units per acre

2.4.8.4 Council shall zone existing high density developments and consider rezoning new areas R5 in the following locations:

- a. areas near commercial zones
- b. lands zoned R3 or R4 Zone with direct or Exterior Local Street access to a Major Collector Street
- c. sites fronting on Major Collector Streets and separated from low density housing in R1, RM or R2 Zones by physical features, medium or high density housing or non-residential uses

In considering rezoning proposals Council shall be satisfied that the proposed site is capable of accommodating the requirements of the Land Use Bylaw for the R5 Zone and policies of this Section (2.4) and those for amending the Land Use Bylaw as contained in Part 6 of this Strategy.

#### **2.4.9 Urban Multiple Unit Residential Policies Within the Coldbrook Growth Centre**

In recognition of the need to provide a variety of housing choices to residents and to achieve greater control over the location, design, and scale of multiple unit residential dwellings, Council amended its policies in 2007 to require that all new multiple unit residential developments (i.e., in excess of two (2) units) within the Coldbrook Growth Centre, be considered by development agreement rather than by rezoning. Properties which are currently zoned Residential Mixed Density (R3) or Residential Medium Density (R4) will be permitted to develop as-of-right subject to the Land Use Bylaw provisions related to these zones.

2.4.9.1 It shall be the policy of Council to require that all new multiple unit residential developments within the Residential Districts of the Coldbrook Growth Centre to be considered by Development Agreement, subject to the policies of this Strategy and the provisions of the *Municipal Government Act*. This policy shall not apply to properties that are currently zoned Residential Mixed Density (R3) or Residential Medium Density (R4). No further properties will, however, be rezoned to the R3 or R4 Zones.

2.4.9.2 In considering development agreements for multiple unit residential development in the Coldbrook Growth Centre, Council shall have regard to the following:

- a. that a site plan, prepared by a qualified person, is provided which shows all proposed buildings; amenity, open space and landscaped areas; parking areas and road accesses and any other information required by the development agreement
- b. that the site plan shall be encouraged to have regard to the following:
  - i. that the percentage of lot coverage is consistent with that of the surrounding area;

- ii. that the location and amount of landscaped and open space areas, particularly those most visible by the public, is reasonably consistent with existing dwellings within the surrounding area;
- iii. that a suitably located and landscaped amenity area or areas consisting of at least 10% of the size of the property be provided to the residents;
- c. that the development is designed to enhance or take advantage of natural site characteristics rather than significantly alter or destroy them;
- d. that the following locational criteria are met:
  - i. new multiple unit residential dwellings in excess of eight (8) units shall have frontage or direct access to at least a residential collector street;
  - ii. all new multiple unit residential dwellings must be connected to a central municipal/village sewerage system; and
  - iii. new multiple unit residential developments in excess of sixteen (16) units must be connected to central municipal/village water and sewer services.

2.4.9.3 In addition to the requirements set out in 2.4.9.2, in considering development agreements for a multiple unit residential dwelling or dwellings in the Coldbrook Growth Centre, Council shall have regard to the following:

- a. that architectural plans, prepared by a qualified person, are provided showing the exterior design of all proposed multiple unit residential dwellings
- b. that the architectural design and site plans of a new multiple unit residential dwelling or dwelling shall be encouraged to have regard to the following:
  - i. that the height and mass of all multiple unit residential dwellings are reasonably consistent with existing dwellings within the surrounding area. In this regard, the maximum height for any multiple unit residential dwelling shall be four (4)

stories and the maximum number of units permitted in any multiple unit residential dwelling shall be sixteen (16);

- ii. that the design of the multiple unit residential dwelling related to roof pitch, wall to window ratios, building articulation, exterior cladding as well as building orientation and setback are common to existing dwellings within the surrounding area;
- iii. that the multiple unit residential dwelling or dwellings are oriented toward the street and have pedestrian approaches that are well articulated and clearly defined;
- iv. that parking areas shall be located to the side or rear of the building in clearly designated and defined parking areas. The use of asphalt for parking areas is encouraged. Adequate parking must be provided, generally consistent with the Land Use Bylaw regulations for the R4 Zone;
- v. that the front entrance to the multiple unit residential dwelling is clearly articulated, well lit, and easily visible from the street; and
- vi. that accessory structures such as sheds or garages, are located in the rear of the multiple unit residential dwelling.

2.4.9.4 It shall be the policy of Council to require a traffic impact analysis for all multiple unit residential development proposals in excess of ten (10) units.

2.4.9.5 It shall be the policy of Council to require a groundwater assessment for all multiple unit residential development proposals that are not located on a municipal/village central water system.

#### **2.4.10 Urban Accessory Residential Use Policies - Urban Home Occupations**

Businesses operated from homes in residential Districts, not only provide the home office or studio facilities for business conducted primarily off-site, they can provide convenient employment opportunities for those physically challenged or those with home care responsibilities.

Some Home Occupations can be intrusive while others may occur without disrupting residential neighbourhoods. Recognizing the economic value as well as the potential conflict, Urban Home Occupations are limited to those which can integrate well in residential areas. Separate policies deal with Home Occupations in the Rural context in Part 3 of this Strategy.

2.4.10.1 Council shall provide for the establishment of Urban Home Occupations as accessory uses to a Residential use. The Land Use Bylaw will define Urban Home Occupations that will be permitted in Growth Centres. Such uses will be limited to those that will not involve a change to the residential character of the residence or be likely to require additional parking. The Land Use Bylaw will include provisions as follows:

- a. the employees will be limited
- b. the amount of floor area to be devoted to the non-residential use will be limited
- c. signs will be strictly controlled
- d. no alterations to the structure that would alter the residential character will be permitted
- e. storage and display will be prohibited
- f. uses requiring outdoor storage or display or which would in any way alter the residential nature of the structure will be prohibited

Policies 2.4.10.2 and 2.4.10.3 include special provisions for Bed and Breakfast operations and Home Day Care uses.

2.4.10.2 Council shall provide for the establishment of Bed and Breakfast operations as Urban Home Occupations. The Land Use Bylaw will define Bed and Breakfasts that will be permitted in Growth Centres as Urban Home Occupations and they will be subject to the criteria set out in Policy 2.4.10.1. The Land Use Bylaw will require adequate parking to accommodate the operation and will limit Bed and Breakfast operations to homes fronting on Collector or Exterior Local Streets.

2.4.10.3 Council shall provide for Home Day Care operations as Urban Home Occupations. The Land Use Bylaw will define



Home Day Care that will be permitted in Growth Centres and be subject to Policy 2.4.10.1. The Land Use Bylaw will require adequate parking for the Home Day Care operations. Home Day Care will be limited to operations providing care to no more than 14 people. Day Care Facilities may also be considered in Residential Districts pursuant to the policies contained in Subsection 2.5.5.

#### **2.4.11 Urban Accessory Residential Use Policies - Home Based Business**

In seeking to provide opportunities for economic development, Council recognizes that part of the solution lies in land use policies which facilitate self-employment and promote entrepreneurship. The Municipality can support the original business incubator - the home based business - through the planning process. By judiciously matching the location of more prominent residential based commercial enterprises with residential areas mainly along major automobile and pedestrian routes in some Growth Centres, Council has concluded that home based businesses will enrich the surrounding residential neighbourhood and generally strengthen the economic base.

Rather than open up all residential neighbourhoods to more commercial development than presently allowed for in the Land Use Bylaw under current Urban Home Occupation provisions, Council will establish another area-specific category of residential business use. Council's objective is to allocate lands for an expanded range and scale of home based businesses only where considered compatible with the surrounding land uses. There are two guiding principles for setting standards for and identifying appropriate areas for home based business. The first requirement is that the appearance and activity level of the home based business remains secondary to the residential use of the land in the residential zone (as for Home Occupations), and that the areas zoned to permit increased options for businesses are confined to residential streets or enclaves which are already characterized by higher traffic volumes, traffic generation or relatively intensive land use. Finally, resident tolerance for activities associated with home based businesses varies among Growth Centres and even among neighbourhoods within a single Growth Centre. Therefore, Council may also weigh the social values intrinsic to a particular area in terms of allowing for the co-existence of commercial and residential uses in primarily residential settings.

2.4.11.1 Council shall provide for commercial uses as Home Based Businesses accessory to residential uses in Growth Centres. The Land Use Bylaw will define Home Based Business as a category of Home Occupations. Council will establish Home Based Business "sub" zones in the Land Use Bylaw.

The Home Based Business sub zones will be expressed by a letter "B" extension following the standard Residential R1, R2, RM and R3 Zones, such as "R1-B" on the Zoning Map. Council may by amendment to the Land Use Bylaw, amend a Growth Centre zoning map by changing an R1 Zone to R1-B, an R2 Zone to R2-B, an RM Zone to RM-B, or an R3 Zone to R3-B.

2.4.11.2 Council intends to regulate the intended use and physical attributes of a Home Based Business to ensure it does not involve a change to the residential character and appearance of the residence. The Land Use Bylaw will include the following provisions to control the size and intensity of the use and ensure it remains in keeping with the intent of this policy:

- a. the number of non-resident employees will be limited
- b. the amount of floor area to be devoted to the non-residential use will be limited
- c. signs will be strictly controlled
- d. parking will be strictly controlled
- e. alterations to the structure that would change the exterior residential appearance of the dwelling or accessory structure will be prohibited
- f. storage and display will be limited
- g. uses requiring outdoor storage or display or which would in any way alter the residential nature and appearance of lot and structures will be prohibited

2.4.11.3 Council in considering a rezoning from a standard R1, R2, RM, or R3 zone to a Home Based Business subzone, shall have regard to the following:

- a. the subject property(s) shall have frontage on and direct access to a designated major collector street; and
- b. policies for amending the Land Use Bylaw contained in Part 6 of this Strategy

- 2.4.11.4 Council may consider a rezoning from an R1-B, R2-B, RM-B, or R3-B subzone to a corresponding R1, R2, RM, or R3 Zone. In considering a zoning map amendment, Council shall have regard to the Policies for amending the Land Use Bylaw contained in the Urban Residential Development Section 2.4, in addition to policies in Section 6.2 of this Strategy.

## **2.4.12 Residential Comprehensive Development District (RCDD)**

Residential Comprehensive Development Districts allow for integrated and comprehensive planning of new large-scale residential communities by development agreement in Growth Centres. RCDD Districts will not be located within Hamlets or in the rural areas of the County. The RCDD District is intended to provide detailed site controls for larger scale residential development in locations that are environmentally sensitive, prominently located within an established community, or where alternative development standards may be desirable.

RCDDs provide an opportunity for developers to consider alternative lot standards and increased densities in exchange for the provision of additional open space and community amenities, such as pedestrian pathways and bike lanes, or the use of sustainable technologies, such as district heating.

Open space is fundamental to good community planning, especially in areas that have increased density or abut agricultural zoning. Open space areas are not intended to be the land that is unuseable or undesirable for development, but rather considered as an integral part of a well-planned development. It provides quality areas for the protection of environmental features, protection of adjacent agricultural land, and the provision of opportunities for active and passive recreation.

The RCDDs will be required when Growth Centres expand into the Agricultural District so that existing and future agricultural activities can be buffered from the residential development.

Our population is aging. This demographic shift requires new types of communities where seniors benefit from a variety of levels of care in a location that is integrated into the broader community. These types of development often have a variety of housing types ranging from independent living accommodations, in the form of duplexes, townhouses or apartment buildings, to supported living environments and long term care beds. They may vary in size, and have densities that exceed the surrounding community. As a result, these developments require site controls for landscaping and buffering; architectural controls to guide

massing, bulk and integration with the surrounding built form; and amenity areas and site access to meet the needs of this specialized population.

**2.4.12.1 Residential Comprehensive Development District – Objectives**

2.4.12.1.1 To allow for comprehensively planned residential development within a Growth Centre.

2.4.12.1.2 To ensure that development provides for adequate buffering between agricultural and residential uses.

2.4.12.1.3 To protect important or sensitive open spaces within a comprehensively planned development.

2.4.12.1.4 To allow for flexibility to permit sustainable development patterns and encourage sustainable urban growth.

2.4.12.2 Council shall establish a Residential Comprehensive Development District. This District is intended to provide for comprehensively planned development within Growth Centres. The RCDD will provide detailed site controls for larger scale development in locations that are environmentally sensitive, prominently located within an established community, or where alternative development standards may be desirable.

2.4.12.3 Council may consider requests to establish an RCDD, subject to an amendment to the Future Land Use Map of this Strategy. When considering such proposals, Council shall have regard to the following:

- a. the goals and objectives of this Strategy;
- b. the potential for conflict with permitted existing surrounding uses;
- c. the impact on agricultural lands;
- d. the need for additional housing or development;

- e. that the proposal can be serviced by central sewer and, if possible, central water;
  - f. the ability of community facilities, such as schools, community centres and other similar community facilities, to service the development;
  - g. that the proposal shall be a minimum of 5 acres in size. For infill or brown field redevelopment opportunities within an existing Growth Centre, this requirement may be reduced; and
  - h. the potential for public transit to service the area.
- 2.4.12.4 RCDDs will encourage alternative lot standards, such as reduced setbacks and zero lot lines that create more sustainable development forms.
- 2.4.12.5 Council may adopt landscaping guidelines for agricultural buffer areas.
- 2.4.12.6 Council shall establish a Residential Comprehensive Development District Zone in the Land Use Bylaw, which shall permit large-scale residential development by Development Agreement.
- 2.4.12.7 Permitted uses in the Residential Comprehensive Development District (R10) Zone include:
- Accessory Structures to Residential Units
  - All Uses Permitted in the Community Facilities (CF) Zone
  - Apartment Buildings and Grouped Dwellings
  - Long Term Care Facilities; Continuum of Care Retirement Community
  - Mini-homes
  - Municipal or Village Infrastructure
  - Parks and Playgrounds
  - Residential Care Facilities
  - Single Detached Dwellings
  - Small-scale Commercial (less than 2000 square feet of commercial floor area) that directly services the development. This shall include, but is not limited to, corner stores with optional accessory gas bar, coffee shops, cafes, teahouses, restaurants, general retail, and other similar uses. Industrial, resource, drive-in

restaurants, and large-scale commercial uses are prohibited.

- Town Houses and Row Houses
- Two Unit Dwellings
- Urban Home Occupations

2.4.12.8 When considering development agreements in the RCDD Zone, Council shall have regard for the following:

- a. that the proposal shall not have a negative financial impact on the municipality;
- b. the ability for the development to be serviced by central sewer services and, if possible, central water services;
- c. the adequacy of access to a public road and the ability of the surrounding road network to service the proposed development;
- d. the adequacy of storm water management;
- e. that fire protection services and equipment are available and adequate to accommodate the development;
- f. that adequate buffering shall be provided between the proposed development and existing agricultural uses and zones;
- g. that building height, mass, scale, urban form and architectural design shall be compatible with the existing development in the community or neighbourhood;
- h. Council may require performance bonding or security in the agreement, if deemed necessary, to ensure that major components of the development such as, but not limited to, road construction or maintenance, landscaping or development of amenity areas, are completed in a timely manner;
- i. that open space dedications are sufficient to protect important environmental features and to accommodate and mitigate the proposed densities;
- j. the proposed density and urban form effectively integrate with the existing development form.

- 2.4.12.9 When considering the policies established in 2.4.12.8, the following information shall be required:
- a. a drainage and storm water management plan, prepared by a professional Engineer, demonstrating that the development will not adversely impact adjacent land or the existing storm water management systems;
  - b. a detailed site plan showing proposed densities, location of major collector roads, road hierarchy, location and size of road accesses, pedestrian pathways, and open space areas;
  - c. a Traffic Impact Assessment that is approved by the Department of Transportation and Infrastructure Renewal and the Municipal Engineer, showing the adequacy of the existing and proposed road network to accommodate the proposed development. The Traffic Impact Assessment shall also provide recommendations concerning the mitigation of traffic related issues caused by the development;
  - d. the location of any zero lot line development;
  - e. in any portion of the RCDD with densities exceeding 5 units per gross acre, a landscaping plan showing the locations of amenity areas;
  - f. proposed architectural plans and building elevations; and
  - g. a detailed plan for the 100 foot agricultural buffer area, including details on the vegetative buffer or the proposed alternatives to the vegetative buffer.
- 2.4.12.10 Development Agreements for the RCDD (R10) Zone shall address the following:
- a. that zero lot line development may be considered on portions of the development area where the open space dedication exceeds 20 percent of the area planned for the zero lot line development. In the case of zero lot line development, the Development Agreement shall make provision for the following:
    - i. easements or other mechanisms that provide legal access to the side of the structure with the zero lot

- line so that necessary maintenance and repair may occur;
- ii. that no part of the structure, including eaves, shall encroach on neighbouring properties;
  - iii. encourage different architectural styles so that the streetscape is varied and visually interesting;
  - iv. open space or park space is locate within a reasonable walking distance.
- b. that the proposal provides an adequate buffer area from abutting agricultural uses or the Agricultural (A1) Zone, in order to mitigate any negative impacts on agricultural activity. A 100 foot wide agricultural buffer area, consisting of land where there are strict development restriction as outlined in section (d) of this policy, is required along property lines where there is active agriculture and may include a vegetative buffer. The vegetative buffer, based on the following guidelines, shall be required, except in cases where other types of buffering are shown to be sufficient (fencing, topographical features, etc.) to reduce noise, provide a visual break, or provide privacy and security:
- i. single row of trees consisting of both coniferous and deciduous species, that can achieve a minimum height of 20 feet. A double row of trees is preferable;
  - ii. the line of trees, at planting, shall be no smaller than 4 feet tall, and should be no further than 30 feet apart;
  - iii. in cases where there is existing vegetation, the developer must demonstrate that the existing vegetation successfully acts as a buffer. Existing vegetation may also be augmented to meet the requirements of this policy.
- c. no residential or commercial uses may occur within the agricultural buffer area. Recreational uses are permitted;
- d. if possible, the 100-foot agricultural buffer between the residential uses and adjacent agricultural uses/zone shall



be in public ownership or subject to a registered easement or covenant;

- e. development standards, such as but not limited to parking requirements, height and setbacks, are to be generally consistent with the zone that most closely resembles the proposed development form and density per acre, as established by the Land Use Bylaw. However, reduced zone requirements may be considered if additional open space, pedestrian pathways, bike lanes, or other community amenities are provided as part of the development
- f. flag lots may be considered subject to the following criteria:
  - i. that there is no greater than a 4:1 depth to width ratio;
  - ii. no flag lot may abut the rear yard of another flag lot;
  - iii. reduced road frontage, to a minimum of 20 feet, may be considered;
  - iv. a vegetative buffer is required between the front yard of the flag lot and the rear yard of an abutting residential development;
  - v. confirmation of servicing;
  - vi. may be permitted in circumstances where there are topographical issues, such as slope or hydrology that make development difficult.

PART 2	AMENDED DATE	SECTION
	January 8, 1997	2.4.9.3
	December 2, 1997	2.4.10
	July 5, 2005	2.4.2.10 / 2.4.3.3. / 2.4.4.2 / 2.4.5.2 / 2.4.6.2 / 2.4.6.3 / 2.4.7.2
	May 10, 2007	2.4.2.2 / 2.4.2.4 / 2.4.9 / 2.4.10 / 2.4.11
	June 26, 2008	Preamble / 2.4.2.2 g / 2.4.12
	May 21, 2009	2.4.3.3 a / 2.4.4.3. a / 2.4.5.3 a / 2.4.6.3 a / 2.4.7.2 d / 2.4.8.2 d / 2.4.9



## 2.5 INSTITUTIONAL, COMMUNITY AND RESIDENTIAL FACILITIES

Institutional, Community and Residential Facility uses vary a great deal in terms of scale, land use impacts and locational requirements. Some uses are land extensive while others are small in scale. Depending on the function, some facilities serve a regional area, others serve a strictly local community and others are either residential facilities or are an integral part of residential neighbourhoods.

In providing for facilities and services operated by government and non-profit organizations, the policies should identify and distinguish between uses suitable in commercial areas and those more suited to residential areas of Growth Centres.

Large facilities such as hospitals and schools generally have large land requirements. Council intends to formally designate the existing large facilities, and to establish criteria to enable Council to consider new proposals in undeveloped areas of Growth Centres. As Institutional uses may be located within or adjacent to Residential Districts, low lot coverage and deep landscaped setbacks are intended to reduce the impact of these facilities on residential development.

### 2.5.1 Urban Institutional, Community and Residential Objectives

- 2.5.1.1 To recognize institutional, community and residential facilities, as integral parts of the Growth Centre communities.
- 2.5.1.2 To distinguish between large institutional uses, community facilities and services and residential facilities according to their compatibility relative to other land uses.
- 2.5.1.3 To provide for the establishment of Day Care Facilities in Residential Districts.

### 2.5.2 Urban Institutional Policies

- 2.5.2.1 Council shall establish an "Institutional District" (I) designation to be applied to existing large institutional facilities. Lands containing large institutional uses will be designated Institutional District on the Growth Centre Future Land Use Maps.
- 2.5.2.2 Council shall establish the Institutional (I1) Zone in the Land Use Bylaw. The I1 zone shall permit uses such as schools, hospitals, large correctional facilities and uses of a similar scale. Smaller scale community facilities may be permitted as accessory uses and in close proximity to Institutional Districts. Lands designated Institutional will be zoned I1 in the Land Use Bylaw. Existing uses within the I1 zone will be permitted.

- 2.5.2.3 Council does not intend to reserve undeveloped lands for institutional uses. However, Council will consider proposals to rezone lands in undeveloped Districts of the Growth Centres to permit an institutional use without the necessity of an amendment to this Strategy. In considering a rezoning to I1, Council shall consider the following:
- a. preference shall be given to designated General Commercial (G) or Residential (R) Districts
  - b. the lands are vacant and adjacent to areas of the Growth Centre that are already developed and serviced
  - c. the proposal would allow for the reuse of an existing suitable structure
  - d. the general goals and objectives and policies of this Strategy
  - e. the subject site can meet the requirements of the Land Use Bylaw and policies for amending the Land Use Bylaw contained in Part 6 of this Strategy

### **2.5.3 Community Facilities Policies**

In planning for Community Facilities it is useful to distinguish them from both large institutions of a regional nature and those facilities of a residential nature. Community Facilities include, but are not limited to, village offices, community centres and fire halls. These uses will be encouraged to locate within areas designated for commercial uses. Additional provisions will permit fire stations and public works depots and like uses in Industrial Districts. Community Facilities may be considered in residential areas subject to locational criteria and an amendment to the Land Use Bylaw.

- 2.5.3.1 Council shall establish a "Community Facilities" (CF) Zone in the Land Use Bylaw. Permitted uses in the CF Zone will include government and non-profit facilities which generally serve a Growth Centre and may also serve the surrounding rural area.
- 2.5.3.2 Council intends to encourage Community Facilities to locate in Districts intended for commercial uses in Growth Centres. These facilities will be permitted uses in the appropriate commercial zones.

2.5.3.3 Council shall zone lands containing Community Facilities CF in the Land Use Bylaw where they are located in a Residential District. In addition, Council foresees that there may be circumstances under which community facilities are appropriate or desirable in Residential Districts. Accordingly, Council may consider applications for rezoning to CF to permit a Community Facility in a Residential District. The Zoning Bylaw will contain special provisions to ensure compatibility with residential uses by including provisions for deep side and rear yards, low lot coverage, screening and landscaping.

2.5.3.4 In considering proposals to rezone lands to "CF" in Residential Districts, Council shall have regard to the following:

- a. the site is located on the periphery of Residential Districts on designated Major Collector streets
- b. the site is capable of meeting the requirements of the CF Zone contained in the Land Use Bylaw
- c. the proposal can meet all other applicable policies of this Strategy including policies for amending the Land Use Bylaw contained in Part 6 of this Strategy

In addition, Council may require applicants to demonstrate to Council's satisfaction no suitable site is available in nearby Commercial Districts.

#### **2.5.4 Residential Facilities Policies**

A further distinction is made between the "Community Facilities" suited to a commercial district, and uses which are residential in nature. Residential Facilities generally do not require a central location, preferred access or visibility.

The residential policies permit small scale residential care facilities with up to eight residents in all residential zones. Churches are also permitted subject to site conditions and locational criteria. Churches that do not meet the locational requirements of the Zone may be considered by site specific zoning amendment. Large Residential Facilities such as nursing homes may also be considered in Residential Districts. These policies intend to provide a quiet location for residential facilities without disrupting the character of the Residential District.

- 2.5.4.1 Council shall establish a Residential Facilities (RF) Zone in the Land Use Bylaw. Permitted uses in the RF Zone shall include, but not be limited to, churches, residential care facilities for more than eight residents and Homes for Special Care including nursing homes.
- 2.5.4.2 A Residential Care Facility in which eight or less residents live as a single housekeeping unit is considered a residential use and permitted in all residential zones.
- 2.5.4.3 Council intends to encourage Residential Facilities to locate in designated Residential Districts. In this regard, a rezoning to RF may be considered in residential districts in addition to permitting them in the Medium and High Density (R4 and R5) Residential Zones.
- 2.5.4.4 Council shall zone lands containing Residential Facilities RF in the Land Use Bylaw and consider new proposals subject to an amendment to the Land Use Bylaw. The Land Use Bylaw will contain special provisions to ensure compatibility with residential uses by including provisions for low lot coverage, screening and landscaping.
- 2.5.4.5 Council may provide for a reduction in the parking requirements for expansions to churches that were originally built prior to 1979. A reduction in the parking requirements will not be permitted on residential collector, or local streets.
- 2.5.4.6 In considering proposals to rezone lands to RF in Residential Districts, Council shall have regard to the following:
- a. the site is accessible to a Collector or Local Exterior Street
  - b. the site can accommodate the requirements of the RF Zone contained in the Land Use Bylaw
  - c. the proposal can meet all other applicable policies of this Strategy including policies for amending the Land Use Bylaw contained in Part 6 of this Strategy

In considering such proposals, Council shall be satisfied that traffic congestion on local streets will not result.

## 2.5.5 Day Care Facilities Policies

Day care facilities are a necessary service in light of prevalent social trends such as the increase in single parent families and two income households. They provide secondary care to individuals who may not be able to safely care for themselves, such as children, elderly, and others.

Permitting day care facilities in residential areas would allow such facilities to develop in a safe and quiet environment for the individual requiring care as well as a convenient and accessible location for the primary care-provider. However, some activities which may be associated with day care facilities, such as noise, an increase in traffic, and changes to the physical appearance of a property, may detract from the residential character of an area. Council's intent is to allow day care facilities providing for care for more than fourteen people in Residential Districts by Development Agreement, which allows for individual consideration of each proposal.

2.5.5.1 Council shall consider the development of Day Care Facilities providing care for more than fourteen (14) people by Development Agreement under the provisions of the *Municipal Government Act*.

In considering proposals, Council shall have regard to the following:

- a. the proposed use shall be located on land fronting on and having direct access to a Collector Street or an Exterior Local Street
- b. signage for the proposed use shall be limited in size
- c. compatibility with the surrounding residential uses in terms of architectural design, scale and building materials
- d. buffers in the form of setbacks, landscaping, screening or fences shall be provided between the proposal and abutting residential rear or side yards
- e. the effect of the proposed use on the street network in terms of traffic volumes, traffic circulation, sighting distances, and access to and from the site shall be specifically addressed
- f. adequate off-street parking and off-street drop-off area shall be provided

- g. a site plan showing the proposed development including the building, outdoor recreation area, parking and drop-off area, sign location, buffers and landscaping will be required. This site plan shall form a part of the Development Agreement and the development of the site shall be in accordance with the site plan as approved by Council

2.5.5.2 Notwithstanding Policy 2.5.5.1, Council shall permit Day Care Facilities in the Medium or High Density (R4 and R5) Residential Zones. Further opportunities for Day Care Facilities are provided in Commercial Districts.

PART 2	AMENDED DATE	SECTION
	January 8, 1997	2.5.5 / 2.5.5.1 / 2.5.5.1 g
	July 5, 2005	2.5.5.1



## **2.6 URBAN RECREATION, PARKS, OPEN SPACE AND NATURAL ENVIRONMENT**

### **2.6.1 Urban Parks and Recreational Open Space**

Council's response to the growing appreciation of and demand for leisure and recreation opportunities in Kings County is clearly reflected in its planning policies and recreation programs. Using its land use policies in concert with recreation management resources, Council will continue to provide for recreation and open space uses.

Part 4, The General Planning Part of this Strategy, elaborates on the detailed Recreation, Parks and Open Space policies.

The following urban policies indicate how such uses will be treated in the Strategy and Land Use Bylaw. In addition, private recreational commercial uses of essentially an open space nature will be guided by the policies of this Subsection.

### **2.6.2 Urban Parks and Recreational Open Space Objectives**

2.6.2.1 To acquire and develop a balanced distribution of recreation lands in Growth Centres.

2.6.2.2 To recognize existing sites and facilities and create opportunities for new active and passive recreation, consistent with the Strategy's comprehensive Recreation, Parks and Open Space objectives and policies contained in Section 4.3 of this Strategy.

### **2.6.3 Urban Parks and Recreational Open Space Policies**

2.6.3.1 Council shall encourage and facilitate the provision of Recreational Open Space and the development of parks. Recreation Parks and Open Space planning will be guided by the General Planning policies contained in Section 4.3.

2.6.3.2 Council shall establish a "Parks and Open Space District" (P) designation and designate Public Parks and Recreational Open Space on the Growth Centre Future Land Use Maps. In addition, public parks will be permitted uses in zones within all Commercial and Residential Districts.

2.6.3.3 Council intends to differentiate between public parks and private recreational open space uses and will create two zones as follows:

- a. Parkland (P1)
- b. Recreational Open Space (P2)

2.6.3.4 Council shall establish a Parkland (P1) Zone in the Land Use Bylaw. Public parks both Community and Neighbourhood within areas designated Parks and Open Space District will be zoned P1. In addition, lands containing public parks will be permitted within any District designated and intended for Commercial or Residential development. Public parks will be permitted uses in Residential and Commercial Zones. New public parkland will not require an amendment to this Strategy or the Land Use Bylaw.

2.6.3.5 Council shall establish a Recreational Open Space (P2) Zone in the Land Use Bylaw. Recreational open space uses which are commercial ventures that are quiet in nature and involve large tracts of essentially open space lands will be permitted in the P2 Zone. Recreational Open Space uses will be zoned P2. Council may consider a rezoning to P2 in any Residential District to permit new Recreational Open Space uses. An amendment to the Future Land Use Maps of this Strategy will not be necessary.

2.6.3.6 The P2 Zone will permit recreational commercial uses of an open space nature, such as, but not limited to, golf courses or campgrounds.

In considering rezoning to P2 Council shall have regard to the following:

- a. the site is of sufficient size and the nature of the use will create a wide area or extent of open space
- b. the surrounding lands are generally vacant and undeveloped
- c. the proposed site has direct access to a Collector or Local Exterior street
- d. the use will be compatible with urban residential land uses
- e. the proposal is in keeping with all other applicable policies of this Strategy including those for amending the Land Use Bylaw contained in Part 6 of this Strategy

#### **2.6.4 Natural Environment and Urban Environmental Open Space**

Part 4, the General Planning Policies identify certain lands as having sensitive environmental features and processes which warrant protection. Floodplains, wetlands and steep slopes are among the more significant natural environmental features which can place physical restraints on development. Wildlife habitats and environmentally sensitive or unique areas are additional features to consider in general urban and rural planning programs.

In recognition of both their inherent value as natural resources as well as the constraints they can pose to development, Council has established a number of objectives pertaining to the use of environmental open space in urban areas. These considerations are outlined in detail in Section 4.2 of this Strategy.

#### **2.6.5 Natural Environment and Urban Environmental Open Space Objectives**

2.6.5.1 To identify and protect and/or manage lands within Growth Centres which are subject to flooding, contain wetlands, steep slopes, or are otherwise sensitive to or pose constraints on development.

#### **2.6.6 Natural Environment and Urban Environmental Open Space Policies**

2.6.6.1 Within Growth Centres, Council intends to limit development on, and in proximity to, floodplains, wetlands, steep slopes and where possible to recognize significant wildlife habitats through designations and zones pursuant to the policies in the Natural Environment, Section 4.2 of this Strategy.

2.6.6.2 Council may designate lands Natural Environment District on the Growth Centre Future Land Use Maps as provided for in Section 4.2 of this Strategy. In the Growth Centres this designation may be applied to the following:

- a. lands identified as subject to flooding
- b. floodplains
- c. dykelands
- d. identified significant wetlands

- e. significant wildlife habitats on lands publicly owned and controlled
  - f. unstable slopes and any other lands identified by Council as posing a hazard to development
- 2.6.6.3 As provided for in Policy 4.2.4.2 lands designated Natural Environment District shall be zoned Environmental Open Space (01) Zone in the Land Use Bylaw. Development will be restricted in accordance with policies contained in Section 4.2 Natural Environment, General Planning Policies.
- 2.6.6.4 Notwithstanding Implementation Policy 6.1.3.2 Council shall not consider rezoning lands which are zoned 01 and/or designated Natural Environment to any other zone without an amendment to this Strategy and the Land Use Bylaw.
- 2.6.6.5 In accordance with Implementation Policy 6.1.3.1, Council may consider adjustments and/or rounding out of the Environmental Open Space (01) Zone boundaries without the necessity of a Strategy Amendment. In considering such adjustments, Council shall have regard to the following:
- a. lands identified as subject to flooding
  - b. physical landforms delineating the floodplain
  - c. identified significant wetlands
  - d. significant wildlife habitats and wildlife corridors
  - e. soils prone to water related slope instability
  - f. existing approved subdivisions and/or development
  - g. a hydrotechnical or topographical study

PART 2	AMENDED DATE	SECTION
	November 27, 1995	2.6.6.4 / 2.6.6.5
	September 7, 2004	2.6.6.5 g

## 2.7 URBAN NON-CONFORMING USES

### 2.7.1 Urban Non-Conforming Uses

Within the Growth Centres there are some commercial and industrial uses which are not permitted by the Land Use Bylaw. The *Municipal Government Act* provides a level of protection for uses that were in existence prior to a Land Use Bylaw coming into effect. The Act refers to them as Non-Conforming uses and provides legal status for their continuance subject to qualifications. In this Municipality uses have become non-conforming because either they existed prior to and were not permitted by the original Municipal Planning Strategy and Land Use Bylaw on June 19, 1979, or were permitted under the 1979 Bylaw but became non-conforming as the result of subsequent amendments to the Land Use Bylaw.

In addition to the *Municipal Government Act* provisions Council intends to allow either the expansion of non-conforming uses or changes to non-conforming uses provided no greater impact on the surrounding land uses is anticipated. Because the range of non-conforming uses and settings in which they occur are so varied, Council will require a Development Agreement prior to allowing a proposed expansion or alternative use.

### 2.7.2 Policies for Urban Non-Conforming Uses

2.7.2.1 It shall be the Policy of Council by Development Agreement under the *Municipal Government Act* provisions to consider within Growth Centres, the expansion of non-conforming uses, including a change in use to one expected to have no greater impact on the adjacent land uses than the existing legal use by Development Agreement under the *Municipal Government Act* provisions.

In considering a Development Agreement Council shall ensure:

- a. the use does not extend beyond the boundaries of the existing lot containing that use
- b. the use will not adversely affect adjacent land uses
- c. that adequate buffering and setback distances are maintained from low density residential uses and that landscaping treatments are included to reduce the visual impact
- d. the expanded or converted use is not obnoxious by virtue of noise, odour, dust, vibration, smoke, or other emission

- e. that adequate provision is made for the acceptable maintenance and appearance of the expansion or conversion
- f. the expansion or conversion shall not affect the hours of operation where the use would interfere with or create undue problems for the residents of the surrounding area
- g. the proposal meets all the pertinent policies of this Strategy, including policies for amending the Land Use Bylaw and entering Development Agreements contained in Part 6 of this Strategy

2.7.2.2 In addition to the above, Council shall have regard to the following in considering entering a Development Agreement as provided in Policy 2.7.2.1:

- a. the bulk and scale of any building and its exterior finish is compatible with adjacent uses
- b. total area used for outdoor storage, and adequate provisions for year-round artificial or natural screening devices
- c. the impact of the proposed expanded use on traffic volumes and the local road network, as well as traffic circulation, sighting distances and entrance and exit to and from the site

PART 2	AMENDED DATE	SECTION
	July 5, 2005	2.7.1 / 2.7.2.1

## 2.8 URBAN TRANSPORTATION FACILITIES

The urban transportation policies of this Section relate to transportation services in the Growth Centres. The Street network problems experienced in the Coldbrook-Wolfville Urban Corridor are, in part, due to a lack of intergovernmental coordination between the Nova Scotia Department of Transportation and Infrastructure Renewal and the three municipal governments.

The mandate for the development of transportation networks within this Municipality rests with the provincial government while land use planning is a local responsibility. Urban land use activities generate traffic demand and conversely transportation networks can influence development trends. Therefore, increased coordination between the provincial and local governments will be necessary to adequately direct development in the Growth Centres.

The County wide road network serves to link Growth Centres and facilitate traffic through the Growth Centres. Within the Growth Centres these roads serve as Major Collectors. Residential Collector Streets will be designated to accommodate traffic from Interior Local Streets within Growth Centres to the Major Collectors to connect with the intercommunity road network.

Port Williams is unique in regard to its port facility capable of accommodating ocean going vessels. In the past, considerable agricultural produce was shipped through the port.

The airport in Cambridge now owned and operated by the Municipality has improved and now provides cargo and passenger service to the business, agricultural, and industrial sectors. A larger airport for military aircraft is located at 14 Wing Greenwood, adjacent to the Growth Centre of Greenwood.

Noise Exposure Forecast (NEF) contours are established for each airport to determine the intensity of aircraft noise. Zoning for new residential development will be restricted in areas within the 35 or higher NEF Contour Levels.

### 2.8.1 Urban Transportation Objectives

- 2.8.1.1 To facilitate improved intergovernmental coordination between the Province and the Municipality in the delivery of transportation services.
- 2.8.1.2 To improve the form, efficiency and operation of the Growth Centre transportation network.
- 2.8.1.3 To improve transportation links within and between residential neighbourhoods.

- 2.8.1.4 To facilitate pedestrian movement throughout Growth Centres, particularly within and between neighbourhoods.
- 2.8.1.5 To pursue alternative traffic circulation options for Growth Centres currently dependent upon a single Major Collector Street.
- 2.8.1.6 To reduce traffic congestion and improve the efficiency of traffic circulation.
- 2.8.1.7 To optimize the use and integration of existing transportation modes and facilities.
- 2.8.1.8 To minimize conflicts between transportation facilities and other urban land uses.

## **2.8.2 Urban Transportation Policies - Streets**

- 2.8.2.1 Council shall request a study be done by the Nova Scotia Department of Transportation and Infrastructure Renewal with recommendations for a future County road and Growth Centre street transportation scheme to improve intercommunity links for long term planning of the Coldbrook-Wolfville Urban Corridor.
- 2.8.2.2 Council shall pursue the possibility of establishing an urban street paving program for the Growth Centres with the Nova Scotia Department of Transportation and Infrastructure Renewal. The program will address the level of street surface standards for urban areas, private developer responsibilities for new streets, and a remedial action plan for existing unpaved streets.
- 2.8.2.3 Council shall pursue the possibility of establishing an urban storm water management program with the Nova Scotia Department of Transportation and Infrastructure Renewal and Nova Scotia Environment.
- 2.8.2.4 Council intends to pursue the possibility of requiring paved street construction as part of the land development process at the developer's expense.
- 2.8.2.5 Council shall pursue the development of a consistent set of standards for road construction between the Nova Scotia Department of Transportation and Infrastructure Renewal and the Municipality. Considerations include rights-of-way,



intersection spacing, cul de sac, street lengths, sight distances, parking and street access. Such standards shall be integrated into Land Use Bylaws and Subdivision Bylaws where possible.

2.8.2.6 Council shall establish an urban street classification system for planning purposes as follows:

- a. Major Collectors providing for movement of traffic through the Growth Centres
- b. Residential Collectors providing for movement of traffic from Local Interior Streets to Major Collectors
- c. Interior Local streets which feed traffic to other Local Interior Streets or Residential Collectors
- d. Exterior Local are those local streets which lead directly to Major Collector Streets

Major and Residential Collector Streets will be designated on the Future Land Use Maps for the Growth Centres.

2.8.2.7 Council shall require deeper setbacks from designated Major Collector Streets than are normally required for Residential Collector or Local Streets, to enable future street widenings and to afford protection to abutting property owners from increased traffic volumes, noise and speeds.

2.8.2.8 Council shall require 66 foot rights-of-way for all streets or greater right-of-way as required by the Nova Scotia Department of Transportation and Infrastructure Renewal.

2.8.2.9 Council may prepare a Conceptual Future Subdivision Plan for each Growth Centre in consultation with the Nova Scotia Department of Transportation and Infrastructure Renewal showing:

- a. the general proposed location and function of future streets
- b. proposed traffic and pedestrian linkages within and connecting residential subdivisions, institutional facilities, commercial services and community facilities

Land subdividers will be encouraged to establish their subdivision street pattern in keeping with the existing and proposed street designations. The Municipal Planning Strategy will provide a framework to be used as a guideline in consulting with the Nova Scotia Department of Transportation and Infrastructure Renewal prior to approving future subdivision plans and development.

### **2.8.3 Airport Land Use Policies**

- 2.8.3.1 Council shall adopt the Municipal Airport and the Canadian Forces Base Noise Exposure Forecast (NEF) Maps as Maps 1 and 2 as part of this Strategy.
- 2.8.3.2 Council will not permit a zoning amendment to any Residential or Institutional, Community or Residential Facility Zone in an area that is within a 35 or higher Noise Exposure Forecast (NEF) Contour Level for an airport. Notwithstanding this requirement, where existing housing has been zoned residential vacant properties may be permitted to develop residentially to maintain conformity with abutting uses.
- 2.8.3.3 Notwithstanding policy 2.8.3.2, properties in the Greenwood Growth Centre within the NEF 35 contour created prior to November 10, 2008 are eligible for a rezoning to the Residential Single Dwelling (R1) or Residential One and Two Unit (R2) Zone where new residential development will only be permitted on existing lots. In addition, written acknowledgement by the property owner that the dwelling is located in a high noise exposure area is required.
- 2.8.3.4 Council shall establish an Airport (T1) Zone which shall apply to lands containing the existing airport and will permit airport related buildings and development related to airport activities.
- 2.8.3.5 Council may provide for land uses serving the airport such as motels, service stations, car rental depots, and parking accommodations for passenger and employee needs in the vicinity of the Kings County Municipal Airport.

PART 2	AMENDED DATE	SECTION
	July 5, 2005	2.8 – Preamble / 2.8.2.1 / 2.8.2.2 / 2.8.2.3 / 2.8.2.5 / 2.8.2.8 / 2.8.2.9 / 2.8.3 / 2.8.3.1 / 2.8.3.2 / 2.8.3.3 / 2.8.3.4
	May 18, 2006	2.8.3.3 / 2.8.3.4 / 2.8.3.5
	May 21, 2009	2.8 – Preamble / 2.8.2.1 / 2.8.2.2 / 2.8.2.3 / 2.8.2.5 / 2.8.2.8 / 2.8.2.9 / 2.8.3.3



## 2.9 URBAN MUNICIPAL SERVICES

Centralized growth is important from the standpoint of protecting the rural land resource base for agriculture, forestry and open space. Encouraging growth to Growth Centres also leads to cost efficient public service provision.

The Municipality is responsible for providing sewage collection and treatment, central water systems, storm sewers where necessary, and a solid waste collection and disposal service. In addition, residents may request street lighting, sidewalks, and street paving by application to the Municipality.

Containment of growth within development boundaries lessens the demands for the less economical public servicing of strip development in the rural areas.

Until recently the provincial-municipal cost sharing formula, together with grants and subsidies, made initial installation of public services a feasible financial proposition in the Growth Centres. However, continuing provincial contribution reductions in this formula may eventually have significant financial implications for the Municipality's future servicing commitments.

Existing and future potential revenues will relate directly to the density and rate of growth within serviced areas. The cost of servicing the most populated areas will be significantly less per unit than the costs of servicing large areas with low density development. Furthermore, the provision of public services will become more financially feasible as the communities grow.

The intent is to provide an equitable level of public services to all Growth Centres. However, the variation in size, population, residential density and development demand, makes it necessary to establish priorities.

A regional sewer system serves Coldbrook, New Minas and the Town of Kentville and a single sewage treatment facility serves both North Kentville and Centreville. The Town of Kentville water utility has been extended to parts of North Kentville.

### 2.9.1 Urban Servicing Objectives

- 2.9.1.1 To provide a wide range of urban public services in all Growth Centres.
- 2.9.1.2 To coordinate service delivery with the Towns when mutually beneficial.
- 2.9.1.3 To seek new means and methods or programs to improve public service delivery.
- 2.9.1.4 To establish a long term comprehensive policy and program for the provision and funding of urban public services.

**2.9.2 Urban Servicing Policies**

- 2.9.2.1 Council intends to provide or encourage a broad range of public services in Growth Centres including sewage collection and treatment, storm water collection, water purification and distribution where necessary, street lighting, street paving, and sidewalks.
- 2.9.2.2 Council intends to establish a long term comprehensive policy and implementation program for the provision and funding of urban public services. Future extensions, upgrading, and maintenance will be addressed as well as public and private sector responsibilities and priorities.
- 2.9.2.3 Council shall work together with other municipal units in Kings County to examine ways to deliver public services on an inter-municipal basis provided there are distinct benefits to residents in improved service with no appreciable increase in costs to the Municipality.
- 2.9.2.4 Council shall require the installation of sewerlines and laterals in any subdivision under development which is within the development boundary of a Growth Centre provided it can be connected to an existing sewer system owned by the Municipality of the County of Kings, a Village Commission, or a Town. The streets must be approved by the Nova Scotia Department of Transportation and Infrastructure Renewal and the development must conform to the policies of this Strategy.
- 2.9.2.5 The developer shall be responsible for expenses in providing sewerlines, storm drainage and street construction to Provincial standards.
- 2.9.2.6 Notwithstanding Policy 2.9.2.5, the Municipality may consider an alternative method of providing the required public services if it is deemed in the public interest to encourage development without placing a financial burden on the Municipality.
- 2.9.2.7 Council shall require in the Sewer Bylaw future development to connect to the central sewage collection system where any part of the development is within 100 feet of existing sewer lines.

- 2.9.2.8 Council shall require through the Subdivision Bylaw that residential subdivisions be serviced with central sewerage services.
- 2.9.2.9 Notwithstanding 2.9.2.8, Council may permit future development utilizing a septic disposal system to locate in Residential Districts without a central sewerage service on lots abutting streets listed by the Nova Scotia Department of Transportation and Infrastructure Renewal in existence at the date of formal Council adoption of this Strategy.
- 2.9.2.10 The minimum lot size shall be 50,000 square feet or such greater minimum standards as required by the Department of Health for installation of a private septic disposal system where permitted within a Growth Centre.
- 2.9.2.11 Council shall not extend central sewerage services beyond the limits of the development boundaries of the Growth Centres as indicated in this Strategy.
- 2.9.2.12 Where a sewage collection system has been extended beyond the development boundary of a Growth Centre, to alleviate an identified pollution problem, the policies of this Strategy respecting the particular rural district shall apply.
- 2.9.2.13 Council shall require that storm drainage systems are designed to take advantage of natural watercourses and that the design of the subdivision must relate to the existing natural drainage patterns of the site. Such subdivision proposals shall be referred to engineering consultants for consideration and be designed or approved by such consultants.
- 2.9.2.14 Council shall require installation costs of street lighting be charged to the users within the service limits by an area rate chargeable to benefiting households in accordance with the Street Lighting Bylaw.
- 2.9.2.15 It shall be the policy of Council to give priority to the construction of sidewalks on Collector Streets on main thoroughfares prior to sidewalk construction on Local Streets.
- 2.9.2.16 Council shall continue to provide a solid waste collection and disposal service throughout the Municipality and a recycling service for the Growth Centres.

<b>PART 2</b>	<b>AMENDED DATE</b>	<b>SECTION</b>
	July 5, 2005	2.9.2.4 / 2.9.2.9
	May 21, 2009	2.9.2.4 / 2.9.2.9



## 2.10 GROWTH CENTRE SECONDARY PLANNING STRATEGIES

The process of urbanization is well advanced in some of the Growth Centres, particularly those adjacent to the Town of Kentville. An urban form has already evolved and some Growth Centres are growing at a relatively fast rate. Consequently it may be necessary to undertake more detailed urban planning.

Kings County's first Planning Strategy was adopted for New Minas in 1975 and updated in 1982. It establishes a specific policy framework for New Minas completely independent of this planning document.

Future Secondary Planning Strategies may be prepared for other Growth Centres as a refinement of this Strategy in a format that may incorporate supplementary information such as a conceptual Future Subdivision Plan, a Community Storm Water Management Plan and a Comprehensive Parks and Open Space Plan.

The Growth Centres with the greatest growth and development pressure will be given priority for preparation of Secondary Planning Strategies.

### 2.10.1 Secondary Planning Strategy Objectives

- 2.10.1.1 To provide for detailed urban planning of faster growing Growth Centres.
- 2.10.1.2 To capitalize on and emphasize Growth Centre "uniqueness" in planning for future development.
- 2.10.1.3 To enhance community involvement in planning.

### 2.10.2 Secondary Planning Strategy Policies

- 2.10.2.1 Council intends to adopt detailed Secondary Planning Strategies for all Growth Centres and will assign priority to those exhibiting relatively fast rates of urban growth and development pressure.
- 2.10.2.2 Notwithstanding the policies of this Strategy, upon adoption of a Secondary Planning Strategy, its supplementary policies, specifically addressing that Growth Centre shall apply and take precedence in the event of a conflict over the policies of this general or parent Strategy.
- 2.10.2.3 The Secondary Planning Strategies shall be adopted as an integral part of this Strategy by amendments to this Strategy.

2.10.2.4 Future Land Use Maps and other maps prepared as part of a Secondary Planning Strategy shall, upon adoption, replace the corresponding maps within this Strategy.

### **2.10.3 Centreville Secondary Planning Strategy**

Centreville is predominantly residential in nature. As a wide range of urban amenities is available in nearby urban areas, Municipal Planning Strategy policies promote the residential nature of this Growth Centre. It is therefore not the intention to encourage extensive commercial or industrial uses.

Matters of both environmental and recreational issues are also of relevance to Centreville, with the Valley Watershed Stewardship Association expressing interest in the idea of a Secondary Planning Strategy. The Centreville Growth Centre contains many recreational facilities, which are very important and support the residential nature of this community. A golf course, large baseball field and soccer field along with numerous community trails, form the backbone of this community.

#### **2.10.3.1 Project Goal**

Council's goal was is to implement a Secondary Planning Strategy for the Growth Centre of Centreville. The purpose of a Secondary Planning Strategy (SPS) is to address more specifically, the planning needs of Centreville than is possible through the countywide Municipal Planning Strategy. As per the Terms of Reference the process addressed the following planning issues:

- identify the existing and potential future park and open space areas and pedestrian links
- identify other land use planning or design related issues that are unique to Centreville
- confirm, and where desirable, modify land use designations to optimize land use opportunities
- review current Growth Centre Boundaries

As well, the Secondary Planning Strategy working group took an opportunity to capitalize on and emphasize Growth Centre "uniqueness" in planning for future development.

The Centreville Secondary Planning Strategy provides Council a blueprint in making land use decisions, concerning housing, business, institutions, and recreation specific to Centreville.

### 2.10.3.2 **Project Working Group**

To complete the Centreville Secondary Planning Strategy, the Municipality facilitated the establishment of a committee that worked with Municipal Planning staff to produce a draft documents. Initially, the committee was tasked with developing draft Secondary Planning Strategies for both Centreville and Coldbrook.

The committee met several times and discussed those issues that were common to both communities. Once those matters were resolved the joint group formed two separate committees that more specifically represented each of the Growth Centres. The original intent of the project was to continue as a joint effort, but the members felt that there were too many dissimilar matters to be dealt with as Coldbrook is primarily commercial in nature and Centreville is primarily residential in nature and each represents a ‘uniqueness’ within Kings County that the group felt deserved the individual efforts of a community specific Committee.

### 2.10.3.3 **Public Participation**

The group held meetings on a regular basis and all meetings were open to the public. The regular committee members attended most of the meetings, but there were meetings that were attended by members of the general public. The meetings were somewhat informal and those present were permitted to ask questions and were encouraged to provide input into the process.

Other means of consulting the public during this process included a detailed community questionnaire. The questionnaires were distributed by hand by volunteers (youth groups) and were either picked up, dropped off at a specific community location or mailed back to the Municipality. There was approximately a 30% response rate of the questionnaires, which is considered a very high rate of return.

The community also held a daylong Open House event. The meeting dates and times were communicated by advertisement in the local paper, posters throughout the community, word of mouth by direct phone calling and by written letter to those land owners that may potentially be directly impacted by a proposed boundary or rezoning change. The purpose of the meeting was to gain input comments regarding the proposed changes. Approximately 60 people attended the Open House.

2.10.3.4 Centreville Growth Performance

<b>Population<sup>1</sup></b>	
1976 Population	403
1981 Population	532
1986 Population	627
1991 Population	906
1996 Population	997
2001 Population	1047
<b>Population Growth 1976-2001</b>	<b>644 159.8%</b>
<b>2003 Housing Mix<sup>2</sup></b>	
Apartment Buildings (16+ units)	0 units
Apartment Buildings (8-15 units)	10 units
Apartment Buildings (3-7 units)	10 units
<b>Total Apartment Buildings</b>	<b>20 units</b>
Duplex Units	30 units
Mobile Home Units	1 units
Single Detached Units	342 units
<b>Total Housing Units</b>	<b>393 units</b>
<b>Residential Growth<sup>3</sup></b>	
Number of Housing Units 1976	115 units
New Units 1977-1981	37 units
New Units 1982-1986	44 units
New Units 1987-1991	109 units
New Units 1992-1996	61 units
New Units 1997-2001	30 units
New Units 2002-2003	12 units
<b>27 Year Average Annual Trend</b>	<b>11 units</b>
<b>Last 7 year Average Annual Trend</b>	<b>6 units</b>
<b>Potential Housing Supply</b>	
Approved Vacant Residential Lots 2003	61 lots
Total Potential Lots @ 2 Lots/Acre	500 lots
Multi Unit Factor @ 5% of Single Units	25 units
<b>Total Potential Housing Supply</b>	<b>581 units</b>
<b>Projected Growth Rates</b>	
Low	6 units/annum
High	15 units/annum
<b>Projected Capacity (In Years)</b>	
Low Growth Trend Capacity	u <sup>4</sup> years
High Growth Trend Capacity	39 years
<sup>1</sup> Source: Statistics Canada - Census of Canada	
<sup>2</sup> Source: Municipality of Kings Land Use Survey, conducted summer, 2003	
<sup>3</sup> Source: Municipality of Kings Building Permit Data (note: all permits issued do not necessarily result in construction of a dwelling)	
<sup>4</sup> U - unlimited (supply exceeds 40 years)	

2.10.3.5 **Vision for the Growth Centre of Centreville**

Centreville is unique in that it is designated as one of two residential Growth Centres within the Municipality. As such the vision focuses on how to attract residential development through focusing on tourism opportunities and providing enhanced recreational opportunities.

**Vision:** A community based on country living nestled in a rich rural and mountainous seacoast hinterland with full access to quality urban services.

**Motto:** "A good place to live and grow"

2.10.3.6 **Open Spaces/Trails/Recreation/Parks** (Reference Map 5c)

Centreville is located close to other urbanized areas that have a variety of recreational services and amenities. Development of open spaces, trails, recreational areas and parks must meet the needs of the community, but not duplicate nearby services. Centreville also has a limited population base, which places financial limitations on the amount of recreational infrastructure that is possible.

2.10.3.7 **Trails** (Reference Map 5)

**Goal:** To preserve, manage and develop community and property owner trails for the recreational enjoyment of the community.

2.10.3.7.1 **Objectives**

2.10.3.7.1.1 To work in collaboration with the community to enforce municipal bylaws to prevent dumping and damage to trails.

2.10.3.7.1.2 To support educational programs for community members teaching respect in the use of the trails.

2.10.3.7.1.3 To assist the community in the development of a trail plan that facilitates the safe and enjoyable movement of people

within the Centreville Growth Centre boundaries.

2.10.3.7.1.4 To encourage developers, community members, community business owners, stakeholders and landowners to develop a trail system within Centreville.

2.10.3.7.2 **Policy**

2.10.3.7.2.1 Council may undertake an examination of mechanisms and opportunities to include allowances for trails during future land development.

2.10.3.7.2.2 Council may consider alternate funding mechanisms, such as development fees or lot levies, to provide financial supports for a comprehensive trail system in Centreville.

2.10.3.8 **Parkland** (Reference Map 5)

**Goal:** To plan and manage community parks for the recreational enjoyment of the community.

2.10.3.8.1 **Objectives**

2.10.3.8.1.1 To have parks appropriate for the various age groups in the community.

2.10.3.8.1.2 To ensure the parks serve the needs of the community.

2.10.3.8.2 **Policy**

2.10.3.8.2.1 Council shall work with the community of Centreville and the provincial government to ensure the parks are safe and properly managed.

2.10.3.9 **Golf Course** (Reference Map 5)

**Goal:** To support the development of the golf course as an important community and tourism focal point.

2.10.3.9.1 **Objectives**

2.10.3.9.1.1 To work with the community to support youth golf programs.

2.10.3.9.1.2 To support the community as it develops and promotes other recreational uses of the golf course.

2.10.3.9.1.3 To support the limited planned expansion of the golf course in order to achieve additional recreational opportunities for the community.

2.10.3.9.2 **Policies**

2.10.3.9.2.1 Golf Courses may be permitted to expand, as of right, within the Centreville Growth Centre under the following conditions:

- a. the land is zoned Parkland (P2)
- b. adequate water and sewer servicing can be confirmed, by a professional engineer.
- c. adequate parking is provided, as per the Land Use Bylaw



**2.10.3.10 Recreational Infrastructure** (Reference Map 5)

**Goal:** To work with the community to support the recreational infrastructure.

**2.10.3.10.1 Objectives**

2.10.3.10.1.1 To recognize the importance of recreation to the community of Centreville.

2.10.3.10.1.2 To work with the community to identify funding support for the recreational spaces.

**2.10.3.11 Transportation** (Reference Map 5c)

**Goal:** To promote the development of a comprehensive and cost efficient network of roads, walkways and public transit links.

**2.10.3.11.1 Objectives**

2.10.3.11.1.1 To establish a Kings Transit Service to Centreville.

2.10.3.11.1.2 To work with the Province to ensure that public roadways are well maintained.

2.10.3.11.1.3 Strive to ensure that major public streets in the Centreville Growth Centre are friendly to both vehicular and non-vehicular traffic, such as bicycles and pedestrians.

2.10.3.11.1.4 To support the residents of Centreville in their efforts to have the maximum speed limit within the Centreville Growth Centre not to exceed 60 kilometres per hour and to have all provincial highways, major collector streets and

roads designated as no passing zones.

2.10.3.11.1.5 To identify opportunities for and general alignment of future community collector roads.

2.10.3.11.1.6 To link bicycle lanes and trails.

#### 2.10.3.11.2 **Policies**

2.10.3.11.2.1 Council shall designate on the accompanying Centreville transportation map, the location of future local street connections for subdivision streets.

2.10.3.11.2.2 Council shall designate collector and local roads consistent with the classification system instituted in Section 3.8 of the Municipal Planning Strategy.

2.10.3.11.2.3 It is Council's intent continue to co-operate with the provincial traffic authority, Centreville Growth Centre, and the development sector in designing and building a safe and efficient community automobile and pedestrian network throughout the Growth Centre.

2.10.3.11.2.4 Prior to any construction, as a result of a rezoning, a traffic study may be required, which indicates potential impacts on existing road networks and surrounding land uses.

**2.10.3.12 Sewer** (Reference Map 5b)

**Goal:** To provide the highest reasonable level of environmentally sustainable sewage treatment to the Centreville Growth Centre.

**2.10.3.12.1 Objectives**

2.10.3.12.1.1 To ensure that public and private investment in expanding treatment capacity and the extension and upgrading of trunk lines is achieved with the greatest efficiency and benefit to the overall community.

2.10.3.12.1.2 To ensure sewage treatment capacity keeps pace with population growth.

2.10.3.12.1.3 To develop a public education program in conjunction with the community regarding proper septic system maintenance and installation.

2.10.3.12.1.4 To focus future development into areas serviced by Municipal water and sewer.

**2.10.3.12.2 Policy**

2.10.3.12.2.1 It shall be the policy of Council not to permit any further development serviced by septic tank or disposal field. Those that meet Policy 2.9.2.9 of the Municipal Planning Strategy and the clubhouse expansion of the Golf Course shall be exempt of this requirement.

2.10.3.12.2.2 It shall be the policy of Council to extend sewer services to those areas that identify the need for such services and to ensure that it is user pay in conjunction with the Municipality.

2.10.3.13 **Water Supply Management** (Reference Map 5b)

**Goals:** To ensure a continuous supply of potable water.

To reduce the risk to private and public water supplies through public awareness.

To reduce the risk to private and public water supplies through enforcement of appropriate agricultural and natural resources environmental practices.

2.10.3.13.1 **Objectives**

2.10.3.13.1.1 To cultivate a community water supply ethic to reduce waste.

2.10.3.13.1.2 To establish community programs to increase the Community's awareness of how various types of domestic, commercial and agricultural uses may affect groundwater quantity and quality.

2.10.3.13.1.3 To study the impact of the agricultural sector's irrigation demands on the future groundwater quality and quantity.

2.10.3.13.1.4 To study the impact of the natural recharge areas on the future groundwater quality and quantity.

2.10.3.13.1.5 To delineate primary ground-water recharge areas for and to create a groundwater recharge area protection and monitoring strategy as well as implement Centreville recharge area and well field protection zones.

2.10.3.13.1.6 To identify future water supply sources.

2.10.3.13.2 **Policy**

2.10.3.13.2.1 Council, through its Planning Advisory Committee, may request a Water quality/quantity assessment be conducted prior to a rezoning to any higher residential density, any commercial rezoning or any industrial rezoning.

2.10.3.14 **Water System** (Reference Map 5b)

**Goal:** To work with the owners/operators of the private utility to ensure the Ellsworth Estates and the Sherman Belcher/Morse Lane water utilities serve their communities with the highest quality of water at the lowest reasonable cost.

2.10.3.14.1 **Objectives**

2.10.3.14.1.1 To consider initiatives to work with the owners and operator of these utilities to ensure continued delivery of an uninterrupted high quality water supply to the residents they serve.

2.10.3.14.1.2 To consider the implementation of a wellfield maintenance and monitoring strategy.

2.10.3.14.1.3 To consider initiatives to work with the owners and operators of the Ellsworth Estates water utility to develop a future development plan and management strategy.

2.10.3.14.1.4 To explore the potential of providing a central water service to private well users.

2.10.3.15 **Storm Water Management**

**Goal:** To manage surface drainage to prevent flooding and to promote groundwater recharge by:

- minimal alteration of natural and existing constructed drainage patterns in the process of community growth; and
- construction of integrated drainage patterns with new development

2.10.3.15.1 **Objectives**

2.10.3.15.1.1 To ensure development does not increase flood risk on sites and on adjacent and upstream or downstream lands.

2.10.3.15.1.2 To minimize disturbance of natural storm water systems, watercourses, wetlands and swales that impact the Centreville Growth Centre and the district.

2.10.3.15.1.3 To protect these natural storm water systems, watercourses, wetlands and swales by integrating them into trail, greenbelt, and recreational development.

2.10.3.15.1.4 To identify these natural storm water systems, watercourses,

wetlands, and swales on an overlay of the district.

- 2.10.3.15.1.5 To work with the community to promote understanding of the importance of natural and constructed drainage systems.

2.10.3.15.2 **Policy**

- 2.10.3.15.2.1 Council shall provide for the implementation of storm management objectives in accordance with Policy 2.9.2 of the Municipal Planning Strategy and the corresponding requirements of the Subdivision Bylaw, and the Land Use Bylaw.

- 2.10.3.15.2.2 It shall be the Policy of Council to designate specific natural water courses and portions of adjacent lands as Open Space where such systems serve as natural storm drainage and where disruption or alteration of the course could result in, or contribute to, increased flooding or erosion problems. The setback shall extend a minimum of 50 feet to either side of the watercourse as measured from the centre of the natural watercourse.

- 2.10.3.15.2.3 Council, in co-operation with the province, may establish an adequate annual maintenance program on constructed storm water systems.

- 2.10.3.15.2.4 The Municipality may incorporate site development plans when approving

development within the Centreville Growth Centre.

### 2.10.3.16 **Tourism & Heritage**

Centreville, like its name, is centrally located to a number of tourism and heritage attractions, whether they be local to the community itself, to the Annapolis Valley, or to Nova Scotia. The residential Growth Centre designation and the community's vision of remaining a community based on country living nestled in a rich rural and mountainous seacoast hinterland with full access to quality urban services makes it an ideal stopping place from which visitors can enjoy the tourism and heritage within and surrounding the community.

**Goal:** Get the community on the map as a tourism and heritage destination.

#### 2.10.3.16.1 **Objectives**

- 2.10.3.16.1.1 To promote the community through King's Community Economic Development Agency.
- 2.10.3.16.1.2 In cooperation with the province and the community, to plan for and develop the trail system within the Centreville Growth Centre and the district.
- 2.10.3.16.1.3 To erect signage within the Centreville Growth Centre and district to identify heritage and tourism sites.
- 2.10.3.16.1.4 To have appropriate signage within the community providing direction to tourism and recreational facilities.
- 2.10.3.16.1.5 To work with the community and the province to permit the installation of signage for



Centreville on Hwy 101, on appropriate 300 and 200 Series Highways and Sherman Belcher Road.

#### 2.10.3.16.2 **Policy**

- 2.10.3.16.2.1 To create a unique sign bylaw in the Land Use Bylaw to allow for the identification, at one primary location in the Centreville community, to list and identify the tourism and recreational facilities available to a visitor.

### 2.10.4 **Coldbrook Secondary Planning Strategy**

Coldbrook has continued to grow both residentially and commercially. With that growth, there is an increased pressure on land and service infrastructure such as sanitary sewer and storm water, and notably traffic patterns and intensity. In 2000, the Nova Scotia Department of Transportation and Public Works implemented a number of physical changes to enhance traffic flow and safety along Highway 1 (and the 101 interchange) with longer term plans for additional improvements.

More recently, planning for industrial uses, particularly those associated with resource extraction and processing have risen from different parts of the community. Recent overlapping interests in ecology, watershed management, and recreation opportunities have cast the Cornwallis River and a local tributary, Spittal Brook, in a new and positive light.

#### 2.10.4.1 **Project Goal**

Council's goal is to implement a Secondary Planning Strategy for the Growth Centre of Coldbrook. The purpose of a Secondary Planning Strategy (SPS) is to address more specifically the planning needs of communities than is possible through the countywide Municipal Planning Strategy. As per the Terms of Reference, the process addressed the following planning issues:

- identify the extent of the existing Growth Centre sewer system and appropriate future servicing extensions
- identify the existing and potential future park and open space areas and pedestrian links

- identify other land use planning or design related issues that are unique to Coldbrook
- confirm, and where desirable, modify land use designations to optimize land use opportunities
- review current Growth Centre Boundaries

As well, the Secondary Planning Strategy working group took an opportunity to capitalize on and emphasize Growth Centre “uniqueness” in planning for future development.

The Coldbrook Secondary Planning Strategy provides Council with a blueprint in making land use decisions specific to Coldbrook, concerning housing, business, transportation, recreation and open space, municipal sewer servicing, resource extraction, existing agricultural operations and protection of the environment.

In early 2007, prior to the adoption of this Secondary Planning Strategy, Council adopted Municipal Planning Strategy amendments that permit multi-unit dwellings by development agreement only in the Growth Centre of Coldbrook. Section 2.4 Urban Residential Development specifies development agreement criteria for medium density residential development in the Growth Centre of Coldbrook.

#### 2.10.4.2 **Project Working Group**

To complete the Coldbrook Secondary Planning Strategy, the Municipality facilitated the establishment of a committee that worked with Municipal Planning staff to produce a draft document. Initially, the committee was tasked with developing draft Secondary Planning Strategies for both Coldbrook and Centreville.

The committee met several times and discussed those issues that were common to both communities. Once those matters were resolved, the joint group formed two separate committees that more specifically represented each of the Growth Centres. The original intent of the project was to continue as a joint effort, but the members felt that there were too many dissimilar matters to be dealt with and each Growth Centre represents a ‘uniqueness’ within Kings

County that the group felt deserved the individual efforts of a community-specific Committee.

#### 2.10.4.3 **Public Participation**

The group held meetings on a regular basis and all meetings were open to the public. The regular committee members attended most of the meetings, but there were meetings that were attended by members of the general public. The meetings were somewhat informal and those present were permitted to ask questions and were encouraged to provide input into the process.

Other means of consulting the public during this process included a detailed community questionnaire. The surveys were distributed by hand by volunteers (youth groups) and when completed, were picked up, dropped off at a specific community location or mailed back to the Municipality. The response rate of approximately 30% is considered a very high rate of return.

The community also held a daylong Open House event. The meeting date and time was advertised in the local paper, posted throughout the community, and communicated by word of mouth and over the phone. A letter with the meeting notice was sent to those landowners with the potential to be directly impacted by a proposed boundary or rezoning change. The purpose of the meeting was to solicit comments regarding the proposed changes. Approximately 60 people attended the Open House.

Further input was solicited by posting the draft SPS document and Staff analysis on the County website, requesting written submissions and, finally, though producing a questionnaire.

2.10.4.4 Coldbrook Growth Performance

<b>Population<sup>1</sup></b>	
1976 Population	623
1981 Population	794
1986 Population	1168
1991 Population	1838
1996 Population	2026
2001 Population	2189
<b>Population Growth 1976-2001</b>	<b>1566 251.4%</b>
<b>2003 Housing Mix<sup>2</sup></b>	
Apartment Buildings (16+ units)	16 units
Apartment Buildings (8-15 units)	11 units
Apartment Buildings (3-7 units)	8 units
<b>Total Apartment Buildings</b>	<b>35 units</b>
Duplex Units	74 units
Mobile Home Units	45 units
Single Detached Units	630 units
<b>Total Housing Units</b>	<b>784 units</b>
<b>Residential Growth<sup>3</sup></b>	
Number of Housing Units 1976	173 units
New Units 1977-1981	75 units
New Units 1982-1986	117 units
New Units 1987-1991	204 units
New Units 1992-1996	109 units
New Units 1997-2001	81 units
New Units 2002-2003	33 units
<b>27 Year Average Annual Trend</b>	<b>23 units</b>
<b>Last 7 year Average Annual Trend</b>	<b>16 units</b>
<b>Potential Housing Supply</b>	
Approved Vacant Residential Lots 2003	65 lots
Total Potential Lots @ 2 Lots/Acre	606 lots
Multi Unit Factor @ 5% of Single Units	67 units
<b>Total Potential Housing Supply</b>	<b>738 units</b>
<b>Projected Growth Rates</b>	
Low	16 units/annum
High	25 units/annum
<b>Projected Capacity (In Years)</b>	
Low Growth Trend Capacity	u years
High Growth Trend Capacity	29 years
<sup>1</sup> Source: Statistics Canada - Census of Canada	
<sup>2</sup> Source: Municipality of Kings Land Use Survey, conducted summer, 2003	
<sup>3</sup> Source: Municipality of Kings Building Permit Data (note: all permits issued do not necessarily result in construction of a dwelling)	
<sup>4</sup> U - unlimited (supply exceeds 40 years)	

**2.10.4.5 Vision for the Growth Centre of Coldbrook**

- To retain the rural aspect of the area and to plan in such a way as to curtail certain aspects of development that would conflict with that goal.
- To keep Coldbrook's uniqueness, with industry and residential combined, to limit too much growth of one or the other.
- To limit industrial activities in the midst of rural-like settings.
- To protect the quality and quantity of water.
- To limit major subdivision development until a central sewer system is established.
- To encourage development in the Coldbrook area in such a manner as to reduce traffic on Highway 1, laying out collective road systems to improve traffic circulation within and from residential subdivisions.
- To curtail aggregate extraction within Coldbrook.

**2.10.4.6 Open Spaces / River Corridor / Recreation / Parks**  
(Reference Map 6a)

The Cornwallis River and a number of streams run through Coldbrook. It is essential that the quality of water, and quantity of water be protected.

Coldbrook is located close to other urbanized areas that have a variety of recreational services and amenities. Existing open spaces consist mainly of scattered neighbourhood parks and playgrounds, some less than an acre, while others are over five acres in area. There are several athletic fields adjacent to the Huntington Hayes Hall and a large private campground is located in the centre of the community.

Any future development of open spaces, trails, recreational areas and parks must meet the needs of the community, without duplicating nearby services. Coldbrook has a growing population base, however, there are financial limitations on the amount of recreational infrastructure that is possible.

- Goals:**
- To protect all riparian areas.
  - To support efforts of environmental protection for the Cornwallis River and all tributaries.
  - To eliminate building on flood plains and areas of importance to the water system, including wetlands.
  - To encourage public awareness regarding the impacts of on-site septic systems on adjacent rivers, flood plains and water resources.
  - To protect all forms of recharge systems within Coldbrook.

2.10.4.6.1 **Objectives**

- 2.10.4.6.1.1 To re-evaluate the boundaries of areas identified as Environmental Open Space surrounding the river, brooks and tributaries.
- 2.10.4.6.1.2 To identify and map all flood plains.
- 2.10.4.6.1.3 To support efforts to raise public awareness of the Cornwallis River and adjacent wetlands and floodplains as a valued water resource.
- 2.10.4.6.1.4 To ensure adequate green space for the community at large.

2.10.4.6.2 **Policy**

- 2.10.4.6.2.1 Council shall designate natural watercourses and portions of adjacent lands as Natural Environment where such systems serve as natural storm drainage and where disruption or alteration of the

watercourse could result in, or contribute to, increased flooding or erosion problems. The setback shall extend a minimum of 50 feet to either side of the watercourse as measured from the tops of the banks of watercourses.

2.10.4.6.2.2 To work in cooperation with the Friends of the Cornwallis River or other similar groups to promote and foster environmental protection of the river system.

2.10.4.7 **Water Supply and Water Supply Management**

Private wells are the means that supply the drinking water for the Coldbrook area. The Town of Kentville has wells in an area next to Coldbrook, as such; their protection plans overlap into Coldbrook.

**Goals:** To protect the quality and quantity of potable water supplies to ensure a continuous supply of safe drinking water for the community of Coldbrook.

To assess and understand the groundwater sources or aquifer system to manage and plan for future potable water supplies for the community.

To identify all possible future sources of potable water for the business and private sectors of Coldbrook.

2.10.4.7.1 **Objectives**

2.10.4.7.1.1 To initiate and complete a hydrological assessment of the vital “well water” resources within Coldbrook.

2.10.4.7.1.2 To encourage and support inter-municipal and provincial

policies that will ensure good quality and an adequate future supply of potable water for both the business and private sectors.

2.10.4.7.1.3 To reduce the risk of contamination of the potable water supply from domestic sources, farming operations, and industrial and commercial businesses within Coldbrook.

2.10.4.7.1.4 To raise public awareness concerning risks to local water supplies.

2.10.4.7.1.5 To promote public awareness concerning the proper maintenance of private wells and on-site septic systems to protect potable water supplies.

2.10.4.7.2 **Policy**

2.10.4.7.2.1 Council may commission a hydrological study of the groundwater resources in Coldbrook, to determine quality, available volume and natural flows of the resource and to identify the area and rate of recharge.

2.10.4.7.2.2 Council shall strive to work with the community to:

cultivate a community water policy to reduce pollutants and waste;

increase public awareness of the extent, types, and cumulative effects of lawn and garden care practices upon the quality and quantity of water supplies;



encourage and support education programs aimed at reducing the risk of contamination to groundwater supplies as a result of farming or commercial operations;

develop water supply protection plans, including recharge and discharge areas within the watershed;

identify future sources of potable water.

2.10.4.7.2.3 Council shall support Wellfield Protection policies and regulations to restrict industrial and commercial uses that involve processing, storage, or handling of materials with the potential to threaten the quality or quantity of potable water supplies.

2.10.4.7.2.4 Council may require a water quality and quantity assessment to be submitted for any rezoning application to permit a higher density residential zone, a commercial zone or an industrial zone.

2.10.4.7.2.5 To work in conjunction with the Town of Kentville to ensure that those areas of Coldbrook already serviced by Municipal water will continue to receive adequate quantity and quality of water.

#### 2.10.4.8 **Aggregate**

Coldbrook has significant resource extraction operations. The regulations governing aggregate fall under the Provincial Government's jurisdiction. The impact on surrounding land uses is important to the residents and businesses of Coldbrook.

**Goals:** To ensure sustainable development.

To reduce the potential damaging effects of aggregate extraction operations on the quality and quantity of community water supplies.

To work with the Province to establish a community working group to provide recommendations on the proposed activity prior to any Provincial approval of aggregate extraction. The working group may include a Municipal representative.

##### 2.10.4.8.1 **Objectives**

2.10.4.8.1.1 To maintain a quality water supply, including all water resources.

2.10.4.8.1.2 To protect the surrounding ecosystem, including native flora and fauna, and carbon sinks.

2.10.4.8.1.3 To discourage the extraction of aggregate.

2.10.4.8.1.4 To work with the Nova Scotia Department of Environment and Labour to limit the extent of exposed mineral soils in resource extraction operations.

2.10.4.8.1.5 To commission a study to determine the impact of resource extraction on the surrounding area.

2.10.4.8.1.6 To work with the provincial government to ensure that precautionary principles are met as set out in the Provincial Environment Act and Regulations.

2.10.4.8.2 **Policy**

2.10.4.8.2.1 To require that applicants of rezoning requests to the M7 Zone to permit new aggregate operations submit a study detailing the expected impacts on local traffic, water quality and quantity, and the surrounding land uses.

2.10.4.9 **Agriculture**

The Coldbrook area is rich in farming heritage, starting with the arrival of the pioneers in 1770's. Agriculture as well as gristmills, sawmills and carding mills provided a living for the families. The character of the community has been shaped by these beautiful farms, some of which are still productive within and on the fringe of the designated Growth Centre. The rural nature of the area has attracted a number of residents in recent years, causing Coldbrook to be one of the fastest growing areas in the Valley. The local residents appreciate the existing farms as they are permitted to use the private land for hiking and biking.

It is essential that the rural flavour that is part of the heritage of the community be preserved, to protect the existing agriculture as already mandated by the County; and to strive for harmony where residential and agriculture uses co-exist.

**Goal:** To maintain as much as possible the rural character of the Coldbrook community in the manner and amount that it is developed, to preserve the peace and quiet that residents have sought by moving to this area.

2.10.4.9.1 **Objectives**

2.10.4.9.1.1 To accept a level of conflict between residential uses and normal farming practices.

2.10.4.9.1.2 To incorporate agriculture as an integral part of the community, as food provider, source of employment, or the possible sanctioned use of some properties for hiking and certain sports disciplines.

2.10.4.9.1.3 To prevent Growth Centre expansion into currently zoned agricultural land.

2.10.4.9.2 **Policies**

2.10.4.9.2.1 To protect existing agricultural operations and lands by continuing to list “Existing Farms” as permitted uses in the R1, R2 and R3 Zones.

2.10.4.10 **Transportation** (Reference Map 6c)

The Secondary Planning Strategy Committee, in consultation with the community, identified a number of transportation issues that need to be resolved to improve traffic circulation within Coldbrook.

**Goals:** To identify all transportation issues that affect the vehicular and pedestrian traffic in the community.

To promote the development of a comprehensive and cost efficient network of roads and walkways for the community.

2.10.4.10.1 **Objectives**

2.10.4.10.1.1 Council may commission a transportation study to identify

issues related to vehicular and pedestrian circulation in Coldbrook. The study shall also include recommendations regarding the following and any additional issues identified by the study:

to have the maximum speed limit on all roads within the Growth Centre, including Highway #1, not to exceed 60 km/hr;

to have traffic signals installed at the intersection of South Bishop and Highway #1;

to encourage improvements such as reducing the number of entrances and exits to Scotian Gold and Foodland Mall, to reduce the risk of traffic accidents;

to provide sidewalks on Highway #1 from Harrington Road to Foodland Mall;

to identify opportunities for future collector roads and their general alignment within Coldbrook;

to have English Mountain Road, South Bishop Road and Lovett Road upgraded to handle the large volume of traffic;

to have crosswalks installed at all major intersections and areas with high pedestrian traffic;

to encourage active living by keeping the Coldbrook Trail corridor from the Kentville Town boundary to the Cambridge boundary for non-motorized use only.

2.10.4.10.1.2 Council shall strive to cooperate with the provincial traffic authority, various Coldbrook community groups and the development sector in designing a safe and efficient automobile and pedestrian network within Coldbrook.

2.10.4.10.2 **Policies**

2.10.4.10.2.1 Council may require a traffic impact study for rezoning applications to permit a higher density residential zone, a commercial zone or industrial zone; to determine the potential impacts on existing road networks and surrounding land uses.

2.10.4.10.2.2 Council may commission a transportation study to address the following in Coldbrook:

identification of automobile and pedestrian circulation issues from a safety and efficiency perspective;

identification of pedestrian corridors;

the realignment of streets;  
the location of future sidewalks and streets;

transportation constraints to future development;

any other traffic issue Council and the community wish to include.

#### 2.10.4.11 Sewer (Reference Map 6b)

**Goal:** To provide the highest reasonable level of environmentally sustainable sewage treatment to the Coldbrook Growth Centre.

##### 2.10.4.11.1 Objectives

2.10.4.11.1.1 To ensure that public and private investment in expanding treatment capacity and the extension and upgrading of trunk lines is achieved with the greatest efficiency and benefit to the overall community.

2.10.4.11.1.2 To work with developers with the intention of ensuring that new development is subject to connection to central sewer service.

2.10.4.11.1.3 To ensure that connections to central trunk lines are achieved in a manner most efficient to service subsequent development.

2.10.4.11.1.4 To ensure that all existing or new pumping stations are located and/or constructed in such a manner that, in the event of overflow, raw sewage will not enter streams or waterways.

2.10.4.11.1.5 To develop a public education program in conjunction with the Coldbrook Community Association regarding proper on-site septic disposal system

installation and maintenance to help prevent possible contamination to groundwater.

2.10.4.11.1.6 To ensure that new areas incorporated into the Coldbrook Growth Centre boundary receive sewer services in a timely manner.

2.10.4.11.1.7 To withhold development and building permit approvals for new development serviced by on-site septic disposal.

2.10.4.11.1.8 To protect the underlying aquifer, the Municipality, in cooperation with the Department of Environment and residents, is encouraged to assess the need for central sewer systems within un-serviced areas.

2.10.4.11.2 **Policies**

2.10.4.11.2.1 It shall be the policy of Council not to permit any new development serviced by septic tank or disposal field. Those that meet the provisions of Policy 2.9.2.9 of the Municipal Planning Strategy shall be exempt of this requirement.

2.10.4.11.2.2 To extend sewer services to those areas that identify the need for such services and to ensure that it is user pay in conjunction with the Municipality.



#### 2.10.4.12 Storm Water Management

**Goal:** To manage surface drainage to prevent flooding and to promote groundwater recharge by:

- minimal alteration of natural and existing constructed drainage patterns in the process of community growth; and
- construction of integrated drainage patterns with new development.

##### 2.10.4.12.1 Objectives

2.10.4.12.1.1 To ensure development does not increase flood risk on sites and on adjacent properties and upstream or downstream lands.

2.10.4.12.1.2 To minimize disturbance of natural drainage systems within Coldbrook, including, wetlands, watercourses and swales.

2.10.4.12.1.3 To protect natural storm water drainage systems and environmentally sensitive areas from risk of pollution by integrating them into trails, greenbelts and other recreational areas.

2.10.4.12.1.4 To identify the natural storm water drainage systems, wetlands, watercourses and swales on an overlay of the district.

2.10.4.12.1.5 To work with the community to promote understanding of the importance of natural and constructed drainage systems.

2.10.4.12.1.6 To consider a no net loss wetlands policy.

**2.10.4.12.2 Policies**

- 2.10.4.12.2.1 To provide for the implementation of storm management objectives in accordance with Policy 2.9.2 of the Municipal Planning Strategy and the corresponding requirements of the Subdivision Bylaw, and the Land Use Bylaw.
- 2.10.4.12.2.2 To designate specific natural water courses and portions of adjacent lands as Natural Environment where such systems serve as natural storm drainage and where disruption or alteration of the course could result in, or contribute to, increased flooding or erosion problems. The setback shall extend a minimum of 50 feet to either side of the watercourse as measured from the top of the banks of the watercourses.
- 2.10.4.12.2.3 Council, in co-operation with the Province, may establish an adequate annual maintenance program on constructed storm water systems.
- 2.10.4.12.2.4 Council may require developers to submit a comprehensive storm water plan before permits are issued for medium-density residential, commercial or industrial developments in areas with steep slopes, wet soils or in close proximity to the Environmental Open Space (O1) Zone.

2.10.4.13 **Growth Centre Boundary**

Council reviewed the Coldbrook Growth Centre boundary during the consideration of this secondary plan and decided against expansion at the time. Council intends to review the boundary again within a reasonable time period.

2.10.4.13.1 **Policy**

2.10.4.13.1.1 Council intends to review the Growth Centre boundary, and in particular the possible inclusion of adjacent Country Residential (R6) Zoned lands, within fifteen (15) years of the adoption of the Coldbrook Secondary Planning Strategy.

PART 2	AMENDED DATE	SECTION
	January 9, 2006	2.10.3
	October 20, 2009	2.10.4



**2.11 FUTURE GROWTH CENTRE EXPANSION AND NEW GROWTH CENTRES**

Directing growth into designated Growth Centres will eventually lead to the need for future urban expansion, either through development boundary extension or the creation of new Growth Centres. To ensure the efficient and economical provision of municipal services Council must plan in advance for urban growth. Considering options for future expansion, general growth directions, and the timing of infrastructure extensions is necessary to ensure that the required municipal services and infrastructure will not become a financial burden on the Municipality and its citizens.

**2.11.1 Growth Centre Expansion and New Growth Centre Designation Objectives**

- 2.11.1.1 To establish criteria for evaluating potential new urban areas and directions for future urban expansion.
- 2.11.1.2 To indicate preferred expansion directions or new areas to be considered for future urban designation.

**2.11.2 Urban Expansion Policies**

- 2.11.2.1 Council shall take into account the following factors, in addition to those contained in the Rural part of this Strategy, when considering the expansion of Growth Centre boundaries or the designation of new Growth Centres:
  - a. the impact of urban expansion on resource development
  - b. urban planning goals and objectives expressed in this Strategy
  - c. financial impact on the Municipality and Villages for delivery of urban services
  - d. servicing feasibility and practicality
  - e. projected growth and development demand
  - f. the existing community development pattern
  - g. the street pattern, function and required extensions and improvements
  - h. land use compatibility
  - i. commercial and community facilities

- j. neighbourhood traffic and pedestrian linkages and circulation
- k. the results of an agricultural impact assessment

#### 2.11.2.2 **Agricultural Impact Assessment**

2.11.2.2.1 Council shall require an Agricultural Impact Assessment when considering the expansion of a Growth Centre boundary into the Agricultural District, under any of the following circumstances:

- a. when more than 20 acres of land zoned A1 is proposed to be taken out of the Agricultural District
- b. upon request from the Kings County Federation of Agriculture or the Nova Scotia Department of Agriculture

2.11.2.2.2 The Agricultural Impact Assessment shall address the following issues:

- a. impact of the loss of the agricultural lands on the farming industry in Kings County
- b. economic impact of the loss of agricultural land to the Kings County economy
- c. the quantity and quality of soil lost from agriculture
- d. possible impacts on adjacent farms
- e. cultural and tourism impacts

2.11.2.2.3 The Agricultural Impact Assessment shall be completed by a qualified professional, such as a Planner, an Agrologist or an Agricultural Economist, who has a background in agricultural assessments,. The costs of the Agricultural Impact Assessment shall be borne by the applicant. Municipal staff may seek outside confirmation or advice on the report to ensure quality and accuracy.

### **2.11.3 Coldbrook-Wolfville Urban Corridor Expansion**

The Coldbrook-Wolfville Urban Corridor with a population of nearly 20,000 will create the greatest demand for continued growth and development. This urban conglomeration is projected to attract up to 70% of all future urban housing within the County. In planning for future corridor expansion, Council must consider its objective of minimizing the encroachment of urban development into prime agricultural land. This goal, therefore limits opportunity for major expansion north and east of the corridor as this would impinge into Agricultural Districts. While some future development boundary adjustments north and east may be considered, the main option for urban expansion in future may be to the south into the Country Residential and Forestry District. This would be in keeping with Council's commitment to the preservation of the agricultural land resources.

The areas south of Kentville and New Minas are designated Country Residential and Forestry respectively. A redesignation for urban development would require an amendment to this Strategy. Given the potential extent of urban expansion, an assessment of the potential impact and implications for the Municipality of either area being designated major urban growth should be undertaken. Prior to considering an amendment to this Strategy to allow expansion, this assessment should be completed to Council's satisfaction. In 1999, Council chose to recognize the established residential development in the immediate vicinity of Forsythe Road and Pine Street as a rural residential enclave. Rather than subjecting this neighbourhood to more intensive development, possible through urban development context and the associated infrastructure and development standards, it should be left as a rural residential option, with an appropriate planning designation on the Rural Future Land Use Map and Zoned accordingly.

### **2.11.4 Coldbrook-Wolfville Urban Corridor Expansion Policies**

- 2.11.4.1 Council may consider the areas south of Kentville between the Town boundary and Highway # 101 and south of New Minas between Highway # 101 and the White Rock Road east of the Highbury School Road for future urban expansion of the Coldbrook-Wolfville Urban Corridor.
- 2.11.4.2 Prior to considering an amendment to provide for urban growth and development of either area described in Policy 2.11.4.1, Council shall require the preparation of planning, engineering and marketing studies as necessary to adequately address the urban expansion considerations stated in Policy 2.11.2.1 to its satisfaction.

**2.11.5 Forsythe Road and Pine Street Area**

- 2.11.5.1 Council intends to designate an area on the Future Land Use Map in the vicinity of Forsythe Road and Pine Street as a Country Residential District.
- 2.11.5.2 Council shall zone the lands referred to in Policy 2.11.5.1 as Country Residential District.
- 2.11.5.3 Development in this Country Residential District shall be in accordance with the policies of this Strategy contained in Section 3.4 of this Strategy Country Residential Districts.

**2.11.6 General Growth Centre Expansion**

At current development rates the Growth Centres have a sufficient supply of land to accommodate future growth needs for at least twenty years. (Refer to Part 7 Growth Centres Growth Performance Charts). The question of land availability, however, is most critical in Canning, Port Williams and Coldbrook where successful commercial farms occupy much of the internal serviceable land base. This factor may require Council to consider alternative growth expansion directions or strategies for inducing the conversion to urban development of farmland within the Growth Centres.

**2.11.7 General Growth Centre Expansion Policy**

- 2.11.7.1 Council shall consider the future expansion of Growth Centre development boundaries subject to Policy 2.11.2.1 and the availability of Growth Centre farmland for conversion to urban development.

**2.11.8 New Growth Centres**

Some rural residential areas and Hamlets located between or immediately adjacent to urban areas lie in the path of inevitable urban expansion. Where circumstances warrant, a new Growth Centre may be designated. Council will determine the timing of the designation and decide whether to expand an existing Growth Centre, or establish a new one.

In some Hamlets, public health may be threatened and may necessitate the provision of municipal central services. Depending on the implications on the agricultural resource base, the situation may present another opportunity for higher density urban development.

To date, Council has identified and acknowledged one Hamlet community with the above characteristics. In 1981, sewer services were extended to the



Hamlet of Greenwich. Council expected that pressure for residential development and a higher level of urban services would make Greenwich a reasonable candidate for Growth Centre status in future.

**2.11.9 New Growth Centres Policies**

- 2.11.9.1 Council may amend this Strategy to include serviced Hamlets or parts thereof as extensions to existing Growth Centres or as new Growth Centres.
- 2.11.9.2 Council may recognize Greenwich as a serviced Hamlet which will continue to have an intermixture of agricultural, residential and related uses.
- 2.11.9.3 Council may redesignate a serviced hamlet to a Growth Centre when there is an increased demand for urban development within the Community combined with the phasing out of agricultural activity.
- 2.11.9.4 Policies of Section 6.1 Hamlet shall apply to any serviced hamlet unless otherwise stated in this Strategy.

<b>PART 2</b>	<b>AMENDED DATE</b>	<b>SECTION</b>
	February 8, 2000	2.11.3 / 2.11.5
	July 5, 2005	2.11.6 / 2.11.7 / 2.11.7.1 / 2.11.8 / 2.11.9 / 2.11.9.1 / 2.11.9.2 / 2.11.9.3 / 2.11.9.4
	January 29, 2009	2.11.2.1 k. / 2.11.2.2



## 2.12 WATER RESOURCE PROTECTION AND MANAGEMENT

Nearly every household, school, daycare centre; every health care facility, home for special care, government office and business –especially the agriculture and food processing industry in Kings County– depends on groundwater as the primary source of water. Council recognizes that a safe and reliable water supply is not just important, but essential to public health and community stability. As the foundation of a viable social and economic base, the quality and abundance of water is the definitive indicator of sustainable development. Without an adequate supply today, and some measure of assurance for the future, all other development objectives become secondary.

The emergence of water resource interest groups such as the Friends of the Cornwallis River Society, and the Valley Horticultural Society -Water User group in the early and mid 1990's and the subsequent formation of an umbrella organization, the Valley Watershed Stewardship Association in 2001, attest to the increasingly widespread public concern for the future of an essentially unmanaged water supply.

Through this section of the Municipal Planning Strategy, Council has opted to protect this vital resource, and by implication, the public investment in central water supply and distribution services. Council accepts that success will rely on a combined philosophy of education to promote citizen awareness (both private and corporate) of water supply issues, public acquisition of critical lands, land use bylaw regulations, and ministerial orders to protect well fields and recharge areas. However, because there is no single public entity to manage groundwater supplies and distribution, County Council must develop a planning approach that can be applied to an array of existing water supply and delivery systems, each with its own technical and administrative idiosyncrasies. Moreover, Council wishes to continue to encourage the Province in implementing a Nova Scotia Water Resource Management Strategy.

In general, water delivery systems fall into two categories: individual private wells (common to all forms of housing, public schools, health care facilities, businesses, agriculture, and other industries) and public well water systems. Almost half of all Kings County residents (including those in towns and villages) obtain water from private wells. The other half receives water from various independent central systems. County Council owns and operates the Greenwood Water Utility and another smaller system in Aylesford. The Village Commissions of Canning, Port Williams and New Minas respectively operate water utilities in those centres. The Town of Kentville (Stead Water Commission) serves that Town and adjoining County areas of North Kentville and a very limited area at the east end of Coldbrook. The Towns of Wolfville and Hantsport also operate groundwater-sourced utilities for their citizens. A limited number of water users share communal water systems.

In terms of water quality, the Province sets rigorous standards for monitoring and treatment of public water utilities. Owners of private wells are not subject to public regulation, and the onus is on those individuals to regularly submit samples for testing- for which bacteriological testing services are available through local

hospitals laboratories. Again, however, any treatment for Coliform bacteria (and other parameters which affect quality) is the responsibility of the property owner.

In addition to water quality and public health factors, hydrologic characteristics of aquifers are dynamic and changing from year to year and even season to season. Obviously, groundwater does not conform to planning or other legal boundaries. Nor does the process of groundwater recharge necessarily keep up with community growth and corresponding increases in water consumption by various –and often competing– users. Consequently, it is Council’s intention that land use policies compel the Municipality to use discretion in considering expansion of growth centre boundaries, and changes in zoning on sites, which could expose the groundwater supply to an increased risk of contamination or over-consumption. Likewise, Council intends to consider risks to groundwater contamination, when considering development proposals in proximity to groundwater supply areas. Where groundwater protection areas overlap municipal boundaries, County Council has endorsed the Town of Kentville’s water supply protection initiatives and looks forward to cooperating with other Town’s and neighbouring rural municipalities engaging in similar programs.

### **2.12.1 Goals For Managing Groundwater Supplies**

- ensure an adequate supply of water for current and future community demand where central services are provided;
- protect the integrity of community well water supplies where groundwater is the primary source of community water;
- foster groundwater protection and water conservation practices among county residents, institutions and businesses dependent on public and private wells.

### **2.12.2 Objectives for Achieving Groundwater Supply Goals**

- undertake aquifer assessment and wellhead protection studies, and implement recommendations through this Strategy, Secondary Planning Strategies, the Land Use Bylaw, other community planning documents, and programs;
- institute policies and regulations to implement wellfield protection methods;
- implement community awareness programs relating to both private well and community well water supplies;
- promote responsible groundwater management and conservation practices;

- act in partnership with other government agencies, and municipalities, village commissions, institutions, interest groups and industry to achieve sustainable use of groundwater resources;
- identify alternative water supply sources.

### **2.12.3 General Groundwater Supply and Management Policies**

- 2.12.3.1 In addition to making general statements of intent respecting groundwater resources within the Municipality, Council shall undertake additional amendments to this Strategy, as necessary, to institute wellfield protection measures for specific groundwater supply areas within the Municipality.
- 2.12.3.2 Pursuant to policy 2.12.3.1 above, Council shall implement wellfield protection regulations through the General Provisions section of the Land Use Bylaw. Such Regulations in the Bylaw(s) will apply to all zones, and where more restrictive, shall override other zone regulations.
- 2.12.3.3 Council shall identify well protection areas on maps appended to the Land Use Bylaw. These maps shall officially recognize the existence of central water supply Wellheads, Wellfields, Well Capture and Recharge areas, or other relevant classifications as identified in either the New Minas Sector Plan, a Secondary Planning Strategy, or referenced in technical studies and documents prepared for public (Municipal or Village) and private water utilities in Kings County.
- 2.12.3.4 Council shall, in considering proposals to amend the Municipal Planning Strategy to accommodate a change in Growth Centre or Rural District boundary within a water supply protection or water resource management area, as identified on a relevant Land Use Bylaw map schedule, have regard to the following matters:
- a. an assessment (submitted in a written report) by a qualified hydrogeologist or hydrogeological engineer, of the current yield of existing wells or wellfield, and ensure that development potential is contained within the sustainable operating capacity of the water supply system

- b. an assessment (submitted in a written report) by a qualified hydrogeologist or hydrogeological engineer, of the risk of contamination of the groundwater supply or over-consumption inherent in changing from one land use designation to another; and
- c. the policies of this Strategy including those for amending the Land Use Bylaw as contained in Part 6 of this Strategy; and
- d. any relevant policies of the New Minas Sector Plan, or inter-municipal planning document(s)

#### **2.12.4 Companion Policies: Groundwater Supply and Management, Canning Water Supply**

The Canning Village Commission operates and manages a central water supply system which provides water to approximately 400 residences and business within the Village. The water supply is supported by three production wells and includes a 350,000 gallon (1.575 million litre) reservoir which sustain an average consumption demand of approximately 90,000 gallons (405,000 litres) per day.

In 2002 the Village commissioned the firms of Hiltz and Seamone Co. Ltd., Consulting Engineers and W.G. Shaw & Associates Ltd., Consulting Geoscientists to prepare a water resources management plan to assess the technical characteristics of the water supply, delineate the wellfield area which it utilizes and to provide directions for the protection and management of the wellfield area. This work supplemented and updated a number of technical analyses which have been undertaken over time with respect to the drilling and testing of the Village's wells.

The October 2002 Hiltz and Seamone and W. G. Shaw Water Resource Management Plan for the Village of Canning delineated a wellfield area which included wellhead, wellfield and wellfield recharge protection areas, confirmed that the Village's long-term demands were sustainable relative to the yield of the wellfield area and outlined a variety of land use control recommendations aimed at protecting the quality of the groundwater resource.

A planning exercise, specifically focused on land use and development issues concerning water quality protection, was undertaken to further refine the recommendations from the Management Plan and to transfer these recommendations into the municipal planning context.

The pattern and form of existing development within Canning presents some unique challenges with respect to protection of the water supply. A variety of existing commercial activities located on Main Street, which might be considered as high risk, are in very close proximity to the most productive well in the wellfield area - "Canning #3". Virtually all of the commercial development within the Village falls within the broader wellfield "influence" area.

It has also been noted that the Village boundary and the Municipal Planning Strategy's Growth Centre boundary are not contiguous and that the Strategy has allowed for agricultural designations and zoning within the Village limits. It is significant to note that a large portion of lands, located east of North Avenue, are zoned Agriculture A1, are actively farmed and are within the wellfield influence area. In the absence of appropriate management practices certain agricultural activities can present significant risks to groundwater quality.

In keeping with the interest in the provision of safe water, which is shared by the Canning Village Commission and Municipal Council, the purpose of this section is to provide for policies and land use regulation which are consistent with management recommendations contained in the Hiltz and Seamone Co. Ltd. and W. G. Shaw and Associates Ltd. Water Resource Management Plan for the Village of Canning.

The basic approach adopted through the following policies, as recommended in the Hiltz and Seamone/W.G. Shaw Associates Water Resource Management Plan for the Village of Canning, is to encourage land use and management practices which minimize potential risks of groundwater contamination from existing development and to prevent the potential for future contamination from specific types of new development.

Balancing the needs for groundwater protection, new growth and development of the Village and recognition of the investment made by existing property owners in existing development is extremely important to the overall success of the land use control measures. This Strategy clearly acknowledges the rights of existing development and land use activities currently within the wellfield influence area to continue to operate in their current form and scope of activity, even though some of the existing activities might otherwise not be permitted in light of the community's interest in protection of the groundwater.

Provision has been made to allow existing development within the wellfield area which, due to the potential contamination risk which it may pose, would otherwise not be allowed to be considered for expansion or redevelopment by means of a Development Agreement. Such

development will be evaluated in light of the actual risk a specific use and/or development proposal may present to groundwater contamination, the provisions which may be identified to mitigate against groundwater contamination and the general provisions for development agreements contained in this Strategy.

- 2.12.4.1 Further to and in support of policies contained in subsection 2.12.3 of this Strategy, Council accepts the technical recommendations for wellfield area protection contained in the Water Resource Management Plan for the Village of Canning (Hiltz and Seamone Co, Ltd., Consulting Engineers and W. G. Shaw and Associates Ltd., Consulting Geoscientists, October 18, 2002).
- 2.12.4.2 Council shall, in keeping with Policy 2.12.4.1 implement protective measures in the General Provisions section of the Land Use Bylaw, pursuant to the *Municipal Government Act*.
- 2.12.4.3 In addition to provisions contained in this section Council intends to work with the Canning Village Commission to explore mechanisms and administrative and management undertakings which support the protection of groundwater within the wellfield area but which are beyond the scope and authority of municipal planning legislation. These efforts may include but not be limited to public awareness and education programs, water conservation and consumption management and contingency planning for supply and distribution management. Specific administrative and management measures may also include restrictions on the application of road salt (and other de-icing products), the use and application of pesticides, herbicides and fertilizers, agricultural production and waste management, private well drilling and groundwater production, aggregate extraction and forestry development.
- 2.12.4.4 Council shall institute in the General Provisions section of the Land Use Bylaw three categories of "zones" for groundwater supply protection as recommended in the Water Resource Management Plan for the Village of Canning which it shall identify on a Groundwater Resource Management Plan map(s) appended to the Land Use Bylaw. Such provisions shall include the following special zones and provisions:



**Wellhead Protection Zone (Zone A)**

The Wellhead Protection Zone consists of the immediate vicinity of all water production wells within the wellfield area and shall include all lands within a 250-foot (76.2 metre) radius of the wellhead. Development within this zone shall be restricted to single detached residential dwellings and uses which are directly related to the operation of the well and water transmission system.

**Wellfield Protection Zone (Zone B)**

The Wellfield Protection Zone consists of lands which provide the primary source of groundwater which supports and recharges the lands within the immediate vicinity of the production wells. This area is delineated by the length of time estimated for groundwater, and by association any contaminates, to travel through geological structures to the wellhead. A transmissivity rating of between 3 months and 1 year, as identified in the Water Resource Management Plan for the Village of Canning, has been utilized to define the physical limits of this zone. Within the Wellfield Protection Zone certain land uses, which by their nature present a significant risk to the groundwater will be prohibited including:

- Automotive and Auto Body Repair Shops
- Bulk Storage of Salt
- Commercial Livestock Operations
- Laundry and Dry Cleaning Establishments
- Manure Storage Facility
- Scrap Metal and Salvage Storage and/or Processing
- Service Stations
- Sewage Treatment or Sewage Disposal Facilities or Systems
- Storage and/or Distribution of Fertilizer, Pesticides, Herbicides, Chlorinated Organic Compounds or Solvents and any Other Toxic Materials
- Storage and/or Distribution of Petroleum Fuels or Solvents
- Uses Permitted Within the Agricultural Industrial (M3) Zone
- Uses Permitted Within the Heavy Industrial (M2) Zone
- Uses Permitted Within the Light Industrial (M1) Zone, Exception Fire Stations, Indoor Recreation Uses,

Existing Residential Uses and Domestic and Craft  
Related Rural Home Occupations

### **Wellfield Recharge Zone (Zone C)**

The Wellfield Recharge Zone contains lands which provide and support the long-term recharge to the wellfield protection and wellhead areas. The limits of this zone, as identified in the Water Resource Management Plan for the Village of Canning, are delineated by a 1-year to 25 year transmissivity rating. Similar to the Wellfield Protection Zone, certain land uses, which by their nature present a significant risk to the groundwater, will be prohibited including:

- Automotive and Auto Body Repair Shops
- Bulk Storage of Petroleum Fuels in Excess of 10,000 Gallons (45,000 Litres)
- Bulk Storage of Petroleum Solvents in Excess of 200 Gallons (900 Litres)
- Bulk Storage of Salt in Excess of 100 Tonnes
- Commercial Livestock Operations
- Laundry and Dry Cleaning Establishments
- Manure Storage Facility
- Scrap Metal and Salvage Storage and/or Processing
- Service Stations
- Sewage Treatment or Sewage Disposal Facilities or Systems, Excluding Domestic Systems
- Storage of Chlorinated Organic Compounds in Excess of 200 Gallons (900 Litres)
- Storage of Pesticides and Herbicides in Excess of 200 Gallons (900 Litres)
- Uses Permitted Within the Agricultural Industrial (M3) Zone
- Uses Permitted Within the Heavy Industrial (M2) Zone
- Uses Permitted Within the Light Industrial Commercial (M1) Zone, Excepting Arenas, Fire Stations, Indoor Recreation Uses, Kennels, Outdoor Commercial Display, Existing Residential Uses and Domestic and Craft Related Rural Home Occupations

2.12.4.5 Council shall establish a hierarchy of land use restrictions in the General Provisions section of the Land Use Bylaw which shall correspond to the use provisions outlined for the three protection zones. Restrictions in the Land Use Bylaw

identified in Policy 2.12.4.4 will take effect in all land use zones, and where more stringent, these standards shall supersede or override the provisions of any zone or other General Provisions.

2.12.4.6 Existing uses within the Wellhead Protection (Zone A), Wellfield Protection (Zone B) and Wellfield Recharge (Zone C) which pursuant to Policy 2.12.4.4 have otherwise been identified as being prohibited shall be permitted to continue to operate in their current form and scope as provided for by the Land Use Bylaw and may be considered for expansion or redevelopment only by Development Agreement. In addition to provisions contained in Part 2.7, Urban Non-conforming Uses, Council in considering an application for approval of a Development Agreement shall ensure that the proposal does not increase the potential for contamination of groundwater.

2.12.4.7 Notwithstanding any other provisions contained in this Strategy, Council shall not consider applications to rezone to Light Industrial (M1 Zone), Heavy Industrial (M2 Zone) or Agricultural Industrial (M3 Zone) within the Water Supply Protection Area for the Village of Canning as delineated on the Canning Urban Zoning and Wellfield Protection Zones Map, Schedule 3g, of the Land Use Bylaw.

## **2.12.5 Companion Policies: Groundwater Supply and Management, Port Williams Water Supply**

The Village of Port Williams is fortunate to have access to an abundant supply of groundwater which generally meets or exceeds drinking water quality guidelines. While a number of residential and commercial properties rely on private wells a majority of the residents of the community are provided drinking water by the Village's Water Commission.

As part of the process of renewing current withdrawal approvals, and in response to changing Nova Scotia Environment's regulatory requirements for public water supply operations coming forward from the Province of Nova Scotia's 2002 Drinking Water Strategy, the Port Williams Water Commission has undertaken an assessment of both the water supply system and the wellfield area from which the Village's water is withdrawn. Hiltz and Seamone Co. Ltd., consulting engineers together with W.G. Shaw and Associates Ltd., consulting geoscientists, have

prepared the Village of Port Williams Water Supply Management Plan dated February 2003.

The Village of Port Williams Water Supply Management Plan provides an assessment of the technical characteristics of the water supply, describes the local geology and hydrologic characteristics, utilizes computer modeling to delineate the area which supports the Village's production wells and provides directions and recommendations for the protection and management of the wellfield area. The Hiltz and Seamone plan provides all the primary engineering assessment and recommendations upon which the following planning and land use control measures have been based.

The Village of Port Williams Water Supply Management Plan identifies and delineates a wellfield area which will provide a sustainable yield of high quality ground water necessary to support the growth and development of the community. Efforts have also been made, in the context of technical evaluations, to identify an area suitable for future production well development. The goals and purpose of both the Hiltz and Seamone technical assessment and these planning and land use control provisions is to promote an operational, management and land use control regime aimed at protecting the long term quality of ground water within the wellfield area.

The primary recommendations contained in the Village of Port Williams Water Supply Management Plan relate to identification of a number of "zones" within the wellfield which correspond to specific ranges of sensitivity to and risk of contamination, as well as the identification of a range of land use activities which due to their nature pose a risk of contamination within the wellfield area.

In reviewing the technical assessment of the wellfield area and undertaking a planning process to support and compliment the assessment, a number of general land use issues were identified. Commercial agriculture is an important component of both the economic and cultural fabric of the Port Williams community. An awareness does exist however that some agricultural land use practices do present challenges with respect to groundwater quality, in particular those relating to the use of pesticides and fertilizers.

The recent introduction of Environmental Farm Plans provides an opportunity for the operator to minimize potential negative impacts and risks of agricultural operations on groundwater within the wellfield area. The development and implementation of Environmental Farm Plans for agricultural operations within the wellfield area should take a very high priority for the operator and within the agricultural community.

The community is interested in a planning and land use control regime which balances the need to promote and manage growth and development, ensure the enhancement of the Village's unique character and protect the quality of the natural environment.

It has also been identified that, except perhaps where significant risk to ground water contamination can be shown to be present, existing development within the larger wellfield area is accepted by the community and should be allowed to continue and expand provided measures are put in place so as to not increase any undue risk of groundwater contamination.

A majority of the Port Williams wellfield area is located outside of the Village's Growth Centre boundary and is designated as Agriculture on the Municipal Planning Strategy's Future Land Use Map. The southern portion of the wellfield area, in the vicinity of well Number 5, as well as an area identified for future well development, is located within the Growth Centre boundary. This area is subject to two different Future Land Use designations, Residential and Industrial, and contains a variety of low and medium density residential development.

The Village's industrial park and a number of long standing industrial activities are located within the wellfield area. While industrial development should generally not be encouraged to locate within a water supply area the Strategy must recognize the existing situation and identify means to minimize risks associated with this type of activity. The primary concern with respect to future industrial development relates to "Heavy Industrial" uses and therefore rezoning of any lands within the wellfield area for Heavy Industrial (M2) use will not be permitted.

A majority of the wellfield area is designated and zoned for agricultural use. This designation is based on soils capability mapping and a fundamental policy focus within the Municipal Planning Strategy directed at protection of agricultural lands. The Strategy contains a number of provisions regulating certain aspects of commercial agricultural operations such as feedlots and livestock operations which, in addition to having potential negative impacts on adjacent land use, could pose a risk to groundwater resources. The Strategy's provisions regulating agricultural development are, for the most part, consistent with measures aimed at protection of groundwater. Provisions allowing for the rezoning to Agricultural Industrial (M3) uses are however felt to be inconsistent with protection of the wellfield area and therefore such rezoning not be permitted within the wellfield area.

The Municipal Land Use Bylaw provides a direct means by which future development can be regulated to ensure that potential negative impacts

and risks to groundwater quality arising from certain types of activities are minimized. Certain operational and management issues are however beyond the scope of matters which a Land Use Bylaw may address. Therefore environmentally responsible operations and management practices have been recognized as a critical component to ensuring that all activities within the wellfield area minimize the risk of contamination and degradation of the groundwater resource. Public awareness and education, public ownership of critical areas within the wellfield, conservation measures and cooperation with residents, interest groups, industry and all levels of government are critical to the success of wellfield protection efforts.

- 2.12.5.1 Further to and in support of policies contained in subsection 2.12.3 of this Strategy, Council accepts the technical recommendations for wellfield area protection contained in the Village of Port Williams Water Resource Management Plan (Hiltz and Seamone Co. Ltd., Consulting Engineers and W. G. Shaw and Associates Ltd., Consulting Geoscientists, February 2003).
- 2.12.5.2 Council shall, in keeping with Policy 2.12.5.1 implement protective measures in the General Provisions section of the Land Use Bylaw, pursuant to the *Municipal Government Act* for the purposes of promoting protection of groundwater within the Port Williams Wellfield Area.
- 2.12.5.3 In addition to provisions contained in this section Council intends to work with the Port Williams Village Commission to explore legal mechanisms and administrative and management undertakings which support the protection of the groundwater within the wellfield area but which are beyond the scope and authority of municipal planning legislation. These efforts may include but not be limited to public awareness and education programs, water conservation and consumption management and contingency planning for supply and distribution management. Specific administrative and management measures may also include restrictions on the application of road salt (and other de-icing products), the use and application of pesticides, herbicides and fertilizers, agricultural production and waste management, private well drilling and groundwater production, aggregate extraction and forestry development.
- 2.12.5.4 Council shall institute in the General Provisions section of the Land Use Bylaw four categories of “zones” for

groundwater supply protection as recommended in the Village of Port Williams Water Resource Management Plan which it shall identify on the Port Williams Growth Centre Urban Zoning Map appended to the Land Use Bylaw. The Bylaw shall include the following special zones and provisions:

#### **Wellhead Protection Zone (Zone A)**

The Wellhead Protection Zone consists of the immediate vicinity of all water production wells within the wellfield area and shall include all lands within an approximate 76 meter (250 foot) radius of the wellhead. The Future Wellhead Zone has been applied to lands which, due to their hydrogeologic characteristics, have been identified as being suitable for future production wells. Development within this zone shall be restricted to single detached residential dwellings and uses, which are directly related to the operation of the well and water transmission system.

#### **Future Wellhead Area (Zone F)**

The Future Wellhead Zone has been applied to lands, which, due to their hydrogeologic characteristics, have been identified as being suitable for future production wells. Development within this zone shall be restricted to single detached residential dwellings and uses, which are directly related to the operation of the well and water transmission system.

#### **Wellfield Protection Zone (Zone B)**

The Wellfield Protection Zone consists of lands which provide the primary source of groundwater which supports and recharges the lands within the immediate vicinity of the production wells (wellhead areas). This area is delineated by the length of time estimated for groundwater, and by association any contaminants, to travel through geological structures to the wellhead. A transmissivity rating of between 3 months and 1 year, as identified in the Village of Port Williams Water Resource Management Plan, has been utilized to define the physical limits of this zone. Within the Wellfield Protection Zone certain land uses, which by their nature present a significant risk to the groundwater contamination will be prohibited including:

- Commercial Storage of Chlorinated Organic Compounds
- Commercial Storage of Pesticides and Herbicides
- Commercial Storage of Petroleum Fuels
- Commercial storage of Petroleum Solvents
- Commercial storage of Synthetic Fertilizers and Manure in excess of 908 kilograms (1 Tonne)
- Storage of Salt in excess of 908 Kilograms (1 Tonne)

### **Wellfield Recharge Zone (Zone C)**

The Wellfield Recharge Zone contains lands which provide and support the long-term recharge to the wellfield protection and wellhead areas. The limits of this zone, as identified in the Village of Port Williams Water Resource Management Plan, are delineated by a 1-year to 25-year transmissivity rating. Similar to the Wellfield Protection Zone, certain land uses, which by their nature present a significant risk to the groundwater, will be prohibited including:

- Commercial storage of Chlorinated Organic Compounds in excess of 900 Litres (200 Gallons)
- Commercial storage of Pesticides and Herbicides in excess of 900 Litres (200 Gallons)
- Commercial storage of Petroleum Fuels in excess of 45,000 Litres (10,000 Gallons)
- Commercial storage of Petroleum Solvents in excess of 900 Litres (200 Gallons)
- Storage of Salt in excess of 90,800 Kilograms (100 Tonnes)

2.12.5.5 Council shall establish a hierarchy of land use restrictions in the General Provisions section of the Land Use Bylaw which shall correspond to the use provisions outlined for the four protection zones. Restrictions in the Land Use Bylaw identified in Policy 2.12.5.4 will take effect in all land use zones, and where more stringent, these standards shall supercede or override the provisions of any zone or other General Provisions.

2.12.5.6 Notwithstanding provisions contained in Policy 2.12.5.4 and related provisions of this Municipal Planning Strategy and the Land Use Bylaw for Kings County, within the Wellfield Protection Zone (Zone B) and the Wellfield



Recharge Zone (Zone C) the following uses shall be prohibited within each of the specified Zones:

2.12.5.6.1 Uses Prohibited Within the Wellfield Protection Zone (Zone B):

- Abattoirs
- Accessory Gas Bars
- Aggregate Related Industries
- Agricultural Equipment Service
- Agricultural Processing Industries excluding fruit and vegetable processing
- All uses with the Agricultural Industrial (M3) Zone
- Auto Repair
- Automobile Service
- Bulk Chemical Storage
- Bulk Fuel Storage
- Bus Depots and Maintenance Facilities
- Cemeteries
- Cold Storage Facilities
- Commercial Greenhouses
- Crematoria
- Dry Cleaners
- Fertilizer Production, Mixing, Blending
- Fish and Food Processing
- Gas Bars
- Heavy Equipment Maintenance
- Heavy Equipment Service
- Recycling Depots
- Scrap Operations
- Septic Disposal Service
- Service Stations
- Transport and Trucking
- Waste Transfer Stations

2.12.5.6.2 Uses Prohibited in the Wellfield Recharge Zone (Zone C):

- Abattoirs
- Accessory Gas Bars
- Aggregate Related Industries
- Bulk Chemical Storage
- Bulk Fuel Storage
- Cemeteries
- Dry Cleaners

Fertilizer Production, Mixing, Blending  
Gas Bars  
Recycling Depots  
Scrap Operations  
Septic Disposal Service  
Service Stations  
Waste Transfer Stations

- 2.12.5.7 Existing uses within the Wellhead Protection (Zone A), Wellfield Protection (Zone B), Wellfield Recharge (Zone C) and Future Wellhead Area (Zone F) which pursuant to Policy 2.12.5.4 and 2.12.5.6 have otherwise been identified as being prohibited and thereby classified as existing non-conforming uses, shall be permitted to continue to operate in their current form and scope as provided for by the Land Use Bylaw and may be considered for expansion, redevelopment or change in uses only by Development Agreement.
- 2.12.5.8 In addition to provisions contained in Part 2.7, Urban Non-conforming Uses, Council in considering an application for approval of a Development Agreement pursuant to Policy 2.12.5.7 shall ensure that the proposal does not increase the potential for contamination of groundwater and further that the proposal receive a favourable review by the Village Commissioners for Port Williams which may stipulate Village which may stipulate that an applicant undertake appropriate studies by a qualified expert to assess the risk of impact on the quality and quantity of groundwater and where appropriate prescribe design, construction and operational performance standards directed mitigating risk of contamination and degradation of the groundwater resource.
- 2.12.5.9 Council may consider Agri-Tourism Commercial uses pursuant to Policy 3.2.8.2 in the Wellfield Protection Zone and the Wellfield Recharge Zone as shown of the Port Williams Growth Centre Urban Zoning Map. Council shall ensure that the proposal will not increase the potential for contamination of groundwater and that the proposal receives a favourable review by the Village Commissioners for Port Williams which may stipulate Village that an applicant undertake appropriate studies by a qualified expert to assess the risk of impact on the quality and quantity of groundwater and where appropriate prescribe design, construction and operational performance standards directed

mitigating risk of contamination and degradation of the groundwater resource.

- 2.12.5.10 Notwithstanding any other provisions contained in this Strategy, Council shall not consider application to rezone to Heavy Industrial (M2 Zone) or Agricultural Industrial (M3 Zone) within the Water Supply Protection Area for the Village of Port Williams as delineated on the Port Williams Growth Centre Urban Zoning Map of the Land Use Bylaw.
- 2.12.5.11 Except as provided for in this Section, Council shall not entertain applications for development by agreement on lands within any of the four protection zones shown on the Port Williams Growth Centre Urban Zoning Map.
- 2.12.5.12 In considering an amendment to the Municipal Planning Strategy and/or the Port Williams Groundwater Supply and Management Companion Policies, Council shall not provide for development which may increase the potential for contamination or degradation of the groundwater resource and in considering any amendments to this Strategy Council shall receive a favourable review by the Village Commissioners for Port Williams which may stipulate Village which may stipulate that an applicant undertake appropriate studies by a qualified expert to assess the risk of impact on the quality and quantity of groundwater and where appropriate prescribe design, construction and operational performance standards directed mitigating risk of contamination and degradation of the groundwater resource.

#### **2.12.6 Companion Policies: Groundwater Supply and Management in Forestry and Country Residential Districts South of New Minas**

The Water Resource Management Plan for the Village of New Minas delineates a Groundwater Recharge Area (protective zone “D”) for its wells that extends beyond the Village (and hence Growth Centre) boundaries, into the Forestry and Country Residential Districts. Council has endorsed this initiative through this Municipal Planning Strategy by instituting complementary policies and land use regulations specific to this area.

- 2.12.6.1 In keeping with policies under subsection 2.12.3 of this Strategy as well as the New Minas Sector Plan, Council accepts the technical recommendations for well protection contained in the Village of New Minas Water Resources

Management Plan (Hiltz and Seamone Co, Ltd Consulting Engineers and W.G. Shaw and Associates Ltd. Consulting Geoscientists, June 12, 2001).

2.12.6.2 Council shall, in keeping with Policy 2.12.6.1, implement protective measures in the General Provisions section of the Land Use Bylaw, pursuant to the *Municipal Government Act*. Such provisions shall include a Well Recharge Protection Zone (D).

2.12.6.3 The Well Recharge Protection Zone D includes the watersheds that feed the New Minas wells. This Zone is intended to exclude uses such as, but not limited to:

- a. Aggregate Extraction Related Industry
- b. Bulk Storage of Petroleum Fuels Over 10,000 Gallons
- c. Bulk Storage of Salt, Fertilizer, Pest and Weed Control Products and all Chlorinated Solvents (>200 Gallons)
- d. Cemetery
- e. Commercial Livestock Operation and Manure Storage
- f. Composting Facilities
- g. Forestry Use
- h. Golf Course and Driving Range
- i. M3, M4, M6, M7 Zone Uses (Excepting Cold Storage)
- j. Organic Soil Mixing Operations
- k. Salvage Operation, Salvage Yard and Holding Yard
- l. Septic Tank Service
- m. Waste Transfer Stations

2.12.6.4 Recharge Area Protection Zone D

Any uses from the above list that are already in existence shall become non-conforming. Expansion (or change in use) of such non-conforming uses, shall be eligible for consideration only by development agreement pursuant to Section 3.7.9 Rural Non-Conforming Uses policy of this Strategy.

Furthermore, rather than impose an absolute constraint on all of the above uses in Zone D, Council intends (where underlying zoning would otherwise permit) to allow the following uses, from the above list, as new developments by development agreement:

1. Golf Course and Driving Range
2. Transportation and Trucking

## 3. Warehousing and Storage (Excluding Cold Storage)

2.12.6.5 In considering a development agreement enabled by policy 2.12.6.4 for new uses, Council shall be satisfied that the development meets the following conditions:

- a. a favourable review by the New Minas Water Commission which may stipulate that the applicant undertake appropriate studies by a qualified independent groundwater expert to assess the risk of impacts on the quality and quantity of groundwater, and when appropriate, prescribe performance standards for both the site design and ongoing operational aspects of the development and an independent monitoring regime with regular reporting to the New Minas Water Commission to determine compliance with the terms of the agreement
- b. conformance with Provincial guidelines and conditions attached as individual licenses required under the Provincial Environment Act and other applicable Provincial and Federal regulations
- c. conformance with all other requirements of this Strategy

2.12.6.6 Council may require that any or all of the following information be submitted to the Municipality by the Developer with respect to any proposed development which is the subject of a Development Agreement under the Municipal Government Act namely:

- a. information as to the physical and environmental characteristics of the proposed site including information regarding topography, contours, elevations, dimensions, natural drainage, soils, groundwater, existing watercourses, vegetative cover, size and location of the lands
- b. information as to the proposed location, height, dimensions and use of all buildings or structures proposed to be built or erected on the lands
- c. information on the type and amount of site clearing required, if any
- d. information regarding proposed site drainage and servicing with water supply and sewage disposal

- e. information on proposed access and egress to and from the lands and estimated traffic flows to be generated
- f. information on the intended hours of operation
- g. information on the architectural design, including renderings, scaled site plans, profiles, grade elevations and cross sections
- h. information regarding the provision and maintenance of appropriate natural screens and landscaping

#### **2.12.7 Companion Policies: Groundwater Supply and Management, Coldbrook and the Kentville Wellfield Area**

In 1999 the Town of Kentville undertook to replace Magee Lake, located in the South Alton area, as the primary source of drinking water for the Town and other customers of the Kentville Water Commission. Professional engineering and hydrogeology evaluations, a test well drilling and a large scale water sampling program assisted in identification of a wellfield area capable of providing a high quality ground source supply capable of supporting the Town's long term needs. While no longer serving as the primary source of water for the Town Magee Lake continues to serve as a secondary/backup source and lands within the Magee Lake watershed remain designated and regulated as Water Supply pursuant to provisions contained in this Strategy and the Land Use Bylaw.

The Kentville wellfield area was identified and delineated in a report, the Kentville West Wellfield Water Resource Management Plan (January 2002) prepared by Hiltz and Seamone Co. Ltd., Consulting Engineers, in association with W. G. Shaw and Associates Ltd., Consulting Geoscientists. The consultants analyzed test well yield data, investigated the local geology, hydrogeologic characteristics of the local aquifer, projected water demand, estimated aquifer recharge and developed a water budget to confirm sustainable yield estimates. Utilizing the data and computer models the study delineated the total area of contribution for the wellfield as well as various "zones" of sensitivity of lands within the wellfield. The study also provided a variety of recommendations concerning land use management and control as it would relate to protection of the groundwater within the identified wellfield area.

The Kentville West Wellfield Water Resource Management Plan has been adopted by the Kentville Town Council. While the decision to transfer from a surface supply to a ground source supply afforded the Town a number of benefits such as improved raw water quality and a source located primarily within the boundaries of the Town, the development of the

wellfield has also presented challenges. The most significant of these is perhaps that the wellfield, due to environmental and hydrogeologic necessity, has been located in an area with considerable existing commercial, residential and industrial development. The need to balance the rights of existing development with the need to protect the groundwater resource is and will be a primary challenge for planning and development in the wellfield area. The Town of Kentville has adopted amendments to the Town's Municipal Planning Strategy and Land Use Bylaw to implement land use and development control recommendations of the Plan.

While approximately three quarters of the 24 square kilometer wellfield area is located within the Kentville Town boundary a portion of the area extends into Kings County in vicinity of the eastern portion of the community of Coldbrook. Most of the development within the Coldbrook's Highway 1 commercial corridor, from the Highway 101 overpass/Wandlyn Inn to the Scotian Gold plant, is located within the wellfield area as are a number of existing residential neighbourhoods including Pinewood, Royal Estates and Cornwallis Crescent.

The Kentville West Wellfield Water Resource Management Plan identifies 4 different "zones" within the wellfield area, corresponding to areas of differing sensitivity to contamination and degradation by land use activities. Lands with the highest sensitivity are those located closest to the individual production wells, the "Wellhead Protection Zone, Zone A". These areas have the shortest "time of travel" for a contaminant to enter the groundwater as a result of land use activities. The West Wellfield Water Resource Management Plan calls for a significant degree of land use control in these areas to ensure the long-term protection of the water supply. The Plan recommends incrementally reduced land use control measures for lands located increasingly further away from the wellheads, the Well Capture Protection Zone, Zone B, the Wellfield Protection Zone, Zone C and the Wellfield Recharge Zone, Zone D.

Lands located in the Coldbrook area which fall within the designated wellfield area are primarily contained within the Wellfield Protection Zone, Zone C and the Wellfield Recharge Zone, Zone D, with a vast majority of these lands falling within the Wellfield Recharge Zone. These zones apply to lands most removed from the wellheads with the greatest "time of travel" for a contaminant to the wellhead. While being significant to the protection and management regime envisioned in the Plan, lands within Zone C and Zone D are recommended to be subject to the least amount of specific development control provisions for groundwater protection.

A very small portion of lands, approximately 930 square meters (10,000 square feet) do fall within one of the Wellhead Protection Zones, Zone A. These lands are located on the north side of the railway right-of-way and are

zoned Country Residential R6. The lands are vacant, do not directly abut a local road and are in close proximity to wet lands and streams which flow into the Cornwallis River. The current zoning does not permit intensive development these lands and they are generally unsuitable for any type of development by virtue of their environmental constraints.

A small portion of lands, approximately 4 hectares (10 acres) are located within the Well Capture Zone, Zone B. These lands are located within the Coldbrook Village Park commercial development, approximately 2.4 hectares (6 acres) being zoned Commercial Comprehensive Development C6 and 4 acres being zoned Environmental Open Space O1 due to the presence of water features and wetlands. The Well Capture Zone is applied to lands, which directly support short to medium term groundwater production and have been characterized as having the potential to transmit contaminants to production wells within 2 week to 3 months of them entering the soil. As a result the Kentville West Wellfield Water Resource Management Plan calls for restrictions on specific types of uses within this area as a means of reducing the risk and potential for groundwater contamination.

The West Wellfield Water Resource Management Plan recommends that development control provisions be placed on certain activities, which due to the nature of the operation and/or the materials used, present a significant challenge to the protection of groundwater within the wellfield area. Included in this list of uses is the commercial storage of petroleum fuels and solvents, commercial storage of chlorinated solvents and the commercial storage or pesticides and herbicides.

The purpose of this section of the Strategy is to identify and implement land use control provisions consistent with the recommendations contained in the Kentville West Wellfield Water Resource Management Plan. This Strategy adopts the wellfield protection zoning for lands in the wellfield area located within the County as recommended by the Plan and implements land use control provisions by means of an overlay technique. Lands within the wellfield area are designated and zoned pursuant to all relevant policies of this Strategy, and the relevant land use and development control provisions for these zones are identified in the Land Use Bylaw. However where properties fall within the wellfield area an additional level, a series of “overlay” restrictions will apply and where applicable supersede other Bylaw provisions.

Long before the development of the wellfield a wide variety commercial and industrial type development had established itself in Coldbrook along Highway 1. Over time this development has evolved from serving primarily the local community to the current day where the Highway 1 commercial core now serves as the central focus to the Coldbrook Growth



Centre as well as a significant commercial presence within the New Minas/Kentville/Coldbrook urban context. It is the objective of this Strategy to balance the needs of existing and future development on lands within Coldbrook which fall within the Wellfield Area with the need to protect the groundwater resource.

Existing commercial uses within the Wellfield Protection Zones, which have been developed pursuant to and would otherwise be permitted according to the Bylaw but which are subject to regulation and/or prohibition within the overlay zone, will be able to continue to operate as an existing non-conforming uses. These uses will also be able to be considered for expansion or redeveloped by means of development agreement subject to the provisions of this Strategy.

- 2.12.7.1 Further to and in support of policies contained in Subsection 2.12.3 of this Strategy, Council accepts the technical recommendations for wellfield area protection contained in the Kentville West Wellfield Water Resource Management Plan (Hiltz and Seamone Co. Ltd., Consulting Engineers in association with W. G. Shaw and Associates Ltd., Consulting Geoscientists).
- 2.12.7.2 Council shall, in keeping with Policy 2.12.7.1, implement protective measures in the General Provisions section of the Land Use Bylaw, pursuant to the *Municipal Government Act*.
- 2.12.7.3 In addition to provisions contained in this section Council intends to work with the Town of Kentville and the Kentville Water Commission to explore legal mechanisms and administrative and management undertakings which support the protection of the groundwater within the wellfield area but which are beyond the scope and authority of municipal planning legislation. These efforts may include but not be limited to public awareness and education programs, water conservation and consumption management and contingency planning for supply and distribution management. Specific administrative and management measures may also include restrictions on the application of road salt (and other de-icing products), the use and application of pesticides, herbicides and fertilizers, agricultural production and waste management, private well drilling and groundwater production, aggregate extraction and forestry development.
- 2.12.7.4 Council shall institute in the General Provisions section of the Land Use Bylaw groundwater supply protection measures for that portion of the Kentville wellfield area located within the

County, as recommended in the Kentville West Wellfield Water Resource Management Plan. Lands subject to these provisions shall be identified on the Coldbrook Urban Zoning and Wellfield Protection Zoning Map appended as Schedule 5g of the Land Use Bylaw and shall include the following special zone and provisions:

#### **Wellhead Protection Zone (Zone A)**

The Wellhead Protection Zone includes those lands which contain or are immediately adjacent to the wellhead. The limits of this zone, as identified in the Kentville West Wellfield Water Resource Management Plan, are delineated by up to a 2-week time of travel for a contaminant to reach the wellhead through the groundwater system. These lands are the most sensitive lands within the wellfield and critical to the operation of the Kentville Water Commission and, therefore, the only uses permitted within this zone shall be:

- Existing Residential Uses
- Public Parkland
- Uses Relating to the Operation of the Kentville Water Commission

#### **Well Capture Zone (Zone B)**

The Well Capture Zone contains lands which provide and support the short and medium-term groundwater production at the wellheads. The limits of this zone, as identified in the Kentville West Wellfield Water Resource Management Plan, are delineated by a 2-week to 3-month time of travel for a contaminant to reach the wellhead through the groundwater system. Certain land uses, which by their nature present a significant risk to the groundwater contamination, will be prohibited within this zone including:

- Agricultural Uses
- Any Manufacturing, Industrial, Assembly, Processing, or Warehousing Operation
- Automotive Painting, Engine and Auto Body Repair Shops
- Automobile Scrap Yard
- Automobile Washing Establishments
- Bulk Chemical Storage
- Bulk Storage of Salt

- Bulk Storage, excluding sand and gravel, and supply depots
- Campgrounds
- Cement Plants
- Cemeteries
- Commercial Livestock Operations
- Commercial Nurseries
- Commercial Storage and/or Distribution of Chlorinated Solvents
- Commercial Storage and/or Distribution of Fertilizers
- Commercial Storage and/or Distribution of Pesticides and Herbicides
- Commercial Storage and/or Distribution of Petroleum
- Commercial Storage and/or Distribution of Petroleum Solvents
- Driving Ranges
- Dry Cleaners
- Gas Stations or Accessory Gas Bars
- Golf Courses
- Licensed Zoos
- Light Manufacturing, Fabrication, Welding, etc
- Open Storage of new goods and materials
- Power Utility Sub-stations
- Private Parks
- Recycling Depots
- Scrap Metal and Salvage Yards and/or Processing
- Transport and Trucking

### **Wellfield Protection Zone (Zone C)**

The Wellfield Protection Zone contains lands which provide and support the short and medium-term groundwater recharge process. The limits of this zone, as identified in the Kentville West Wellfield Water Resource Management Plan, are delineated by a 3-month to 1-year time of travel rating. Certain land uses, which by their nature present a significant risk to the groundwater contamination, will be prohibited including:

- Automotive Painting, Engine and Auto Body Repair Shops
- Bulk Chemical Storage
- Bulk Storage of Salt
- Commercial Nurseries

- Commercial Storage and/or Distribution of Chlorinated Solvents
- Commercial Storage and/or Distribution of Fertilizers
- Commercial Storage and/or Distribution of Pesticides and Herbicides
- Commercial Storage and/or Distribution of Petroleum Fuel
- Commercial Storage and/or Distribution of Petroleum Solvents
- Dry Cleaners
- Gas Station or Accessory Gas Bars
- Scrap Metal and Salvage Yards and/or Processing

#### **Wellfield Recharge Zone (Zone D)**

The Wellfield Recharge Zone contains lands which provide and support the long-term recharge to the wellfield protection, well capture and wellhead areas. The limits of this zone, as identified in the Kentville West Wellfield Water Resource Management Plan are delineated by a 1-year to 25-year time of travel rating. Similar to the Well Capture and Wellfield Protection Zone certain land uses, which by their nature present an identified risk to groundwater contamination, will be prohibited including:

- Automotive Painting, Engine and Auto Body Repair Shops
- Bulk Storage of Salt, in excess of 100 tonnes
- Commercial Storage and/or Distribution of Chlorinated Solvents
- Commercial Storage and/or Distribution of Pesticides and Herbicides
- Commercial Storage and/or Distribution of Petroleum Fuel
- Commercial Storage and/or Distribution of Petroleum Solvents
- Dry Cleaners
- Gas stations or Accessory Gas Bars
- Scrap Metal and Salvage Yards and/or Processing

2.12.7.5 Council shall establish a hierarchy of land use restrictions in the General Provisions section of the Land Use Bylaw which shall correspond to the use provisions outlined for the Wellfield Protection and Wellfield Recharge Zones. Restrictions in the Land Use Bylaw identified in Policy

2.12.7.4 will take effect in all land use zones, and where more stringent, these standards shall supersede or override the provisions of any zone or other General Provisions.

2.12.7.6 Existing uses within the Wellfield Protection and Wellfield Recharge Zones, which pursuant to Policy 2.12.7.4 have otherwise been identified as being prohibited, shall be permitted to continue to operate in their current form and scope as provided for by the Land Use Bylaw and may be considered for expansion or redevelopment only by Development Agreement. In addition to provisions contained in Part 2.7, Urban Non-conforming Uses, Council in considering an application for approval of a Development Agreement shall ensure that the proposal does not increase the potential for contamination of groundwater.

2.12.8 **Companion Policies: Groundwater Supply and Management, South Berwick and Area**

In October 2002, the Berwick Town Council commissioned a Water Resource Management Study for the Town. The three-part study included preparation of base mapping, inventory and documentation of environmental conditions and existing land use and development patterns. The study program also included a well inventory and water sampling program, which was carded out over a 10 month period. The background documentation and sampling program data was utilized by consulting engineers and geoscience professionals to prepare a Water Supply Management Plan that was completed in April 2003.

In conjunction with the scientific and engineering analysis, the Town also undertook to draft amendments to the Berwick Municipal Planning Strategy and Land Use Bylaw to implement planning and development control measures aimed at protecting the quality of the ground water resource in the Berwick area. Recognizing that the quality of ground water in the Town is directly influenced by development adjacent to, but beyond the Town limits, the Berwick Town Council has requested that the Municipality adopt certain land use control provisions for lands adjacent to the Town. It is recognized that residents from the Town and the County both share a common interest in ensuring that the quality of the ground water resource in the Berwick area is protected.

The April 2003 Town of Berwick Water Supply Management Plan, prepared by Hiltz and Seamone Co. Ltd., Consulting Engineers and W.G. Shaw and Associates Ltd., Consulting Geoscientists, identified that the Town's current daily water demand ranges between 300,000 and 400,000 gallons. The consultants have estimated that this annual consumption

represents approximately fifteen (15%) percent of the annual groundwater recharge of approximately 1000 million gallons which occurs within the local bedrock aquifer.

The well sampling and water analysis component of the study program indicated that groundwater, primarily drawn from the area's sandstone bedrock aquifer, is fresh, moderately soft to moderately hard, slightly basic and contains trace amounts of a number of elements and minerals. The groundwater generally conforms to all minimum standards in the Canadian Drinking Water Guidelines as established by the Canadian Council for the Ministers of the Environment and as adopted by Nova Scotia Environment. The groundwater in the Berwick area was characterized in the Town of Berwick Water Resource Management Study, Phase 2: Water Quality Survey as being "very good".

In the absence of a municipally operated central water supply system all property owners in the Town, and surrounding area, are responsible for their own water supply. The Town of Berwick Water Supply Managements Plan identified that prior to its closure in 2004 the Avon Foods Ltd. processing operation together with Larsen's Packing Ltd. utilized approximately the same volume of water on a daily basis as the rest of the Town users combined. The ability to access clean water in sustainable quantities is critical to the commercial viability of all businesses within the Town and the surrounding area. In the interest of groundwater resource management the Berwick Town Council in December 2004 adopted amendments to its own Municipal Planning Strategy and Land Use Bylaw to enact land use control policies and Bylaw provisions directed at controlling development activities for the purposes of groundwater resource protection.

Utilizing a widely recognized computer model, HST-3D, the Town of Berwick Water Supply Management Plan has identified a "Zone of Contribution" which generally supports domestic ground water production for all wells within the Town of Berwick. This area contains approximately 15 square kilometres of land and extends roughly 4 kilometres in width both east-west and north-south from the primary developed areas within the Town. The lands within the Zone of Contribution also represent the limits of groundwater migration through the aquifer to wells within the Town over a time of travel of between one and twenty-five years.

The model has also been utilized to identify "Zones of Influence" for the commercial groundwater production wells utilized by Larsen's Packing Ltd. and the former Avon Foods Ltd. These areas include lands, which directly contribute to ongoing groundwater production for commercial

use, and which through groundwater migration, have an estimated time of travel to the wellheads of one year or less under pumping conditions.

The time of travel to a well as modeled in the groundwater migration estimates, in the case of both the Zones of Influence and Zone of Contribution, also represents the degree of risk to which a well maybe be exposed as a result of contamination. Risk of contamination increase with both the proximity to a well and with a reduced time of groundwater migration.

A majority of lands located within the County which fall within the Zones of Influence are either currently used for agricultural purposes (crop, pasture or orchard) or are vacant and undeveloped. With the exception of several parcels located at the eastern end of Berwick's Main Street these lands do not have direct public road frontage or related infrastructure. These lands are designated and zoned for agricultural use. Current provisions in the Strategy and Land Use By-law limit potential future development primarily to farm and farm related uses. These Agricultural Zone (A1) permitted uses generally do not represent a risk to contamination or degradation of the groundwater resources.

The Area of Contribution includes lands within the South Berwick Hamlet designation, fronting on Highway 1 between Bentley Road on the east and Taylor Road on the west. The Area of Contribution also includes lands north and south of Highway 1 between Bent Road on the east, Rainforth Road on the west, and south towards the Cleveland/Lawrence Road area. The Hamlet designation area contains a mix of residential, commercial and community facility uses as well as several industrial activities. The area outside of the Hamlet designation contains agricultural and rural residential uses, which have developed along the existing public road network. In addition to a substantial amount of vacant undeveloped land a variety of environmentally sensitive lands within this area, including watercourses, bogs and wetlands, play an important role in the local hydrologic regime.

The Hamlet designation policies are generally intended to reflect the character of a number of small communities within the County's rural areas. South Berwick has been identified as one of four Hamlets being significantly influenced by adjacent intensive urban-type development. The primary focus for future development within the Hamlet designation is for residential, local commercial and community facility uses. The Strategy does however provide for the recognition existing uses and the development of future commercial and industrial uses within the Hamlet designation by means of rezoning. While the rezoning provisions provide for a means to review development proposals a number of the permitted uses with the Hamlet Commercial and Hamlet Industrial zones have been

identified as being of concern to groundwater protection. In particular the development of gas stations, chemical, fertilizer or pesticide production and storage and dry cleaning uses do present risks to groundwater contamination which should be addressed. In addition a number of uses which utilize petroleum and chemical products in fabrication, service or maintenance processes also present a degree of risk to groundwater resources. Recognizing that development of these uses can take place with minimal risk of contamination provided that appropriate planning and environmental protection measures, the primary thrust of the policies in this section is to require certain uses to be considered by Development Agreement when located within the Zone of Influence or the Zone of Contribution.

In general the purpose of the policies and related Land Use Bylaw provisions contained in this section is to identify lands within the County which are included within the Zones of Influence and Zone of Contribution for groundwater production in the Town of Berwick and provide for land use control measures which limit the risk of groundwater contamination as a result of development.

- 2.12.8.1 Further to and in support of policies contained in this Strategy, Council accepts the technical information and recommendations for Groundwater Supply Area protection contained in the Town of Berwick Water Supply Management Plan (Hiltz and Seamone Co. Ltd., Consulting Engineers and W. G. Shaw and Associates Ltd., Consulting Geoscientists, April 2003).
- 2.12.8.2 Council shall, in keeping with Policy 2.12.8.1, implement protective measures in the General Provisions section of the Land Use Bylaw, pursuant to the *Municipal Government Act* for the purposes of promoting protection of groundwater within the South Berwick and Area Groundwater Supply Area.
- 2.12.8.3 In addition to provisions contained in this section Council intends to work with the Town of Berwick to explore legal mechanisms and administrative and management undertakings which support the protection of the groundwater within the supply area but which are beyond the scope and authority of municipal planning legislation. These efforts may include, but not be limited to, public awareness and education programs, water conservation and consumption management and contingency planning for supply and distribution management. Specific administrative and management measures may also include



restrictions on the application of road salt (and other de-icing products), the use and application of pesticides, herbicides and fertilizers, agricultural production and waste management, private well drilling and groundwater production, aggregate extraction and forestry development.

- 2.12.8.4 Council shall institute in the General Provisions section of the Land Use Bylaw two categories of "zones" for South Berwick and Area Groundwater Supply Area protection as identified and delineated in the Town of Berwick Water Supply Management Plan which shall be identified on the South Berwick Hamlet and Wellfield Protection Zones map, Schedule 16h of the Land Use Bylaw. The Bylaw shall include the following special zones and provisions:

**Water Supply Zone of Influence (Zone I)**

The Water Supply Zone of Influence consists of lands in the vicinity of the primary commercial production wells for Larsen's Packing Ltd. and the former Avon Food Ltd. This area is delineated by the length of time estimated for groundwater and by association any contaminates to travel through geological structures to the wellhead, with a time of travel rating up to 1 year, as identified in the Town of Berwick Water Supply Management Plan.

**Water Supply Zone of Contribution (Zone C)**

The Water Supply Zone of Contribution consists of lands which provide the primary source of groundwater that supports and recharges the wells within the Town of Berwick. This area is delineated by the length of time estimated for groundwater and by association any contaminates to travel through geological structures to the wellhead, with a time of travel rating of between 1 year to 25 years, as identified in the Town of Berwick Water Supply Management Plan.

- 2.12.8.5 Notwithstanding other provision of this Strategy it shall be the intention of Council to not consider rezoning lands within the Zone of Influence (Zone I) to the Agricultural Industrial (M3) Zone.
- 2.12.8.6 Notwithstanding other provisions of this Strategy within the Zone of Influence (Zone I) and Zone of Contribution (Zone C) the following uses shall be prohibited from development:

- Automotive Salvage Yards
- Commercial Bulk Storage of Petroleum Fuel, excluding Gasoline or Service Stations
- Commercial or Bulk Storage of Salt
- Commercial Storage of Petroleum Solvents
- Commercial Storage, Processing or Production of Pesticide, Herbicide or Fertilizer
- Dry Cleaning

2.12.8.7 Notwithstanding other provisions of this Strategy within the Zone of Influence (Zone I) and Zone of Contribution (Zone C) the following uses shall be permitted only by Development Agreement provided the use is permitted in the underlying zone or a zone the proposed location would otherwise be eligible to be rezoned to. In addition to other provisions contained in this Strategy, Council in considering an application for approval of a Development Agreement shall ensure that the proposal does not increase the potential for contamination of groundwater:

- All Uses within the Agricultural Industrial (M3) Zone with the exception of Fire Stations
- All Uses within the Hamlet Industrial (M5) Zone
- Gasoline and or Automotive Service Stations

2.12.8.8 Existing uses within the Zone of Influence (Zone I) and Zone of Contribution (Zone C), which pursuant to Policy 2.12.8.6 have otherwise been identified as being prohibited, shall be permitted to continue to operate in their current form and scope as provided for by the Land Use Bylaw and may be considered for expansion or redevelopment only by Development Agreement. In addition to provisions contained in Part 3.7.9, Rural Non-conforming Uses, Council in considering an application for approval of a Development Agreement shall ensure that the proposal does not increase the potential for contamination of groundwater.

<b>PART 2</b>	<b>ENACTED DATE</b>	<b>SECTION</b>
	September 15, 2003	2.12

<b>PART 2</b>	<b>AMENDED</b>	<b>SECTION</b>
	April 5, 2005	2.12.5
	April 26, 2005	2.12.6
	July 5, 2005	2.12.4 / 2.12.4.1 / 2.12.4.2 / 2.12.4.3 / 2.12.4.4 / 2.12.4.5 / 2.12.4.6 / 2.12.4.7 / 2.12.5 / 2.12.5.1 / 2.12.5.2 / 2.12.5.3 / 2.12.5.4 / 2.12.5.5 / 2.12.5.6 / 2.12.5.6.1 / 2.12.5.6.2 / 2.12.5.7 / 2.12.5.8 / 2.12.5.9 / 2.12.5.10 / 2.12.5.11 / 2.12.5.12 / 2.12.6 / 2.12.6.1 / 2.12.6.2 / 2.12.6.3 / 2.12.6.4 / 2.12.6.5 / 2.12.6.6
	July 27, 2006	2.12.7
	August 3, 2006	2.12.8
	January 25, 2007	2.12.4.7
	May 21, 2009	2.12.5 / 2.12.8



### 3.1 RESOURCE AND RURAL DEVELOPMENT DISTRICTS

Of overriding importance in planning for the rural areas is the protection and enhancement of the County's natural resources. Council's rural policies are directed towards accommodating some rural and resort development without compromising the future capability of the County's natural resources or the integrity of community health.

To achieve Council's planning objectives, the rural area has been divided into the following five Rural Districts which have been identified based on natural resource capability and are shown on the County Future Land Use Map (Map 15):

AGRICULTURAL  
FORESTRY  
COUNTRY RESIDENTIAL  
SHORELAND  
HAMLET

With the county's economy having evolved around its agricultural land base, protection of the prime agricultural lands and encouragement of farming activity is the fundamental objective in establishing the Agricultural Districts designation. These primary resource districts encompass the majority of the rural area along the floor of the valley between the North and South Mountains.

The majority of lands on North and South Mountains have high capability for forest growth and production. The Forestry Districts designation is established and is applied to most of the land on the North and South Mountains and a few small areas in the valley. In areas of lesser soil capability for agriculture or forestry, rural residential and resort development opportunities are provided. The Shoreland Districts other than the Minas Shore and the Bay of Fundy coast are largely located on the plateau of the South Mountain.

This part of the Strategy contains Council's policies for the Resource and Rural Development districts of the County. Section 3.7 sets out general rural policies that apply to two or more of the Districts.

#### 3.1.1 Rural Planning Objectives

- 3.1.1.1 To delineate rural land use districts on the basis of soil capability for resource activities.
- 3.1.1.2 To delineate rural residential and recreational resource areas on the basis of land use suitability.
- 3.1.1.3 To provide for residential, commercial, industrial and community facility development opportunities which are related to, and supportive of, the primary resource industries.

3.1.1.4 To delineate shoreland residential and resource areas on inland lakes on the basis of trophic state capacity and shoreland biophysical capability analysis.

**3.1.2 Rural Districts Policies**

3.1.2.1 Council shall establish the following District Designations to apply to lands in rural areas:

- a. Agricultural Districts (A)
- b. Forestry Districts (F)
- c. Country Residential Districts (CR)
- d. Shoreland Districts (S)
- e. Hamlets (H)

These District designations will be applied based on the policies of this Strategy and will be shown on the Future Land Use Map which is incorporated as part of this Strategy as Map 15.

3.1.2.2 The following Sections 3.2 - 3.6 outline Council's policies for these Rural Districts. In addition, common development policies dealing with specific uses which apply to some or all the Rural Districts, are contained in Section 3.7.

PART 3	AMENDED DATE	SECTION
	July 17, 1997	3.1 / 3.1.1.4
	September 4, 2001	3.1

## 3.2 AGRICULTURAL DISTRICTS

### 3.2.1 Agricultural District - Introduction

Municipal Council believes that prime farmland should be used for farming.

Kings County has the most abundant and diverse range of agricultural production in Nova Scotia. It is distinguished for its vegetable, fruit and cereal grain production. In addition, there are a large number of commercial livestock operations. The ability to cultivate crops is a result of unique conditions, including climate and soil type, and a long history of local investment in agricultural development.

The areas with favourable cultivation conditions in the County are limited. In addition, these same places are desirable for non-farm uses, typically housing, from expanding urban areas and the cumulative impact of single lot development. There is already a significant amount of non-farm development in and around prime agricultural lands. Such uses can have a negative impact on the County's agricultural resource for a multitude of reasons, including:

- the absolute loss of land from agricultural production;
- the limits that are placed on agricultural production near to non-farm uses to avoid nuisance and health issues that may arise from cultivation practices such as the spraying of pesticides;
- the difficulties in cultivating small parcels of land in-between non-farm buildings;
- the disincentive of making investments in farmland when surrounding land is, or is speculated of being, developed for non-farm uses; and,
- the limits that may be placed on altering agricultural activities or innovating with new farming techniques due to the belief by non-farm landowners that surrounding farming practices should not change.

By examining trends, it is thought that, without intervention, there would be a significant amount of non-farm development on prime agricultural land. For this reason, Municipal Council has defined an Agricultural District where an expansion of farming activities is promoted and new non-farm uses are discouraged. The District is to be the 'home' for agricultural development with few limitations on farming activities. However, while Council believes that new non-farm uses should be limited, it also recognizes that there is already a significant amount of

such development. As such, to help avoid nuisance problems, Council has also prescribed provisions regarding the establishment of intensive farming activities such as commercial livestock uses.

Municipal Council recognizes that individual property owners may view its farmland preservation planning policies and regulations as a severe limitation on development. It also understands that the impetus to convert agricultural land to non-farm uses is often due to a desire to raise retirement or other short-term income. Yet the development of farmland for non-farm uses is irreversible and precludes farming activities for future generations. In recognizing this problem, Council believes that initiatives such as land banking programs are an important accompaniment to its farmland preservation planning policies and regulations.

### **3.2.2 Adopted Maps & Information**

There are a number of maps, studies, and other documents that have been used to develop planning policies for the Municipality's agricultural land. They provide information on such matters as soil classifications and agricultural land use. They are also references to be used in considering development proposals within the Agricultural District.

#### **3.2.2.1 General Policies**

3.2.2.1.1 It shall be the policy of Council to adopt:

- a. the Generalized Soil Capability Map for Kings County (2001), for the purpose of identifying soil classifications in the County
- b. the Active Agriculture Map (2008) prepared by the Kings County Community Development Services Department for the purposes of identifying pre 1999 active agricultural land in Kings County. This map is based on the 1999 Agricultural Land Identification Maps (1999) prepared by the Nova Scotia Department of Agriculture and Marketing and the Kings County Community Development Services Department



### 3.2.3 Agricultural Goals and Objectives

Municipal Council has goals and objectives for the Agricultural District. The *goals* identify Council's intention for the Agricultural District and the *objectives* define, in broad terms, how the goals are to be achieved.

Council's goals reflect a longstanding notion that farmland should be used for farming. However, this is also tempered by the fact that there are a significant number of non-farm uses in the Agricultural District that have development rights by virtue of their existence. The challenge facing Council is to ensure that the amount, and type, of future non-farm development is limited and appropriate, to ensure that its impact on farming activities, present and future, will be minimized.

#### 3.2.3.1 Goals

3.2.3.1.1 Council's goals shall be to:

- a. protect and enhance the agricultural resource base; and
- b. minimize and reduce conflicts between the agricultural industry and non-agricultural development

#### 3.2.3.2 Objectives

3.2.3.2.1 Council's objectives shall be to:

- a. facilitate the growth of the agricultural industry in the County
- b. protect the prime agricultural areas from the intrusion of use that are incompatible with, or unnecessary to the future growth of, the agricultural sector
- c. reduce the undue fragmentation of farmland which limits future expansion of agricultural activity; and
- d. establish standards for rural uses including distance requirements between certain agricultural uses and incompatible uses and ensure proper waste disposal practices

### 3.2.4 Agricultural District

The Agricultural District, as shown on the Future Land Use Map, represents areas where there is a significant amount of land that is used, or has a high capability of being used, for common field crop production based on the Canada Land Inventory Capability Classification for Agriculture rating. It is within this District where the Goals and Objectives described above are to apply.

#### 3.2.4.1. General Policies

3.2.4.1.1 It shall be the policy of Council to establish an Agricultural District over areas where there is a significant amount of land that is used, or has a high capability to be used, for agricultural development. This includes the following areas:

- a. blocks of land on the ‘Valley Floor’, North Mountain and South Mountain. These are defined by physical and natural features such as roads and rivers, where more than 60 percent of the land is Class 2, 3, or active Class 4 agricultural capability soils as shown on Council’s adopted maps; and
- b. lands in Gaspereau Valley, where more than 60 percent of the land is Class 2, 3, or active Class 4 agricultural capability soils as shown on Council’s adopted maps

3.2.4.1.2 After soil capability mapping was updated for the County in the early 1990’s, it became apparent that certain areas not currently within the Agricultural District containing ‘Cornwallis Soils’ would now be eligible for inclusion according to the criteria listed in 3.2.4.1.1. In fact, this issue was explored by Council in 1996 and again in the 2000/2001 review of agricultural policies. Ultimately, Council decided not to include these areas due to concerns over water availability for agriculture and the belief that including these areas after they had been zoned to permit development for some period of time would

pose an undue hardship on affected landowners.

### **3.2.5 Agricultural Uses**

The majority of the land in the Agricultural District is to be included in the Agricultural (A1) Zone where a full range of primary crop and livestock production activities are to be permitted with few limitations. However, in recognition of the potential for compatibility and environmental problems with established non-farm uses within and surrounding agricultural land, there are special conditions concerning future commercial livestock uses.

Kings County is acknowledged to have one of the highest densities of commercial livestock barns in Eastern Canada. The continued expansion of this industry faces a number of challenges, including the difficulty of siting new facilities among the significant number of houses in the Agricultural District as well as the availability of land upon which to spread manure. As the size and number of livestock barns has increased, the concern over the capacity of the land to accommodate new uses has been heightened. It is recognized that it is critical to understand the impact that manure disposal has on the environment, to plan accordingly for this practice, and to determine what might be suitable separation distances between livestock facilities and non-farm dwellings to lessen nuisance problems. In the interim, the Municipality has adopted basic separation and setback distance requirements.

#### **3.2.5.1 General Policies**

3.2.5.1.1 It shall be the policy of Council to establish an Agricultural (A1) Zone in the Agricultural District within which permitted uses shall include a broad range of agricultural uses, farm dwellings, and other uses enabled elsewhere in this Strategy.

#### **3.2.5.2 Special Conditions – Commercial Livestock Use Policies**

3.2.5.2.1 It shall be the policy of Council to permit commercial livestock uses in the Agricultural (A1) Zone provided that livestock barns, feedlots, and manure storage and treatment facilities are more than:

- a. 1000 feet from a Residential or Institutional Zone within a Hamlet or a

Growth Centre, with the exception of the Grand Pre hamlet

- b. 300 feet from a watercourse, well, or a dwelling on an adjacent property; and
- c. 150 feet from a front lot line, 150 feet from a flankage lot line (for corner lots), and 200 feet from side and rear lot lines

3.2.5.2.2 It shall be the policy of Council to permit commercial livestock barns on properties that do not possess frontage on a Public Road.

3.2.5.2.3 It shall be the policy of Council to work with the Province of Nova Scotia to assist in the development of:

- a. a *Manure Disposal Plan Program* that will develop appropriate standards and regulate the storage, transfer, and disposal of animal manure for livestock operations; and
- b. appropriate definitions and siting standards for commercial livestock operations based upon their size and type

3.2.5.2.4 It shall be the policy of Council to require that, after January 1, 2003, new commercial livestock operations and expansions to existing livestock operations shall only be permitted where such operations have a *Manure Disposal Plan*, approved by the Province of Nova Scotia. The intent of this date is to provide enough time to establish a *Manure Disposal Plan Program*.

### **3.2.5.3 Special Conditions – Farm Dwelling Policies**

Farm dwellings, tenement dwellings and bunkhouses may be developed as part of a farm operation – a bona fide farm.

3.2.5.3.1 It shall be the policy of Council to permit farm dwellings in the Agricultural (A1) Zone that

are directly related to a bona fide farm operation.

3.2.5.3.2 In considering proposals to establish new farm dwellings, it shall be the policy of Council that:

- a. the Land Use Bylaw contain definitions and standards, including requirements that a bona fide farm be over 20 acres in size and producing crops or livestock for more than two years before an application for a farm dwelling be considered; and
- b. the Development Officer may consult with government agencies and other regulatory bodies to assist in substantiating information provided by an applicant

3.2.5.3.3 In 2008 Council permitted new farmers or farmers who are moving from another jurisdiction to farm to qualify as a bona fide farmer. This policy is intended to apply to full-time, active farmers and proof shall be required to prove this status. Farm dwellings may be built by development agreement in these cases. The Development Agreement shall require the following:

- a. a site plan showing the location of crops, barns, pastures, residential development associated with the farm operation, parking, access, site servicing and landscaping
- b. in the case of a proposed livestock operation, a Manure Storage Plan shall be submitted

#### **3.2.5.4 Special Conditions – Residential Setbacks From Commercial Livestock Operations**

It is the intention of Council to ensure that farms within the Agricultural District are not restricted from operating commercial livestock operations by new non-farm residential development. Therefore, it is the policy of

Council to require larger setbacks for new residential dwellings from existing commercial livestock barns, in order to provide an opportunity for farmers to expand existing or commence new commercial livestock operations.

3.2.5.4.1 Permitted residential dwellings shall be a minimum of 600 feet from a commercial livestock operation.

### **3.2.6 Non-farm Residential Uses**

Municipal Council has a goal of retaining farmland for farming and is concerned that the construction of new dwellings is resulting in the loss of too much prime farmland and is therefore creating potential compatibility issues with surrounding agricultural activities. However, it is recognized that, prior to the adoption of the Municipality's policies, some lots may have been created for the anticipated construction of dwellings. In addition, in a few places in the Agricultural (A1) Zone, it may be possible to create new building lots without hindering farming activities.

#### **3.2.6.1 General Policies**

3.2.6.1.1 It shall be the policy of Council to recognize residential uses developed or issued a development permit prior to the policies under 3.2.6 coming into effect, as "existing uses". This allows for such things as the reconstruction and expansion of dwellings and accessory uses, subject to the regulations contained in the Land Use Bylaw. As such, policy 3.2.6.1.2 does not apply to these situations.

3.2.6.1.2 It shall be the policy of Council to consider new non-farm residential uses in the Agricultural (A1) Zone, subject to the criteria contained in subsections 3.2.6.2 and 3.2.6.3.

3.2.6.1.3 All new non-farm dwellings shall require site plan approval, and are subject to the criteria in 3.2.6.3.2.

**3.2.6.2 Existing Vacant Lot Policies**

3.2.6.2.1 It shall be the policy of Council to permit the development of one non-farm dwelling per lot created prior to August 1, 1994, by site plan approval subject to the following criteria:

- a. lots shall have frontage on a Public Road

**3.2.6.3 New Lots**

3.2.6.3.1 It shall be the policy of Council to permit the development of lots, created after August 1, 1994, for non-farm dwellings by site plan approval subject to the following criteria:

- a. lots shall have frontage on a Public Road; and
- b. the lands to be developed are comprised of 60% poor quality soils, as identified on the 2001 Generalized Soil Capability Map or as determined by an Agricultural Suitability Report; or
- c. the lands to be developed have limited potential for agricultural production by virtue of there being houses on both sides of the land, within 400 feet of each other

3.2.6.3.2 Non-farm dwellings permitted in 3.2.6.2 and 3.2.6.3 are subject to site plan approval and must conform to the following:

- a. the lot, or the portion of the lot, that is to be used for a residential use will be developed in such a way that the amount of arable land that will be lost to development is minimized. For example, the development of lands close to roads rather than in the middle of croplands is viewed as preferable. Exceptions will be made only where topographic or other site constraints dictate

- b. the lot, or the portion of the lot, that is to be used for a residential use will have, where necessary, vegetative buffering between it and surrounding croplands to minimize the spread of fertilizer, pesticides and other sprays. This shall be a consideration even where there is a common ownership of the lot in question and surrounding lands
- c. the dwelling shall be located as close to the front lot line and one of the side lot lines as is reasonable

#### **3.2.6.4 Agricultural Suitability Report**

Council shall permit the development of lots in the Agricultural District subject to the following:

- a. a non-farm dwelling may be constructed by site plan approval if an Agricultural Suitability Report demonstrates to the satisfaction of the Development Officer that a minimum of 60% of the lot is not class 2, 3 or active class 4
- b. the Development Officer may circulate the report to the Nova Scotia Department of Agriculture and the Kings County Federation of Agriculture for comment and input
- c. the professional preparing the Agricultural Suitability Report must have a demonstrated expertise in the area of soil science, agricultural suitability and agriculture land assessments, such as an Agrologist. The Development Officer shall require supporting documentation showing educational history, work history and any other relevant information to demonstrate expertise
- d. the Report shall include the following:
  - i. a map detailing the current soil classification, according to the Generalized Soil Map adopted by the Municipality, and another map showing the findings of the professional regarding the agricultural capability on the parcel in question



- ii. analysis of the Canada Land Inventory (CLI) criteria and other relevant factors such as, but not limited to those below, to demonstrate why the lot in question should not be considered class 2, 3 or 4 soils. The report must use accepted and scientifically defensible approaches:
  - Slope
  - Climate
  - Soil Classification
  - Land use history
  - Soil test pits, if deemed necessary
  - Stoniness
  - Drainage and salinity
  - Other issues as required
  - Location of adjacent farming activities and type
- e. in the opinion of the Development Officer, if the Report submitted by the professional is , incomplete or inconclusive, the Development Officer may require the report to be reviewed by another professional, at the expense of the applicant

### **3.2.6.5 Special Case – Lyons Branch Road, Atlanta**

Notwithstanding the policies in subsection 3.2.6.1, 3.2.6.2 and 3.2.6.3 the property described in this section shall be eligible for the development of one additional non-farm dwelling upon final subdivision approval.

- 3.2.6.5.1 Council shall consider the development of one additional non-farm dwelling at 108 Lyons Branch Road, Atlanta. The specific limits of the site correspond with the following metes and bounds description:

BEGINNING at a point on the northbound of Atlanta Street, a public highway, leading between the Village of Sheffield Mills and the Village of Centreville, where the same is intersected by the eastbound of lands of Jack Gerrits;

THENCE North Three Degrees Zero Zero Minutes East (N 3° 00' E) a distance of Two Thousand and Thirty Feet (2,030') to a point;

THENCE North Eighty-two Degrees Zero Zero Minutes West (N 82° 00' W) a distance of Five Hundred and Twenty-two Feet (522');

THENCE North Seven Degrees Zero Zero Minutes East (N 7° 00' E) along the eastbound of lands now or formerly of Leverett Webster a distance of Three Thousand Nine Hundred Feet (3,900'), more or less to the brow of the mountain;

THENCE Easterly along the brow of the mountain in the southerly bound of lands of the Estate of William Cotter and the southerly bound of lands of Glenn Ells a distance of Two Thousand and Fifty Feet (2,050'), more or less to a point on the westbound of other lands of Glenn Ells;

THENCE in a southerly direction along westbound of the said lands of Glenn Ells a distance of One Thousand Five Hundred and Fifty Feet (1,550') more or less to the spring;

THENCE in a southerly direction following the centreline of a brook to the north line of lands of John Gerrits;

THENCE South Thirty-two Degrees Twenty Minutes West (S 32° 20' W) a distance of One Hundred and Twenty-four Feet (124');

THENCE South Three Degrees Zero Zero Minutes East (S 3° 00' E) a distance of One Hundred and Fifty Feet (150');

THENCE North Eighty-three Degrees Ten Minutes West (N 83° 10' W) a distance of One Thousand and Eighty-seven Feet (1,087');

THENCE South Three Degrees Zero Zero Minutes West (S 3° 00' W) a distance of One

Thousand Eight Hundred and Sixty-eight Feet (1,868') more or less to the northbound of Atlanta Street;

THENCE South Eighty-five Degrees Three Minutes West (S 85° 3' W) along the northbound of said highway a distance of One Hundred and Fifty-seven Feet (157') to a point;

THENCE South Seventy-five Degrees Zero Zero Minutes West (S 75° 00' W) along the northbound of the said highway a distance of Three Hundred and Ninety-five Feet (395') to the place of BEGINNING.

**3.2.7 Industrial Uses**

There are a number of industrial uses that have traditionally occurred within the Agricultural District. These include rural home occupations, inshore fishery activities, forest clearing activities, and the on-site processing of farm produce, including peat and cranberries. It is appropriate to permit these uses as-of-right in the Agricultural District. Other more intensive industrial activities are considered to be suitable in the Agricultural District, provided they will not lead to a loss of CLI Class 2, 3, or active Class 4 lands or create land use problems that are described in Part 6 of this Strategy.

**3.2.7.1 As-of-right Industrial Uses**

3.2.7.1.1 It shall be the policy of Council to permit the following industrial uses as of right within the Agricultural District:

- a. any uses permitted in the Land Use Bylaw, such as rural home occupations
- b. inshore fishery and forestry uses
- c. industrial uses that primarily serve an on-site farm operation and its products, such as processing and packaging activities; and
- d. accessory uses to the above

**3.2.7.2 Non-farm Industrial Uses**

- 3.2.7.2.1 It shall be the policy of Council to establish an Agricultural Industrial (M3) Zone in the Agricultural District.
- 3.2.7.2.2 Permitted uses in the Agricultural Industrial (M3) Zone shall include businesses that are involved with the processing, grading, packaging, storage, transportation of goods such as farm produce, and composting operations.
- 3.2.7.2.3 It shall be the policy of Council to consider rezoning lands in the Agricultural District to the Agricultural Industrial (M3) Zone subject to the conditions in 3.2.14.
- 3.2.7.2.4 As an exception to 3.2.7.2.3, Council shall consider amendments to the Land Use Bylaw to permit composting operations on class 2,3 or active class 4 soils as identified on the 2001 Generalized Soil Capability and Agricultural Land Use Maps of this Strategy.
- 3.2.7.2.5 It shall be the policy of Council to continue to apply the Agricultural Industrial (M3) Zone to properties that were under this zone prior to the last Agricultural District Review.

**3.2.7.3 Non-farm Industrial – Special Uses: Construction and Demolition Debris Disposal Sites**

- 3.2.7.3.1 It shall be the policy of Council to consider proposals to establish construction and demolition debris disposal sites in the Agricultural District by development agreement, subject to the following:
- a. the conditions in 3.2.14; and
  - b. the conditions in 3.7.12 and 3.7.13 (Rural Common Policies)

### 3.2.8 Commercial Uses

There are a number of commercial uses that have traditionally occurred within the Agricultural District. These include rural home occupations, wineries, and farm market outlets. It is appropriate to permit these uses as-of-right in the Agricultural (A1) Zone. Other more intensive commercial activities, such as agri-tourism uses, are considered to be suitable in the Agricultural District, provided they will not lead to a loss agricultural land or create land use problems that are described in Part 6 of this Strategy.

#### 3.2.8.1 As-of-right Commercial Uses

3.2.8.1.1 It shall be the policy of Council to permit the following commercial uses as of right within the Agricultural District:

- a. any uses permitted in the Land Use Bylaw, such as rural home occupations
- b. wineries, farm market outlets, and other similar uses that involve the sampling and sale of wines or other foods, provided that at least 60% of the produce or primary ingredients have been cultivated on-site
- c. horseback riding; and
- d. accessory uses to the above

#### 3.2.8.2 Agri-tourism Commercial Uses

As its name implies, agri-tourism is the combination of agriculture with economic activity that promotes visits to farm areas. In addition, interpretation and education of agricultural activities are often components of agri-tourism that help to give visitors a complete farm visit ‘experience’. Such activities consist of businesses that are either specifically related to farming (e.g., farm markets, wineries) or complimentary to a farm visit experience (e.g., crafts, lodging, or food service). For properties within the Agricultural District that border the Minas Basin, uses listed in 3.2.8.2.1 that are related to the fishery as opposed to Agriculture will also be permitted.

In allowing for such activities, Council intends that businesses permitted under this policy be compatible with the surrounding rural landscape. As a result, signage and architectural design are matters that will be addressed in development agreements. In addition, Council intends that such uses will not adversely affect surrounding agricultural activities by causing compatibility concerns or occupying prime agricultural land.

3.2.8.2.1 It shall be the policy of Council to permit the following agri-tourism related commercial uses by development agreement, subject to the conditions in 3.2.8.2.2:

- a. antique shops, antique restoration, craft shops, craft production, wood furniture production, gift shops, and farm markets
- b. wineries, farm market outlets, and other similar uses that involve the sampling and sale of wines or other foods, that are not permitted pursuant to Policy 3.2.8.1.1(b) due to the amount of produce or foods sold which are from off the farm
- c. lodging
- d. restaurants; and,
- e. accessory uses to the above

3.2.8.2.2 In considering a development agreement enabled under 3.2.8.2.1, Council shall be satisfied that the development, its uses and any associated structures:

- a. will involve the conversion of existing buildings, building additions, or new buildings in yards that are not used, or could not be reasonably used, for the cultivation of crops
- b. will not create compatibility problems with any adjacent farming operations and agricultural activities that may be

undertaken, such as spraying of pesticides and the spreading of manure

- c. signage will only be constructed of wood or metal. No internally illuminated signage will be permitted
- d. any new buildings or building additions will be sensitive to the surrounding rural architectural style. Preference will be given to traditional cladding materials such as wood or stone. Preference will also be given to traditional roof, door and window styles of the area; and,
- e. can meet all the applicable policies of this Strategy, including those in Part 6

**3.2.8.3 Non-farm Commercial Uses**

- 3.2.8.3.1 It shall be the policy of Council to enable an Agricultural Commercial (C8) Zone in the Agricultural District.
- 3.2.8.3.2 Permitted uses in the Agricultural Commercial (C8) Zone shall include farm markets and agricultural parts, sales and service businesses.
- 3.2.8.3.3 The Rural Commercial (C9) Zone is established in 3.7.7 and 3.7.8 (Rural Common Policies) of the Strategy and shall be a zone that is enabled in the Agricultural District.
- 3.2.8.3.4 It shall be the policy of Council to consider rezoning lands in the Agricultural District to the Agricultural Commercial (C8) Zone and the Rural Commercial (C9) Zone subject to the conditions in 3.2.14.
- 3.2.8.3.5 It shall be the policy of Council to continue to apply the Agricultural Commercial (C8) Zone and the Rural Commercial (C9) Zone to properties that were under these zones prior to the last Agricultural District Review.

**3.2.8.4 Expansions to Rural Home Occupation Uses**

- 3.2.8.4.1 It shall be the policy of Council to consider proposals to expand Rural Home Occupations beyond the as-of-right allowances for such uses, by development agreement.
- 3.2.8.4.2 In considering a development agreement enabled by 3.2.8.4.1, Council shall be satisfied that the development:
- a. is an intensification of a currently permitted rural home occupation use
  - b. will involve the conversion of existing buildings, building additions, or new buildings in yards that are not used, or could not be reasonably used, for the cultivation of crops
  - c. will not limit or interfere with adjacent agricultural activities; and
  - d. can meet all the applicable policies of this Strategy, including those in Part 6

**3.2.9 Commercial Recreation Uses**

Commercial recreation uses include activities such as golf courses, driving ranges, campgrounds, and amusement parks. Such activities are encouraged to locate within the County's other rural districts due the amount farmland that may be displaced and the potential for compatibility problems with current or future agricultural operations. However, there are allowances for these uses in the Agricultural District provided they do not lead to a loss of CLI Class 2, 3, or active 4 lands or create land use problems that are described in Part 6 of this Strategy. However, there has been an exception made to this through an allowance for a golf course in Weston (see Policy 3.2.9.2).

**3.2.9.1 General Policies**

- 3.2.9.1.1 The Recreational Open Space (P2) Zone is established in 2.6 (Urban Recreations, Parks, Open Space and Natural Environment) and Policies under subsection 3.7.8 (Rural Commercial Policies) of the Strategy and shall



be a zone that is enabled in the Agricultural District.

3.2.9.1.2 It shall be the policy of Council to consider rezoning lands in the Agricultural District to the Recreational Open Space (P2) Zone subject to the conditions in 3.2.14 (Development Agreement and Rezoning Review).

3.2.9.1.3 As an alternative to 3.2.9.1.2, it shall be the policy of Council to consider commercial recreational uses that may have noise or other types of nuisances associated with them, such as racetracks, by development agreement subject to the conditions in 3.2.14 (Development Agreement and Rezoning Review).

### **3.2.9.2 Special Case: Weston Golf Course Policies**

Council allows for the establishment of recreational commercial uses in the Agricultural District by development agreement. In providing for those options, however, Council determined that sites identified as class 2,3 or active class 4 soils on the 1986 Generalized Soil Capability and Agricultural Land Use Maps of this Strategy, are unsuitable for such uses. Council does intend to make one exception to this policy in order to accommodate a golf course development started in the Weston area in 1998. Because it is an exceptional case, Council has prescribed a set of policies to control the location, size and nature of the proposed golf course development.

3.2.9.2.1 Council shall consider a golf course proposal in the Weston area on lands fronting on the south side of Highway # 221 in an area generally north of Brooklyn Street, west of Long Point Road and east of McLean Road. The specific limits of the site correspond with the following metes and bounds description:

Beginning at a point in the south boundary of Highway # 221 at the northeast corner of other lands of Lorna Fulton,

Thence S 19 28' 29" E, 281.74'  
 Thence S 75 32' 27" W, 473.85'  
 Thence S 11 35' 46" E, 299.07'  
 Thence S 79 20' 44" W, 14.90'  
 Thence S 79 20' 43" W, 315.44'  
 Thence S 32 57' 12" E, 1480.76'  
 Thence S 57 23' 27" W, 71.34'  
 Thence S 17 56' 45" W, 157.91'  
 Thence S 33 47' 59" E, 267.32'  
 Thence S 47 24' 12" E, 388.94'  
 Thence S 49 21' 28" E, 101.45'  
 Thence S 13 12' 56" E, 336.63'  
 Thence N 74 59' 43" E, 292.63'  
 Thence N 72 02' 06" E, 554.18'  
 Thence N 76 34' 21" E, 168.05'  
 Thence N 73 03' 26" E, 393.22'  
 Thence N 73 25' 26" E, 291.50'  
 Thence N 72 03' 26" E, 479.17'  
 Thence N 14 21' 34" W, 271.19  
 Thence N 14 07' 14" W, 387.81  
 Thence N 14 35' 07" W, 1029.44  
 Thence N 14 52' 37" W, 791.58'  
 Thence N 15 02' 48" W, 906.39'

Thence southwesterly along the southern boundary of Highway # 221 a distance of 2068' more or less to the place of beginning. Containing 180.8 acres more or less.

To allow for the construction and subsequent use of these lands for a golf course, Council will require that the property owner enter into a development agreement with the Municipality. Furthermore, this policy is not intended to apply to any other site other than for those lands identified pursuant to this policy.

- 3.2.9.2.2 Pursuant to the provisions of policy 3.2.8.2.3 as a unique exception to the goals, objectives, and other provisions of the Agricultural District section of this Strategy, and notwithstanding the policies in 3.2.9 (Commercial Recreation Uses), Policies 3.7.8.4 and 3.7.8.5 (rezoning and development agreement policies), Council may enter into a

development agreement for a golf course upon land located in Weston, as identified in policy 3.2.8.2.1 of this Strategy, subject to the following conditions:

- a. proposals shall be considered only for the land currently described by the metes and bounds description referred to in this subsection
- b. in addition to meeting the general requirements of Part 6 (Implementation Section) of this Strategy for amendments to the Land Use Bylaw, and those specific to development agreements as set out in Subsection 6.3.3 (Conditions of Approval of Development Agreements) of this Strategy, proposals shall only be considered for uses in keeping with the following:
  - 18 hole golf course;
  - club house up to a maximum of 5,000 square feet ground area for a total building area of 15,000 square feet, comprising washrooms, locker-rooms, golf equipment sales and rental, and food and beverage service facilities;
  - storage and maintenance buildings.

3.2.9.2.3 In considering entering a Development Agreement, Council shall be satisfied that the applicant has demonstrated:

- a. that the site is suitable for the proposed use in terms of grades, soil and geological conditions; or location relative to watercourses, and wetlands such as swamps, bogs, marshes or fens
- b. that the method of sewage disposal will be appropriate to serve the development permitted

- c. that sufficient quantity and quality of water is available to serve the development without negative impact on existing surface and/or groundwater supplies
- d. the adequacy of existing and proposed road networks within, leading to and adjacent to the site
- e. the adequacy of buffering and setbacks between the golf course and accessory uses, and any abutting resource activities or residential uses

3.2.9.2.4 In order to satisfy the criteria in Policy 3.2.9.2.3, the applicant shall, where applicable be required to provide the following for review by Staff and the Planning Advisory Committee:

- a. a groundwater assessment by a qualified engineer or hydrogeologist that confirms that the proposed use will not create well interference with established uses, and confirmation of water rights approvals (surface and/or ground) from Nova Scotia Environment to serve the entire development, including irrigation requirements
- b. a report prepared by a qualified engineer outlining the proposed method of sewage disposal including a maintenance program with comments from the appropriate approval agency
- c. a storm water management plan
- d. site plans for inclusion in the Development Agreement indicating the location of buildings, roads, driveways, accesses, parking areas, vegetative buffers, waste storage, lighting and signage, fencing, location of waste water treatment system, storm water

management plans including detention ponds, berms, ditches, and culverts

- e. a detailed description of the pest and weed management program including types and volumes of fertilizers, pesticide and herbicide application, and provisions to prevent contamination of watercourses and wetlands
- f. any other information necessary to determine and ensure conformity of the proposed development with the policies of this Strategy

### **3.2.10 Community Facility and Institutional Uses**

In this Strategy, Municipal Council makes a distinction between community facilities and institutional uses. Community facilities are generally uses that serve a community function to a local area, such as churches and community centres. Institutional uses are characterized as government uses such as schools that may serve a large population. Small community facilities are seen as appropriate uses in the Agricultural (A1) Zone, as-of-right. Larger community facilities, such as post offices and institutional uses are viewed as appropriate uses within the County's Hamlets, Growth Centres and other Rural Districts. However, there has been an exception made to this policy through an allowance for a High School (see Policy 3.2.10.3).

#### **3.2.10.1 Community Facility Uses**

- 3.2.10.1.1 It shall be the policy of Council to permit community facilities uses that serve small local areas and which are only used from time-to-time, such as community centres, churches, local parks, and fire stations as-of-right.
- 3.2.10.1.2 It shall be the policy of Council to establish a 300 foot minimum separation distance requirement in the Land Use Bylaw for new uses described in 3.2.10.1.1, and adjacent commercial livestock barns.
- 3.2.10.1.3 It shall be the policy of Council to establish buffering and other similar requirements in the

Land Use Bylaw for a new community facility and any adjacent active agricultural lands.

### **3.2.10.2 Institutional Uses**

3.2.10.2.1 It shall be the policy of Council to encourage institutional uses to be located outside of the Agricultural District and in accordance with other policies of this Municipal Planning Strategy.

### **3.2.10.3 Institutional Uses – Special Case: Horton High School Policies**

The Nova Scotia Department of Education and Culture and the Annapolis Valley Regional School Board selected a consortium called ACCESS TECHNOLOGIES through a competitive tender process to build, own, finance and operate a new Horton District High School as a public/private partnership.

In 1997, a site was selected by a committee consisting of members of the Horton Steering Committee established by the School Board, Access Technologies and the Department of Education and Culture. The school will be a leading edge technology-rich school for 1,050 students. The committee found that the Greenwich interchange of the Highway # 101 is ideally located relative to the School District boundary as well as highly accessible and visible.

The Municipal Planning Strategy encourages Institutional Uses to locate in Growth Centres on lands that are subject to separation from intensive livestock operations and to reduce the impact on agricultural activities. The Horton Steering Committee has chosen a site in the Agricultural District where the priority for land use is agriculture. The particular site for the School is not currently reserved for agricultural uses, nor is it subject to the Agricultural (A1) Zone. The Site has previously been designated for a future resort development expansion pursuant to the Resort Comprehensive Development District policies contained in Subsection 4.4.14 of this Strategy. Redesignation of the site to Institutional on the Future Land Use map will clarify the intended future land use.

- 3.2.10.3.1 It shall be the policy of Council to designate lands west of the Old Orchard Inn located at the South-West corner of the Greenwich interchange of Highway #101 Institutional on the Future Land Use Map and zone the land Institutional (I1) Zone in the Land Use Bylaw.

### **3.2.11 Grand Pré Heritage Conservation District**

In 1999, Council adopted a Heritage Conservation District Plan, Bylaw, and Design Guidelines pursuant to the Heritage Property Act, affecting lands in and around the community of Grand Pré. Some properties that are located in the Agricultural District around Grand Pré are included in the Heritage Conservation District and others are eligible to be included.

Policies specific to development in Grand Pré are set out in the Hamlet Historic Residential District section of this Strategy.

#### **3.2.11.1 Policies**

- 3.2.11.1.1 It is the policy of Council that when considering policies affecting lands around Grand Pré, to have regard to the goals and policies for Heritage Conservation as outlined in the Heritage Conservation District Plan.

### **3.2.12 Subdivision**

Subdivision policies deter speculative land development and provide an opportunity for agriculture to have priority on lands lying beyond existing roads. The subdivision of land in the Agricultural District is limited to one additional lot per calendar year per parcel and such new lots must have road frontage on existing roads.

#### **3.2.12.1 Policies**

- 3.2.12.1.1 It shall be the policy of Council to restrict the subdivision of a parcel or lot of land located within the Agricultural District to one additional lot within a calendar year where the lot abuts a road listed by the Nova Scotia Department of Transportation and Infrastructure Renewal subject to the requirements of the Subdivision Bylaw and the Land Use Bylaw.

### **3.2.13 Resource Protection**

Municipal Council is concerned about the detrimental impact that both farm and non-farm development may have on the quality and availability of resources such as water and topsoil. With respect to water quality, Council intends to establish policies concerning manure disposal associated with commercial livestock barns, in 3.2.5.2. In addition, Part 6 of this Strategy contains conditions concerning the impact on water supply and the potential for pollution that are to be addressed when rezonings and development agreements are evaluated.

Topsoil removal has been a longstanding concern in the Municipality. Municipal Council has established policies and regulations that prohibit the removal of topsoil in the Agricultural (A1) Zone due to its importance for cultivation. In other zones, restrictions have been enacted to ensure that topsoil removal is carried out in a reasonable manner.

#### **3.2.13.1 Topsoil Removal Policies**

- 3.2.13.1.1 It shall be the policy of Council to prohibit the removal of topsoil in the Agricultural (A1) Zone in keeping with 4.7 (Topsoil Removal) of the Strategy.

### **3.2.14 Development Agreement and Rezoning Review**

In a variety of circumstances described in this section of the Strategy, Municipal Council will consider non-farm developments in the Agricultural District by rezoning or development agreement. However, these developments will only be favourably considered where they will not lead to a loss of CLI Class 2, 3, or active 4 lands, or create land use problems that are described in Part 6 of this Strategy.

#### **3.2.14.1 Policies**

- 3.2.14.1.1 In considering proposals enabled in policy and which refer to this Sub-section (3.2.14), Council shall be satisfied that a development:
- a. will not be located on class 2 or 3 soils as identified on the 2001 Generalized Soil Capability Map of this Strategy
  - b. will not be located on active class 4 agricultural land as illustrated on the



Agricultural Land Use Information Maps  
of this Strategy

- c. can meet all the applicable policies of this Strategy, including those in Part 6 (Implementation Section)

### **3.2.15 Financial Impacts and Land Banking**

Municipal Council recognizes that individual property owners may view its farmland preservation planning policies and regulations as a severe limitation on development. It also understands that the impetus to convert agricultural land to non-farm uses is often due to a desire to raise retirement or other short-term income. However, the development of farmland for non-farm uses is irreversible and precludes farming activities for future generations. In recognizing this problem, Council believes that initiatives such as land banking programs are an important accompaniment to its farmland preservation planning policies and regulations.

#### **3.2.15.1 Policies**

- 3.2.15.1.1 It shall be the policy of Council to work with stakeholders to:
  - a. examine the financial impact that agricultural land preservation policies and regulations have on property owners; and,
  - b. where warranted, to assist in the development of land banking or other financial incentive programs to help retain farmland for farming uses

### **3.2.16 Existing Zones not Enabled in the Agricultural District**

There are a number of non-agricultural uses that were established prior to the adoption of the Kings County Municipal Development Plan (Municipal Planning Strategy) and Land Use Bylaw (1979) and assigned zones that are no longer enabled by the current Municipal Planning Strategy. Council intends to continue to maintain the existing zones on these properties.

**3.2.16.1 Policy**

- 3.2.16.1.1 It shall be the policy of Council to maintain the zones over any isolated non-agricultural uses that were assigned zones that are no longer enabled in this Municipal Planning Strategy, but which were established under the Kings County Municipal Development Plan (Municipal Planning Strategy) and Land Use Bylaw (1979).

**3.2.17 Farming Outside the Agricultural District**

Not all agriculture in Kings County takes place within the Agricultural District. Significant farming activity also takes place in the Forestry District, Country Residential District and even in certain Growth Centres and Hamlets. Municipal Council recognizes the contribution of this farming activity to agriculture within the Municipality. Council also recognizes that compatibility and preservation issues can arise from agriculture in areas where it does not have the protection afforded within the Agricultural District.

**3.2.17.1 Policy**

- 3.2.17.1.1 It shall be the policy of Council to recognize the high value of Cornwallis Soils lands and certain boglands for agriculture. Council shall seek to protect these lands for agriculture by means other than including them in the Agricultural District. These means may include encouraging the Province of Nova Scotia to use financial incentives such as land banking and the purchasing of development rights.

PART 3	AMENDED DATE	SECTION
	November 3, 1994	3.2.6 / 3.2.6.3 / 3.2.6.4 / 3.2.6.5 / 3.2.6.6 / 3.2.6.7 / 3.2.6.8
	December 6, 1994	3.2.6.6
	September 6, 1995	3.2.7 / 3.2.7.3 f
	January 22, 1996	3.2.4 / 3.2.5 / 3.2.5.2 / 3.2.6.5 c / 3.2.6.8
	June 9, 1997	3.2.10 / 3.2.11
	March 26, 1999	3.2.12 / 3.2.13
	June 30, 1999	3.2.7.5 / 3.2.7.6 / 3.2.7.7
	November 3, 1999	3.2.4.1 d
	January 26, 2000	3.2.14
	September 4, 2001	3.2
	May 31, 2004	3.2.9.1.1
	May 18, 2006	3.2.6.4
	January 29, 2009	3.2.1 / 3.2.2 / 3.2.3 / 3.2.4 / 3.2.5 / 3.2.6
	May 21, 2009	3.2.9.2.4 a / 3.2.12.1.1



### 3.3 FORESTRY DISTRICTS

Seventy-one percent of Kings County is forest covered, primarily on the North and South Mountains. Approximately 60 percent of this land is in small private holdings, 27 percent in large private holdings (pulp companies) and the remainder is provincial Crown Land. However, these figures may change considerably as pulp and lumber companies are continuously purchasing more forested land as it becomes available.

Wildlife habitat and recreational opportunities are a valuable asset of forested land. The numerous lakes and vast expanse of forest in the County provides a habitat for a wide variety of wildlife common to the province. Outdoor recreational activities have also taken on greater significance with more participants involved in snowmobiling, cross country skiing, canoeing, hiking, and camping.

In response to the increase in recreation and leisure activity several private and public camping parks have established in the Forestry District. Cottage development and other seasonal uses have also established in the Forestry District around lakes on private roads. Council's policies for such development are set out in the Shoreland District section of this Strategy.

Not all lakes in the Forestry Districts have been designated for Shoreland development. The lakes with the highest potential for recreational opportunities and expected ability to sustain development due to their size were designated.

To encourage cottage development on lands around lakes intended for such development and reduce the potential for speculative lake shore development in the Forestry Districts subdivision shall be limited to one lot per year on lands around lakes in the Forestry District.

Much of the land in the forested area on the North and South Mountain is classed as having high capability soils for forestry on the Canada Land Inventory Maps. These are the most productive soil classes found in the province. This combined with the fact that pulp and lumber companies are continuously purchasing more forested land emphasizes the increasing importance of this resource. Council intends the Forestry Districts designation to include most of the forested area on the North and South Mountains.

Within the Forestry Districts, Council's policies place a dominant emphasis on resource production and associated industrial development. New permanent residential uses are permitted along existing public roads as a rural residential option. However, Council will not promote the Forestry District for residential development. Likewise, provisions for commercial, and community and recreation facilities are aimed at permitting a minimum level of basic conveniences for rural residents.

In the interests of public health minimum lot size requirements have been established to protect the groundwater resources from development impacts. These were established in consultation with the Nova Scotia Department of Health and Nova Scotia Environment.

Separation distances between residential uses and resource uses are intended to reduce the potential for conflict between such uses.

All forms of agricultural uses will be permitted in the Forestry Districts. Special policy provisions are included which are designed to protect existing agricultural operations from encroachment by non-resource related uses.

Community facilities which offer support services to residential areas will be encouraged to locate in urban areas or where concentrations of rural residential uses occur such as Hamlets to support the goal of preserving the resource base of the County. Consequently, community centres, public health clinics, and fire stations are intended to locate in Growth Centres, Hamlets and Country Residential Districts where they will be accessible to the greatest number of people.

Therefore, in the Forestry District where resource development is the priority, and residential uses considered secondary provision, Council shall only consider community facilities by amendment to the Land Use Bylaw.

### **3.3.1 Forestry Districts – Objectives**

- 3.3.1.1 To designate high forest capability lands as Forestry Districts.
- 3.3.1.2 To establish provisions for forestry and agricultural uses as the first priority in the Forestry Districts.
- 3.3.1.3 To accommodate residential development at a limited density in limited locations.
- 3.3.1.4 To provide for a limited range of local convenience, commercial, industrial, recreational uses and community facilities.
- 3.3.1.5 To provide for a distance separation between incompatible uses.
- 3.3.1.6 To discourage urban and shoreland development intended for other Districts.

### **3.3.2 Forestry Districts - General Policies**

- 3.3.2.1 Council shall establish a "Forestry Districts" (F) designation. This designation will be generally applied to lands primarily located on the North and South Mountains containing 60% or greater class 3, 4 and 5 capability soils for forestry according to the Canada Land Inventory Maps. Additional lands in the

Valley between the mountains may be designated Forestry Districts if they are not identified as prime agricultural areas.

3.3.2.2 Council intends to give precedence to uses related to forest harvesting and reforestation operations, forestry industries and related land uses, over all other permitted land uses in the Forestry Districts.

3.3.2.3 Council shall establish the Forestry (F1) Zone in the Land Use Bylaw. The majority of land in the Forestry Districts will be zoned F1. The following other zones may be permitted subject to a site specific amendment to the Land Use Bylaw in accordance with the relevant policies of this Strategy:

- a. Rural Commercial (C9)
- b. Resource Industrial (M4)
- c. Resource Extraction (M7)
- d. Salvage Yard Industrial (M6)
- e. Community Facilities (CF)
- f. Highway Commercial (C11)
- g. Resort Comprehensive Development (C12)
- h. Parkland (P1)
- i. Recreational Open Space (P2)
- j. Environmental Open Space (01)
- k. Water Supply (02)
- l. Transportation Utilities (T1)
- m. Airport Height Restriction (T2) Overlay

3.3.2.4 The following uses will be permitted uses in the F1 Zone:

- a. resource related uses including livestock
- b. residential one and two unit dwellings and residential care facilities

- c. seasonal dwellings
  - d. Accessory Residential Uses as defined in Section 3.7 of this Strategy
  - e. existing uses
  - f. parks, open space and non-profit camps
  - g. tourist commercial facilities for lodging, food services, and ancillary uses subject to the provisions of Section 4.4.9 of this Strategy and Section 10.1.5 of the Land Use Bylaw
- 3.3.2.5 The Land Use Bylaw may be amended to allow additional uses where such uses are consistent with the policies of this Strategy.
- 3.3.2.6 Council shall establish standards in the Land Use Bylaw to reduce possible conflicts between uses permitted in the F1 Zone. Such standards may include separation distances between uses, buffering and screening requirements and building setbacks.
- 3.3.2.7 Council shall permit the continuation of identified non-conforming uses within the Forestry Districts in compliance with the Rural Non-Conforming Use Policies, in Section 3.7 of this Strategy.
- 3.3.2.8 The following uses may be considered subject to a Development Agreement in accordance with the policies of this Strategy and the *Municipal Government Act*:
- a. Day Care Facilities as provided for in Policy 3.7.2.4
  - b. Recreational Commercial uses as provided for in Policy 3.7.8.5
  - c. expansion of Non-Conforming Uses as provided for in Section 3.7
  - d. reuse of heritage properties as provided for in Subsection 4.4.4
  - e. tourist related commercial uses at Tourist Destination Areas as provided for in Section 4.4.8



- f. tourist commercial facilities for lodging, food services, and ancillary uses subject to the provisions of Section 4.4.8 of this Strategy and Section 10.1.5 of the Land Use Bylaw
- g. agri-tourism commercial uses as provided for in Subsection 3.3.3.4

### **3.3.3 Forestry Districts - Commercial Policies**

- 3.3.3.1 Council intends to limit commercial development in the Forestry District. However, Council may consider amendments to the Land Use Bylaw to permit Rural or Convenience Commercial uses. Such amendments will be subject to the Rural Common Policies of Section 3.7. Tourist uses may be permitted by Development Agreement pursuant to the policies contained in Subsection 4.4.8 pertaining to Tourist Destination Points where applicable.
- 3.3.3.2 Council may permit Recreational Open Space, Recreational Commercial uses or Highway Commercial uses pursuant to the policies of Subsection 3.7.8.
- 3.3.3.3 Resort Comprehensive Development District policies of Subsection 4.4.14 of this Strategy also apply to lands designated Forestry Districts.
- 3.3.3.4 Council recognizes that agri-tourism commercial uses are a popular form of farm diversification. It shall be the policy of Council to permit the following agri-tourism related commercial uses by development agreement, subject to the conditions in 3.3.3.5, in the Forestry (F1) Zone:
  - a. antique shops, antique restoration, craft shops, craft production, wood furniture production, and gift shops;
  - b. farm museum; and
  - c. accessory uses to the above.
- 3.3.3.5 In considering a development agreement enabled under 3.3.3.4, Council shall be satisfied that the development, its uses, and any associated structures:
  - a. will not create compatibility problems with any adjacent farming operations and agricultural activities that may

be undertaken, such as spraying of pesticides and the spreading of manure;

- b. signage will only be constructed of wood or metal. No internally illuminated signage will be permitted;
- c. any new buildings or building additions will be sensitive to the surrounding rural architectural style. Preference will be given to traditional cladding materials such as wood or stone. Preference will also be given to traditional roof, door, and window styles of the area;
- d. uses shall be associated with new or existing agricultural use permitted in the Forestry (F1) Zone; and
- e. can meet all the applicable policies of this Strategy, including those in Part 6.

### **3.3.4 Forestry Districts - Industrial Policies**

3.3.4.1 Council may consider proposals to rezone lands in the Forestry Districts to permit the development of agricultural, forestry, fishing and aggregate related industries. Amendments to the Land Use Bylaw to rezone lands to Resource Industrial (M4) shall be in accordance with the Common Rural Policies Section 3.7 of this Strategy.

3.3.4.2 In addition to considering the Rural Common Policies of Section 3.7, Council shall consider the following in amending the Land Use Bylaw to Resource Industrial (M4):

- a. a minimum distance separation of 500 feet is maintained between lands being rezoned M4 and any residential use
- b. a minimum 1,000 foot separation from land within a Growth Centre or Hamlet designated for residential, institutional, or open space uses
- c. proposal can meet all applicable policies including the policies for amending the Land Use Bylaw contained in Part 6, of this Strategy

3.3.4.3 Council may consider proposals to rezone lands in the Forestry Districts for Resource Extraction use. Amendments to the Land Use Bylaw to rezone lands Resource Extraction

(M7) shall be in accordance with the policies contained in Part 5 and the policies for amending the Land Use Bylaw contained in Part 6 of this Strategy.

3.3.4.4 Council may consider proposals to rezone lands for Salvage Yard purposes. Amendments to the Land Use Bylaw to rezone lands Salvage Yard Industrial (M6) shall be in accordance with the Rural Common policies contained in Section 3.7 and the policies for amending the Land Use Bylaw contained in Part 6 of this Strategy.

3.3.4.5 Council may consider proposals to establish construction and demolition debris disposal sites by development agreement in accordance with the Rural Common Policies Subsection 3.7.12 of this Strategy.

3.3.4.6 Council may consider proposals for excavation company related industrial uses involving the transportation and storage of extracted materials and fleet maintenance, by way of a development agreement, subject to the conditions contained in Part 6 of this Strategy.

3.3.4.7 In satisfying the requirements in Policy 3.3.4.6, by addressing the conditions contained in Part 6, Council shall be satisfied that the development agreement has sufficient provisions addressing:

- a. the amount and location of extracted materials to be stored
- b. nuisance created by the processing of extracted materials
- c. hours of operation, with restrictions or a prohibition on activities in the evenings and weekends where warranted

### **3.3.5 Forestry Districts – Subdivisions**

3.3.5.1 Council shall limit subdivision of land for residential development to lands with frontage on an existing public road. The Land Use Bylaw shall include a minimum lot size for residential uses in the F1 Zone to ensure lots are of sufficient size to accommodate on site services and to maintain the low density rural character.

- 3.3.5.2 Council intends to restrict the subdivision of any lot within 1,000 feet of an inland lake in the Forestry District to one additional lot within a calendar year (see Subdivision Bylaw)

### **3.3.6 Forestry Districts - Community Facilities**

- 3.3.6.1 Council intends to encourage Community Facilities to locate in Growth Centres and Hamlets. However, Council shall also establish provisions for application of the Community Facilities (CF) Zone established in Urban Policy 2.5.3.1 in the Forestry Districts. This zone will be used for proposals to locate facilities such as, but not limited to, community centres, fire stations and churches which may be considered subject to an amendment to the Land Use Bylaw.

- 3.3.6.2 In considering proposals to rezone lands to the Community Facility (CF) Zone in the Forestry District, Council shall be satisfied that the following conditions are met:

- a. the lot is located on a rural collector road
- b. the property is capable of meeting the minimum requirements of the CF Zone
- c. the proposal can meet all other applicable policies of this Strategy, including those relating to residential uses in proximity to livestock operations, and policies for amending the Land Use Bylaw, contained in Part 6 of this Strategy

Lands on the fringe of Growth Centres or Hamlets will not be considered appropriate sites for Community Facilities. Council's intent is to provide opportunities for Community Facilities serving more than one Growth Centre or Hamlet or isolated pockets of development which cannot be served by Growth Centre or Hamlet facilities.

### **3.3.7 Agriculture and Livestock Operations**

- 3.3.7.1 Council shall permit in the Forestry Districts all agricultural uses as provided for, and in accordance with, the Agricultural Districts Subsection 3.2.4 and Policies 3.2.5.1 to 3.2.5.3.

**3.3.8 Forestry Districts - Parks and Open Space**

- 3.3.8.1 Public parks will be permitted uses in the Forestry (F1) Zone. Notwithstanding, large parks may be zoned Parkland (P1) which was established in the Urban policies contained in Section 2.6.
- 3.3.8.2 Recreational Open Space and Recreational Commercial will require an amendment to the Land Use Bylaw or a Development Agreement in accordance with Rural Common Policies, Subsection 3.7.8.
- 3.3.8.3 Environmental Open Space and Water Supply areas may be zoned 01 or 02 respectively as provided for in the General Planning Policies dealing with the Natural Environment, Section 4.2.

**3.3.9 Forestry Districts on the South Mountain**

- 3.3.9.1 Development of lands adjacent to freshwater lakes in the watersheds of the South Mountain or tributary streams and water courses draining into such freshwater lakes, shall in addition to the requirements of the Forestry District Policies and applicable zones, be subject to additional requirements set out in the Shoreland District policies, Section 3.5 of this Strategy.

<b>PART 3</b>	<b>AMENDED DATE</b>	<b>SECTION</b>
	August 24, 1995	3.3.2.1
	September 6, 1995	3.3.2.4 g / 3.3.2.8 e, f
	January 22, 1996	Preamble / 3.3.2.4 a / 3.3.7
	July 17, 1997	3.3.9
	June 30, 1999	3.3.4.5
	September 1, 1999	3.3.4.6 / 3.3.4.7
	July 5, 2005	3.3 – Preamble / 3.3.2.8 / 3.3.2.8 e, f / 3.3.3.1 / 3.3.3.3
	April 3, 2008	3.3.2.8 g / 3.3.3.4 / 3.3.3.5
	May 21, 2009	Preamble / 3.3.4.1 / 3.3.4.2 / 3.3.4.2 a



### 3.4 COUNTRY RESIDENTIAL DISTRICTS

In establishing Country Residential Districts the Strategy reflects two goals. One, is to provide opportunities for rural residential development as an alternative to serviced Growth Centres. The second goal is to accommodate non-residential resource development.

The mix of uses intended for Country Residential Districts may result in land use conflicts. Residents, for example, could expect to find agricultural, forestry and aggregate extraction related uses on adjacent lands. For example, sawmills and feedmills may locate within a Country Residential District. Processing industries associated with the primary resource activities are permitted as it is logical to locate such uses close to the resource base.

Country Residential Districts will be low in density and will not require or justify the installation or extension of public services (other than those which are normally provided in the rural areas). Although residential development is permitted in the Country Residential Districts, there are few restrictions placed on the resource related uses that may surround them.

Although residents seeking a rural lifestyle must be prepared to co-exist with traditional rural uses, some separation of uses is desirable. Therefore, the Country Residential District policies include minimum lot standards and require separation distances between existing residential uses and agricultural, forestry or aggregate processing industries.

Uses, such as Community or Commercial Facilities and public parks should not be expected, but will not be prohibited.

Although not protected to the extent of the Agricultural and Forestry resource capability, industrial minerals such as sand, gravel and aggregate reserves are finite and valuable components of economic development. Extraction of minerals is not within the County's jurisdiction under planning legislation. However, Council can control related uses such as processing plants. The policies provide for a special industrial zone that only permits extraction related uses. Use of the extraction Industrial Zone is intended to ensure proposals for future reuse of an extraction site is considered in relation to the policies of this Strategy and compatibility with surrounding uses.

Prior to permitting industrial uses in the Country Residential District, proponents may be required to satisfy Council that the well water needs of a proposed use will not create well interference with existing uses. A hydrogeological assessment of groundwater quality and prediction of the potential affect of the proposed use may be required to be undertaken by the applicant. While Council's goal is to optimize natural resource and secondary processing opportunities, it is not intended to undermine the quality of residential life or public health.

**3.4.1 Country Residential Districts – Objectives**

- 3.4.1.1 To designate areas with low resource capability and suitable for rural residential development, community facilities and local commercial conveniences.
- 3.4.1.2 To establish standards to reflect both on-site servicing capability of designated areas and retain the rural character.
- 3.4.1.3 To accommodate resource industries and support services.
- 3.4.1.4 To establish criteria to ensure adequate separation is maintained between established residential areas and industrial uses.
- 3.4.1.5 To maintain the visual quality of the rural landscape.
- 3.4.1.6 To accommodate secondary processing industries near the source of raw agricultural, timber or aggregate products.
- 3.4.1.7 To direct new secondary processing industries to situate away from established residential areas and community facilities.

**3.4.2 Country Residential Districts - General Policies**

- 3.4.2.1 Council shall establish a "Country Residential" (CR) District designation. This designation is intended to provide an alternative to urban residential development, but resource related uses will also be permitted. Land with medium or low resource value for agriculture or forestry will be designated Country Residential on the County Future Land Use Map. The designation will be based on the following:
  - a. Canada Land Inventory (C.L.I) soil capability for agriculture and forestry
  - b. existing land use pattern
  - c. C.L.I. land capability for wildlife and recreation
  - d. soil capability for on-site septic disposal systems
  - e. known or potential deposits for sand and gravel extraction
  - f. natural features and wildlife areas identified on the Natural Areas Information Map # 24



- 3.4.2.2 Council shall establish the Country Residential (R6) Zone in the Land Use Bylaw. Permitted uses in the R6 Zone shall include:
- a. one and two unit residential uses
  - b. Residential Care Facilities as defined in Urban Policy 2.5.4.2
  - c. Accessory Residential Uses as defined in Section 3.7 of this Strategy
  - d. public parks
  - e. existing uses
  - f. resource uses
  - g. non-profit camps and seasonal dwellings
  - h. tourist commercial facilities for lodging, food services, and ancillary uses subject to the provisions of Section 4.4.9 of this Strategy and Section 10.1.5 of the Land Use Bylaw
- 3.4.2.3 The following uses may be permitted subject to conditions to ensure the rural character of the district is maintained and to address compatibility of uses:
- a. livestock operations, kennels and zoos
  - b. farm market outlets
  - c. farm tenement and bunkhouse accommodations
  - d. Rural Accessory Residential Uses as defined in Subsection 3.7.2 of this Strategy
- 3.4.2.4 The Land Use Bylaw shall specify a minimum lot size of 50,000 square feet and a minimum road frontage of 200 feet. This requirement is intended to ensure:
- a. lots will be of sufficient size to accommodate on-site septic systems and private wells
  - b. ensure a low density settlement pattern to protect privacy

- c. reduce the possibility of negative impacts to the ground water reserves due to the cumulative effect of individually sited services

Notwithstanding the above, the bylaw shall specify a much greater minimum lot size for feed lots.

3.4.2.5 Permitted zones in the Country Residential Districts, in accordance with the relevant section of this Strategy are as follows:

- a. Rural Commercial (C9)
- b. Agricultural Industrial (M3)
- c. Resource Industrial (M4)
- d. Highway Commercial (C11)
- e. Resource Extraction (M7)
- f. Environmental Open Space (01)
- g. Recreational Open Space (P2)
- h. Resort Comprehensive Development (C12)
- i. Salvage Yard Industrial (M6)
- j. Community Facilities (CF)

3.4.2.6 The Land Use Bylaw may be amended to allow additional uses where such uses are consistent with the policies of this Strategy.

3.4.2.7 The following uses may be permitted subject to a Development Agreement in accordance with the policies of this Strategy and the provisions of the *Municipal Government Act*:

- a. Day Care Facilities as provided for in Policy 3.7.2.4
- b. Recreational Commercial uses as provided for in Policy 3.7.8.5

- c. Expansion of Rural Non-Conforming uses as provided for in Subsection 3.7.10
- d. Use of Heritage properties as provided for in Subsection 4.4.6
- e. Tourist related commercial uses at Tourist Destination Areas as provided for in Subsection 4.4.8
- f. Mobile Home Parks as provided for in Section 3.4.3
- g. Tourist commercial facilities for lodging, food services and ancillary uses subject to the provisions of Section 4.4.8 of this Strategy and Section 10.1.5 of the Land Use Bylaw
- h. Private and/or public institutional uses as provided for in Subsection 3.4.9

### **3.4.3 Country Residential Districts - Mobile Home Parks**

- 3.4.3.1 Council may permit Mobile Home Parks in Country Residential Districts by Development Agreement under the provisions of the *Municipal Government Act*. In considering entering a development agreement, Council shall have regard to the following:
- a. mobile home park development will be limited to those Country Residential Districts located adjacent to Growth Centres to ensure park residents have access to urban amenities such as educational, commercial and recreation facilities
  - b. yards, fences, walls or vegetative screening shall be provided between the mobile home park and the surrounding area to achieve an attractive development and reduce the impact of lighting and noise on surrounding uses. In particular, off street parking areas for storage and collection of refuse shall be screened from the view of surrounding areas and the travelling public
  - c. the site is suitable for on-site servicing as determined by the Nova Scotia Department of Health
  - d. any lot approved for mobile home parks must have a minimum lot area of two (2) acres

- e. the proposed densities for a mobile home park shall not exceed six (6) mobile home units per gross acre
- f. the site is capable of accommodating the development in accordance with the Mobile Home Parks Bylaw
- g. the proposal can meet all other applicable policies of this Strategy including policies for approval of Development Agreements contained in Part 6 of this Strategy

### **3.4.4 Country Residential Districts - Commercial Development**

- 3.4.4.1 As Council intends to provide for and encourage commercial uses primarily in the designated Growth Centres, opportunities in the Country Residential Districts will be limited. However, Council shall consider proposals for Rural Commercial uses or Highway Commercial uses subject to an amendment to the Land Use Bylaw. In considering applications, Council shall have regard to the policies in the Rural Common Policies of Section 3.7.
- 3.4.4.2 Tourist related uses may be permitted by Development Agreement subject to the policies in Subsection 4.4.8 pertaining to Tourist Destination Points.

### **3.4.5 Country Residential Districts – Subdivisions**

- 3.4.5.1 It shall be the policy of Council to include provisions in the Subdivision Bylaw requiring subdividers to reserve rights-of-way to maintain future access to backlands and ensure the development of a comprehensive road network within Country Residential Districts, thus ensuring adequate accommodation of future resource and residential development.

### **3.4.6 Country Residential Districts - Industrial Development**

- 3.4.6.1 In the Country Residential District, Council may consider proposals to rezone lands for resource industrial uses pursuant to the policies contained in the Rural Common Policies of Section 3.7 of this Strategy.
- 3.4.6.2 In addition to those common rural policies providing for resource industrial uses, the proposed site must satisfy the following criteria in the Country Residential Districts:

- a. the subject site should be at least 2,000 feet from any residential lot shown on an approved or in process subdivision plan
- b. the nearest residential use must be at least 2,000 feet from the site

In considering rezoning proposals, Council shall require a proponent to have prepared a groundwater assessment by a qualified hydrogeologist satisfying Council if recommended by and in consultation with Nova Scotia Environment and/or the Department of Health that confirms that the proposed use will not create well interference on existing uses. This requirement may be waived for industries which do not generate industrial waste such as liquid, chemical and solid residue or by-product of an industrial process.

3.4.6.3 Existing Salvage Yards shall be zoned Salvage Yard Industrial (M6). The establishment of new Salvage Yards shall be in accordance with the Rural Common policies in Subsection 3.7.6.

3.4.6.4 Council shall provide for industrial opportunities for land at 323 Cambridge Mountain Road, PID Nos. 55283121 (approx. 6.6 acres) and 55166409 (approx. 4.05 acres), currently occupied by Howard Little Excavating Limited, under the provisions of policy 3.4.16.

**3.4.7 Country Residential Districts - Agriculture and Livestock Operations**

3.4.7.1 In the Country Residential Districts Council shall permit all agricultural uses as provided for, and in accordance with, Subsection 3.2.4 and Policies 3.2.5.1 - 3.2.5.3.

**3.4.8 Country Residential Districts - Parks and Open Space**

3.4.8.1 Council shall provide for the development of parks in the Country Residential District. Parks will be permitted in the Country Residential (CR) Zone without the necessity of a Land Use Bylaw amendment.

3.4.8.2 Recreational Open Space or Recreational Commercial uses will require an amendment to the Land Use Bylaw or a Development Agreement as appropriate and in accordance with Rural Common Policies, Subsection 3.7.8.

- 3.4.8.3 Environmental Open Space and Water Supply areas may be zoned 01 or 02 respectively as provided for in The General Planning Policies of Section 4.2 dealing with the Natural Environment.

**3.4.9 Country Residential Districts - Community Facilities and Institutional Uses**

- 3.4.9.1 The Community Facilities (CF) Zone which was established in Part 2 of this Strategy is a permitted zone in the Country Residential District.

- 3.4.9.2 Council intends to encourage Community Facilities to locate in Growth Centres and Hamlets. However, Council shall also establish provisions for application of the Community Facilities (CF) Zone established in Urban Policy 2.5.3.1 in the Country Residential Districts. This zone will be used for proposals to locate facilities such as community centres, fire stations and churches which may be considered subject to an amendment to the Land Use Bylaw.

- 3.4.9.3 In considering proposals to rezone lands to the Community Facility (CF) Zone in the Country Residential District, Council shall be satisfied that the following conditions are met:

- a. the lot is located on a rural collector road
- b. the property is capable of meeting the minimum requirements of the CF Zone
- c. the proposal can meet all other applicable policies of this Strategy, and policies for amending the Land Use Bylaw, contained in Part 6 of this Strategy

Lands on the fringe of Growth Centres or Hamlets will not be considered appropriate sites for Community Facilities. Council's intent is to provide opportunities for Community Facilities serving more than one Growth Centre or Hamlet or isolated pockets of development which cannot be served by Growth Centre or Hamlet facilities.

- 3.4.9.4 It shall be the policy of Council to consider the establishment of the following private and/or public institutional uses in the Country Residential District and Country Residential (R6) Zone by development agreement, subject to the policies of

this Strategy and the provisions of the *Municipal Government Act*:

- a. addictions rehabilitation and counselling centre

3.4.9.5 In considering a development agreement enabled through Policy 3.4.9.4, Council shall have regard for the following criteria:

- a. There is frontage or direct access to a rural or major collector road.
- b. The privacy of adjacent dwellings will be maintained through the provision of natural or artificial buffering.
- c. The architectural design and landscaping of the buildings will be compatible with the character of the residential neighbourhood.
- d. The building does not interfere with the sunlight received by adjacent dwellings.
- e. The building is located at a sufficient distance from the property line and/or adjacent dwellings, and the design is such so as not to interfere with the privacy of adjacent dwellings.
- f. Central (municipal or community) water is required and sufficient to accommodate the proposal.
- g. On-site sewer or central (municipal or community) sewer services are sufficient to meet the needs of the proposed use.
- h. Signage for the proposed use shall be limited to a single sign not exceeding a maximum sign area of six (6) square feet.
- i. The proposed use must, as a minimum, meet the lot size, lot coverage, frontage, parking and yard requirements of the Institutional (I1) Zone. In addition, parking areas shall be located to the side or rear of the building in clearly defined parking areas.

3.4.9.6 It shall be the policy of Council that the agreement referred to in Policy 3.4.9.4 shall be accompanied by a site plan,

prepared by a qualified person, showing the proposed site characteristics including landscaping, buffering and location of buildings, and that the development of land will be in accordance with the site plan. The conditions of the agreement may regulate any of the following and other conditions Council may deem necessary:

- a. Landscaping including natural or artificial buffering to reduce potential conflict.
- b. Architectural compatibility with adjacent residential uses in terms of design, scale and building materials.
- c. Access, traffic circulation, and parking.
- d. Maximum number of overnight participants.
- e. Minimum size of lot.
- f. Location, height, number of stories, area, and bulk of buildings and other structures.
- g. Sign location.
- h. Percentage of land that may be built upon, and the size of yards, courts and other open spaces.
- i. The provision of services and utilities.
- j. Hours of operation.
- k. Any other similar matters which Council feels necessary to ensure the general compatibility of the use with adjacent residential uses.

#### **3.4.10 Unique Country Residential Districts Areas - Habitant**

Habitant has been designated Country Residential on the Future Land Use maps. Although it is not the intent to install services in Country Residential Districts, a central sewer system has been installed.

Habitant is essentially a strip of residential development between Canning and the Habitant Cemetery. When a central sewer system was installed in Canning, it was extended eastward along Highway # 221 to include Habitant to serve existing residential development. Although lands back from the road are farmed, most of the frontage is developed leaving several



building lots vacant. Because the residential uses are established and as the area is now serviced it has been designated Country Residential.

As central sewerage services are available and only a modest amount of infilling is possible, the lot size requirements may be reduced. However, to minimize further encroachment upon the agricultural uses, new residential development will be limited to infilling along the road frontage where sewer services are available.

### **3.4.11 Habitant Policies**

3.4.11.1 Council intends to maintain the low rural density of lands serviced with central sewer along Highway # 221 and the Pereau Road in the Country Residential District known locally as Habitant. These lands are located between the Growth Centre of Canning along Highway # 221 to the Habitant cemetery and along the Pereau Road to a point approximately 430 feet west of the Pereau Branch Road. Council intends to allow infilling by reducing the lot size requirements along the serviced portion of Route # 221 and the Pereau Road.

### **3.4.12 Country Residential Districts on the South Mountain**

3.4.12.1 Development of lands which are drained by tributary streams and water courses into freshwater lakes in the watersheds of the South Mountain shall in addition to the requirements of the Country Residential District Policies and applicable zones, be subject to additional requirements set out in the Shoreland District policies, Section 3.5 of this Strategy.

### **3.4.13 Country Residential Resort Districts**

In 1996, a large residential, commercial and recreational resort proposal for lands on the north side of McNally Road near Morden was presented to Council. Council considered the project to be a unique opportunity for enhanced tourism opportunities within the County. It was found that the project could not be accommodated through conventional planning tools and techniques due to the proposed mix of uses and ownership arrangement. For this reason it was determined that the Comprehensive Development District concept as provided for in the *Municipal Government Act* offers the most flexibility to set out appropriate development standards.

The option to develop a resort under this policy would be considered for lands within the County's Country Residential Districts. The resort

districts will be known as Country Residential Resort Districts (CRR). It is Council's intent that the project presented in 1996 will be provided for at the outset. Future projects will require an amendment to this Strategy and will be considered on their own merits and new areas will only be designated if Council is satisfied it is in the best interest of the Municipality.

The general concept anticipated in the development of the following policies is to enable a different type of development arrangement wherein buildings are clustered with shared water and sewer service leaving a potential for large areas to be left undeveloped. It is proposed that this option be available as an alternative to the usual development standards which provide that each residential lot or unit have its own on-site sewage disposal system and well. Although off-site service arrangements are contemplated, it is intended that the overall density be low and in keeping with the density of the other rural areas.

In this way, the level of public service is not expected to change. The advantage to the developer or owner who proposes such a project is that with a cluster arrangement there may be considerable cost savings in construction. The advantage to the Municipality or the community as a whole is larger areas can be kept in a natural state preserving a rural atmosphere and potentially providing shared common open space for passive recreational uses.

It is not the intent that cluster developments be used to change the rural landscape by permitting large numbers of units to be located in one confined area. To prevent this, an upper limit on overall density is advisable to ensure the character of the rural landscape does not change too dramatically.

The Comprehensive Development Agreements under the following Subsections 3.4.14 to 3.4.15 shall specify measures to ensure the general low overall density character intended for the Country Residential District is maintained. The Agreements will also address water and sewer servicing arrangements and maintenance.

#### **3.4.14 Country Residential Resort - Objectives**

- 3.4.14.1 To provide an opportunity for a combination of residential, commercial and recreational uses as planned mixed use resort development projects.
- 3.4.14.2 To establish service levels and arrangements for resort developments.

- 3.4.14.3 To provide for unique land division arrangements to reflect the interdependence of the various uses with regard to services.

### **3.4.15 Country Residential Resort - Policies**

- 3.4.15.1 Council shall establish a Country Residential Resort District (CRR) Designation. This District is intended to provide for resort developments that would typically involve residential development, including multi unit, together with related commercial and recreational uses in a planned community project.
- 3.4.15.2 Council shall establish a Country Residential Resort Comprehensive Development (R8) Zone that will provide for resort development subject to Comprehensive Development District Agreements.
- 3.4.15.3 Council shall designate a Country Residential Resort District on the North Mountain near Morden on the Future Land Use Map. An area within the District will be zoned R8 to provide for the first phase of a resort development and allow Council to consider entering into a Country Residential Resort Comprehensive Development Agreement. The initial area may be expanded subject to an amendment to the Land Use Bylaw.
- 3.4.15.4 Council may consider requests to establish future Country Residential Resort Districts subject to an amendment to the Future Land Use Map of this Strategy. Before considering a new district, however, Council shall be satisfied that the additional resorts are in the best interest of the Municipality. As a minimum, when considering proposals, Council shall have regard to the following:
- a. the goals and objectives of the Municipal Planning Strategy
  - b. the impact of the land use change on the County's resources and resource related activity
  - c. the potential for conflict with permitted or existing surrounding uses
  - d. the potential impact of high density development in areas not otherwise intended for high density development

- e. the character of surrounding development and the impact of change on low density rural residential development

In all cases, Council shall require applicants to present a general proposal that is sufficiently developed to show an overall development concept and demonstrate how access, water and sewer service will be provided in order that Council can assess the merits of the proposal.

3.4.15.5 Council may provide for resort development within the R8 Zone subject to a Country Residential Resort Comprehensive Development Agreement. Before approving an Agreement Council shall be satisfied that the applicant has demonstrated:

- a. that the proposal will not have a negative financial impact on the municipality
- b. that the method of sewage disposal will be appropriate and adequate to serve the development density permitted
- c. that sufficient quality and quantity of water is available to serve the development without negative impact on adjacent uses
- d. that an adequate access to a public road is available and adequate for the development
- e. that all proposed new roads, whether public or private and all access arrangements within the development, will be sufficient and adequate for the proposed density of development
- f. that all road and driveway construction and maintenance standards are appropriate to ensure a high standard of development
- g. that fire protection services and equipment are available and adequate to accommodate the development
- h. that the site is suitable in terms of steepness of grades, soil and/or geological conditions

3.4.15.6 Where a Country Residential Resort Comprehensive Development Agreement allows for a subdivision, lot size and layout shall be such that all new lots will have continued

access to water and sewage disposal service as well as maintained public or private road access year round.

3.4.15.7 In order to satisfy the criteria in Policy 3.4.15.5, the applicant shall, where applicable, be required to provide the following for review by Staff and the Planning Advisory Committee:

- a. a groundwater assessment by a qualified hydrogeologist that confirms that the proposed use will not create well interference on existing uses and confirmation that the ground water supply is adequate to serve the development
- b. a report prepared by a qualified engineer outlining the proposed method of sewage disposal including a maintenance program with comments from the appropriate approval agency. The program shall identify the ownership and location of the system, the maintenance arrangements and responsibilities as well as outline the methods of monitoring the system's performance to ensure the safety of the residents
- c. a storm water management plan
- d. elevation drawings illustrating the proposed height and character of any proposed buildings or structures
- e. site plans for inclusion in the Comprehensive Development Agreement showing the proposed building locations, roads, driveways and parking areas as well as a general layout of proposed amenities
- f. any other information necessary to determine and ensure the conformity of the proposed development with the policies for Country Residential Resort Districts

3.4.15.8 In considering a Country Residential Resort Comprehensive Development Agreement, Council shall have regard to the following, and where appropriate or permitted by the legislation, such matters will be specified in the Development Agreements.

- a. where a proposal is for cluster development no less than 50% of the area covered by the Agreement shall remain in a natural or near natural state. The Agreement shall provide for either an upper limit of density that does not exceed 2 units per net acre or provide for 80% of the lot

to be left in a natural or near natural state. In no case shall the overall density exceed 4 units per net acre within the District

- b. provision of adequate parking for commercial uses which will be open to the general public will be provided on-site
- c. demonstration that suitable arrangements are made for the provision of water and sewer service and identification of the responsibilities of the Municipality and the property owners with regard to on-going maintenance
- d. a maximum building height to ensure the buildings have minimal visual impact on the landscape
- e. specification of a maximum number of units in a multiple unit residential building which in no case shall be greater than 12 units
- f. arrangement of all private roads and driveways in an orderly manner to facilitate snow removal and ensure adequate access for emergency vehicles
- g. design of any signs that are proposed to be permitted such that the visual impact is minimized
- h. detailed explanation of the means of solid waste disposal to Council's satisfaction
- i. specification of standards for maintenance, landscaping and similar aspects of the development
- j. provision of adequate building setbacks and vegetative buffers to provide for compatibility with adjacent uses
- k. specification of hours of operation for commercial or recreational uses if considered advisable by Council
- l. addressing of other matters generally dealt with in a Land Use Bylaw or a development agreement in accordance with the *Municipal Government Act* where deemed appropriate by Council

### 3.4.16 Industrial Uses at 323 Cambridge Mountain Road

For over ten years, an excavating company has been located at 323 Cambridge Mountain Road, south of the Cambridge Growth Centre and within the Country Residential District and Country Residential (CR) Zone. This land has been used for the storage and repair of trucks and heavy equipment, the storage of civil construction products (e.g. culverts and other pipes) and extracted materials, and several secondary uses such as a business office. These types of uses are classified as 'industrial' and are not permitted in the CR Zone. In addition, the land is not eligible to be rezoned due to the proximity of surrounding residential uses. However, the nature of the existing land uses and the uniqueness of the occupied land and its surroundings has led Municipal Council to establish special provisions to accommodate a limited industrial use of the property by development agreement.

3.4.16.1 Pursuant to the provisions of policy 3.4.16.2, as an override to the goals, objectives, and other provisions of the Country Residential Section, Council may enter into a development agreement for industrial uses typically associated with an excavating company upon land located at 323 Cambridge Mountain Road, PID Nos. 55283121 (approx. 6.6 acres) and 55166409 (approx. 4.05 acres), subject to the following conditions:

- a. proposals shall be considered only for the land currently occupied by excavation company related industrial uses at 323 Cambridge Mountain Road
- b. proposals shall only be considered for uses in keeping with the following land uses:
  - i. Principal land uses:
    - fleet maintenance and storage of trucks and heavy equipment;
    - storage of civil construction products (e.g. culverts and other pipes); and
    - storage of extracted materials.
  - ii. Secondary land uses:
    - washing and/or screening of extracted materials;

- business offices for administrative services;
- business offices for technical services such as drafting; and
- storage of vehicle fuel to a maximum of 10,000 litres.

3.4.16.2 In considering a development agreement proposal under the provisions of policy 3.4.16.1, Council shall be satisfied that the proposal does not significantly alter the land uses on the property as of April, 1999.

3.4.16.3 In considering an amendment to an existing development agreement, Council shall be satisfied that the proposal will not result in a significant change in the:

- a. permitted uses
- b. intensity of development, or
- c. occupation of land

PART 3	AMENDED DATE	SECTION
	September 6, 1995	3.4.2.2 h / 3.4.2.7 e, g
	January 22, 1996	3.4.2.3 a / 3.4.7
	July 17, 1997	3.4.12
	September 23, 1997	3.4.13 / 3.4.14 / 3.4.15
	March 26, 1999	3.4.1 / 3.4.2.5 a / 3.4.10 / 3.4.11
	April 27, 1999	3.4.6.4 / 3.4.16
	February 11, 2003	3.4.11.1
	July 5, 2005	3.4.2.7 / 3.4.2.7 e, g / 3.4.3.1 / 3.4.3.1 c / 3.4.4.2 / 3.4.6.2 / 3.4.6.4 / 3.4.13 / 3.4.14 / 3.4.14.1 / 3.4.14.2 / 3.4.14.3 / 3.4.15 / 3.4.15.1 / 3.4.15.2 / 3.4.15.3 / 3.4.15.4 / 3.4.15.5 / 3.4.15.6 / 3.4.15.7 / 3.4.15.8 / 3.4.16 / 3.4.16.1 / 3.4.16.2 / 3.4.16.3
	May 21, 2009	3.4.2.7 h / 3.4.6.2 / 3.4.9 / 3.4.9.4 / 3.4.9.5 / 3.4.9.6



### 3.5 SHORELAND DISTRICTS

Lakes and coastlines are a natural resource which should be accessible to all residents. Although the Fundy coast offers a cool summer breeze, its rugged shoreline and the cold Fundy tides limit the scope of water recreational activities. Hence the freshwater lakes on the plateau of the South Mountain provide the greatest recreational potential.

Along the Fundy coast and the Minas Basin Council has designated additional seasonal residential areas as Shoreland Districts based on existing development trends. Erosion has reached serious proportions in some coastal Shoreland Districts, especially Kingsport and Evangeline Beach. In these cases only existing seasonal residential areas are designated in recognition of the high risks to development.

Similarly, Council designated the shorelines around many freshwater lakes as Shoreland Districts. The growing demand for seasonal residential development in Kings County is illustrated by the municipal records which show a consistent increase in seasonal residential development since 1963. Between 30 to 40 new lots are being created each year and this is expected to continue, in fact it is expected to increase. As this demand increases, public access to lakes and beach areas may be significantly reduced by the concentration of private development on water frontage. In addition to concerns of public access, the capacity of the inland lakes to sustain development must be addressed.

Along the Fundy coast and the Minas Basin additional cottage areas are designated Shoreland Districts based on existing development trends.

The current approach to shoreland management involves two essential steps. The first step is to identify the high capability recreation lands and designate portions to accommodate public and private development and access. The second step is to recognize the sustainable limits to use and to protect the integrity of the natural features, processes, and wildlife habitats which all contribute to the high capability. The Kings County Lakeshore Capacity Model, completed in 1995 provided Council with a planning tool designed for predicting development impacts on freshwater lakes.

Up to 1996, Shoreland Districts were established around the larger, more accessible lakes on the South Mountain. Council excluded smaller lakes from designation given their physical limitations for both seasonal residential development and recreational activities such as boating, swimming, and fishing. However, the lakeshore capacity model's ability to predict development impact on lake water is dependent on factors related to land uses and resource activities in the entire watershed. We now know that development around upstream lakes and streams, as well as the natural landscape and human settlement contribute to lake water quality. To maintain water quality in those lakes already recognized for high recreation potential, planning efforts need to consider not only the direct impacts on the immediate lakes undergoing development, but the surrounding watershed too.

Prior to opening up additional undeveloped lands for seasonal residential development however, an assessment of the effects of further development should be undertaken. Matters to consider include the effect on existing development in terms of the social, visual, and natural character, lakeshore biophysical capacity, and effects on lake water quality as well as consideration of the maintenance of future public access to the lakes.

For the most part, in terms of residential use, Shoreland Districts are intended for seasonal residential development. However, Council has conceded to permit year round residential development whether on public or private roads. However, in keeping with the general goal of this Strategy to concentrate development in Growth Centres where services can be provided economically, services to remote areas such as the Shoreland Districts will be limited to basic garbage collection at central locations along public roads.

### **3.5.1 Shoreland District – Objectives**

- 3.5.1.1 To adequately accommodate demand for seasonal residential and recreational development including campgrounds.
- 3.5.1.2 To ensure the availability of shoreland for the use and enjoyment of the general public.
- 3.5.1.3 To permit the development of commercial facilities primarily serving the seasonal population.
- 3.5.1.4 To allow for permanent development on public and private roads.
- 3.5.1.5 To minimize disturbance of environmentally sensitive natural features and habitats on inland lakes and coastal shoreland areas.
- 3.5.1.6 To protect the quality of lake water by establishing water quality objectives for individual lakes, and where necessary development criteria which result from lake trophic state carrying capacity studies.
- 3.5.1.7 Where lake trophic status is unknown or has reached adopted water quality objectives, to provide for alternative development approval mechanisms with criteria intended to significantly limit impacts on lake trophic status, maintain fish and wildlife habitat and shoreline aesthetics.

- 3.5.1.8 Increase awareness among developers, residents and other lake users of lake and shoreline ecology and to actively promote water quality protection measures.
- 3.5.1.9 Initiate a volunteer self-help water quality monitoring program for fresh water lakes on the South Mountain.

### **3.5.2 Shoreland District Policies**

- 3.5.2.1 Council shall establish a “Shoreland District” (S) designation. This designation will apply to areas intended primarily for seasonal residential development. However, commercial and permanent residential uses may be permitted. Lands along the Fundy Coast and the Minas Basin where development already exists and lands around the freshwater lakes of the South Mountain may be designated as Shoreland Districts on the Rural Future Land Use map. Council may, by amendment to this Strategy, designate additional coastal or inland areas as Shoreland Districts in the future.
- 3.5.2.2 The full range of public services will not be available for development on private roads. It is Council’s intent that prospective new lot owners will be advised that services will be limited at the time any new lot is created, with an appropriate information note stamped on every approved plan of subdivision. Council will explore additional means of ensuring that residents along private roads are aware of the limited availability of services.
- 3.5.2.3 Council shall establish three zones in the Land Use Bylaw for application exclusively within the Shoreland Districts:
  - a. Coastal Shoreland (CS) Zone
  - b. Seasonal Residential (S1) Zone
  - c. Future Shoreland (S2) Zone
- 3.5.2.4 In addition, Council may consider applications for rezoning to Rural Commercial (C9) subject to the policies of this section, the Rural Common policies of Section 3.7, and the policies for amending the Land Use Bylaw contained in Part 6 of this Strategy.

- 3.5.2.5 Within the Shoreland District designation, Council may consider zoning lands identified as wetlands according to the 1996 Province of Nova Scotia Department of Natural Resources digital 1:10,000 series Forest Cover Maps, Environmental Open Space (01) and where development of these lands may be hazardous to development. Council may consider zoning additional wetlands “01” in the future, by amendment to the Land Use Bylaw, consistent with the other policies of this Strategy.

### **3.5.3 Shoreland Districts - Coastal Shoreland Policies**

- 3.5.3.1 Council shall zone lands within the Shoreland Districts shown on the Rural Future Land Use map along the Bay of Fundy and Minas Basin, as Coastal Shoreland. The Coastal Shoreland Zone will be delineated and labelled “CS” on the Kings County Rural Zoning Map - Schedule 1m.

Uses permitted in the Coastal Shoreland Zone shall include seasonal dwellings, campgrounds, parks, and recreation uses. These uses will be permitted on private roads. Permanent dwellings will also be permitted on private roads. Zone requirements pertaining to minimum lot size, frontage, yards, and parking are intended to ensure a degree of separation between uses, maintain the low density character of the coastal landscape, and to permit a minimum rural on-site septic system standard.

- 3.5.3.2 Lands fronting on Porters Point Road in Lower Canard may be considered for a site specific rezoning from Agricultural (A1) to Coastal Shoreland (CS) subject to the policies in Section 6.2.2.1 of the Municipal Planning Strategy and subject to all of the following conditions:
- a. confirmation that the property is designated Shoreland on the Future Land Use Map – Map 15
  - b. confirmation by an independent engineer or other qualified professional of the adequacy of Porters Point Road to accommodate any additional traffic that may be caused by the rezoning request
  - c. the property meets the Land Use Bylaw requirements for road frontage on Porters Point Road

- 3.5.3.3 Council may provide for the development of commercial convenience uses and tourist oriented commercial uses being the uses permitted in the C9 Zone within Shoreland Districts along the coasts of the Bay of Fundy and Minas Basin, by rezoning. The Rural Common Policies of this Strategy contained in Section 3.7 and Section 4.4.8 Tourist Commercial Facilities of this Strategy, set out the specific range of uses intended and the criteria which must be met.

### **3.5.4 Shoreland Districts - Freshwater Lakes of the South Mountain**

The lake trophic state or “Lakeshore Capacity” model developed for Kings County watersheds enables Council to estimate present water quality conditions and predict future changes in water quality that will occur for each dwelling built on the shore of a lake.

The trophic state model uses a measure of Chlorophyll a concentration in the water body as the relative indicator of water quality. Chlorophyll a can be directly attributed to, and is visible to the eye in the form of green algae and other aquatic plant growth. Algae and plant growth is also indicative of the presence of nutrients such as nitrogen and phosphorus. While nutrients end up in the water from natural sources in the water, air and overland runoff, all land uses contribute varying amounts of these additional nutrients to the water. However, it is the nutrient contributions stemming from human development which can contribute most significantly, and over which we can exert most control. Therefore, this component is the focus of lakeshore planning efforts.

As the “Carrying Capacity” report explains, the lakeshore capacity model enables the Municipality to assess the existing state of water quality and predict future changes based on residential development. This means that by an objective criteria readily applicable Council can determine the effect on water quality of additional proposed residential development, and in turn whether shoreline development warrants planning and control. This system requires that the Municipality adopt a specific water quality objective for each lake. This objective is expressed as a unit concentration of Chlorophyll a (for example: 2.0 micrograms per Litre of water or 2.0 µg/L). If a given lake has a current Chlorophyll a level of 1.8µ g/L, the model will enable the prediction of how many additional dwellings it would take to raise that lake’s Chlorophyll a concentration by .2 µg/L to make it 2.0 µg/L.

The report - Lake Carrying Capacities and Proposed Shoreline Development Policies, provides guidelines to assist Council in choosing water quality objectives. In keeping with that report, Council considered the following factors in establishing objectives for the Lake George to

Lumsden Pond system, one of the South Mountain watersheds, and will consider the same factors in setting objectives in additional watersheds:

- the need to protect water quality in any given lake;
- the need to be proactive in considering water impacts, so that property owners can avoid expensive remediation measures in the future;
- the public preference that perceptible water quality changes should stay within the normal range of year to year fluctuations in chlorophyll a;
- the need to maintain traditional and expected water uses, associated with specific lakes;
- the distribution of existing shoreland development;
- the distribution of approved, but undeveloped lots;
- the distribution of lands with good capability for development; and
- related land use bylaws.

Council will solicit input from the public in selecting specific values to use for each lake's water quality objective. Once Council is satisfied that the selected water quality objectives meet the selection criteria, the model can be used to calculate the total number of dwellings which will be permitted on each lake in the watershed. Because the water in one lake flows into the lake downstream and so on, development limits on upstream lakes will impact directly on water quality objectives for every lake downstream. The impact is cumulative as water moves from the lake at the top end of the watershed to the lakes at the very bottom end of the watershed. In other words, in adopting water quality objectives, the higher the Chlorophyll a concentrations are set at the top of the watershed, the higher will be Chlorophyll a concentrations in downstream waters.

Upon adopting water quality objectives for each lake, the total number of dwellings permitted without exceeding the objectives is calculated from the model. The remaining undeveloped shoreline within the S1 Zone shall be eligible for subdivision and development up to the permitted number of building lots stated in the Land Use Bylaw for each lake. No further residential development within 350 feet of a lake or watercourse shall be permitted as-of-right once the maximum number of dwellings has been developed around each lake. Instead, any additional residential development within 350 feet from a lake or watercourse that has

exceeded its maximum development carrying capacity, must be developed by site-plan approval. Any residential development, which is not within 350 feet of a lake or watercourse, may continue to be developed under the standard zoning requirements.

### **Policies**

- 3.5.4.1 It is Council's intention to set the water quality objective for the eighteen lakes in the watershed beginning at Lake George and ending at Lumsden Pond at a maximum Chlorophyll a concentration of no more than 2.5 µg/L. Where according to the predicted value - water quality in those lakes is at or exceeds 2.5 µg/L, Council intends to limit development to either lands 350 feet back from the shoreline of the lake or watercourse, or by site plan as provided for in this Strategy. Council may set objectives for lake water quality at less than 2.5 µg/L where necessary to ensure some development opportunities on less developed lakes, which shall be set out in Schedule A of this Strategy. Council may make amendments to water quality objectives from time to time and set objectives for additional lakes by amending this Strategy in accordance with the policies of this section.
- 3.5.4.2 Created in 1995, the Kings County Lakeshore Capacity Model predicts the expected changes to water quality from new lakeshore development. The model links Chlorophyll a water quality objectives to the maximum number of dwellings around a lake that can be accommodated without negatively affecting water quality. Over time, additional information, refined lake science and new research may arise with which to improve upon the lakeshore capacity model. As a result, Council may, from time to time, review and update the model, water quality objectives, and the associated maximum residential carrying capacity for lakes in Kings County.
- 3.5.4.3 Council shall establish in the Land Use Bylaw the Seasonal Residential (S1) Zone and the Future Shoreland (S2) Zone. The standards for each zone shall reflect Council's concern for public health, water quality and the maintenance of the natural character of the Shoreland Districts. The standards take the form of a two-tiered zoning system for the County's freshwater lakes as follows:

- a. In watersheds where Council has used the Kings County Lakeshore Capacity Model to determine the current trophic state of a lake or chain of lakes, Council shall adopt official water quality objectives for each lake. The water quality objectives will be used to assign each lake a maximum carrying capacity for as-of-right residential development in the Land Use Bylaw. Where Council has adopted official water quality objectives, shoreland areas shall be zoned Seasonal Residential (S1);
- b. Council shall apply the Future Shoreland (S2) Zone to those watersheds where lake capacity (trophic status) has yet to be determined;
- c. Hardwood Lake as the original study “control lake” will provide a baseline for measuring the accuracy of the Lakeshore Capacity Model and enabling refinements to enhance its predictive capability in the future. Therefore, Council shall set the water quality objective for Hardwood Lake at its current predicted Chlorophyll a concentration of 1.7 micrograms/Litre<sup>1</sup>. Council shall permanently zone the Hardwood Lake Shoreland District as Future Shoreland S2.

3.5.4.4 In order to determine the number of dwellings around each lake which are counted towards a lake’s assigned carrying capacity, Council shall include in the count all dwellings within the S1, S2 or O1 Zones around that lake.

3.5.4.5 For the protection of water quality on inland lakes, Council shall establish in the Land Use Bylaw S1 and S2 Zones, a minimum requirement of a 65 feet shoreline setback for primary buildings and structures. Measures to encourage the retention of natural vegetation within such setback areas, particularly the 65 ft. setback, are important to maintain water quality in the lakes. Vegetation within the 65 ft. setback would not be altered, consistent with passage, safety, and provision of views and ventilation to every extent possible. Likewise the soil mantle within the 65 ft. buffer should be disturbed as little as possible.

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<sup>1</sup> In this Strategy, where it appears, Chlorophyll a measured in micrograms per Litre implies a representative mean concentration of Chlorophyll a over a lake’s annual ice-free period.



- 3.5.4.6 Council shall establish the Seasonal Residential (S1) Zone in the Land Use Bylaw. The S1 Zone will allow for waterfront seasonal dwellings and waterfront single detached dwellings up to the maximum number specified in the Land Use Bylaw, as well as parks and recreation uses as-of-right. Council does not encourage permanent residential development on private roads. Therefore, year round residents of dwellings on private roads can not expect to receive the level of municipal services, snow clearing and road maintenance, nor access to emergency services such as, fire departments, police and ambulance services available to residents on public roads.
- 3.5.4.7 Council shall not permit any further as-of-right residential development within 350 feet of a lake or watercourse in the S1 Zone for lakes that have reached their assigned maximum carrying capacity specified in the Land Use Bylaw. Instead, any new residential development within 350 feet of a lake or watercourse must obtain site plan approval as described in Policy 3.5.7 of this Strategy. Residential development on lands that are not within 350 feet of a lake or watercourse may continue to be developed as-of-right according to the Land Use Bylaw requirements for the S1 Zone.
- 3.5.4.8 Council shall establish the Future Shoreland (S2) Zone in the Land Use Bylaw. In the Future Shoreland Zone, seasonal dwellings, single detached dwellings and passive parks and recreation uses shall be permitted. As stated in policy 3.5.5.1, Council does not encourage private road development for permanent residential use.
- 3.5.4.9 Council shall not permit any as-of-right residential development on new waterfront lots within the S2 Zone. Instead, any new residential development on new waterfront lots must obtain site plan approval as described in Policy 3.5.7 of this Strategy. New back-lots without water frontage may continue to be developed as-of-right according to the Land Use Bylaw requirements for the S2 Zone.
- 3.5.4.10 Council shall restrict the subdivision of lots, any part of which is within 350 feet of the shoreline, to one lot per area of land per calendar year.

### 3.5.5 Special Character Areas

Council believes that over time there is a risk that the natural attributes of the landscape which attract people to the lakes for recreation and as a residential alternative may be lost in the very process of development. Those natural attributes take the form of a diverse mixture of landscape features and wildlife which are found within these areas. The most ecologically diverse and most sensitive areas to disturbance are often found along the margins of the lakeshores and upland areas immediately around the lakes. But the visual character inherent in the natural shoreline itself has significant aesthetic value to humans as well as to providing the necessities of wildlife and water quality.

- 3.5.5.1 Notwithstanding policy 3.5.4.3 b. and c., Council shall classify lands which, through a combination of high visual and ecological features, constitute special character areas and zone them S2.
- 3.5.5.2 Initially Council shall recognize the special character of lands at the north end of Lake George and Hardwood Lake, the east side of Aylesford Lake in the vicinity of Fancy Cove, and both sides of the channel connecting Aylesford Lake and Loon Lake. These special character areas shall not be rezoned to any other zone with the exception of the O1 Zone.
- 3.5.5.3 Council may zone additional areas S2, within the Shoreland District as identified through specific studies which verify the unique biophysical character of the shoreline.

### 3.5.6 Independent Application of the Model to Shoreland District Watersheds

The Municipality is not in a financial position to undertake trophic state modeling for all the lakes in all the watersheds of the South Mountain. At the same time, it is not Council's intention to prohibit waterfront development on those lakes for which no water quality objectives have been adopted. Consequently Council shall make provisions for applicants for two or more dwelling units and eligible commercial, resource development, recreational or institutional uses to commission independent consultants to apply the Kings County Lakeshore Capacity model to the appropriate watershed lakes.

- 3.5.6.1 In considering proposals for waterfront development on lakes which have not been modelled, applicants may be required to commission independent studies to apply the

Kings County Lakeshore Capacity Model to the subject watershed(s). Once Council reviews the model results to its satisfaction and completes public consultation steps to solicit input, Council may set water quality objectives for the lakes in the watershed. Adopting the water quality objectives would involve amending this Strategy and the Land Use Bylaw to incorporate the new objectives and the total number of waterfront dwellings permitted. Council may concurrently amend the zoning maps for the affected lakes to change the zoning from Future Shoreland (S2) to Seasonal Residential (S1).

- 3.5.6.2 Council may also require a biophysical assessment of the studied lake to identify ecologically sensitive areas, which may subsequently be identified as a special character area and Zoned S2 pursuant to policy 3.5.5 of this Strategy.

### **3.5.7 Site Plan Bylaw Alternatives**

Council recognizes the attraction and demand for residential dwellings around Kings County's lakes on the South Mountain plateau. However, Council also wishes to ensure that new lakefront development does not negatively impact lake water quality or the natural environment. In order to balance demand for residential development with water quality concerns, Policy 3.5.4.7 and 3.5.4.9 of this Strategy require certain residential development proposals to receive site plan approvals pursuant to the enabling policies specified in Part 6.8 of this Strategy.

Residential development in the S1 and S2 Zones that require site plan approval must meet the site plan requirements contained in the Land Use Bylaw. The site plan requirements shall be geared towards protecting water quality by restricting development and the clearing of vegetation within 65 feet of the shoreline.

### **3.5.8 Medium and Large Scale Development**

Council recognizes that there are methods to accommodate proposals for multi-unit residential, commercial, institutional or resource development uses such as, but not limited to, resorts, marinas, campgrounds, summer camps, fish hatcheries, community centres and similar uses without jeopardizing water quality in the short term. Therefore, Council will provide for an alternative approach to development subject to a site analysis and binding development agreement conditions.

- 3.5.8.1 Within the S1 and S2 Zones Council may consider a variety of residential, commercial, recreational, institutional,

resource development or other medium and large scale permanent or seasonal residential development proposals by development agreement.

3.5.8.2 Proposals that pose a significant risk to water quality shall not be eligible for a development agreement. These land uses include composting facilities, waste disposal and storage, salvage yards, scrap yards, commercial livestock operations and any other industrial land uses deemed to pose an undue risk to lake water quality.

3.5.8.3 In considering development agreement proposals under policy 3.5.8.1 (above) Council shall be satisfied that the proposal:

- a. will not create or contribute to erosion issues
- b. any silt, nutrients or other contaminants flowing into a lake, tributary stream or wetland shall not exceed acceptable levels or negatively impact the natural ecosystem
- c. can meet the waste and septic systems requirements of Nova Scotia Environment
- d. will not negatively impact sensitive wildlife habitats shown on the Nova Scotia Department of Natural Resources Significant Habitat map
- e. can meet the General Development Agreement Criteria contained in Section 6.3.3 of this Strategy

3.5.8.4 The development agreement may contain specific controls and requirements which are geared to preventing water and environmental contamination including:

- a. minimum 65 ft setback from lakes and tributary streams and wetlands. The setback shall be greater for land uses considered more intense than residential land uses
- b. The preservation of natural vegetation within the required setback from a water body
- c. The regular maintenance of septic systems or other facilities which require continued maintenance to ensure proper functioning

- d. Regulator monitoring of lake, stream or wetland water quality in the vicinity of the proposed development

3.5.8.5 In considering development agreements under Policy 3.5.8.1 Council may require the preparation of independent environmental reports. The applicant is expected to assume the expense of any required environmental reports. The reports shall demonstrate how the development will protect natural shoreline features and prevent impacts on water quality. Studies may include:

- a. independent professional study on the effects of the proposal on the watershed system where it is reasonable to anticipate undue impacts could occur on wetlands, watercourses, fish and wildlife habitat and any other significant natural and cultural heritage features
- b. a biophysical assessment of the site including reports and maps showing relevant natural features and proposed developments including, but not limited to, topology, hydrology, ecology, wildlife habitats, as well as existing and proposed development in the area
- c. detailed site plan, maps and drawings
- d. the independent application of the Lake Capacity Model to a lake that has not been studied and assigned a water quality objective

### **3.5.9 Shoreland Districts - Parks and Open Space Policies**

3.5.9.1 Council considers seasonal and permanent residential uses in the Shoreland zones recreational in themselves by virtue of their proximity and access to water and the large lot sizes. Therefore, Council may focus on providing for a County park, recreational facilities and maximizing public access through various action programs. In doing so, Council shall play a leadership role in shoreland protection, by minimizing disruption of the shoreline wherever municipal public park and recreational facilities such as beaches and boat launches are provided. The General Planning Policies contained in Section 4.3 set out how land use policies complement and assist in carrying out recreation plans and programs.

### 3.5.10 Community Water Quality Monitoring – Policies

A key recommendation of the October 1995 Report on Lake Carrying Capacities and Proposed Shoreline Development Policies for the Municipality of the County of Kings, is that Council consider introducing a Chlorophyll a – Secchi disk self-help program for all lakes where Council anticipates development pressure. The report explains that “each year’s sampling of each water body should include a sufficient number of sampling dates throughout the summer, and on larger lakes, a sufficient number of sampling locations, to ensure that the data collected are representative of the water body’s biological conditions. These efforts could be coordinated by the Municipality, in collaboration with Nova Scotia Environment, but eventually undertaken by cottager associations or other public or private non-profit interest groups.

In the summer of 1996, the Municipality of the County of Kings, and the Lake George and Aylesford Lake Property Owners Societies participated in a joint one-day United States and Canada wide Secchi disk transparency monitoring exercise. Nova Scotia Environment sponsored this program locally. In the previous year, the Kings County Wildlife Federation, on its own initiative, commissioned a limnologist with the Acadia Centre for Estuarine Research to sample additional lakes for water quality. That program involved sampling of several of the remaining lakes in the Lake George to Lumsden Pond watershed from Gaspereau to Black River Lake. Ultimately, a standardized program to collect long term water quality data will permit better calibration of the model for Kings County and will minimize the imprecision associated with year-to-year variation in biological conditions, and will allow long term trends to be more clearly identified.

- 3.5.10.1 Council shall coordinate with Nova Scotia Environment to formulate and initiate a Chlorophyll a – Secchi disk self-help program.

**3.5.11** The following chart is the Table of Water Quality Objectives for lakes from Lake George to Lumsden Pond.<sup>2</sup>

**Table of Lake Water Quality Objectives for Lake George to Lumsden Pond**

Lake Name	Chlorophyll <u>a</u> Objectives (average ice free season) measured in micro grams/Litre
1. Lake George	2.5 <sup>3</sup>
2. Loon	2.5
3. Aylesford	2.5
4. Crooked	2.5
5. Four Mile	2.5
6. Two Mile	2.5
7. Blue Mountain	2.5
8. Gaspereau	2.0
9. Salmontail	1.7
10. Murphy	2.5 <sup>4</sup>
11. Trout River Pond	2.2
12. Moosehorn	2.5
13. Little River	2.1
14. Methals	2.1
15. Dean Chapter	1.8
16. Black River	2.1
17. Lumsden Pond	2.4

<sup>2</sup> In keeping with Municipal background reports adopted water quality objectives and development limits reflect an assumption that at least one third of all waterfront dwellings will eventually be occupied or used on a permanent full time basis.

<sup>3</sup> Lake George 1997 predicted trophic status is 3.0 µg/l chlorophyll a average ice free concentration. It is Council's intention to work with residents to improve water quality and reduce trophic status to 2.5 µg/l

<sup>4</sup> Murphy Lake 1997 predicted trophic status is 2.7 µg/l chlorophyll a. Like Lake George, it is Council's intention to work with residents to improve water quality and reduce trophic status to 2.5 µg/l.

**3.5.12 Expansion of Non-conforming Structures – Residential**

Cottage development around the County's freshwater lakes took place decades before land use policies were in place. As a result, many dwellings are located on small lots and do not meet current setback requirements. It is increasingly common for these dwellings to be converted to year-round residences which has led to an increase in requests for expansions. Often expansion of these dwellings is greatly limited by the requirements of the Land Use Bylaw. Given the public interest in such development, Council will grant certain non-conforming residential structures special rights by allowing them to expand beyond the current zone requirements. Council will ensure that this form of development does not jeopardize lake water quality or impose undue impact on neighbouring properties. This development will be subject to a site analysis and binding development agreement requiring adequate buffering and proper site maintenance.

3.5.12.1 Within the S1 and S2 Zones, Council may consider the expansion of non-conforming residential structures by development agreement provided they meet the following criteria:

- a. the residential structure was built prior to June 19, 1979 and thereby became non-conforming with the adoption of the Municipal Planning Strategy and Land Use Bylaw; and
- b. the residential structure is located on a lot that is capable of supporting an approved on-site septic system and well.

3.5.12.2 In considering development agreement proposals under Subsection 3.5.12.1 (above) Council shall have regard for the following:

- a. the expansion will not create or contribute to erosion or surface drainage issues or negatively impact the lake ecosystem;
- b. neighbouring uses are adequately buffered and landscaping treatments are provided to reduce noise and visual impacts;
- c. the expansion does not limit nor interfere with adjacent uses with regards to privacy or views of the lake;



- d. adequate on-site parking can be provided;
- e. the expansion will not negatively impact sensitive wildlife habitats as identified by the Nova Scotia Department of Natural Resources;
- f. any subsequent subdivision shall not result in the reduction of area of the subject property for which the Development Agreement applies and shall be subject to an amendment to the agreement executed by a resolution of Council; and
- g. the General Development Agreement Criteria contained in Section 6.3.3 of this Strategy can met.

3.5.12.3 While it is preferable for expansions to dwelling to conform to the zone requirements, where it can be shown that any negative impact on lake water quality or neighbouring use can be mitigated, Council may provide for the following:

- a. The expansion may encroach on the required side yard, provided a minimum 10 foot side yard remains.
- b. The expansion may encroach on the required front yard, provided a minimum 18 foot front yard remains.
- c. The expansion may result in up to 50% lot coverage to a maximum lot coverage of 4,000 square feet.
- d. The expansion shall not further encroach on the required shoreline setback.
- e. The setbacks in Subsection a. and b. above may be further relaxed if it can be shown that there would be no negative impact on transportation routes, interference with snow removal or risk to human health and safety.

3.5.12.4 The development agreement will contain specific controls and requirements which are geared to preventing water and environmental contamination including:

- a. The preservation of natural vegetation within the required setback from a water body and elsewhere on the property.

- b. The planting of additional vegetation to stabilize soil and prevent erosion and surface runoff.
- c. The regular maintenance of septic systems or other facilities which require continued maintenance to ensure proper functioning.

3.5.12.5 In considering development agreements under Policy 3.5.12.1 Council may require the preparation of independent environmental reports. The applicant is expected to assume the expense of any required environmental reports. The reports shall demonstrate how the development will prevent impacts on water quality. Studies may include:

- a. independent professional study on the effects of the proposed expansion on the watershed system, taking into account the Kings County Lakeshore Capacity model.
- b. a biophysical assessment of the site including reports and maps showing relevant natural features including, but not limited to topography, hydrology, and ecology.

PART 3	AMENDED DATE	SECTION
	September 6, 1995	3.5.4.2
	July 17, 1997	3.5
	July 5, 2005	3.5.4 / 3.5.5.1 / 3.5.7.3 / 3.5.10 / 3.5.10.1
	July 26, 2005	3.5.3.2
	October 25, 2007	3.5
	May 21, 2009	Preamble / 3.5.1.1 / 3.5.1.8 / 3.5.2.1 / 3.5.4 / 3.5.4.7 / 3.5.8.3 c / 3.5.8.5 / 3.5.10 / 3.5.10.1
	November 12, 2009	3.5.8 / 3.5.12

## 3.6 HAMLETS

### 3.6.1 Hamlet Communities

Within Kings County's rural areas are a number of small unincorporated residential communities. Most are isolated settlements surrounded by Forestry or Agricultural Districts and some are situated along the coast. A few of these communities are located adjacent to the County's Towns and/or Growth Centres. Twenty of these rural communities were designated as Hamlets in the Municipal Planning documents in 1979.

Designated Hamlets are intended to provide housing opportunities for those associated with the resource industries. They are also intended to provide opportunities for commercial uses serving the residents in the immediate area as well as those in the surrounding rural areas.

Hamlets provide opportunities for people to stay within their own rural communities whether retired farmers or others with social ties but no direct involvement in the resource industries. As central sewerage services are not intended for Hamlets they are not expected or intended to generate significant growth.

In the 1990-92 Municipal Planning Strategy Review, one Hamlet was added, namely Wolfville Ridge, and one, Cambridge, was deleted and combined with part of the former Waterville - Cambridge Growth Centre and designated as a new Growth Centre. In 1999, parts of Grand Pré were designated as a Heritage Conservation District. To complement this designation, Grand Pré was established as a Hamlet Historic Residential District. A long-standing special policy area status of Grand Pré did not change, but the policies for heritage preservation, the servicing policies and the special tourist commercial policies were consolidated into a new hamlet sub-designation.

Beyond the basic rural setting and settlement pattern, there are considerable differences among the 21 Hamlets. Some are essentially resorts along the coast, others are unserviced residential or commercial extensions of designated serviced Growth Centres or Towns. Several are small clusters of 19th century homes centred around a general store and a church in the heart of intensive farming areas. Still others are simply at cross roads with a variety store and a few houses. Most have experienced very little growth, but some show signs of increasing development pressure.

### 3.6.2 Hamlet Designation

The Settlement Pattern varies greatly among the designated Hamlets. Some are dispersed and have few physical clues to visually identify the boundaries. They may be "communities" in a social sense without any

community centre, church, or general store. In some cases a cluster of uses, such as a general store, church and community centre, surrounded by residential uses provides the nucleus round which the Hamlet concept can be applied, and a boundary can be established delineating limits for future development.

The Municipal Planning Strategy recognizes Hamlets on the basis of each individual Hamlet's rural settlement pattern. Often boundaries were vague and were based on the road networks. Frequently the intersection of rural arterial roads and the presence of some residential development qualified a community for Hamlet designation. Where no visual clues existed, communities were designated to accommodate infill development between the outermost existing residential (non-resource related) uses.

As a consequence, some Hamlet boundaries have a linear form located along the length of a single road, allowing for development of single lots a short distance back (200 feet - 300 feet) from the road. However, most Hamlets have been defined using a combination of roads, property lines and natural features such as rivers, streams, steep slopes or soil capability as a guide.

Depending on the surrounding land uses and resource capability, objectives for reducing land use conflicts, on-site servicing capability for private septic systems and other environmental considerations, delineation of the Hamlets has aimed at accommodating a modest amount of residential infilling (with some limited commercial and industrial development opportunities). In effect, development limits are intended to contain predominantly single detached dwellings around commercial and community uses.

### **3.6.3 Function of Hamlets**

Hamlets are intended to provide a focal point for the surrounding rural area, containing convenience services such as a service station, general store, community centres and churches. These uses will be encouraged to locate centrally in the community and developed to standards which enhance the rural character, and in turn the character of the regional landscape.

The Hamlet boundaries may not necessarily include the entire area where development has occurred, but rather serve to provide a limited area in which future development will be encouraged to cluster. Moreover the objective will be to strictly limit the size of Hamlets surrounded by agricultural uses in Agricultural Districts.

The Hamlets are intended to retain a rural character. Development should be low in density, dispersed within the Hamlet, and sensitive to the visual

character and identity of each settlement. All development is intended to locate on lots of a suitable size for on-site sewer and water facilities.

Within the Hamlet limits, considerable agricultural activity may exist adding to the rural character. With the exception of livestock operations, agricultural uses will be encouraged. Municipal services, except for street lighting, street paving, and sidewalks will not be provided.

### **3.6.4 Types of Hamlets**

While recognition of their common characteristics is essential, planning for 21 different Hamlets must take into consideration the different features which distinguishes each.

#### Hamlets in Coastal Settlements

Morden, Harbourville and Halls Harbour and Kingsport have experienced considerable cottage development attracted by the coastal setting. To date only Kingsport, has established a significant amount of permanent residential development. Kingsport has not experienced any significant development activity, however, in the period 1988 - 1991. Nevertheless a central sewer system has been installed and this presents an attraction and opportunity for future Hamlet development in Kingsport. However, this shall be planned within the limitations posed by the existence of the surrounding agricultural land as well as the serious coastal erosion experienced in the existing Hamlet.

#### Hamlets in Agricultural Settings

Dotted east and west along the valley floor and within the centre of the prime Agricultural Districts are the six Hamlets of Somerset, Grafton, Woodville, Lakeville, Sheffield Mills and Perea. The total number of residential dwellings in each of these communities range from 20 to 32. Four new dwellings were constructed in Woodville between 1986 to 1991. In the other Hamlets, development increased by only one or two new dwellings in the same period.

There does not appear to be a great deal of pressure to develop in these communities but the Hamlet boundaries encompass lands for expansion. There are some practical limitations to growth. For example, the existing land use mix includes active agricultural uses including livestock operations. These uses may limit immediate opportunities for development. Nevertheless, the objective to provide residential opportunities must be tempered by consideration of resource protection objectives when delineating Hamlet boundaries within the Agricultural Districts.

Like the six Hamlets in the main valley, Gaspereau is a rural community in an Agricultural District. Residential development activity has been slow, with the addition of only three new dwellings between 1976 and 1991.

Grand Pré is surrounded by prime agricultural land and is unique among the Hamlets. Grand Pré is an established rural settlement with a distinctive historical and cultural identity. Failure of on-site sewage systems that was largely attributed to heavy clay soils in the area led to a central sewage treatment service being installed in Grand Pré. Despite the availability of this service, it is intended that Grand Pré retain its rural and historical character and develop in a manner that retains the pastoral setting.

#### Hamlets in Other Areas

White Rock is isolated in the Gaspereau Valley within a Forestry District and at the edge of an Agricultural District, South Alton is similarly removed from the urban areas in a Forestry District.

Steam Mill and Millville likewise straddle some resource boundaries but in closer proximity to the Growth Centres of Centreville and Aylesford respectively.

#### Hamlets with Urban Influences

Four communities designated as Hamlets - Auburn, South Berwick, Greenwich and Avonport exhibit more urban characteristics, in some respects, than the other sixteen. Possessing a higher degree of urban character and by virtue of either their size, proximity to Growth Centres or both suggests a need for a refinement in future planning policies.

Among these communities, Auburn, Avonport and Greenwich, have public schools. Avonport is serviced with a central sewer system. Greenwich is partially serviced with a central sewer system along Highway # 1. South Berwick and Greenwich exhibit levels of commercialization generally beyond that expected or intended for Hamlets. Consequently, Council has opted to subdesignate specific areas within these communities based on the existing land use pattern and direct future commercial and industrial uses to locate near like uses. A core of existing commercial uses will form the basis for delineating Hamlet Commercial sub designations. A similar approach will be used for industrial purposes.

Wolfville Ridge, while classically rural in most respects, may experience additional pressure for development given its proximity to the Town of Wolfville and this may lead to demands for central services.

### Hamlet Development Standards

Recognizing the variety of the settlement patterns and development pressure to be considered for each Hamlet, the rural public servicing policies aim to respond to basic concerns for the environment and public health, but in a manner which contributes to fostering quality rural residential environments.

As rural development is permitted with on-site services, Council intends to promote good development practices through public health education and environmental awareness education.

### Hamlets Affected by Floodplain Zoning

Following a floodplain mapping review completed by Staff in March 2005, eight hamlet communities were identified as being affected by floodplain areas within their boundaries. In total, over one hundred properties were affected by the new floodplain mapping criteria and, therefore, were also impacted by the policies within Section 4.2.3 of this Planning Strategy.

The areas identified as floodplains in eight Hamlets were rezoned to the Environmental Open Space (O1) Zone, effectively making all existing structures within the zone legal non-conforming uses. At the same time, amendments were made to Policy 3.7.10 Rural Non-conforming Uses of the Municipal Planning Strategy to add flood-proofing and other conditions to the development agreement criteria for expansion of legal non-conforming uses in the O1 Zone, to ensure that an expansion of an existing structure would be protected from flooding and the potential for flooding would not be worsened for surrounding properties.

## **3.6.5 Hamlet – Objectives**

- 3.6.5.1 To provide a residential, commercial and social focal point for the resource based sector of the Municipality containing convenience commercial services to the resource sector.
- 3.6.5.2 To provide limited rural residential development opportunities for; (a) people who originate within the rural area who are no longer engaged in, or exclusively engaged in, agriculture but wish to remain in the community; and (b) people seeking a rural environment.
- 3.6.5.3 To accommodate rural residential development through infilling vacant lands within Hamlet boundaries.

- 3.6.5.4 To maintain the character and visual quality of the rural landscape through controls on land use mix and density, and limits on the provision of municipal services.
- 3.6.5.5 To limit the development density to a level which will not require full Municipal services.
- 3.6.5.6 To recognize those Hamlets experiencing commercial development pressures, through formal land use sub-designations.
- 3.6.5.7 To accommodate light industrial uses associated with the resource industries.
- 3.6.5.8 To promote good septic system and well construction and maintenance practices.
- 3.6.5.9 To take measures to ensure the use of suitable and economic waste water management practices and systems.
- 3.6.5.10 To provide a framework for a tailored planning approach for those Hamlets that have developed a unique historic character that Council wishes to preserve or enhance.

**3.6.6 Hamlets - General Policies**

3.6.6.1 Council shall establish a Hamlet designation and designate the following 21 communities as Hamlets on County Future Land Use Map.

- |                 |                   |                   |
|-----------------|-------------------|-------------------|
| . Avonport      | . Harbourville    | . Somerset        |
| . Auburn        | . Lakeville       | . South Alton     |
| . Gaspereau     | . Kingsport       | . South Berwick   |
| . Grand Pré     | . Millville       | . Steam Mill      |
| . Greenwich     | . Morden          | . White Rock      |
| . Grafton       | . Pereau          | . Woodville       |
| . Halls Harbour | . Sheffield Mills | . Wolfville Ridge |

Council shall adopt Future Land Use maps for each Hamlet as part of this Strategy.

3.6.6.2 The Hamlet Future Land Use maps shall delineate the boundaries of each Hamlet and are numbered Maps 16 - 23 and contained in Part 7. The reference map for Grand Pré is Map 16a. In defining the boundaries of Hamlets, Council shall have regard to the following:



- a. agricultural capability of the subject lands and the surrounding area
- b. the impact on resource development
- c. the existing land use pattern and planning goals and objectives
- d. the transportation network
- e. natural features and processes
- f. soil capability for on site sewage system
- g. well water supplies
- h. development trends
- i. financial impact on the Municipality
- j. land use compatibility
- k. property boundaries
- l. service boundaries where applicable

#### 3.6.6.3

While most Hamlets will be designated Hamlet (H) on the Future Land Use Maps for the Hamlets, Council recognizes that some have evolved with a definite land use pattern and character. Accordingly, Council intends to establish the following sub-designations to provide for a refined planning approach where warranted.

- a. Hamlet Residential (HR)
- b. Hamlet Historic Residential (HH)
- c. Hamlet Commercial (HC)
- d. Hamlet Industrial (HM)
- e. Hamlet Institutional (HI)

These sub-designations will be applied based on the existing development pattern for those Hamlets where a definite land

use pattern has evolved. In addition, the sub-designations will be used to reflect Council's intended development pattern.

3.6.6.4 Within the Hamlet designation, Council intends to zone lands based on the existing uses. Undeveloped land will be zoned residential and other uses may be permitted subject to the policies of this section. The following zones may be permitted within the Hamlet designation:

- a. Hamlet Residential (R7)
- b. Hamlet Historic Residential (R9)
- c. Hamlet Commercial (C10)
- d. Hamlet Industrial (M5)
- e. Highway Commercial (C11)
- f. Environmental Open Space (01)
- g. Recreational Open Space (P2)
- h. Community Facilities (CF)
- i. Hamlet Residential Community Care (R11)

Existing schools will be zoned Institutional (I1) and existing Salvage Yards will be zoned Salvage Yard Industrial (M6). However, it is not intended that additional rezonings be permitted for these uses.

3.6.6.5 Council shall have regard to the criteria outlined in Policy 3.6.6.2 and the following in considering alterations to the boundaries of the Hamlets or in establishing new Hamlets:

- a. the availability of vacant land within the existing boundaries
- b. agricultural soil capability and the policies of Section 3.2
- c. resource activity
- d. proximity of livestock operations
- e. soil capability for on-site services where applicable

- f. servicing costs and availability where applicable
  - g. the goals, objectives and policies of this Strategy
- 3.6.6.6 Other than the addressing of health problems by the construction in 1996 and 1997 of a sanitary sewer system in Avonport, it is not the intent that Hamlets be provided with Municipal central water or sewage collection services. Therefore, the Land Use Bylaw will require lots to be of sufficient size to accommodate on-site services. Notwithstanding this provision, services may be provided. Council's policy with respect to services in Hamlets is contained in Subsection 3.6.13 and is also discussed in Section 2.11 dealing with new Growth Centres.
- 3.6.6.7 Council shall include provisions in the Subdivision Bylaw requiring subdividers to reserve rights of way to maintain future access to backlands within Hamlets to provide for future growth.
- 3.6.6.8 Council shall permit existing Farms and Livestock operations in existence prior to adoption of the initial Municipal Development Plan on June 19, 1979. In addition the Land Use Bylaw will provide for the replacement and reconstruction of buildings containing Livestock Operations permitted by this policy under the following circumstances:
- a. the maximum floor area of the new structure not to exceed that of the original building
  - b. the location of the new structure does not further encroach on adjacent residential, park, institutional or community facility land uses
  - c. the permit for the replacement or reconstruction must be obtained within twelve months of the destruction of the original building
- 3.6.6.9 Where lands in any Hamlet are sub-designated to refine proposed land uses a rezoning will only be considered to uses permitted in the appropriate sub-designation, except rezoning to the O1 Zone may occur within lands designated Hamlet (H) or within any Hamlet sub-designation.

- 3.6.6.10 The following uses may be considered subject to a Development Agreement in accordance with the policies of this Strategy and the *Municipal Government Act*:
- a. Day Care Facilities as provided for in Policy 3.7.2.4
  - b. Recreational Open Space uses as provided for in Policy 3.7.8.5
  - c. expansion of Rural Non-Conforming Uses as provided for in Subsection 3.7.10
  - d. reuse of registered heritage properties as outlined and provided for in Section 4.4
  - e. tourist related commercial uses at Tourist Destination Points as outlined and provided for in Section 4.4
  - f. expansion of certain existing industrial uses in hamlets beyond the initial zoned area as provided for in Policy 3.6.10.5

### **3.6.7 Hamlet Residential Policies**

- 3.6.7.1 Council shall establish a Hamlet Residential (HR) sub-designation. This designation is intended to provide for the separation of uses and may be applied in Hamlets where a definite land use pattern has evolved. Rezoning to permit commercial or industrial uses will not be permitted in areas within Hamlets which have been sub-designated for residential uses without an amendment to this Strategy and will be in accordance with the Commercial and Industrial policies of subsections 3.6.9 and 3.6.10.
- 3.6.7.2 Council shall establish a Hamlet Residential (R7) Zone for application within designated Hamlets (H) and within the Hamlet Residential (HR) sub-designation. Permitted uses within the R7 Zone shall include, but may not be limited to:
- a. single detached dwellings
  - b. two-unit dwellings
  - c. parks and playgrounds
  - d. existing multi-unit residential uses

- e. residential care facilities as defined in Urban Policy 2.5.4.2
- f. agricultural uses except livestock operations unless in accordance with Policy 3.6.6.8 above

Existing uses in the R7 Zone which are not permitted will become non-conforming and subject to the provisions of the *Municipal Government Act* and the policies contained in Section 3.7 for Rural Non-Conforming Uses.

3.6.7.3 Council intends to permit the following additional uses and may include locational conditions and special site development standards to ensure they are developed in a manner compatible with the surrounding uses.

- a. accessory residential uses as defined in Subsection 3.7.2
- b. farm dwellings
- c. churches

3.6.7.4 The Land Use Bylaw may be amended to allow additional uses where such uses are consistent with the policies of this Strategy.

3.6.7.5 Council shall encourage residential infilling within Hamlet boundaries.

3.6.7.6 Lot size requirements will be established in the Land Use Bylaw for the R7 Zone which are intended to ensure adequate lot size for on-site sewage disposal and water supplies and to maintain a low density to reduce the possibility of the need for central services due to cumulative effects of on-site services.

3.6.7.7 Where central sewerage services are available, Council may reduce the lot size requirements by including separate lot size standards in the Land Use Bylaw for serviced and unserved lots.

3.6.7.8 Within areas designated Hamlet (H) or those specifically designated Hamlet Residential (HR), Council may permit the following by Development Agreement subject to the policies of this Strategy and the provisions of the *Municipal Government Act*:

- a. a new multi-unit residential building of up to four units within a new building or by conversion
- b. a new multi-unit residential building of up to eight units where municipal central sewerage service is available
- c. Day Care Facilities pursuant to Policy 3.7.2.4

3.6.7.9 In considering development agreements for multi-unit residential uses in Hamlets, Council shall have regard to the following:

- a. that the lot is approved for on-site servicing capability, as confirmed by the Nova Scotia Department of Health
- b. architectural compatibility with surrounding residential uses, and in particular includes a:
  - i. pitched or mansard roof
  - ii. exterior cladding materials common to existing dwellings within the immediate surrounding areas
  - iii. wall to window ratio common to existing residential dwellings within the immediate surrounding areas
- c. that adequate on-site parking be provided to the side or rear of the dwelling
- d. provision of an adequate and suitably located landscaped amenity area sufficient for the leisure needs of the residents
- e. the proposal can meet all pertinent policies of this Strategy including the criteria for development agreements contained in Part 6 of this Strategy

3.6.7.10 In considering Development Agreements for Day Care Facilities, Council shall have regard to the criteria outlined in Subsection 3.7.2.4 and the General provisions outlined in Part 6 of this Strategy.

Nova Scotia's population is aging and becoming more urbanized. With this aging population comes an increased need for a wider range of housing options and levels of support services. Many seniors are moving from rural areas into centres where there is a convergence of support

services. Often seniors have little choice but to move great distances to find the level of care that they require. These policies aim to allow for Kings County residents to stay in the area as they grow older. The concept of “aging in place” not only allows people to remain in their own community, but also contributes to the social, civic, and economic life of the community. It enables them to remain safely in their own community to enjoy the familiar social, cultural, and spiritual interactions that enrich their lives even though their health may be compromised.

As people age, their health may become compromised necessitating the provision of additional supports and services. These additional supports and services can come in many forms, from home care to simple assistance with a few everyday tasks. The policies of this Part speak to a continuum of care in what is widely known in the seniors housing industry as a Continuing Care Retirement Community that provides the necessary support services in response to changing needs. These policies allow for the siting of a long term care facility. They also allow for residential community care uses such as an assisted living facility or retirement living complex where individuals have a certain level of independence yet have access to medical staff on an as needed basis and have assistance with or access to services such as housekeeping, laundry and meal preparation. A care component is inherent in the residential community care use. Often there are accessory uses to the residential community care use where individuals are self-sufficient yet have access to amenities and organized activities that are designed for the residents. Such accessory uses may take the form of townhouses, semi-detached housing, 4 plexes, or multi-unit buildings with a greater number of units such as an apartment building.

The policies of this Part are premised on the belief that housing for our aging population should occur within the context of a residential neighbourhood, not in an area of isolated intuitional zoning. Often housing of this nature is located in converted structures and/or on brownfield sites in urbanized areas. Landscaping, amenity areas, buffering, and yard requirements and the like are important to the successful integration of Hamlet Residential Community Care (R11) Zone uses with existing development in an effort to reduce land use conflict as well as providing a home that is designed to meets the needs of seniors.

- 3.6.7.11 It shall be the policy of Council to establish the Hamlet Residential Community Care (R11) Zone in the Land Use Bylaw within designated Hamlets (H) and within the Hamlet Residential (HR) sub-designation.

3.6.7.12 It shall be the policy of Council to establish the Hamlet Residential Community Care (R11) Zone within the following hamlets:

Greenwich

3.6.7.13 It shall be the policy of Council to permit long term care facilities and residential community care uses subject to locational and other requirements designed to minimize land use conflict with adjacent uses and encourage integration with the existing neighbourhood.

3.6.7.14 It shall be the policy of Council to permit residential uses permitted in the R7 Zone subject to the requirements of the R7 Zone.

3.6.7.15 Council shall include provisions in the Land Use Bylaw for the Hamlet Residential Community Care (R11) Zone addressing the following:

- a. landscaping, amenity area, access, pedestrian ways, buffering & screening, and architectural compatibility
- b. grouped structures on one lot
- c. drainage and storm water through the submission of plans that meet standards specified by the Municipal Engineer

3.6.7.16 It shall be the policy of Council to encourage development that has regard for viewplanes and vistas, natural topography, internal traffic circulation designed to accommodate special needs such as drop off areas and lower curbing, integration of pedestrian walks with the Municipal parks system, accommodation of public transit, increased number of parking available for the physically challenged, a range of housing options, emergency vehicle access, and structure design and orientation that promotes integration and compatibility with existing residential uses.

3.6.7.17 It shall be the policy of Council to consider rezoning lands in the Hamlet Residential (HR) sub-designation to the Hamlet Residential Community Care (R11) Zone where:

- a. there is direct access to a public road



- b. community services are available
- c. the road network is capable of accommodating increased traffic generation as determined by the authorities having jurisdiction over public roads within 1500 feet of the limits of the lot
- d. public transit is available
- e. centralized municipal water and sewer services are available and have capacity
- f. the proposed site is capable of accommodating the requirements of the Land Use Bylaw for the R11 Zone and policies of this Section (3.6) and those for amending the Land Use Bylaw as contained in Part 6 of this Strategy

### **3.6.8 Hamlet Historic Residential Policies**

- 3.6.8.1 Council shall establish a Hamlet Historic Residential (HH) sub-designation. This designation is intended to provide a planning framework for Hamlets that due to a unique history or development character warrant detailed and tailored planning policy.

Notwithstanding any land use policies in this Strategy pertaining to Hamlet Districts, Council shall not consider rezoning lands zoned Hamlet Historic Residential (R9), to any other zone without an amendment to this Strategy, except rezoning to the O1 Zone may occur within lands designated Hamlet Historic Residential (HH).

- 3.6.8.2 Council shall establish a Hamlet Residential (R9) Zone for application within designated Hamlet Historic Residential Districts. Permitted uses within the R9 Zone shall include, but may not be limited to:
- a. One and two unit residential uses and multi-sectional modular homes
  - b. Public parks
  - c. Residential care facilities as defined in Urban Policy 2.5.4.2

- d. Tourist commercial facilities for lodging, food services and ancillary uses subject to the provisions of subsection 4.4.8 of this Strategy and subsection 10.1.5 of the Land Use Bylaw
  - e. Rural accessory residential uses as described in subsection 3.7.2
  - f. Non-profit camps and seasonal dwellings
- 3.6.8.3 Council intends to permit the following additional uses and may include conditions and special site development standards to ensure they are developed in a manner compatible with the surrounding uses.
- a. Livestock operations
  - b. Farm market outlets
  - c. Farm tenement and bunkhouse accommodations
- 3.6.8.4 The Land Use Bylaw may be amended to allow additional uses where such uses are consistent with the policies of this Strategy.
- 3.6.8.5 Lot size requirements that are intended to maintain a density that is in keeping with the established development character shall be established in the Land Use Bylaw for the R9 Zone.
- 3.6.8.6 Within areas designated Hamlet Historic Residential (HH), Council may permit the following by Development Agreement subject to the policies of this Strategy and the provisions of the *Municipal Government Act*:
- a. tourist oriented commercial in Grand Pré pursuant to clause 3.6.8.7 b
  - b. reuse of Heritage Buildings pursuant to subsection 4.4.4
  - c. expansion of non-conforming uses pursuant to subsection 3.7.9
  - d. expansion of "existing" uses (other than those permitted uses listed specifically in 14.3.1 of the Land Use Bylaw, in existence prior to August 6, 1992) pursuant to subsection 3.7.9

- e. uses permitted under subsection 5.2.3, Unique Structures and Unique Site Characteristics Policies

3.6.8.7 Council shall recognize Grand Pré as a Hamlet Historic Residential District on the Future Land Use Map. Other Hamlet District policies notwithstanding, the following policies will apply to Grand Pré:

- a. Council shall encourage development of historical sites and historical restoration projects that relate to the cultural heritage of Grand Pré
- b. Council may permit tourist oriented commercial development by Development Agreement pursuant to the *Municipal Government Act*

In considering entering a Development Agreement, Council shall have regard to the following:

- i. the development must be intended to serve primarily tourists visiting Grand Pré on a casual basis
- ii. the development must relate to the cultural, historical or craftsman aspects of the community
- iii. the development must be architecturally compatible with the historical and pastoral setting of the community in terms of design, scale, and building materials
- iv. the proposal is consistent with all applicable policies including those respecting the entering of Development Agreements contained in part 6 of this Strategy

### **3.6.9 Hamlet Commercial Policies**

3.6.9.1 Council shall establish a Hamlet Commercial (HC) sub-designation. This designation may be applied where commercial development exists in Hamlets where a definite land use pattern has evolved. The intention of this sub-designation is to discourage scattered or ribbon commercial development interspersed with other land uses and encourage a concentration of commercial uses in specified areas.

3.6.9.2 In Hamlets where lands are sub-designated Hamlet Commercial (HC), Council intends that these areas provide a convenience focus for local commercial uses and community facilities. Permitted zones within areas designated Hamlet Commercial (HC) will include the Hamlet Residential (R7) Zone.

However, as these areas are intended to be a focus for commercial uses and Community Facilities, Council does not intend to permit rezoning to Hamlet Residential (R7).

3.6.9.3 In Hamlets where no Hamlet Commercial sub-designation occurs commercial uses may be permitted, subject to location criteria and an amendment to the Land Use Bylaw in any areas within the Hamlet designation boundary. In Hamlets with lands sub-designated Hamlet Commercial (HC), a rezoning for Commercial uses will only be permitted within or adjacent to the Hamlet Commercial sub-designation without an amendment to this Strategy.

3.6.9.4 Council shall establish the Hamlet Commercial (C10) Zone in the Land Use Bylaw. Permitted uses in the C10 Zone will be limited to those providing basic conveniences and essential services to the surrounding rural residents, commercial uses serving and supporting resource industries and custom craft related uses. Community Facilities, Churches, Day Care Facilities and Parks will also be permitted in the C10 Zone.

3.6.9.5 Council shall reaffirm the Commercial Zone on lands previously zoned commercial in Hamlets by zoning them C10. The establishment of new Hamlet Commercial uses will require an amendment to the Land Use Bylaw. In considering proposals to rezone land in the general Hamlet designation and in or adjacent to areas sub-designated Hamlet Commercial, Council shall consider the following criteria:

- a. the lot can meet the minimum requirements of the C10 Zone
- b. the lot fronts on and has direct access to a Rural Collector Road unless located within an area subdesignated Hamlet Commercial
- c. the proposed rezoning is in keeping with any applicable policy in this Strategy including those pertaining to Land

Use Bylaw amendments contained in Part 6 of this Strategy

Notwithstanding a. above, lots created prior to the coming into force of this policy may be considered for rezoning subject to c. However, lots smaller than 20,000 square feet will not be eligible for rezoning.

- 3.6.9.6 Council may permit highway oriented commercial uses, within Hamlets by rezoning to the Highway Commercial (C11) Zone established in Subsection 2.2.5. Lands eligible for rezoning must be in close proximity to an interchange of Highway # 101, and satisfy the criteria contained in the Rural Common Policies in Section 3.7 and Subsection 2.2.5 of this Strategy.

### **3.6.10 Hamlet Industrial Policies**

- 3.6.10.1 Council shall establish a Hamlet Industrial (HM) sub-designation. This designation may be applied where industrial development has established in Hamlets where a definite land use pattern has evolved. Residential and Commercial Zones will not be permitted in the Hamlet Industrial sub-designation and such zones shall be subject to the policies of subsections 3.6.7 and 3.6.9.
- 3.6.10.2 Council shall establish a Hamlet Industrial (M5) Zone in the Land Use Bylaw. Permitted uses in the M5 Zone shall include, but not be limited to, warehousing, storage and handling associated with the resource industry, transport and trucking uses such as those that support the distribution of resource products, and accessory office uses.
- 3.6.10.3 Requirements for lot size, parking, buffering, road setbacks, fencing, signs and lighting will be incorporated into the Land Use Bylaw intended to ensure reasonable design and operational standards and separation to minimize conflicts with surrounding commercial or residential uses.
- 3.6.10.4 Council shall zone existing uses which fall within the permitted uses of the Hamlet Industrial Zone (M5). Additional Industrial uses may be considered within the Hamlet (H) designation or, where a Hamlet Industrial (HM) sub-designation occurs subject to a Land Use Bylaw amendment. In considering proposals to rezone land M5 for

new industrial uses, Council shall have regard to the following:

- a. the proposed site is situated with frontage and direct access on a Rural Collector Road
- b. the proposed use meets the minimum requirements of the Hamlet Industrial Zone
- c. the subject lands are within or adjacent to lands sub-designated Hamlet Industrial (HM)
- d. the proposal can meet all other applicable policies of this Strategy including those pertaining to Land Use Bylaw amendments contained in Part 6 of this Strategy

3.6.10.5 Council acknowledges that some existing industrial uses located within hamlets may not fall within a category of the permitted uses of the Hamlet Industrial (M5) Zone. In such situations, the existing industrial use shall be zoned Hamlet Industrial (M5). Council may provide for further development or expansion of such uses beyond the initial zoned area subject to a development agreement. In considering a development agreement, Council shall have regard to Section 6.3.

3.6.10.6 Council shall zone existing previously zoned Salvage Yards, Salvage Yards Industrial (M6). Future Salvage Yards will not be permitted in Hamlets.

3.6.10.7 Council may zone lands containing aggregate extraction related uses in accordance with the policies contained in Section 5.3 of this Strategy to limit the future reuse of the site.

### **3.6.11 Hamlet Institutional, Community and Residential Facilities**

3.6.11.1 Council shall encourage all large institutional uses such as schools, hospitals and major government offices and public buildings to locate in the Growth Centres. However, Council recognizes that some schools are located in Hamlets. For these situations, Council shall establish a Hamlet-Institutional (HI) sub-designation. Council shall zone lands sub-designated Hamlet Institutional, (I1) which is a zone that is established in Subsection 2.5.2 of this Strategy.

- 3.6.11.2 Council generally intends to accommodate community facilities such as churches as-of-right in most zones, subject to special lot size and development requirements. Government offices, community centres, fire stations and other community facilities will be permitted in the Hamlet Commercial Zone and may be considered subject to an amendment to the Land Use Bylaw to CF. Existing Community Facilities shall be zoned CF.
- 3.6.11.3 In considering proposals to rezone lands to the Community Facility (CF) Zone in Hamlets, Council shall be satisfied that the following conditions are met:
- a. the lot is located on and has direct access to a Rural Collector Road
  - b. the lot is capable of meeting the minimum requirements of the CF Zone
  - c. the proposal can meet all other applicable policies of this Strategy, including those for amendment the Land Use Bylaw, in Part 6 of this Strategy
- 3.6.11.4 Residential facilities such as residential care facilities housing up to eight residents are provided for through Hamlet Residential Policy 3.6.7.2 of this Strategy.

### **3.6.12 Hamlet Parks and Recreational Open Space Policies**

- 3.6.12.1 Council shall provide for the development of rural community parks in Hamlets. Public parks will be permitted uses in all zones permitted in Hamlets.
- 3.6.12.2 Recreational Open Space uses as defined in Rural Commercial Policy 3.7.8.4 may be considered subject to a Land Use Bylaw Amendment.

### **3.6.13 Hamlet Servicing Policies**

The circumstances facing established rural settlements like Wolfville Ridge suggest a need for improved community waste water management. While individual property owners are expected to maintain and ensure proper operation of their on-site sewage treatment facilities, the policies enable the Municipality to address environmental and public health concerns as appropriate. Nova Scotia Environment officials can provide advice and guidance to homeowners on the best methods to improve the problems.

- 3.6.13.1 In recognition of the variations in soil conditions which influence on-site septic system capability, Council has established a range of minimum lot sizes and frontages in the Land Use Bylaw. The variation in lot requirements is intended to reflect the soil conditions characteristic of each individual Hamlet. In the interests of both the environment and public health Nova Scotia Environment may specify larger lot dimensions than contained in the Land Use Bylaw for serviced lots for those requiring on site septic system approval.
- 3.6.13.2 Council shall limit public services in Hamlets to street lighting, street paving and sidewalks. These services will be provided only where necessary where conflicts between automobiles and pedestrian traffic present a safety hazard, or where the amount and density of development enable Council to recover the capital costs, pursuant to the Municipal Street Improvements and Street Lighting Bylaws.
- 3.6.13.3 Council may, as an exception to Policy 3.6.13.1 in Greenwich reduce the minimum lot size for residential development on lands serviced by a central sewage collection system.
- 3.6.13.4 As a serviced Hamlet within the Coldbrook-Wolfville Urban Corridor, Council anticipates that Greenwich will be subject to full scale urban development pressure. The future directions for Greenwich are outlined in the Urban Policies Section of this Strategy - Future Growth Centres contained in Section 2.11.
- 3.6.13.5 Council shall recognize Wolfville Ridge as a Hamlet requiring central sewerage services due to the cumulative effects on water quality and the environment of on-site septic system failure.
- 3.6.13.6 Notwithstanding the requirement for central sewerage services, Avonport and Wolfville Ridge shall be subject to all other policies for Hamlets, including provisions relating to density and infilling.
- 3.6.13.7 Notwithstanding Policy 3.6.13.2, where an extensive pollution problem is evident, Council shall consider the following course of action:
- through Nova Scotia Environment determine the extent and severity of the problem;



- install the most economical system to eliminate any existing contamination problem through conventional or alternative waste water management techniques; and,
- limit central services to the extent necessary to correct the problem.

3.6.13.8 The Municipality shall maintain a small local sewage collection and treatment system installed to overcome a pollution problem in Grand Pré.

PART 3	AMENDED DATE	SECTION
	October 4, 1993	3.6.10.2
	June 10, 1994	3.6.6.10 b, f / 3.6.10.5 / 3.6.10.6 / 3.6.10.7
	January 22, 1996	3.6.3 / 3.6.4 / 3.6.6.5 d / 3.6.6.8 / 3.6.7.2 f
	April 29, 1997	3.6.4 / 3.6.6.2 k / 3.6.6.6 / 3.6.13 / 3.6.13.1 / 3.6.13.5 / 3.6.13.7
	March 26, 1999	3.6.1 / 3.6.4 / 3.6.5.10 / 3.6.6.1 / 3.6.6.2 / 3.6.6.2 i / 3.6.6.3 / 3.6.6.3 b, c, d, e / 3.6.6.4 b, c, d, e, f, g, h / 3.6.8 / 3.6.13.8
	July 5, 2005	3.6.6.6 / 3.6.6.10 / 3.6.6.10 f / 3.6.7.1 / 3.6.7.2 / 3.6.7.8 / 3.6.7.9 a / 3.6.8 / 3.6.8.1 / 3.6.8.2 / 3.6.8.2 d / 3.6.8.3 / 3.6.8.4 / 3.6.8.5 / 3.6.8.6 / 3.6.8.6 a, d / 3.6.8.7 / 3.6.8.7 b / 3.6.9 / 3.6.9.1 / 3.6.9.2 / 3.6.9.3 / 3.6.9.4 / 3.6.9.5 / 3.6.9.6 / 3.6.10 / 3.6.10.1 / 3.6.10.2 / 3.6.10.3 / 3.6.10.4 / 3.6.10.5 / 3.6.10.6 / 3.6.10.7 / 3.6.11 / 3.6.11.1 / 3.6.11.2 / 3.6.11.3 / 3.6.11.4 / 3.6.12 / 3.6.12.1 / 3.6.12.2 / 3.6.13 / 3.6.13.1 / 3.6.13.2 / 3.6.13.3 / 3.6.13.4 / 3.6.13.5 / 3.6.13.6 / 3.6.13.7 / 3.6.13.8
	March 2, 2006	3.6.4 / 3.6.6.9 / 3.6.8.1
	June 26, 2008	After 3.6.7.10 / 3.6.7.11 / 3.6.7.12 / 3.6.7.13 / 3.6.7.14 / 3.6.7.15 / 3.6.7.16 / 3.6.7.17
	May 21, 2009	3.6.6.4 i / 3.6.13 / 3.6.13.1 / 3.6.13.7



### 3.7 RURAL COMMON POLICIES

The Rural Common Policies Section covers land use issues common to two or more Districts and provides for treatment of Rural Non-Conforming uses, Highway Commercial uses and Road Classifications. Since the implications for Home Occupations and other accessory residential uses are similar throughout the Rural Districts a single policy serves to provide for such uses. As well, uniform provisions for rural industrial uses including salvage yards, various rural commercial uses, and recreation uses, are sufficient to address site standards and locational aspects common to the Resource, Country Residential and Shoreland Districts.

Policies common to both the Rural and Urban areas of the County are contained in Part 5 of this Strategy.

#### 3.7.1 Rural Residential Accessory Uses

Within the Rural areas of the Municipality, Council intends to allow for commercial operations as accessory to the main residential uses. Council believes that enabling self employment opportunities not only stimulates the local economy, it makes essential services and amenities available to surrounding, often isolated, rural residents. For those engaged in agricultural and forestry development, home occupations provide not only a second income but deliver important goods and support services to the local industry and community.

#### 3.7.2 Rural Residential Accessory Uses Policies

3.7.2.1 Council shall provide for the establishment of the following uses as accessory to residential uses in the Rural Districts:

- a. Rural Home Occupations
- b. Bed and Breakfast Operations
- c. Home Day Care

3.7.2.2 The Land Use Bylaw shall define and regulate uses permitted as accessory to residential uses and provide for them in all Rural and Hamlet zones that permit residential uses.

3.7.2.3 Council shall include provisions in the Land Use Bylaw to limit the extent of, provide for the needs of, and reduce the impact of Accessory Residential Uses on surrounding residences. Such provisions shall regulate the following:

- a. the proportion of the subject dwelling, including accessory structures, which may be devoted to an accessory use
- b. the provision of parking
- c. the size and location of signs
- d. prohibit outdoor storage and restrict outdoor display
- e. structural alteration
- f. the number of non resident employees
- g. the types of permitted uses
- h. other matters deemed necessary by Council and permitted by the *Municipal Government Act*

## 3.7.2.4

Council may permit Day Care Facilities providing care for more than (14) people in all Rural Zones that permit residential uses, except the Hamlet Commercial zone, by development agreement. Day Care facilities will be a permitted use in the Hamlet-Commercial Zone. In considering entering a Development Agreement Council shall have regard to the following matters:

- a. the proposed use shall be located on land fronting on and having direct access to a Rural Collector road as defined in the Land Use Bylaw
- b. water and sewer services are sufficient to accommodate the proposed use
- c. signage for the proposed use shall be limited
- d. a site plan is submitted showing the proposed development including the building, outdoor recreation area, parking and drop-off area, sign location, screening and landscaping
- e. the proposal meets all the relevant policies of this Strategy, including general provisions for considering development agreements contained in Part 6 of this Strategy

### 3.7.3 Rural Industrial

Within the Forestry, and Country Residential Districts, Council will provide for resource industrial development. Permitted uses will relate to secondary processing, storage or handling of primary resources originating in the surrounding area, and also includes composting facilities which use substantial amounts of livestock waste. One exception to Council's intent to limit secondary industries to those directly connected with primary resource activities, is a provision for land uses involved in the disposal of construction and demolition debris. Council will create special provisions in this Strategy to permit construction and demolition debris sites, in the Forestry and Agricultural Districts.

Policies contained in this part of the Strategy guide how Council intends to provide for industrial uses in the Forestry and Country Residential Districts.

The Shoreland Districts are not intended to accommodate industrial development. Specific policies for industrial development in the Hamlets and in the Agricultural Districts are contained in the relevant sections of this Strategy.

### 3.7.4 Rural Industrial Policies

3.7.4.1 Council shall establish the Resource Industrial (M4) Zone in the Land Use Bylaw. Permitted uses in the M4 Zone shall include:

- a. agricultural related industries
- b. forestry related industries
- c. mineral aggregate resource related industries
- d. fishing related industries
- e. equipment sales and service for the above uses
- f. business and sales as accessory uses to any of the above

Additional uses may be permitted where such uses are consistent with the Policies of this Strategy.

3.7.4.2 The Land Use Bylaw shall contain provisions to reduce the impact of Resource Industrial Uses on adjacent and

surrounding uses and the travelling public by including standards such as:

- a. the location of uses on the subject site
- b. screening such as berms, vegetation and fences between any highway, residential area, or other non-resource use
- c. other matters deemed advisable by Council and permitted by the *Municipal Government Act*

3.7.4.3 Council may consider rezoning to M4 by an amendment to the Land Use Bylaw to permit Rural Resource Industrial Uses in the following Rural designations:

- a. Forestry Districts (F)
- b. Country Residential Districts (CR)

Such zoning amendment will be subject to the policies of the relevant sections including those in Sections 3.3 and 3.4 and Part 6 of this Strategy.

3.7.4.4 Council may consider limiting Resource Extraction uses that require rezoning in accordance with the policies contained in Section 4.6 of this Strategy.

### **3.7.5 Rural Salvage Yard Industrial**

Scrap metal operations, junk yards, auto wrecking and salvage operations and other various forms of related uses are of particular concern to Council.

Under the Nova Scotia *Environment Act*, a Salvage Yard is defined as premises where bodies or parts of automobiles or other vehicles or machinery materials or equipment of any kind are placed, stored, or kept. Many of these businesses, requiring the storage of broken down vehicles become unsightly and therefore can be incompatible with residential and other sensitive land uses. They also fall within the jurisdiction of the Gasoline and Salvage Yards Licensing Division, Board of Commissioners of Public Utilities.

Among other criteria such as minimum distances from public areas, the Board is most concerned with screening Salvage Yards from the view of the motoring public.

**3.7.6 Rural Salvage Yard Industrial Policies**

- 3.7.6.1 Council shall establish the Salvage Yard Industrial (M6) Zone in the Land Use Bylaw. Permitted uses shall be limited to salvage yards as defined in the Land Use Bylaw. Zone standards are intended to limit negative impacts on the environment, surrounding uses and the travelling public.
- 3.7.6.2 Those Salvage Yards specifically recognized in the Land Use Bylaw under the provisions of the Municipal Planning Strategy since June 19, 1979 shall be zoned M6.
- 3.7.6.3 Council may consider a rezoning to M6 to permit new salvage yards in any Rural District except Hamlets, Shoreland or Agricultural by amendment to the Land Use Bylaw. In considering proposals to rezone lands to M6, Council shall have regard to the following:
- a. salvage yards shall not be permitted adjacent to, or within 500 feet radius of, public parks, schools, community facilities, public beaches or identified historic sites
  - b. salvage yards shall not be permitted within 500 feet of an approved or proposed lot shown on a tentative or final plan of subdivision to accommodate residential uses or those identified in a. above
  - c. if located within 500 feet of a residential property then vehicles collected for salvage purposes shall not be visible from any residential property
  - d. no new salvage yard shall be located with frontage on Highway No. 1
  - e. no salvage yard shall be located within the watershed of a community water supply area or any area protected under the policies of Section 4.2 of this Strategy
  - f. salvage yards shall be permitted to locate adjacent to similar heavy industrial uses such as builders or contractors yards and other clustered heavy industrial uses provided all other site and locational standards are satisfied
  - g. salvage yards shall be permitted to locate in abandoned pits and quarries provided all other site, environmental

and locational standards are satisfied but shall not be located on sites where excavation has exposed the ground water table, or ground water is otherwise considered vulnerable to contamination

- h. any salvage yard within 1,500 feet of the centreline of the travelled portion of a highway shall be screened from the travelling public by natural or planted vegetation, an earth berm, a solid fence, a building, or any other method of landscaping or combination of these
- i. the storage yard for salvage vehicles shall be set back a minimum distance from the front property line and a minimum distance from the rear and side property lines to permit proper buffering
- j. the storage yard for salvage vehicles shall be a minimum of 100 feet from any watercourse
- k. the comments of the Nova Scotia Department of Health and Nova Scotia Environment
- l. the proposal can meet all other applicable policies of this Strategy including those pertaining to Land Use Bylaw amendments contained in Part 6 of this Strategy

In order to assess rezoning proposals, an Environmental Study may be required if deemed advisable by either the Nova Scotia Department of Health or the Department of Environment and Labour.

### **3.7.7 Rural Commercial**

This Subsection contains the policies for rural convenience commercial, highway commercial and recreational commercial uses in the Forestry, Country Residential and Shoreland Districts. In addition, this Subsection contains the policies for the Farm Commercial (C13) Zone located in the Hamlet of Greenwich and the adjacent Agricultural District.

It is the intention to provide limited opportunities for convenience commercial uses serving the rural residents. To support the general objectives of this Strategy that firstly the Growth Centres, and secondly the Hamlets, accommodate the majority of the commercial needs, a practical separation distance from Growth Centres and Hamlets will be required for any new convenience commercial proposals.



Private recreational open space uses such as golf courses, driving ranges and campgrounds are distinguished from commercial recreation uses such as racing tracks and drive in theatres and separate policies have been established for these uses.

Similar to the Growth Centre policies for Highway Commercial Uses, provision is made for comparable development opportunities near the Highway #101 interchanges in rural areas except Agricultural or Shoreland Districts.

The Hamlet of Greenwich and the adjacent Agricultural District contain a number of farm markets that are frequently visited by surrounding residents and known as a farm market destination in Nova Scotia. Unique farm commercial policies are established for this area in order to enable the existing farm markets to expand and branch out into complementary uses.

### **3.7.8 Rural Commercial Policies**

3.7.8.1 Council shall establish the Rural Commercial Zone (C9) in the Land Use Bylaw. Permitted uses in the C9 Zone shall be limited to convenience or general stores. Accessory Gas Bars and Residential uses may also be permitted.

Provisions of the Land Use Bylaw will ensure:

- a. reasonable separation from adjacent residential uses is maintained
- b. adequate on-site parking is available
- c. commercial floor area does not exceed 2,000 square feet

3.7.8.2 Council shall zone to C9 existing Rural Commercial Uses. New rural convenience commercial uses may be considered subject to an amendment to the Land Use Bylaw. In considering an application to rezone lands to C9, Council shall have regard to the following:

- a. the property fronts on a rural collector road
- b. the property is located at least 2 miles from any Growth Centre
- c. the subject lot is capable of meeting the lot requirements and development standards of the Land Use Bylaw

- d. the proposal is in keeping with all other applicable policies including those pertaining to Land Use Bylaw amendments contained in Part 6 of this Strategy
- e. for property in the Shoreland District, the proposal shall be in keeping with lake trophic state carrying capacities and biophysical shoreland development policies as approved by Council for specific freshwater lakes

## 3.7.8.3

A Highway Commercial (C11) Zone was provided for in Urban Policy 2.2.5.2. Council may provide for the establishment of highway commercial uses in the Country Residential, Forestry Districts or Hamlets adjacent to interchanges on Highway # 101 to permit highway commercial uses by an amendment to the Land Use Bylaw provided that:

- a. access is gained by a road other than the limited access highway
- b. the development complies with appropriate requirements of the Land Use Bylaw for signage, siting, buffering, parking, outdoor display and storage
- c. properties will be abutting Highway # 101 or an access ramp
- d. rezoning will only apply to sufficient land to accommodate the proposal

## 3.7.8.4

A Recreational Open Space (P2) Zone was created in Urban Section 2.6. Recreational open space uses, such as golf courses, driving ranges, campgrounds and similar uses, may be permitted in accordance with the policies contained in the relevant Rural District Sections.

Council does not intend to encourage a broad range of retail commercial development in Rural Districts. However, the concept of maintaining a limited number of camper trailers for demonstration and sales purposes on the site of a campground, for example, does not undermine the urban commercial or resource protection goals of the Municipal Planning Strategy. Consequently, in those rural Districts where lands are zoned P2, Council will consider permitting the display and sale of products, which are directly related and complementary to uses permitted in the Recreational

Open Space (P2) Zone pursuant to the following policy 3.7.8.5 of this sub-section.

- 3.7.8.5 Council intends to consider proposals to add outdoor display and retail sales in association with P2 Zone developments, which are directly related and complementary to uses permitted as of right, subject to the development agreement process. To be considered eligible to enter into a development agreement, therefore, Council shall require that:
- a. sites are restricted to P2 Zoned lands in Hamlet, Forestry, Agricultural and Country Residential Districts
  - b. eligible uses are limited to retail sales and service of recreational vehicles such as tent and travel trailers, truck campers, motor homes and similar mobile accommodations, sailboats, canoes, bicycles, and motorized golf carts, but excluding power boats, all terrain vehicles, motorcycles and snow mobiles
  - c. eligible lot area shall be limited to a maximum of 10 percent of the total P2 Zoned lot area, to a maximum (including developments comprising two or more lots) area of 100,000 square feet
  - d. conditions set out in policy 3.7.8.6 pertaining to race tracks and theme park developments, in addition to:
  - e. criteria contained in Part 6.3 of this Strategy

- 3.7.8.6 Due to the unpredictable demand and potential land use conflict associated with Recreational Commercial uses, such as auto, stock car, motorcycle and go-cart tracks, theme parks, drive in theatres and similar or related facilities, it shall be the policy of Council to consider these uses by Development Agreement under the provisions of the *Municipal Government Act*. Council shall be satisfied that the proposal will not interfere or conflict with other land uses in proximity.

Sites in the Forestry, Agricultural or the Country Residential Districts may be eligible for consideration. Lands considered to have high capability soils for agriculture will not be eligible and such uses will be encouraged to wooded areas.

Council shall ensure that the proposal is in keeping with all applicable policies of this Strategy including those pertaining

to the entering of development agreements contained in Part 6 of this Strategy.

The conditions of the development agreement may regulate any of the following and other criteria Council may deem necessary:

- a. landscaping and natural or artificial buffering
- b. architectural compatibility with existing neighbouring structures and landscape in terms of design, scale and building materials
- c. access, traffic circulation and parking
- d. minimum size of lots and yard requirements
- e. location, height, number of stories, and bulk of buildings and other structures
- f. percentage of land that may be built upon, and the size of yards, courts, and other open spaces
- g. the public display of advertisements including the nature, kind, size and description of any advertisement displayed
- h. method of solid waste disposal, effluent disposal
- i. hours of operation

#### 3.7.8.7 **Farm Commercial Uses Within and Adjacent to the Hamlet of Greenwich**

- 3.7.8.7.1 Council shall establish the Farm Commercial (C13) Zone that shall be applied to existing farm markets and farm commercial land uses in the Hamlet of Greenwich and the adjacent Agricultural District. The C13 Zone shall permit commercial and industrial land uses that involve, support and/or complement agri-tourism and agricultural activities. Commercial or industrial uses not associated with agricultural uses, such as auto sales and general manufacturing, shall not be permitted. In order to assist in maintaining a rural character, Land Use Bylaw requirements shall

contain special requirements for signs, landscaping and green space.

3.7.8.7.2 The C13 Zone may permit restaurants, accommodations, lounges, retail and other similar uses, however, Land Use Bylaw requirements shall limit the size and scale of these uses in order to help ensure the uses are complementary to main agricultural related uses.

3.7.8.7.3 Council recognizes that some larger scale restaurants, accommodations, lounges, retail and other similar uses may be appropriate in the C13 Zone provided the intended use and visual characteristics are consistent with the rural character of the area. As a result, developers wishing to develop larger scale proposals than permitted in the C13 Zone, may seek a development agreement in accordance with Policy 3.2.8.2, Agri-tourism Commercial Uses.

3.7.8.7.4 In considering rezoning lands to the Farm Market Commercial (C13) Zone, Council shall consider the following conditions:

- a. The proposal is located within the Hamlet of Greenwich and/or lands within the Agricultural District that is located between the Hamlet of Greenwich and the Town of Wolfville, north of Hwy 101 and south of the railway.
- b. The area meets the requirements of the Farm Commercial (C13) Zone.
- c. The proposal will not negatively impact any adjacent agricultural activities.
- d. The proposal does not front onto Hwy No.1 or contribute to the development of a continuous commercial strip.
- e. The proposal can meet all other applicable policies of this Strategy including those

pertaining to Land Use Bylaw amendments contained in Part 6 of the Strategy.

### 3.7.9 Rural Non-Conforming Uses

The Strategy intends to manage land uses within the rural resource districts to complement and support the development of the primary resource activities. Some existing commercial and industrial uses located in these resource districts, do not comply with the policies of this Strategy and hence are not permitted.

Such uses would normally be allowed to continue legally as a non-conforming use by the *Municipal Government Act*. Since the intent of this Strategy is to guide subsequent future development and not to impose undue limitations on development activities of the past, Council has included this section on Expansion of Rural Non-Conforming Uses to provide greater flexibility for non-conforming uses than the *Municipal Government Act* provides.

Through these provisions Council will permit the continuation of existing commercial and industrial land uses which would not comply with this Strategy provided they do not conflict with adjacent primary resource activity. It is not the intent to broaden the opportunity for development considered inconsistent with policies for the resource districts. The intent is to provide a concession in recognition that they developed prior to the adoption of this Strategy or of amendments to the Strategy or Land Use Bylaw rather than encourage extensive development of the non-conforming uses in the existing locations. Subsequently, expansion potential will be limited by the policies of this section and reuse of the property must conform to the resource district policies.

Only land uses confirmed as existing prior to 1979 and new uses legally established after 1979 but made non-conforming due to subsequent Land Use Bylaw amendments will be eligible for consideration under the following expansion of Non-Conforming Uses provisions.

In addition to the above, within the Shoreland Districts around the County's freshwater lakes Council will consider the expansion of residential structures that do not comply with the regulations of the Land Use Bylaw, but are considered non-conforming because they were constructed before the Land Use Bylaw came into effect.

In 2006, amendments were made to the Land Use Bylaw to rezone floodplain areas within eight Hamlet communities to the Environmental Open Space (O1) Zone, as explained further in Subsections 3.6.4 and 4.2.4.10 of this Strategy. When this occurred on March 2, 2006, any

existing structures automatically became legal non-conforming uses. Special conditions will apply to the expansion of legal non-conforming structures in the O1 Zone, because of the potential affects to neighbouring properties and risk of flood damage to existing structures in a floodplain.

### **3.7.10 Rural Non-Conforming Use – Policies**

3.7.10.1 Council recognizes that the following land uses have legal non-conforming status and are subject to the relevant Sections of the *Municipal Government Act*:

- a. uses in existence prior to June 19, 1979 which became non-conforming with the adoption of the Municipal Planning Strategy; and,
- b. uses established since 1979 in conformity with the Land Use Bylaw, but made non-conforming as the result of subsequent Land Use Bylaw amendments, including the adoption of the amended Land Use Bylaw subsequent to the 1991/92 revision

A use will be considered non-conforming within the context of the Strategy where there is confirmation of a. or b. above as demonstrated through suitable records or documentation of the use, and a sworn affidavit provided by the applicant confirming that the subject use is non-conforming.

3.7.10.2 Within the Country Residential, Forestry, and Agricultural Districts as well as Hamlets, Council may provide for the expansion of a non-conforming use referred to in Policy 3.7.10.1 by Development Agreement pursuant to the *Municipal Government Act*. Additional criteria are listed in Policy 3.7.10.3 for the expansion of a non-conforming use in the Environmental Open Space (O1) Zone.

In considering the terms of a development agreement, Council shall have regard to the following:

- a. the expansion is to a related use; that is, a new product, service, or additional line of business complementary to the original business
- b. the expansion does not limit nor interfere with adjacent agricultural, forestry or non-resource uses

- c. the expansion does not exceed or extend beyond the property lines that were in existence at the time the use became non-conforming (i.e not on a consolidated lot or lot addition)
- d. a subsequent plan of subdivision which involves the severance of land from a parcel containing a non-conforming use and bound by a Development Agreement shall be subject to an amendment to the agreement executed by a resolution of Council
- e. the proposal can meet all other requirements of this Strategy, including Policies contained in Part 6 of this Strategy

3.7.10.3 In addition to the conditions outlined in Policy 3.7.10.2 above, for the expansion of non-conforming uses in the Environmental Open Space (O1) Zone, Council shall have regard to the following:

- a. a report by a professional engineer stating that the structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties may be requested by Municipal Staff
- b. the structure and the associated utilities shall be designed and constructed in accordance with the accepted flood-proofing measures (as certified by a professional engineer) and entrances and exits from the building can be safely used without hindrance in the event of a flood
- c. the proposed use of the facility and site will not involve any storage of potential pollutants such as fuels, chemicals, pesticides, manure, or any other substance with the potential to pollute surface or groundwater resources
- d. the property owner submits a letter to Municipal Staff acknowledging they are aware they are developing in a floodplain or the development agreement shall contain a clause that acknowledges that the development is within a floodplain area and that the property owner is aware that the lands are susceptible to flooding



- 3.7.10.4 Notwithstanding the provisions of Clauses 3.7.10.2 and 3.7.10.3, an accessory structure no greater than 150 sq. ft. in size may be erected where there is a main structure existing as of March 2, 2006 in the Environmental Open Space (O1) Zone provided Clause 3.7.10.3 b., c. and d. can be met.

### **3.7.11 Shoreland District Development**

- 3.7.11.1 Within the Shoreland Districts around the County's freshwater lakes, Council may consider the expansion of non-conforming residential structures as described in Policy 3.5.12 of this Strategy.

### **3.7.12 Natural Environment District Development**

- 3.7.12.1 Through policies contained in 4.2.1 Natural Environment General Policies, Council may consider proposals to expand existing commercial and industrial uses into the Natural Environment District.

### **3.7.13 Construction and Demolition Debris Disposal Sites**

Solid waste management in Kings County—especially that category related to disposal sites—has traditionally been the exclusive domain of the Rural Municipality and three Towns. Both compostable organic material as well as construction and demolition debris were not accepted for disposal at the Kings County public landfill site beyond July 1, 1999. After that date, Valley Waste Resource Management<sup>1</sup> according to its Strategy preferred to contract to individual private sector businesses operating under Provincial guidelines and licenses, to provide both services.

Council wishes to facilitate private sector opportunities in the waste management industry and intends to institute appropriate provisions in its Municipal Planning Policies and Land Use Bylaw. Council also recognizes that the transition from a publicly operated solid waste disposal system and the introduction of landfill restrictions on the disposal of compostable organic waste (from households, institutions and various industrial sources) requires some flexibility in order to select appropriate sites. Flexibility is also necessary to allow Council, the Valley Waste Resource Management and industry to adapt to changes in the handling of the waste stream, relative technology, and new Provincial

<sup>1</sup> An independent public agency formed by the Rural Municipalities and towns within Kings and Annapolis Counties established in 1998 under provincial legislation.

and Federal laws. As a consequence, Council has adopted a two-fold objective to ensure reasonable allocation of land for waste management and related uses, while protecting the public interest in terms of land use compatibility.

### **3.7.14 Construction and Demolition Debris Disposal Sites Policies**

3.7.14.1 Due to the uncertain and evolving nature of waste management regulations and practices, it shall be the policy of County Council to consider sites for construction and demolition debris disposal, by Development Agreement. Further, Council recognizes that the economic and technical viability of composting and construction and demolition debris disposal sites may depend on combining either or both of those uses with a related industry or business, either an existing one or a new use.

3.7.14.2 To be considered eligible to enter into a development agreement pursuant to policy 3.7.14.1 Council shall require:

- a. a minimum separation distance of 500 feet is maintained between lands subject to development by agreement and any residential use
- b. a minimum separation distance of 1,000 feet from land within a Growth Centre, Hamlet, Shoreland District or Country Residential District designated for residential, institutional or open space uses

3.7.14.3 Development agreement conditions will endeavour to ensure:

- a. conformance with Provincial guidelines and conditions attached to individual licences required under the Provincial *Environment Act* and other applicable Provincial regulations
- b. conformance with Valley Waste Resource Management Objectives
- c. prevention of conflicts with other land uses within the immediate or adjacent Future Land Use District
- d. protection of surface and groundwater quality
- e. prevention of negative visual impacts on the landscape

- f. rehabilitation of sites upon closure, abandonment or otherwise termination of a development agreement
- g. conformance with all other requirements of this Strategy, including Policies contained in Part 6 of this Strategy

PART 3	AMENDED DATE	SECTION
	May 12, 1993	3.7.11
	January 8, 1997	3.7.2.4 / 3.7.2.4 d
	July 17, 1997	3.7.8.2 e
	June 30, 1999	3.7.3 / 3.7.12 / 3.7.13
	September 4, 2001	3.7.6.3
	May 31, 2004	3.7.8.4 / 3.7.8.5 / 3.7.8.6
	July 5, 2005	3.7.2.3 h / 3.7.4.2 c / 3.7.5 / 3.7.6.3 / 3.7.6.3 k / 3.7.8.6 / 3.7.9 / 3.7.10.1 / 3.7.10.2
	March 2, 2006	3.7.9 / 3.7.10.2 / 3.7.10.3 / 3.7.10.4
	April 3, 2008	3.7.7 / 3.7.8.7
	May 21, 2009	3.7.6.3 k
	November 12, 2009	3.7.9 / 3.7.11 / 3.7.11.1 / 3.7.12 / 3.7.12.1 / 3.7.13 / 3.7.14 / 3.7.14.1 / 3.7.14.2 / 3.7.14.3



**3.8 RURAL ROADS**

**3.8.1 Rural Road Classification Policy**

Certain Public roads in the rural areas serve a regional function and carry traffic through hamlets or between the urban and rural communities. It is intended that these roads be distinguished for planning purposes.

3.8.1.1 Council shall establish for future planning and development purposes a rural road classification system to include on a County wide basis, the designation of Rural Collector Roads and Rural Local Roads, as follows:

- a. Rural Collector Roads serving either a regional function or carrying traffic between communities and to the regional network. The following list comprises designated Rural Collector Roads. This designation applies to these Trunks and Routes where they are located outside Growth Centres only.

Trunk 1	Hortonville to Greenwood
Route 513	Gaspereau to White Rock
Trunk 1	Hants Border to Avonport
Route 557	Avonport to Gaspereau
Route 525	Melanson to Wolfville
Route 565	Gaspereau to Wolfville
Route 583	White Rock to New Minas
Route 358	Greenwich to Scotts Bay
Route 221	Kingsport to County Line
Route 400	Canning to Pereau
Route 341	Kentville to Route 358
Route 488	Kentville to Port Williams
Route 359	Kentville to Halls Harbour
Routes 460, 610, 614	Kentville to Lakeville
Routes 612, 610, 614	Coldbrook to Lakeville
Routes 617 and 618	Cambridge to Woodville
Route 620	Waterville to Grafton
Routes 201 and 698	Greenwood to Millville
Route 643	Aylesford to Millville
Route 647	Auburn to Morden
Route 201	Trunk 1 to Greenwood

- b. Rural Local Roads are those public roads intended primarily to provide access to land and carry traffic to Rural Collector Roads.



**4.1 GENERAL PLANNING POLICIES**

Certain Municipal Planning Strategy policies have general application to both the Urban Growth Centres and all Rural designations.

Policies respecting the Municipality's responsibility to have regard to the impact of land-use decisions on the environment and the limitations certain Environmental Hazards place on development are contained in the Natural Environment Section.

Policies for general application also include the Municipality's policies and programs with respect to tourism and heritage preservation.

Recreation, Parks and Open Space planning apply to both Rural and Urban Districts of the Municipality. Other planning policies include those respecting the Fishing Industry and Resource Extraction.

The following Sections have general application to the County as a whole:

- NATURAL ENVIRONMENT - Section 4.2
- PARKS, RECREATION AND OPEN SPACE - Section 4.3
- HERITAGE AND CULTURAL PRESERVATION AND TOURISM DEVELOPMENT - Section 4.4
- FISHING INDUSTRY - Section 4.5
- RESOURCE EXTRACTION - Section 4.6
- TOPSOIL REMOVAL - Section 4.7

<b>PART 4</b>	<b>AMENDED DATE</b>	<b>SECTION</b>
	September 4, 2001	4.1
	July 5, 2005	4.1





## 4.2 THE NATURAL ENVIRONMENT

Natural Environment includes floodplains and wet areas, steep slopes, lands susceptible to subsidence or erosion and water supply areas. Since 1979 the Municipal Planning Strategy has recognized these areas as particularly sensitive to development. The Strategy also recognized significant wildlife habitats, but noted that the municipal jurisdiction is limited in addressing wildlife concerns.

There is a clear mandate, indeed responsibility, for the Municipality to prohibit and/or restrict land uses in areas which are potentially hazardous to development. Such areas include floodplains, and steep slopes. In addition, however, the general global trend toward protection of the environment was reflected in comments by Council and the public during the Strategy Review. Changes to the legislation and evolving provincial policy on wildlife suggests that the municipal mandate in the area of protecting the environment may be expanding.

### 4.2.1 Natural Environment Objectives

In recognition of the growing awareness of the impact of land use decisions on the natural environment, the following objectives have been established:

- 4.2.1.1 To direct development away from floodprone areas and other hazardous areas.
- 4.2.1.2 To have regard for known sensitive environments in all policy and bylaw change decisions and in entering Development Agreements.
- 4.2.1.3 To consult with, and support initiatives of, other levels of government and agencies in the protection of the environment.
- 4.2.1.4 To maintain the integrity of defined floodplains and avoid alterations to floodplains that might negatively affect areas beyond the floodplains.

### 4.2.2 Natural Environment General Policies

- 4.2.2.1 Council shall establish a Natural Environment (E) designation on the Future Land Use Maps. Council intends to apply this designation to lands identified in this section. Candidate areas shall include, but not be limited to, floodplains, sensitive environments, water supply areas, wetlands and unstable slopes. Lands so designated will be subject to the development restrictions outlined in this section.

- 4.2.2.2 Council shall identify significant natural environments and wildlife habitats on a Natural Areas information map in accordance with the policies of this section. Council shall adopt this information map as Map 24 of this Strategy.
- 4.2.2.3 In considering land use policy changes and Land Use Bylaw amendments, Council shall have regard to the policies of this section and may solicit the comments of other levels of government and interest groups.
- 4.2.2.4 Council may, where possible, support the initiatives of other levels of government and agencies in the protection of the environment.

### **4.2.3 Floodplains and Dykelands**

The Province of Nova Scotia and the Federal government have been working together to produce accurate floodplain mapping for some areas of the province under the Flood Damage Reduction Program. However, the program has been costly and lengthy and the Annapolis Valley was not seen as a priority area in the provincial context. In 1976 the Department of Municipal Affairs recognized that, while development in the County had generally avoided the floodplain, pressure for development in the County's floodplains might occur and produced floodplain mapping based on the best available information, i.e., historical data, the height of the dykes as a guide to the potential flood elevation and soil information. The floodplain as indicated on the Future Land Use Map since it was adopted in 1979 was the best available indication of flood risk areas in the County, but may not include the entire extent of flood risk areas in the County.

Floodplain delineation is a fairly well defined process and the methodologies are very technical and detailed. However, the information necessary (e.g. streamflow records over a lengthy time interval, historical information regarding previous flooding including aerial photography, stream gauge records recording rate of flooding over a long term, data for the calculation of water flow velocities, as well as field surveys of high water marks and river cross sections) was not available in 1976. In addition, the County's rivers are strongly affected by tidal flows, which complicate floodplain calculations for mapping using traditional methods. It is, therefore, anticipated that the study necessary to determine whether any of the floodplain might be safely developed would be cost prohibitive for the Municipality to undertake on its own.

In the years since the first floodplain mapping was produced for the County, it became very clear that the general nature of the delineated lines created difficulties for map interpretation.

In 2003 and 2004, staff began to work on creating digital MPS and LUB maps for rural Kings County. It was quite apparent that the existing O1 designations would be impossible to accurately transpose to the new map. As a result, staff undertook an exercise to better delineate the flood prone areas identified in the 1976 study. To this end, all available data was researched and it was determined that the Floodplain would consist of:

- The area that falls below a line that approximates 2 metres above the mapped mean stream elevation. The Digital Elevation Model and the Nova Scotia Topographic Series of maps, both provided by the Nova Scotia Geomatics Centre, were used to determine the location of this line. Air photos, property maps, wetlands mapping and flood photos were used to confirm or, in some cases, adjust the location of the lines.
- The Marsh (Dykeland), as mapped by Nova Scotia Department of Agriculture and Fisheries and protected by the *Agricultural Marshland Conservation Act*, as passed by the Government of Nova Scotia on November 30, 2000. This *Act* replaced the *Marshland Reclamation Act* which was introduced in 1948.

Under the 2000 *Act*, the Provincial government must approve any development on incorporated dykeland, some of the best agricultural land in Nova Scotia. Since these areas are protected by dykes, there is always the potential for flooding from both fresh and salt water during extreme weather conditions.

The boundaries of the dykelands were surveyed when they were incorporated under the *Marshland Reclamation Act*. The boundaries are based on high water mark lines. The exact elevation may vary, depending on location. The elevations are generally about one to two feet below the construction elevation of the dykes.

The areas designated as Natural Environment include the floodplains of the Cornwallis, Habitant, Canard, Pereau, Annapolis and Gaspereau Rivers and include dykelands, as well as tidal and freshwater marshes.

Land uses which involve the building of structures or the altering of the topography in such a way as to effectively reduce the capacity or otherwise alter the dynamics of the existing floodplain will not be permitted.

Council does recognize the need to retain some flexibility for exceptional circumstances however. Occasionally, viable established businesses face physical constraints to growth posed by floodplains, wetlands, steep slopes or similar landscape and environmental features which may pose a hazard to most land uses. Council believes that in order to support the economic

viability of these existing businesses, provisions are necessary to enable some modest degree of expansion, as long as precautions are taken which respect the intent of the Natural Environment objectives in this Strategy.

It is recognized that the main function of the dykelands is for agricultural uses. Therefore, policies that prohibit the altering of land levels will not apply to recontouring of dykelands for agricultural purposes.

#### **4.2.4 Floodplains and Dykelands – Policies**

4.2.4.1 Council shall identify the following areas as floodplain:

- All dykeland as identified on the Nova Scotia Department of Agriculture and Marketing Marshland maps. Council acknowledges that, while the provincial Marsh bodies have granted variances to recognize existing development, it is Council's intention for these lands to remain in the O1 zone.
- The floodplains of the Gaspereau, Cornwallis, Annapolis, Habitant, Canard and Perea Rivers, as delineated by the floodplain study conducted by Municipal Staff and completed in March 2004. This study delineates a floodplain limit that follows a line located 2 metres above the mapped river elevation.

4.2.4.2 Council shall establish an "Environmental Open Space" (O1) Zone to be applied to areas containing unique ecological or environmental features to be retained in their natural state. Permitted land uses will be limited to those which will not be detrimental to the environment by creating excessive flooding, erosion, or other detrimental consequences. Such lands include, but are not limited to, floodplains, dykelands, and tidal and freshwater marshes.

4.2.4.3 Council shall restrict uses in the Environmental Open Space (O1) Zone to agricultural or open space uses provided that they require no permanent structures or installations with the exception of municipally operated public utilities.

4.2.4.4 Council shall consider carefully the implication of municipal actions which may lead to the development of roads, dykes and municipal services on the hydro dynamics of the floodplain, i.e. in general consideration of all land use proposals. Council shall refer such matters to an appropriate

provincial agency for its approval or recommendation when appropriate.

- 4.2.4.5 Council may request other levels of government to undertake floodplain mapping under the Flood Damage Reduction Program (F.D.R.P.). Council acknowledges that the former Federal Provincial agreement under the F.D.R.P. has expired and that only a maintenance agreement may replace the former program. It is therefore Council's intention to request floodplain mapping under the program for parts of the County's floodplains. Considered for partial study are those parts of the floodplain within Growth Centres, particularly dykelands.
- 4.2.4.6 Council shall prohibit the altering of land levels, except for re-contouring for agricultural uses or, for municipal passive recreational uses in designated Natural Environment areas of the Municipality by a general provision in the Land Use Bylaw for the 01 Zone.
- 4.2.4.7 Except as provided in Policy 2.6.6.5, lands zoned (01) shall not be rezoned to a use permitted in adjacent areas without an amendment to this Strategy. In considering such amendments Council shall solicit and consider the advice of Nova Scotia Environment and Service Nova Scotia and Municipal Relations and any other agency with an interest or responsibility for such areas.
- 4.2.4.8 Notwithstanding Policy 4.2.4.7, Council may permit existing commercial or industrial uses in a commercial or industrial zone immediately adjacent to an 01 Zone to expand into the Natural Environment District subject to a Development Agreement pursuant to the *Municipal Government Act*. Council intends this provision to apply to uses already in existence on June 19, 1979. In considering a development agreement Council shall have regard to the following:
- a. that adequate floodproofing measures as determined by an independent assessment of a qualified hydrologist or professional engineer at the developer's expense are undertaken for any buildings
  - b. that the type of development is consistent with the existing use and that the minimum standards for such developments are no less than those required by the zone unless necessary for reasons of safety

- c. the environmental protection of watercourses with respect to proper storm drainage
- d. no use is permitted which involves the bulk storage of chemicals or petroleum products, including fertilizers, pesticides, kerosene alcohol, gasoline, oil and natural gas
- e. parking of commercial vehicles overnight is prohibited whenever such vehicles are loaded with any cargo regulated under the Dangerous Goods Management Regulations made under Section 84 of the *Environment Act*, S.N.S. 1994-95, c.1. The presence of unacceptable cargoes shall be determined by labels on the materials on placards on the transport unit as required by Federal Regulations under the *Transportation of Dangerous Goods Act*
- f. expansion into the Natural Environment District is limited to an additional maximum of 2 acres in area
- g. the proposal can meet all other requirements of this Strategy, including Policies contained in Part 6 of this Strategy

4.2.4.9 Further to Policy 4.2.4.8 where a development site is situated within an identified floodplain, in order to minimize the effects upon natural stormwater flows, it shall be the intention of Council to monitor the placement and stabilization of fill necessary for the floodproofing of structures or access ramps permitted within the Natural Environment District.

#### **4.2.5 Water Supply Areas**

The Towns of Kentville and Wolfville surface water supply areas are located in the Forestry District and have been subject to protection and development restrictions since the adoption of the Strategy in 1979. Land uses in these areas, and any similar areas identified by the Nova Scotia Department of Health or Nova Scotia Environment in the future, should be controlled and protected.

#### **4.2.6 Water Supply Area – Policies**

4.2.6.1 Council recognizes the water supply areas for the Towns of Kentville and Wolfville which are identified and endorsed by provincial government departments. Land uses in these areas will be restricted to ensure the protection of the water quality.

- 4.2.6.2 Council shall establish the Water Supply (02) Zone in the Land Use Bylaw for application to the lands identified in Policy 4.2.6.1. Permitted uses in the 02 Zone will be limited to the following:
- a. uses which do not jeopardize the water quality as determined by the Nova Scotia Department of Health and Nova Scotia Environment
  - b. uses existing prior to June 19, 1979
  - c. agricultural activities subject to a. above and excluding livestock operations
  - d. forestry activities subject to a. above

#### **4.2.7 Wetlands and Steep Slopes**

Steep slopes and lands susceptible to subsidence or erosion present hazards to development. Swamps, marshes and other wetlands are areas where land is poorly drained and is completely or partly covered by freshwater for part of the year or year round. Wetlands are often drained for agricultural purposes or filled in to accommodate development.

Wetlands are recognized as significant wildlife habitats. However, apart from their value to a variety of wildlife, they are also important for water storage, ground water replenishment, water flow regulation, and in filtering pollutants. As water storage areas, wetlands can also serve to accommodate water that might otherwise flow onto urban or resource lands during heavy storms.

As well as the natural water purification process, wetlands perform an important ground water recharge function in maintaining ground water quality. The cumulative effect of filling and draining dozens of wetlands may over time have a significant and irreversible impact on ground water quality and on an area's ability to accommodate flooding. Lands susceptible to subsidence or erosion present hazards to development.

The Municipality does not have any mandate to control the drainage of wetlands for agricultural purposes. However, pursuant to the *Municipal Government Act*, this Strategy may include policies for the protection and development of swamps, marshes and other environmentally sensitive areas. Therefore, in recognition of the important function of wetlands, especially in areas where there is a dependence on private wells and septic systems, the Land Use Bylaw may ensure that development of, or in the

vicinity of, wetlands does not involve any alteration of land levels or filling that would significantly affect the surface drainage and wetland systems.

#### **4.2.8 Wetlands and Steep Slopes – Policies**

4.2.8.1 Council intends to identify those areas which may present a hazard to development such as steep slopes (more than 20%), lands susceptible to subsidence or erosion, wet lands, swamps, marshes and other environmentally sensitive areas. Lands so identified shall be designated Natural Environment on the Future Land Use Maps and zoned Environmental Open Space (O1) on the Land Use Bylaw Schedules.

As the altering of land levels in these areas may have a negative environmental impact beyond the site, Policy 4.2.4.6 shall apply to lands identified under this policy.

#### **4.2.9 Wildlife Habitats, Sensitive Environments and Unique Areas**

In 1979 the Municipal Planning Strategy recognized the lack of municipal mandate to protect and conserve wildlife habitats and acknowledged that this responsibility rests with the Wildlife Section of the Nova Scotia Department of Natural Resources. Since that time it has been municipal policy to support the provincial government in its efforts to protect and conserve areas that have been identified as significant wildlife habitats within the County boundaries.

While the Municipality does not have any specific powers to address wildlife protection, it is responsible for controlling land uses under the *Municipal Government Act*. In consultation with the Nova Scotia Department of Natural Resources a map indicating particularly valuable habitats for wildlife resources has been prepared and included in this Strategy as an information map titled Natural Areas (Map 24).

Wildlife Management Units are land or water areas found to be important for the preservation of a particular species or a variety of wildlife species in which a federal or provincial management program is underway or intended. In Kings County, the management units include both waterfowl and fish. The waterfowl locations are concentrated in the salt marshes along the shore of the Minas Basin at the mouth of the Cornwallis and Habitant Rivers. Management of the small black bass in Gaspereau Lake represents the fish component of the program. Parts of the Evangeline Beach area have been designated as significant habitat areas for Shorebird migration.

Unique or wilderness areas are comprised of fresh and salt water marshes, bird nesting areas, and wilderness lakes. The most valuable freshwater



marshes are located near Aylesford, Sheffield Mills, Steam Mill and along the Cornwallis River. Marshes are the most productive land based ecosystems in the world, maintaining diversity and contributing to the stability of the natural environment, minimizing erosion and flooding and maintaining a high water table and fertility in the headwater areas.

In the Agricultural District portions of marshes are being drained for their agricultural capability thus increasing the wildlife value of the remaining marshlands.

An eagle nesting area located near Little River Lake is identified and acknowledges the County as a habitat for this endangered species. Eagle nesting is now on the increase in Nova Scotia. The Nova Scotia Department of Natural Resources has identified and is monitoring a few additional nests.

The Federal Bird Sanctuary located in the west end of Kentville and north of Kentville in the County provides spring migratory, breeding and rearing, and late summer and fall concentration habitats for waterfowl and other bird species, fish, reptiles and mammals. The Federal Government has decided to discontinue the designation and Kentville and the County may co-operate to continue the preservation of this important habitat.

#### Special Places (I.B.P. Areas)

Under the United Nations International Biological Program (I.B.P.) the Kentville Ravine, which is partly located in New Minas, and Cape Split were identified as important samples of ecosystems which should be preserved for biological research. The I.B.P. program was established to identify unique ecological sites, preserve samples of the world's ecosystems, maintain biological and genetic diversity, measure manmade changes in ecosystems, and to preserve unique areas for educational and demonstration purposes.

The Kentville Ravine which is in public ownership is designated Environmental Open Space and this designation shall remain. On the other hand, Cape Split is in private ownership and shall remain designated "Forestry District" at this time.

The Provincial *Special Places Protection Act* (1980) provides for the preservation, regulation and study of archaeological and historical remains and palaeontological and ecological sites. In view of Cape Split and the Kentville Ravine's I.B.P. designation, they are considered candidate sites for special place designation under the legislation. If designated, these areas would be protected by law through a program administered by the Nova Scotia Museum with assistance from the Nova Scotia Department of Natural Resources.

### Wildlife Strategy

In 1991 the provincial government announced its intention that the Wildlife Advisory Council will develop a wildlife management strategy for Nova Scotia. This announcement followed the new wildlife policy for Canada which was adopted in 1990 by Canada's First Ministers at the Wildlife Ministers' Council of Canada. A major objective of developing a Wildlife Strategy is to expand the scope of wildlife policy to improve wildlife conservation. The wildlife policy promotes consultation with wildlife agencies by all organizations whose decisions may impact on wildlife population or habitat.

The Municipality can support these initiatives by considering the impact of land use decisions on natural areas such as when considering expansions to Growth Centre boundaries, land use changes and policy directions particularly in, or near, areas identified on the Natural Areas Information Map.

#### **4.2.10 Wildlife Habitats, Sensitive Environments and Unique Areas – Policies**

- 4.2.10.1 Council intends to support the provincial government in its efforts to protect and conserve wildlife habitats in Kings County. Such support may include consultation with the Department of Natural Resources or other agencies prior to considering land use or policy changes in the vicinity of, or which might impact on, any area indicated as significant to a single or a variety of wildlife and plants or a specific species on the Natural Areas Information Map # 24.
- 4.2.10.2 Council shall encourage the Nova Scotia Department of Natural Resources to continue the monitoring, identification, and protection of wildlife within Kings County.
- 4.2.10.3 Council shall encourage the Nova Scotia Museum to evaluate the areas of Cape Split and the Kentville Ravine for designation under the *Special Places Protection Act*.
- 4.2.10.4 Council shall encourage the Nova Scotia Museum and the Nova Scotia Department of Natural Resources to survey, identify and evaluate additional unique sites for eligibility for Special Place designation within the County.
- 4.2.10.5 Council intends to cooperate with the Federal and Provincial government in the identification of valuable wilderness areas. In this regard Council may identify these areas on the Future Land Use Map.

**4.2.11 Watercourses**

- 4.2.11.1 Council, through provisions in the Land Use Bylaw and in entering Development Agreements, shall provide watercourse protection by requiring setbacks from watercourses. The restriction of development in sensitive watercourse environments is aimed at reducing hazards to development due to erosion and slope failure in addition to protecting the environment.

**4.2.12 Lake Water and Ground Water Quality**

- 4.2.12.1 Council recognizes there may be limits to the capacity of lakes to sustain development and recreation activities. Moreover, the cumulative effects of development may impact groundwater quality. Accordingly, Council may establish a Lake Area or Water Supply Area Advisory Committee to advise Council specifically on lakeshore development proposals and rezoning proposals.
- 4.2.12.2 For fresh water lakes, Advisory Committees formed by Council shall have regard for any lake trophic state carrying capacity studies and biophysical shoreline analyses for specific lakes that have been approved by Council.
- 4.2.12.3 For property in the Shoreland District, the proposal shall be in keeping with lake trophic state carrying capacities and biophysical shoreland development policies as approved by Council for specific freshwater lakes.

**4.2.13 Coastal Erosion**

- 4.2.13.1 Council recognizes the potential for damage to structures in coastal areas due to coastal erosion. To address this issue new development will be discouraged in areas where damage due to erosion is evident or expected.

<b>PART 4</b>	<b>AMENDED DATE</b>	<b>SECTION</b>
	May 12, 1993	4.2.3 / 4.2.4.8 / 4.2.4.9
	November 27, 1995	4.2.4.7
	January 22, 1996	4.2.6.2 c
	July 17, 1997	4.2.12.2 / 4.2.12.3
	September 7, 2004	4.2.3 / 4.2.4.1
	July 5, 2005	4.2.4.7 / 4.2.4.8 / 4.2.4.8 e / 4.2.5 / 4.2.6.2 a / 4.2.7 / 4.2.9 / 4.2.10.4
	May 21, 2009	4.2.4.7 / 4.2.5 / 4.2.6.2 a

### 4.3 PARKS, RECREATION AND OPEN SPACE

Parks and open space and the development of recreational opportunities yield physical, social and economic benefits to the community. The Municipality of Kings has taken advantage of *Municipal Government Act* provisions that enable the municipality to acquire a parkland dedication or a cash-in-lieu equivalent when land is subdivided under the terms of the Subdivision Bylaw.

To guide the acquisition and management of lands and the use of monies obtained under the subdivision bylaw, Council adopted the "Parks and Recreation Open Space Study" in 1984. This document has been used to guide the administration of the parkland dedication provisions of the Subdivision Bylaw.

#### 4.3.1 Parks, Recreation and Open Space

Parks, recreation and open space areas are generally divided into six categories:

Urban Neighbourhood Parks offering landscaped areas, play equipment, benches and occasionally hard surfaced multi purpose courts serving 250 - 500 residents in the Growth Centre neighbourhoods. They are expected to be at least a half acre and accessible by pedestrians and have frontage on a local or collector street.

Rural Neighbourhood Parks offering similar facilities to the urban neighbourhood parks serving a smaller population (generally 100 residences) in the Country Residential Districts.

Urban Community Parks are expected to be a minimum of 5 acres and located within Growth Centres and provide opportunities for both organized and passive recreation activities. Such parks will constitute a focal point for athletic and recreational activities and will have frontage on a residential Major Collector Road, be accessible by auto, public transit (where applicable) and bicycle, and have adequate parking space available.

Rural Community Parks should be of sufficient size to accommodate the needs of residents living in Hamlets or crossroad communities that are not easily accessible to urban community parks. Those parks are not intended to provide the same concentration of facilities as urban parks.

County Parks are intended to serve all County residents and tourists; to provide large wooded areas which may include a full range of recreational/leisure uses in association with water based recreational opportunities or unique wilderness area. Eligible areas may also include small sites in proximity to unique areas, tourist destination points or heritage sites.

### 4.3.2 Heritage Sites and Natural Areas

It is intended that Natural Environment open space areas will remain in their natural state although some may become part of the passive recreation open space resources to be used for educational outings or provide linkage between parks and other recreation or open space areas. Heritage sites may provide a focus for park areas.

Upon completion of the Parks and Recreation Open Space Study Council recognized the opportunity for water based activities on some of the 86 inland lakes within the County and adopted the Water-Based Recreation Study in 1986.

### 4.3.3 Water-based Recreational Areas

The 1986 Water-Based Recreation Study recommends that only lakes in excess of 100 acres be considered for encouraging public access for water-based recreation with the exception of smaller lakes close to the Growth Centres. It is intended that preference be given to providing municipal open space for water based recreation activities on lakes with active cottage development.

The Study targets the following lakes for consideration of municipal investment:

Aylesford Lake - long range development plan to be implemented

Loon Lake - possible canoe route and boat launch

Black Duck Lake - ensure public access is maintained if cottage development continues

Tupper Lake - maintain boat access point

Mack Lake - possible municipal boat access

### 4.3.4 Recreation Strategy

The two study documents mentioned above continue to provide the framework of Council's goals with respect to the provision of recreation opportunities.

In 1990, a third document, the Recreation Strategy was adopted by Council. The Strategy outlines the responsibility of the Municipality's Department of Community Development Services, in meeting the goals of the

Municipality and sets out objectives with respect to leisure activities and makes specific recommendations regarding:

- liaison and cooperation with citizen groups
- liaison and cooperation with other government departments and agencies
- targets groups to ensure wide participation in programs and accessibility for all residents
- promotion and information
- service delivery

The Study concludes with recommendations that a review be undertaken and specific strategies and targets be developed to implement the Parks and Recreation Open Space and the Water-Based Recreation studies.

New study areas include an examination of potential recreational opportunities along the Fundy Coast as well as the Minas Basin.

Further, lakeshore capacity studies commissioned by Council shall take into account existing municipal open space for water and wetland based recreation activities as well as making provision for future public uses in long range development plans.

#### **4.3.5 Parks, Recreation and Open Space Objectives**

- 4.3.5.1 To provide for recreation opportunities, parks and open space by acquiring lands under the provisions of the *Municipal Government Act* in accordance with the Subdivision Bylaw.
- 4.3.5.2 To provide direction for site acquisitions.
- 4.3.5.3 To achieve an integrated parks and open space system that provides opportunities for a variety of leisure activities to both rural and urban residents as well as tourists.
- 4.3.5.4 To indicate the roles and responsibilities of the various Municipal departments in achieving the overall objectives.
- 4.3.5.5 To ensure that the public has access to water-based recreational activities.
- 4.3.5.6 To indicate future study areas.

**4.3.6 Parks, Recreation and Open Space Policies**

4.3.6.1 Council intends to provide for the development of parks including urban and rural community and neighbourhood parks as well as County parks and trail systems. Recreation facilities may be located within the park areas.

4.3.6.2 The Department of Community Development Services shall liaise with residents, community groups and other government departments promoting the Recreation Services in the Municipality.

4.3.6.3 Council intends that the Municipality's Department of Community Development Services be responsible for co-ordinating the site selection process, the development of parks and the delivery of leisure services under the guidance of the following studies:

- a. the Parks and Recreation Open Space Study, dated 1984
- b. the Water-based Recreation Study, dated 1986
- c. the Recreation Strategy, dated 1990

The department shall provide advice on these matters to Council through the Committee of the Whole.

4.3.6.4 Council shall require, through the Subdivision Bylaw a subdivider to convey to the Municipality for park, playground, or other public purposes up to five percent of the area being subdivided in the final plan. Alternatively Council may accept in lieu of the land requirements a sum of money equal to five percent (5%) of the assessed value of the proposed lots, or combination of land and money.

Council may waive or reduce the requirements of this policy where:

- a. only one new lot is created by the same owner in the same calendar year; or
- b. buildings legally exist on the created lots; or
- c. the lots created are to change the size and shape of existing lots and the new lots would be of insufficient size to permit further development for residential purposes



4.3.6.5 Council recognizes community and neighbourhood parks as being an integral part of the developed areas of the Municipality and shall permit their development in residential zones.

4.3.6.6 Council has established a hierarchy of parks as follows:

Urban Community

- a. generally intended to serve a Growth Centre and the surrounding rural area, include parking facilities and be located on a designated Major Collector street. Types of uses may include the full range of recreation facilities for both active and passive leisure uses. These parks are generally intended to be at least five acres

Urban Neighbourhood

- b. generally intended to serve a neighbourhood population of approximately 250 - 500 in Growth Centres, between .5 -2 acres in size, be accessible for pedestrians from the surrounding community and be located on local or collector streets. Types of uses may include tot lots, playgrounds and/or landscaping with benches

Rural Community

- c. generally intended to serve the rural community and may be located in Hamlets or crossroad communities that are not accessible to urban facilities. These facilities will generally be similar to urban community parks, but of a smaller scale generally 2 - 5 acres

Rural Neighbourhood

- d. generally intended for the Country Residential areas, serve at least 100 dwellings, between .5 - 2 acres and provide for a range of activities similar to the urban neighbourhood parks

County Parks

- e. generally intended to serve all County residents and tourists; to provide large wooded areas which may provide for a full range of recreational/leisure uses and may be developed in association with water-based

recreation opportunities, camping areas, heritage sites, or tourist destination points. May also include small areas in proximity to heritage sites or tourist destination points

- 4.3.6.7 Council intends that each Growth Centre have a minimum of one Urban Community park to serve the Growth Centre and the surrounding rural area. The function of this park shall be to provide facilities for physically active pursuits as well as open areas for passive recreational activities.
- 4.3.6.8 Council intends that Urban Neighbourhood parks should be provided in residential neighbourhoods within the Growth Centres.
- 4.3.6.9 Council intends that Hamlets should play an important role in meeting the open space needs of rural residents where these needs cannot be met by urban parks.
- 4.3.6.10 Where rural needs cannot be met in a Hamlet or Growth Centre, Rural Community parks may be located in the rural districts at crossroad communities.
- 4.3.6.11 Rural Neighbourhood parks may be provided within Country Residential Districts when the growth potential for the area indicates an open space facility is required.
- 4.3.6.12 Sites for water based recreation opportunities may be acquired within the Municipality to provide residents and tourists with the opportunity to pursue water related leisure activities. Such sites may be acquired at locations which will provide for the needs of the County residents generally, but will have minimum conflict with cottage development.
- 4.3.6.13 Potential salt water beach areas, canoe routes and hiking trails may be investigated and documented, possibly in co-operation with other government agencies, for consideration of future recreation pursuits of residents and visitors to Kings County.
- 4.3.6.14 Environmental open space areas, tourist and/or heritage sites and wildlife areas may become part of the open space system for recreation subject to the policies of Natural Environment and Heritage Preservation and Tourism Development Sections of this Strategy.

4.3.6.15 Council shall provide for the development of parks and open space pursuant to the policies in the Urban and Rural parts of this Strategy. A Parks and Open Space designation will be established for the Growth Centres. However, Parks and Open Space areas in the Rural District will not be specifically designated on the Future Land Use Map.

PART 4	AMENDED DATE	SECTION
	July 17, 1997	4.3.3 / 4.3.4
	July 5, 2005	4.3 – Preamble / 4.3.4 / 4.3.5.1 / 4.3.6.2 / 4.3.6.3



#### **4.4 HERITAGE AND CULTURAL PRESERVATION AND TOURISM DEVELOPMENT**

It is fortunate that physical evidence of the many centuries of human heritage can still be found in Kings County. This evidence is reflected in the rural landscape, particularly the reclaimed tidal marshes (the dykelands) which illustrate the beginning of farming activity in Nova Scotia. In addition, many sites and buildings are significant to the history of the peoples of Kings County from the Micmacs, through the times of the Acadians, followed by the New England Planters, and the United Empire Loyalists settlement and development to the present day.

Clearly the presence of heritage sites and buildings and the scenic qualities of the countryside are an asset to the community for its own pleasure and identity as well as a strong attraction to visitors. The aesthetic qualities of the resource areas and the significance of some sites to Nova Scotians, indeed Canadians, suggests that Tourism Development and Historic Preservation must go hand in hand to ensure that the development of the tourism industry is sensitive to the fragile resource upon which it is largely based.

Kings County's natural Heritage provides additional points of interest to tourists and enhances the scenic quality of the County. Such areas include Blomidon Provincial Park, natural areas such as Cape Split and the Kentville Ravine, the Look Off, Cape Blomidon, the fundy coastline, the Minas Basin and the Gaspereau Valley. The significance of these features to both residents and visitors should be recognized in the Strategy and consideration should be given to the preservation of these areas and scenic routes through the County.

Long traditions such as the Apple Blossom festival and new traditions such as the Kings County Airport Fly-in are attracting larger audiences annually. Support for these activities, and the many other community events spread throughout the season will continue.

Council recognizes that adaptive reuse of heritage resources is vital to their continued preservation Policies for the development of unique historic places possessing heritage value involving the provision for uses not normally permitted in a zone and allowing alternate subdivision and lot standards are contained in Section 5.2.

##### **4.4.1 Heritage and Cultural Preservation and Tourism Development Objectives**

- 4.4.1.1 To protect and enhance the County's natural, built, and cultural heritage.
- 4.4.1.2 To recognize and plan for the protection and enhancement of unique heritage districts, scenic routes and points of interest.

- 4.4.1.3 To support the protection, preservation and restoration of significant historic buildings and sites.
- 4.4.1.4 To provide opportunities for expanded tourism development and encourage tourist-related commercial uses.

#### **4.4.2 Heritage and Cultural Preservation and Tourism Development General Policies**

- 4.4.2.1 Council intends to encourage a greater liaison with the Nova Scotia Department of Tourism, Culture and Heritage to establish objectives for tourist development.
- 4.4.2.2 Council intends to cooperate with other levels of government and local groups in establishing additional heritage sites, scenic or historic travelways.
- 4.4.2.3 Council intends to support the development of off-season activities and events to encourage greater use of tourist facilities.
- 4.4.2.4 Council shall encourage development projects to revitalize or recreate traditional and cultural activities such as crafts and early farming methods of particular interest to tourists. In the interest of promoting such projects within the farm community, Farm Museums are a permitted use in the Agricultural Districts as per Section 3.2.
- 4.4.2.5 Council intends to promote tourist attractions, events and activities to benefit the tourist industry in Kings County.
- 4.4.2.6 Council intends to provide for the establishment of Tourist Destination Points and consider tourism related land uses in such areas.

#### **4.4.3 Reuse of Heritage Buildings**

In 1986, the Municipal Planning Strategy recognized that certain buildings within the Municipality are of historical significance and their preservation is in the public interest. While every possible means shall be explored to allow a building to be used for a use normally permitted within the district in which the property is located, it is recognized that alternative development may be considered to provide an opportunity to preserve an historic building. Such alternative developments may include medium density residential uses, private or public museums and other public uses,

institutional uses and tourist commercial uses which enhance the cultural or historic heritage of the County.

#### **4.4.4 Heritage Buildings - Reuse Policies**

4.4.4.1 Council may consider proposals for the development of buildings of historical significance in a manner which would not normally be permitted within the district in which the property is located subject to the proponent entering a Development Agreement with Council under the relevant policies of this Strategy and the provisions of the *Municipal Government Act*. Eligible uses include medium density residential, institutional and tourist commercial.

In considering entering a Development Agreement, Council shall have regard to the following:

- a. the building proposed to be developed is recognized as being of historical significance and as such is registered as a Municipal Heritage Property or a Provincial Heritage Property or a heritage building located within a Heritage Conservation District. Proposals for Development Agreements will generally be referred to the appropriate Heritage Advisory Committee for their input
- b. where the proposal is for a tourist commercial use the activity should be appropriate to the historical significance of the building in terms of compatibility with the features of the building which make it historically significant
- c. the architectural design in terms of building materials, exterior treatment, roof lines, bulk and scale and the landscaping features of the proposal shall be compatible with the historical significance of the building
- d. the privacy of adjacent residential uses can be protected where required through the provision of natural or artificial buffering
- e. the proposal does not adversely impact upon adjacent uses by reason of such matters as traffic generation, parking, outdoor display and storage, noise, and hours of operation

- f. the proposal must be provided with adequate on-site or central servicing to prevent adverse impact on public health and the environment
- g. the proposal is in keeping with all applicable policies of this Strategy including those respecting Development Agreements contained in Part 6 of this Strategy

4.4.4.2 The application for an agreement referred to in Policy 4.4.4.1 shall be accompanied by a site plan showing the proposed site characteristics including landscaping, buffering and location of buildings, and that the development of the property will be in accordance with the site plan. The conditions of the development agreement may regulate matters listed in Policy 6.3.3.1 and any of the following:

- a. architectural compatibility with the historical significance of the building in terms of design, scale and building materials and the external appearance of structures
- b. the public display of advertisements including the nature, kind, size and description of any advertisement displayed
- c. fences and walks
- d. the period of time for which temporary development may be permitted.

4.4.4.3 In considering proposals under this Subsection 4.4.4, Council may make provision in the Development Agreement for the construction of a new accessory residential structure under the following conditions:

- a. additional accommodation is necessary for, and the new structure is proposed to be used as a residence which would be accessory to commercial uses that are conducted within a Heritage Property
- b. the new residence will be compatible with and not detract from the character of the Heritage Property in terms of external design and the scale of the new building
- c. Council shall consider and be satisfied that to permit the additional residence would not conflict with any other applicable policy of this Strategy, particularly those related to the protection of agricultural resources and



activities. In this regard particular consideration will be given to the following:

- i. compatibility - the additional residence will have little or no negative impact on adjacent land uses that would create a conflict
  - ii. the site can accommodate an adequate on-site sewage disposal system to accommodate the existing and the proposed additional use
  - iii. protection of agricultural resources in the Agricultural District - any approved site will have limited agricultural potential due to the site characteristics such as the following:
    - the lot size is insufficient or unsuitable for agricultural uses due to lot size or existing uses on the site
    - topographical or other features of the subject site and adjacent land such as steep slopes, watercourses, road patterns or the existence of drainage ditches which create isolated parcels that makes the site unsuitable for productive agricultural purposes
  - iv. the addition of a new structure will not further impact or conflict with the protection of agricultural land to any greater extent than that caused by the development and reuse of the Heritage Property as provided by Section 4.4.4
- d. the Development Agreement may specify a minimum lot size if recommended by the Nova Scotia Department of Health to accommodate (an) on-site system(s)

#### **4.4.5 Historic Properties, Sites and Settings**

Some buildings and sites have been designated and registered as heritage properties or sites by the Canadian or the Nova Scotia governments. Prescott House and Grand Pre Historic Park are designated and open to the public. The opportunity also exists for the County to become involved in the registration and preservation of heritage properties and/or streetscapes under the Provincial *Heritage Property Act*.

Interest in municipal involvement in the preservation of heritage resources has been expressed during the review of the Strategy especially from Canning and Grand Pre. As well, the provincial government has consulted with organizations in Grand Pre regarding change to the legislation to enable the designation of Heritage Conservation Districts. Legislation to provide for the designation of Heritage Conservation Districts was adopted by the Province in 1991.

The Municipality may use the provisions of the *Heritage Property Act* and the *Municipal Government Act* to protect and enhance the County's natural, historical and cultural heritage. To provide for municipal registration of heritage properties Council, by bylaw, establishes the program and a Heritage Advisory Committee (H.A.C.) under the *Heritage Property Act*. To provide for the protection of heritage areas a Heritage Conservation District overlay Designation has been created. In 1992, Grand Pré was identified as an area to be studied for future heritage conservation and given a Heritage Conservation District overlay designation. The study was concluded in 1997 and the overlay designation was subsequently replaced in Grand Pré with a new Hamlet Historic Residential District and corresponding zone in 1999.

#### **4.4.6 Historic Properties, Sites and Settings – Policies**

- 4.4.6.1 Council shall encourage proposals for historical restoration projects and the preservation of sites of historical significance.
- 4.4.6.2 Council shall establish a heritage program and process pursuant to the provisions of the *Heritage Property Act*. The purpose of this program is to identify and designate buildings, streetscapes, and areas of historic architectural or cultural value to provide for their preservation, protection and rehabilitation and encourage their continued recognition and use.
- 4.4.6.3 Council shall, by bylaw pursuant to the *Heritage Property Act*, establish a Heritage Advisory Committee (H.A.C.) and a municipal registry of heritage properties. The Heritage Advisory Committee shall consist of at least two elected members of Council and shall advise and provide recommendations to Council respecting:
- a. the addition or deletion of buildings, streetscapes and areas in the municipal registry of heritage properties
  - b. any application for permission to substantially alter or demolish listed heritage property

- c. the preparation, amendment, revision or repeal of a conservation plan and conservation bylaw
- d. the administration of heritage conservation districts pursuant to the provisions of the *Heritage Property Act*
- e. any application for a certificate that is required by the *Heritage Property Act* or the conservation plan and conservation bylaw to go to a public hearing
- f. any other actions of the Municipality which may affect listed heritage properties such as land use changes for Council's consideration in the vicinity of a listed heritage property

4.4.6.4 Council shall establish a Heritage Conservation District Overlay designation for application to areas of historical significance. Such designation shall be indicated by the symbol "(hcd)" on the Future Land Use Maps.

In 1992, this temporary overlay designation was given to Grand Pré to identify it as a community that warranted further study regarding its heritage. The same year, a study was initiated that provided the basis for the Plan and Bylaw (with Design Guidelines) for the Grand Pré Heritage Conservation District. In 1999, Council adopted the Plan and Bylaw, and the temporary symbol (hcd) was removed and replaced by a new Hamlet Historic Residential District, corresponding with a newly created Hamlet Historic Residential (R9) Zone.

Council may in future apply this Heritage Conservation District Overlay designation to any other areas within the County that warrant further study with regard to their heritage or historical significance.

#### **4.4.7 Heritage Trails, Scenic Travelways and Tourist Destination Areas**

In 1979, the Strategy noted that the then Department of Tourism promoted the establishment of Tourist Destination Areas (T.D.A.). This concept is no longer being promoted by the Province. The Nova Scotia Department of Tourism, Culture and Heritage now promotes scenic travelways such as the Evangeline and Glooscap Trails which pass through the County. The Municipality can support this initiative by paying special attention to the upkeep of properties along these travelways through the enforcement of its bylaws and by restricting certain uses; also, by encouraging uses such as bed and breakfasts, country inns, tea rooms and craft stores along these

routes at specific points where development already exists. Tourism uses may also be considered at scenic, heritage or other interesting destination areas in the County such as at the Look-Off. However, to ensure there is no negative impact on resource activities or the scenic quality of the landscape, special attention should be given to such development.

#### **4.4.8 Heritage Trails, Scenic Travelways, Tourist Destination Areas and Tourist Commercial Facilities (Lodging and Food Services)**

4.4.8.1 Council recognizes the Province's designation and promotion of the Glooscap and Evangeline Trails and intends to support the provincial initiative by encouraging tourist related businesses in communities on the Glooscap and Evangeline Trail routes.

4.4.8.2 Council shall have regard to the aesthetic qualities of land use activities along the rural sections of these trails which are promoted by the Nova Scotia Department of Tourism, Culture and Heritage. In this regard, when considering changes in policy or zoning, certain development standards may be applied which provide for screening uses from view from the highway.

4.4.8.3 Council intends to establish "Tourist Destination Areas" at places in the County which offer unique panoramic or other unique features or close to a significant heritage site, structure or setting.

4.4.8.4 Council will permit "as of right", small scale proposals for developments for tourist commercial facilities for lodging, food services, and ancillary uses, in the Forestry, Country Residential, Hamlet Historic Residential, and Shoreland Districts, subject to the provisions of this Section and Section 10.1.5 of the Land Use Bylaw, except in Shoreland Districts on the South Mountain, where proposals for Tourist Commercial facilities for lodging, food services and ancillary uses may be considered by Development Agreement only according to the policies under subsection 3.5.7 of this Strategy.

In providing for small scale tourist commercial facilities for lodging and food services as of right, it is Council's intent to ensure that this type of development be well separated and well buffered from surrounding residential properties in order to minimize the potential nuisance created by a commercial

use. Driveway access to these facilities shall also be regulated.

"Small scale proposals" for tourist commercial facilities for lodging shall mean the following:

- a. no more than five (5) tourist cabins, with total floor space of all cabins being less than 5000 square feet; or
- b. an inn, lodge, or resort (as defined in the Land Use Bylaw), with no more than 10 guest rooms, with total floor space of the building less than 5000 square feet; or
- c. a combination inn, lodge, or resort with tourist cabins, with floor space of all buildings less than 5000 square feet, and total number of guest rooms in all buildings no more than 10

Small scale proposals shall not include:

- a. a tourist commercial food service facility which caters to the general public, that is, members of the public which are not overnight guests

4.4.8.5 Proposals for larger scale tourist commercial facilities for lodging, food services, and ancillary uses or proposals for small scale tourist commercial facilities for lodging, food services, and ancillary uses which do not fulfill the requirements of the Land Use Bylaw Section 10.1.5 II (Provisions for Tourist Commercial Uses Permitted as of Right) in the Forestry, Country Residential, Hamlet Historic Residential and Shoreland Districts and all such proposals in the Shoreland Districts in the South Mountain, including facilities for food service which cater to the general public, (i.e., a full service restaurant) shall be considered by Development Agreement, in accordance with the provisions below:

- a. the facilities must be constructed in a manner which are architecturally compatible with other buildings in the surrounding area, and feature a pitched roof, natural, wood, stone, or brick cladding materials
- b. the site facilities must be adequately buffered and well separated from surrounding residential dwellings, (other than a residential dwelling occupied by the operator), with

a significant vegetative buffer, or other significant visual buffer, to mitigate noise, light, and other visual impacts

- c. proposed site alteration, grading and landscaping must be sympathetic to the natural landscape and any significant natural features on the site, including significant woodland areas, watercourses and wetland areas, and steep slopes
- d. the site must be capable of accommodating on-site sewage disposal systems and must also not pose any threat to the ground water supply, in terms of water quality or water quantity, for surrounding properties

4.4.8.6 The Tourist Destination Areas shall be established by Amendment to this Strategy and shown on the Future Land Use Maps by an appropriate symbol. In considering designating Tourist Destination Areas Council shall have regard to the Goals, Objectives and Policies of this Strategy.

4.4.8.6.1 The following area is designated as a Tourist Destination Area:

- a. the Oaklawn Farm Zoo and surrounding area. This Tourist Destination Area shall include all properties fronting onto Ward Road, between the boundary of the hamlet of Millville to the east, and Palmer Road to the west. The general location is noted by a shaded circle containing the letters TDA1 on Map 15, the Future Land Use Map
- b. Halls Harbour. This Tourist Destination Area shall include all properties within the Hamlet of Halls Harbour. The general location is shown by the letters (TDA2) on Map 23 within this Strategy

4.4.8.7 Council may consider proposals for tourist related commercial uses in areas designated as Tourist Destination Areas subject to the owner entering a Development Agreement with Council under the provisions of the *Municipal Government Act*.

In considering a Development Agreement, Council shall have regard to the following:

- a. the range of uses is limited to those oriented to Tourists and may include, but not be limited to, food, lodging, arts, museums and crafts
- b. uses must be housed in structures which are architecturally compatible with the surrounding landscape and specifically involve pitched or similar roof design, natural, wood, stone or brick exterior cladding materials
- c. the proposal must be relatively limited in scale so as not to substantially alter the landscape or result in strip commercial development
- d. proposed landscaping must be sensitive to the site characteristics and surrounding area
- e. the site must be suitable for the proposed use in terms of steepness of grades, soil and geological conditions; or location relative to watercourses, marshes, swamps and bogs
- f. the site must be capable of accommodating on site sewage disposal system and water supply where central services are not available
- g. the proposal must meet all other pertinent policies of this Strategy, including those applicable to Development Agreements in Part 6

4.4.8.8 For the Halls Harbour Tourist Destination Area (TDA2), Council shall also have regard to the following in considering a development agreement:

- a. lot coverage shall not exceed 50%.
- b. parking is not permitted in front yards.
- c. off-street parking requirements may be met off-site where:
  - a parking lot available to the general public which has sufficient capacity to accommodate parking from the proposed development is within 500 feet of the subject property, or

- the developer can demonstrate that sufficient off-street parking has been secured for use by the development which is within 500 feet of the subject property
- d. signs shall be made of metal or wood. No internally illuminated signage is permitted.

#### **4.4.9 Tourism Promotion and Directional Signs**

Signs are strictly controlled for the purposes of safety to motorists and to ensure the scenic rural character is maintained. Businesses which depend on the tourism industry, however, have expressed concern about the inability to obtain off-site signs and have requested Council to reconsider the restrictive nature of the sign policy. In response to these requests, but with the view of maintaining the goal of the Municipality which is to ensure the rural character is preserved, the Municipality requested the Nova Scotia Department of Transportation and Infrastructure Renewal and the Department of Tourism, Culture and Heritage to work with the Municipality to establish a pilot standardized directional signage program to permit businesses to obtain signs to direct the travelling public to their businesses.

A lack of response from the provincial departments led to the Municipality amending the Land Use Bylaw to allow businesses in the rural areas to post off-site standardized directional signs.

#### **4.4.10 Tourism Promotion and Directional Signs Policy**

4.4.10.1 Council shall establish a standardized directional sign program for businesses in Kings County and will continue to encourage the Nova Scotia Department of Transportation and Infrastructure Renewal and the Department of Tourism, Culture and Heritage to provide assistance.

#### **4.4.11 Tourism and the Municipal Airport**

Over time the Kings County Municipal Airport is likely to increase in importance as an entry point for visitors. The opportunity this would present in areas close to the Municipal Airport in Waterville should not be lost. It may be possible to create a gateway for visitors and encourage a mix of commercial uses that includes services to visitors. As a minimum, care should be taken to ensure that development occurs in a way that is sensitive to its location. The area in proximity to the Airport provides a first impression to visitors arriving by air.



**4.4.12 Tourism and the Municipal Airport Policy**

- 4.4.12.1 Council shall encourage uses compatible with airport activities in the vicinity of the airport. Further, businesses serving the airport, including tourism related uses will be encouraged.

**4.4.13 Resort Comprehensive Development District (RCDD)**

The Old Orchard Inn is ideally located relative to the region's highways, tourist attractions, towns and villages. It is also the principal conference and tourist accommodation facility in Kings County. The Inn's large conference facilities attract an increased number of visitors and tourists to the region and likely encourages them to extend the duration of their visit. For these reasons, it plays a central role in the region's tourism industry.

The Old Orchard Inn has operated since 1972. Subsequent Plan amendments such as the adoption of new soils maps have prevented its expansion because it is located on class 2/3 and active class 4 soils. Notwithstanding this fact and sections 3.3 of this Strategy, it is Council's intent to designate land owned or leased by the Old Orchard Inn as a Resort Comprehensive Development District. Council will consider permitting resort development to occur by Development Agreement.

**4.4.14 Resort Comprehensive Development District Policies**

- 4.4.14.1 Council shall establish a Resort Comprehensive Development District (C12) Zone in the Land Use Bylaw. The primary use of this land shall be for recreational, conference and tourism accommodation uses.
- 4.4.14.2 The Resort Comprehensive Development District Zone shall apply to lands at the southwest corners of the Greenwich interchange of Highway # 101.
- 4.4.14.3 Council may consider proposals for tourist related commercial uses in the C12 Zone by a Development Agreement under the relevant provisions of the *Municipal Government Act*.

In considering entering a Development Agreement, Council shall have regard to the following:

- a. the area is suitable for the proposed use in terms of steepness of grade, soil and geological conditions; or

location relative to watercourses, marshes, swamps or bogs

- b. the adequacy of storm drainage and the effect of any proposed drainage plan upon adjacent uses and watercourses
- c. the adequacy of existing and proposed road networks within, leading to and adjacent to the site
- d. the adequacy of buffering and setbacks between resort development and any abutting resource activities or residential uses
- e. considerations for amending the Land Use Bylaw contained in Part 6 of this Strategy

4.4.14.4 The Development Agreement referred to in 4.4.14.3 may include the following:

- a. site plans showing the proposed site characteristics including circulation parking, access/egress points, services, buildings, landscaping, buffering and lot lines
- b. construction practices which are required to minimize negative environmental impacts due to the altering of land levels; or the excavation or filling in of land
- c. proposed timing of each phase of the development
- d. any other matter deemed advisable by Council and permitted by the *Municipal Government Act* and the criteria for Development Agreements contained in Part 6 of this Strategy

PART 4	AMENDED DATE	SECTION
	November 10, 1992	4.4.4.3
	September 6, 1995	4.4.8 / 4.4.8.3 / 4.4.8.4 / 4.4.8.5 / 4.4.8.6 / 4.4.8.7
	July 17, 1997	4.4.8.4
	March 26, 1999	4.4.4.1 a / 4.4.4.3 a / 4.4.5 / 4.4.6.4 / 4.4.8.4 / 4.4.8.5
	November 3, 1999	4.4.2.4
	May 30, 2000	4.4.8.6.1 b / 4.4.8.7 f / 4.4.8.8
	September 4, 2001	4.4.8.4 / 4.4.8.5
	July 5, 2005	4.4.2.1 / 4.4.2.4 / 4.4.4.1 / 4.4.4.3 d / 4.4.5 / 4.4.7 / 4.4.8 / 4.4.8.1 / 4.4.8.2 / 4.4.8.3 / 4.4.8.4 / 4.4.8.4 b / 4.4.8.5 / 4.4.8.5 a, b, c, d / 4.4.8.6 / 4.4.8.7 / 4.4.8.8 / 4.4.9 / 4.4.10 / 4.4.10.1 / 4.4.11 / 4.4.12 / 4.4.12.1 / 4.4.13 / 4.4.14 / 4.4.14.1 / 4.4.14.2 / 4.4.14.3 / 4.4.14.4 / 4.4.14.4 d
	August 31, 2006	4.4.8.4 b
	January 25, 2007	4.4.8.4 b
	October 25, 2007	4.4
	May 21, 2009	4.4.9 / 4.4.10.1



## **4.5 THE FISHING INDUSTRY**

Unlike the remainder of the province, fishing plays a very small role in the economy of Kings County, accounting for only 0.2% of provincial catches resulting in only 0.2% of the total value. (Nova Scotia Department of Industry, Trade and Technology, Annapolis Valley Region Statistical Profile, 1988)

Surface fish such as herring, mackerel, and salmon and estuarial species such as smelts and alewives comprise the bulk of landings with lobster being the main ground fish caught.

### **4.5.1 The Fishing Industry Policy**

- 4.5.1.1 Council shall encourage and support necessary improvements to maintain or increase the value of the fishing industry in the County.



## 4.6 RESOURCE EXTRACTION

Significant reserves of sand, gravel and other aggregate minerals underlie Kings County. The Municipality has no direct authority under the *Municipal Government Act* over extraction of these minerals, and can only control related land uses and future land uses after the extraction operation has ceased. Depending on the physical condition of abandoned pits and quarries, and the results of any reclamation efforts, sites may be suited to a wide, or narrow, range of post-extraction uses. Sites may lend themselves to subsequent industrial, residential, recreational or commercial uses.

Extraction operations can occur in areas designated for any land use. Related land uses are essentially industrial in nature but it is not always desirable to zone extraction sites Industrial because future industrial uses, not in keeping with the policies of the Municipal Planning Strategy, may occur. Therefore, creating a land use zone to limit post extraction uses to a very narrow range offers Council the greatest degree of control over future land uses to ensure future uses are in keeping with Council's Municipal Planning Strategy objectives.

### 4.6.1 Resource Extraction Policies

- 4.6.1.1 Where existing aggregate resource extraction operations occur in any District, Council may wish to reserve a decision on the most suitable use of the land in the future. In order to recognize and limit the extraction operation to those related to the removal of sand, gravel and rock, Council shall establish the Resource Extraction (M7) Zone, in the Land Use Bylaw. Permitted uses shall include those strictly incidental to the extraction of aggregates.
- 4.6.1.2 Requirements of the M7 Zone are intended to ensure buffering of accessory uses from adjacent uses.
- 4.6.1.3 In circumstances where optimum future land use suitability of an extraction site is undetermined, Council shall zone existing operations Resource Extraction (M7).
- 4.6.1.4 When considering proposals for rezoning lands to allow for uses incidental to extraction operations such as concrete batching, asphalt manufacturing and outdoor storage, Council shall require the following criteria to be satisfied:
  - a. the site to contain the incidental uses is at least 1000 feet from the nearest residential lot or any designated Residential District
  - b. the site meets all requirements of the Land Use Bylaw for the Resource Extraction (M7) Zone

- c. the proposed rezoning satisfies all relevant policies of this Strategy including the policies in Section 6.2 respecting Amendments to the Land Use Bylaw

#### 4.6.2 Special Case – Bond Road Sand Pit Operation

On December 20, 2004 the Minister of Environment and Labour approved a sand pit operation proposed by Twin Mountain Construction Ltd. for a site located on the Bond Road in Waterville, PID Nos 55168868 and 55370829. Provincial approval was issued following the completion of a comprehensive environmental assessment of the site. In addition to operating an extractive pit operation, Twin Mountain Construction Ltd. also wishes to operate a soil mixing operation that will involve the importation, storage and mixing of other soil and aggregate as well as organic materials for the purpose of producing a commercial topsoil product. Council believes that the soil mixing operation, which falls within municipal jurisdiction, would be compatible with the pit operation and would not significantly increase the overall impact on the surrounding area.

- 4.6.2.1 It shall be the policy of Council to consider a topsoil and aggregate mixing operation in conjunction with a provincially approved sand pit operation on lands located on the Bond Road in Waterville. The specific limits of the site correspond with the following metes and bounds description:

"HOME FARM"

ALL that lot of land situated at Waterville, in the County of Kings and Province of Nova Scotia, more particularly bounded and described as follows:

COMMENCING at Nova Scotia Control Monument Number 7661;

THENCE South 84° 22' 57" East a distance of 411.68 feet to a survey marker set on the east sideline of the Bond Road;

THENCE South 17° 27' 48" East along the east sideline of the Bond Road a distance of 318.23 feet to a survey marker set at the southwest corner of Lot 1-97, being lands conveyed to Norma Tweedie and Alex Milne by Deed recorded in the Registry of Deeds for the County of Kings in Book 1110 at Page 821, and shown on a survey plan on



file in the Registry of Deeds for the County of Kings as Plan No. P-10709, and being the point of BEGINNING;

THENCE North 72° 51' 25" East along the south sideline of Lot 1-97 a distance of 244.15 feet to a survey marker;

THENCE North 17° 27' 48" West along the east sideline of Lot 1-97 a distance of 318.23 feet to a survey marker;

THENCE North 72° 51' 25" East along the south sideline of Lot 2-97 reserved by Norma Milne and Murray Tweedie a distance of 230.53 feet to a survey marker set in the west sideline of Lot N-T;

THENCE South 15° 28' 15" East along the west sideline of Lot N-T, being lands conveyed by Murray Tweedie and Norma Tweedie to Pleasant Valley Enterprises Limited a distance of 533.71 feet to a survey marker;

THENCE North 76° 11' 33" East along the south sideline of Lot N-T a distance of 330.79 feet to a survey marker;

THENCE in a southerly direction along the west sideline of lands now or formerly of A.D. Rafuse and Sons a distance of 600.00 feet more or less to their southwest corner;

THENCE in an easterly direction along the south sideline of lands now or formerly of A.D. Rafuse & Sons a distance of 800 feet more or less to the west sideline of lands now or formerly of Reginald Swinamer;

THENCE in a southerly direction along the west sideline of lands now or formerly of Reginald Swinamer a distance of 400 feet more or less to Swinamer`s southwest corner;

THENCE in a westerly direction along the north sideline of the Watts Farm a distance of 1060 feet more or less to the northeast corner of lands conveyed by the Nova Scotia Farm Loan Board and Murray and Norma Tweedy to A B S Poultry Limited by deed recorded in the Registry of Deeds in Book 482 at Page 192;

THENCE westerly along the north sideline of lands now or formerly of A B S Poultry Limited a distance of 345 feet more or less to the south east corner of lands now or formerly of Chester Walsh;

THENCE in a northerly direction along the east sideline of lands now or formerly of Chester Walsh a distance of 21 ½

rods more or less to the northeast corner of lands now or formerly of Chester Walsh;

THENCE in a westerly direction along the north sideline of lands now or formerly of Chester Walsh a distance of 12 rods to the east sideline of the Bond Road;

THENCE in a northerly direction along the east sideline of the Bond Road a distance of 1,200 ± feet to the point of BEGINNING. CONTAINING 25 acres more or less.

BEING AND INTENDED TO BE the residue of Lot 1, being the Kenneth Taylor "Home Farm" conveyed by the Nova Scotia Farm Loan Board to Murray H. Tweedie and Norma Tweedie, now Norma Milne, by Deed dated August 26, 1991 and recorded in the Registry of Deeds for the County of Kings in Book 873 at Page 93.

SUBJECT HOWEVER to an easement to Nova Scotia Power Inc. for an electrical transmission line. See Plan P-10,709.

"WATTS FARM"

ALL that lot of land situated at Waterville in the County of Kings and Province of Nova Scotia, more particularly bounded and described as follows:

BEGINNING at a survey marker set 541.6 feet more or less east of the east sideline of the Bond Road at the northeast corner of lands conveyed by the Nova Scotia Farm Loan Board and Murray and Norma Tweedy to A B S Poultry Limited by deed recorded in the Registry of Deeds in book 482 at Page 192;

THENCE in an easterly direction along the south sideline of the property known as the "Kenneth Taylor Home Farm" a distance of 1060 feet more or less to the southwest corner of lands now or formerly of Reginald Swinamer;

THENCE in an easterly direction along the south sideline of lands now or formerly of Reginald Swinamer a distance of 400 feet more or less to a survey marker set in the northwest corner of Lot 3-97, being an 8.26 acre lot reserved by Murray Tweedie and Norma Milne as shown on a survey plan on file in the Registry of Deeds as Plan No. P-IO,772;

THENCE South  $14^{\circ} 11' 05''$  East along the west sideline of Lot 3-97 a distance of 1025.75 feet to a survey marker set in the north sideline of lands conveyed by Murray Tweedie and Norma Tweedie to Prospect Industrial Equipment Sales and Rentals Limited being Lot 1-M.T., as shown on a survey plan on file in the Registry of Deeds as Plan No. P-10,037;

THENCE South  $41^{\circ} 51' 35''$  West a distance of 578 feet more less to a survey marker set in the northwest corner of Lot 1-M.T.;

THENCE South  $14^{\circ} 07' 05''$  East along the west sideline of Lot 1-M.T. a distance of 1,000 feet more or less to lands now or formerly of Darrell Geddes;

THENCE in a westerly direction along the north sideline of lands now or formerly of Darrell Geddes a distance of 900 feet more or less to the southwest corner of Lot N.T.-1, being lands conveyed by Murray and Norma Tweedie to Kellie Corkum;

THENCE North  $11^{\circ} 04' 40''$  West along the east sideline of Lot N.T.-1 a distance of 506.90 feet to a survey marker;

THENCE North  $80^{\circ} 49' 27''$  West along Lot N.T.-1 a distance of 308.95 feet to a survey marker;

THENCE North  $05^{\circ} 13' 25''$  West along the east sideline of Lot M.T.-1 a distance of 165.83 feet to a survey marker set in the southeast corner of lands conveyed by Murray Tweedie and Norma Tweedie to Eugene Blackburn, as shown on a survey plan on file in the Registry of Deeds for the County of Kings as Plan No. P-2313;

THENCE North  $11^{\circ} 24'$  East (magnetic) along the east sideline of lands conveyed to Eugene Blackburn a distance of 285.2 to a survey marker set in the northwest corner of said lands;

THENCE North  $82^{\circ} 09'$  West (magnetic) along the north sideline of lands conveyed to Eugene Blackburn a distance of 355.0 feet more or less to the east sideline of the Bond Road;

THENCE in a northerly direction along the east sideline of the Bond Road a distance of 850 feet more or less to the southwest corner of lands now or formerly of A B S Poultry Limited;

THENCE easterly at right angles to the road in the course of South 71° 45' East 551.6 feet to a survey marker set in the southeast corner of lands now or formerly of A B S Poultry Limited;

THENCE North 17° 18' East 500.0 feet along the east sideline of lands now or formerly of A B S Poultry Limited to the point of BEGINNING.

CONTAINING 90 acres more or less.

BEING AND INTENDED TO BE the residue of lot 2, being the "Watts Farm" conveyed by the Nova Scotia Farm Loan Board to Murray H. Tweedy and Norma Tweedy, now Norma Milne, by deed dated August 26, 1991 and recorded in the Registry of Deeds in Book 873 at Page 93.

To allow the use of the property for a topsoil and aggregate mixing operation, Council will require that the property owner enter into a development agreement with the Municipality. Furthermore, this policy is not intended to apply to any other site other than those lands identified pursuant to this policy.

4.6.2.2 In considering a development agreement pursuant to Policy 4.6.2.1, Council shall have regard to the following conditions:

- a. that the topsoil and aggregate mixing operation shall only be permitted in conjunction with the provincially approved pit operation;
- b. that all activities related to topsoil and aggregate mixing shall comply with the Terms and Conditions for Environmental Assessment Approved, dated December 20, 2004, including but not limited to hours of operation, noise and dust control measures and operational setback and buffer zones; and
- c. that topsoil and aggregate mixing activities will be subject to review by the Community Liaison Committee.

<b>PART 4</b>	<b>AMENDED DATE</b>	<b>SECTION</b>
	July 5, 2005	4.6 – Preamble
	June 8, 2006	4.6.2



**4.7 TOPSOIL REMOVAL**

The removal of topsoil for commercial sale from Kings County lands has been a long-standing concern facing Municipal Council. This practice is viewed as being extremely detrimental in the Agricultural District, where topsoil removal can severely limit future cultivation. In other zones, complete topsoil removal can create a multitude of problems, including erosion and sedimentation of watercourses. As such, Municipal Council has enacted policies and regulations that prohibit the removal of topsoil for commercial purposes in the Agricultural (A1) Zone and limits its removal in other Zones in the County.

**4.7.1 Topsoil Removal Policies**

4.7.1.1 It shall be the policy of Council to prohibit the removal of topsoil for commercial sale in the Agricultural (A1) Zone, other than removal that is incidental to sod farming, the sale of plants by nurseries and greenhouses, peat moss extraction and excavation associated with the construction of buildings and infrastructure such as roads.

4.7.1.2 It shall be the policy of Council to regulate the removal of topsoil for commercial sale in all zones outside the Agricultural (A1) Zone, other than removal that is incidental to sod farming, the sale of plants by nurseries and greenhouses, peat moss extraction, and excavation associated with the construction of buildings and infrastructure such as roads, by requiring that:

- a. a minimum of 4 inches of topsoil is retained
- b. measures are enacted to ensure that retained topsoil is protected from degradation, such as erosion, by planting crops or other means; and,
- c. topsoil removal is only undertaken in Summer and Autumn seasons

PART 4	ENACTED DATE	SECTION
	September 4, 2001	4.7





## 5.1 DEVELOPMENT REGULATORY POLICIES

### 5.1.1 Outdoor Lighting Objective

- 5.1.1.1 To prevent conflicts between adjacent uses resulting from indiscriminate placement of outdoor lighting, particularly flood lights.

### 5.1.2 Outdoor Lighting Policy

- 5.1.2.1 Council shall require that all illuminated signs or outdoor lighting be so placed to direct the illumination away from adjoining properties and streets. This requirement will be included in the general provisions section of the Land Use Bylaw and addressed when entering development agreements under the provisions of this Municipal Planning Strategy and the *Municipal Government Act*.

### 5.1.3 Swimming Pools Objective

- 5.1.3.1 To provide a degree of safety from accidents related to swimming pools.

### 5.1.4 Swimming Pools Policy

- 5.1.4.1 Regulations shall to the extent possible be included in the Land Use Bylaw pertaining to the location of swimming pools on a lot and the construction of a fence around a swimming pool. Further regulations for swimming pools shall be included in a Swimming Pool Bylaw to ensure that such pools are properly located and sufficiently protected to ensure the safety of neighbourhood residents, particularly small children.

### 5.1.5 Advertising Signs Objectives

Sign types are as varied as the information they advertise. For example, signs can vary in size, shape, style, material (wood, metal, plastic, etc.), type (ground, canopy, roof, projecting, etc.), site location and zone where they are to be situated. Given the variety and extent of sign usage in the County, the matter of sign control is a "high profile" planning issue requiring a comprehensive set of guidelines.

- 5.1.5.1 To control signs to ensure an acceptable standard of safety, compatibility and aesthetics is maintained in the County.

5.1.5.2 To respond to the needs of businesses without compromising 5.1.5.1.

**5.1.6 Advertising Signs Policy**

5.1.6.1 Council shall include provisions in the Land Use Bylaw to regulate the use of signs. Sign regulations, including limits on the number, type, size and location, are intended to ensure safety and aesthetic quality.

5.1.6.2 An off-site tourism promotion and directional sign program is provided for in Policy 4.4.10.1.

5.1.6.3 Council recognizes that businesses facing unexpected disasters, such as fires, natural disasters or other unexpected events, may have a legitimate need to erect a sign in a way that is not normally permitted. Therefore, Council shall include provisions in the Land Use Bylaw that enable businesses facing unexpected disasters to erect temporary off-site signs. Appropriate controls on the location, size and duration of the exception shall ensure an acceptable standard of safety and aesthetics.

**5.1.7 Subdivision Policy - 2 houses on a single lot**

5.1.7.1 Where two dwellings in existence on a single lot prior to March, 1978 occur, Council shall provide in the Subdivision Bylaw, for subdivision of such lots which do not meet the area or frontage requirements of the zones set out in the Land Use Bylaw.

**5.1.8 Parking and Access Policy**

5.1.8.1 Provisions shall be included in the Land Use Bylaw which shall set out provisions for off-street parking involving four or more vehicles, location of driveways, and standards regarding their design.

PART 5	AMENDED DATE	SECTION
	July 5, 2005	5.1.2.1 / 5.1.6.1
	August 28, 2008	5.1.6

## 5.2 REUSE OF UNIQUE STRUCTURES AND UNIQUE SITE CHARACTERISTICS AND DEVELOPMENT OF UNIQUE HISTORIC PLACES

### 5.2.1 Unique Structures

Within both Urban and Rural Districts of the Municipality, certain parcels of land with buildings constructed for commercial or industrial purposes in the past have characteristics which considerably limit their development potential for uses permitted in the assigned land use designation or district. Further, because the former use of the lands did not exist during a period of six months before the adoption of the Municipal Planning Strategy, these parcels could not be classified as legal non-conforming uses. In such situations, Council may permit alternative use of the site and/or unique structure under the *Municipal Government Act* by Development Agreement.

### 5.2.2 Unique Site Characteristics

Certain parcels of land may exhibit features which considerably limit their development potential for uses normally permitted in the assigned land use designation and zone due to previous development. In these situations also, Council may permit alternative use of the site under the *Municipal Government Act* by Development Agreement.

### 5.2.3 Unique Structures and Unique Site Characteristics Policies

5.2.3.1 Council makes provision for the reuse of existing non-permitted structures subject to a development agreement pursuant to the provisions of the *Municipal Government Act* pursuant to policy 5.2.3.3.

5.2.3.2 Council may provide for uses not normally permitted in the assigned zone where unique site characteristics significantly limit their potential for development permitted in the zone subject to a Development Agreement pursuant to the provisions of the *Municipal Government Act* pursuant to policy 5.2.3.3.

5.2.3.3 As provided for in Policies 5.2.3.1 or 5.2.3.2 above, application may be made for a Development Agreement to permit a specific use including any proposed expansion of existing buildings and additional structures and Council shall have regard to the following criteria:

- a. the parcel has site or structural limitations from the previous commercial or industrial use which limit the development potential for uses intended for the

designated district or have other unique features which limit the potential for uses normally permitted

- b. the site has unique features that may be due to location, physiographic characteristics or site alterations resulting from previous development
- c. the previous use has ceased to exist
- d. the use shall not exceed or extend beyond the property lines at the time the use became not permitted
- e. the proposed use will not adversely affect adjacent land uses
- f. satisfactory demonstration of on-site sewage servicing capability for the proposed use
- g. satisfactory demonstration of solid waste disposal provisions
- h. satisfactory demonstration that the proposed use will not create well interference with an existing well on existing surrounding uses as determined by a hydrogeological assessment of ground water potential
- i. the proposal is in keeping with the other pertinent policies of this Strategy, including those applicable to Development Agreements contained in Part 6

#### **5.2.4 Development of Unique Historic Places Policies**

For the purposes of this section, a historic place is a structure, building, group of buildings, district, landscape, archaeological or other place that is recognized, either formally or informally, for its heritage value. Heritage value is the aesthetic, historic, scientific, cultural, social, or spiritual importance or significance for past, present or future generations. The heritage value of a historic place is embodied in its character-defining materials, forms, location, spatial configurations, uses and cultural associations.

Historic places can range from an old pioneer cemetery, a home designed by a renowned architect, a designated heritage property to a significant archaeological site. Often these historic places are seen as tourist attractions. It is the intention of this policy to allow for accessory and associated uses in developing the historic place under Policy 5.2.4.1.

Such uses include, but are not limited to, gift shops, museums, parking lots, signage, accommodations (e.g. cabins, camping, B & B establishments), canteens, restaurants, other attractions, entertainment areas, walking trails, interpretive panels, and picnic tables. A site is considered to include the actual attraction (e.g. waterfalls, heritage property) and adjacent lots having accessory and associated uses.

5.2.4.1 Council may provide for uses not normally permitted in the zone where a site is considered by Council to be a historic place subject to a Development Agreement pursuant to the provisions of the *Municipal Government Act* pursuant to policy 5.2.4.3.

Historic places are unique and significant places. Subdivision can be difficult as these sites are often not easily accessible, do not have a frontage on a public road, or cannot meet the yard requirements of the zone. To compound matters, ownership and insurance issues often necessitate the creation of separate lots at historic places. The intention of policy 5.2.4.2 is to allow for acceptable alternative standards through Development Agreement.

5.2.4.2 It shall be the policy of Council to allow for the development of historic places on a site through alternate lot and subdivision standards subject to a development agreement.

5.2.4.3 As provided for in Policies 5.2.4.1 or 5.5.4.2 above, application may be made for a Development Agreement to permit a specific use or uses on a site that is considered by Council to be a historic place and Council shall have regard for the following criteria:

- a. that an assessment be required containing justification for the recognition of the historic place in terms of the heritage value
- b. for larger scale proposals, satisfactory demonstration that the proposed use will not create interference with an existing well on existing surrounding uses as determined by a hydrogeological assessment of ground water potential
- c. the proposal is in keeping with the other pertinent policies of this Strategy, including those applicable to Development Agreements contained in Part 6

<b>PART 5</b>	<b>AMENDED DATE</b>	<b>SECTION</b>
	July 5, 2005	5.2.1 / 5.2.2 / 5.2.3.1 / 5.2.3.2
	October 25, 2007	5.2 / 5.2.4

### 5.3 SITING OF COMMUNICATION FACILITIES

The Municipality, with increasing frequency, has been approached with requests to locate telecommunication towers and antennas. The purpose of this Policy is to establish general guidelines for the siting of telecommunication facilities. These Policies are intended to provide guidance and direction to staff when dealing with siting telecommunication facilities. The ultimate approving authority of such telecommunication facilities lies with the governing federal body, which may or may not choose to accept Council's recommendation.

A small proportion of telecommunication facilities are exempted from the licensing requirements of the federal government. In 2007, Council approved amendments to put in place some controls for locating these structures to mitigate the impacts to adjacent property owners and in areas where it is imperative to preserve the landscape and retain view planes and vistas.

#### 5.3.1 Siting Objectives

- i. to manage the location of telecommunication facilities in the Municipality
- ii. to protect residential areas and land uses from potential adverse impacts of telecommunication facilities
- iii. to encourage the protection of Agricultural lands
- iv. to encourage the protection of those areas important to tourism in the County of Kings
- v. to minimize adverse visual impacts of towers through careful design, siting, landscape screening, and innovative camouflaging techniques
- vi. to accommodate any increased requirement to serve the telecommunication needs of municipal residents and businesses
- vii. to promote and encourage co-location on existing and new towers as an option rather than construction of additional single-antenna towers, and to reduce the number of such structures needed in the future
- viii. to consider public health and safety to the extent permitted and
- ix. to avoid potential physical damage to adjacent properties through sound engineering practices and the proper siting of antenna/tower support structures

### 5.3.2 Siting Policies

All new significant<sup>1</sup> telecommunication facilities, changes to existing facilities deemed significant<sup>2</sup> and all new broadcast undertakings that require a license from Industry Canada shall notify the Municipality in writing and make application.

The Municipality will not normally consider an application for a telecommunication facility if it is proposed to be located within 2 times its height of an existing residential dwelling unit, school or hospital.

To meet the objectives established in this Strategy and to protect those areas considered important to tourism, small-scale towers and antennas not regulated in this section will be controlled through regulations in the General Provisions for All Zones in the Land Use Bylaw.

#### 5.3.2.1 Information Required

To apply to erect a telecommunication facility, including significant alterations or additions to existing telecommunication facilities, the applicant shall submit the following information to Planning Staff:

- i. a scaled site plan clearly indicating the location, type and height of the proposed telecommunication facility, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by Municipal Staff to be necessary
- ii. a statement of potential impacts on the surrounding environment (a copy of the Environmental Attestation to Industry Canada)
- iii. the setback distance between the proposed telecommunication facility and the nearest residential unit, public open space, school or hospital

<sup>1</sup> Any structure greater than 12.2 metres (40 feet) in height or any building mounted structures greater than 3 metres or 25% of the building height.

<sup>2</sup> Any increase greater than 3 metres in height (including co-location).



- iv. letter from the property owner stating that they are aware of the application and have consented to the proposed location of a telecommunication facility on their property or building
- v. to minimize adverse visual impacts associated with the proliferation of towers, co-location of telecommunication facilities on existing or new towers is encouraged - as follows:
  - a. the Municipality may deny an application to construct new telecommunication facilities if the applicant has not shown by substantial evidence that a diligent effort has been made to mount the facilities on an existing structure or tower
  - b. to reduce the number of antenna support structures in the future, the Municipality may require evidence that a diligent effort has been made to invite other telecommunication service providers to co-locate
- vi. submit an application fee (non-refundable) and advertising deposit similar to the standard rezoning fees as established by the Municipality

Note: (Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a professional engineer licensed to practice in Nova Scotia).

#### 5.3.2.2 **Public Consultation**

Once a completed application has been received:

- i. a public meeting date shall be established by staff in consultation with the Chair of the Planning Advisory Committee
- ii. a notice will be distributed to those property owners within 300 metres (1000 feet) of the property where the proposed telecommunication facility is to be located
- iii. a sign, which is visible to the travelling public, shall be erected by the applicant on the proposed site a minimum of two weeks prior to the public meeting and shall include the meeting details and contact

information for both the applicant and the Municipality

- iv. a notice of the public meeting will be published in a local paper a minimum of two weeks prior to the meeting
- v. at the meeting the proponent will explain the application and hear the concerns expressed by the public
- vi. following the meeting the applicant must submit to Municipal Staff, in writing, the concerns expressed by the public and how the applicant intends to address these concerns
- vii. Staff will prepare a report with recommendations for consideration of the Planning Advisory Committee
- viii. Council shall consider PAC's recommendation and either support or not support the application

#### 5.3.2.3 **Site Requirements**

Once a site has met the approval of Council the following requirements shall be met:

i. **Security Fencing**

Telecommunication facilities at ground level shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device or other appropriate deterrent.

ii. **Landscaping**

The following requirements shall govern the landscaping surrounding towers:

- a. telecommunication facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences or planned residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the security fencing
- b. in locations where the visual impact of the telecommunication facility would be minimal, the landscaping requirement may be reduced

- c. existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as telecommunication facilities sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer

**5.3.3 Removal of Abandoned Antennas and Towers**

Any antenna or tower and associated equipment that is not operated for a continuous period of six months shall be considered abandoned, and the owner of such antenna or tower is encouraged to remove such from the premises pursuant to Chapter 18, Section 344 of the *Municipal Government Act*, S.N.S., 1998.

**5.3.4 Exemptions**

The following uses shall be exempt from Policy 5.3.2 and shall be permitted in all zones:

- i. antennas and related equipment that are being stored, shipped, or displayed for sale
- ii. wireless radio utilized for temporary emergency communications in the event of a disaster
- iii. satellite dish antennas less than 2 metres in diameter, including direct to home satellite services when used as a secondary use of the property
- iv.
  - a. routine maintenance or repair of a telecommunication facility, excluding structural work that changes the height or dimensions of a tower,. Provided that compliance with the standards of this policy is maintained
  - b. temporary service related adjustments for a period of time not to exceed 30 days and
  - c. co-location on an existing tower provided that compliance with the standards of this policy is maintained

PART 5	ENACTED DATE	SECTION
	December 6, 2004	5.3

PART 5	AMENDED DATE	SECTION
	October 25, 2007	5.3 / 5.3.2



## 5.4 SITING OF SMALL-SCALE WIND TURBINES

Small-scale wind turbines allow residents to develop and consume on-site energy in an environmentally sustainable fashion. Within Nova Scotia, the County has excellent wind power producing capability. Small-scale wind turbines vary in size, use and rated output capacity, offering the opportunity for on-site energy production and potential energy cost savings. Turbines are compatible with a number of land uses in different zones. Given the potential of small-scale wind turbines in the County, Council will accommodate small-scale wind turbines while ensuring land use compatibility.

The Municipality worked with the Dalhousie School of Planning, where students were tasked with researching and exploring issues related to small-scale wind turbines. The students provide a report entitled “Small-Scale Wind Turbines: Policy Perspectives and Recommendations for the Municipality of the County of Kings”. This report, which includes research and interviews with stakeholders, forms the basis for the following policies and enabling Land Use Bylaw provisions.

### 5.4.1 Small-Scale Wind Turbine Objectives

- 5.4.1.1 To prevent conflicts with neighbouring uses resulting from indiscriminate placement of small-scale wind turbines.
- 5.4.1.2 To maintain consistency with and support the urban and rural goals of the Strategy.
- 5.4.1.3 To control small-scale wind turbines to ensure an acceptable standard of safety and compatibility.
- 5.4.1.4 To respond to the needs of residents and businesses by providing opportunity for on-site wind power generation.

### 5.4.2 Small-Scale Wind Turbine Policy

- 5.4.2.1 Council shall include provisions in the Land Use Bylaw to regulate the use of small-scale wind turbines. Small-scale wind turbine regulations, including limits on the number, type, size, rated output capacity and location, are intended to ensure safety and mitigate conflict with neighbouring uses.
- 5.4.2.2 Council shall include provisions in the Land Use Bylaw requiring the notification of neighbours within a 500 foot radius upon issuance of a development permit for a small-scale wind turbine.

- 5.4.2.3 Council may undertake a study to assess optimal locations for siting wind turbines in Kings County. This study would assist in siting wind turbines in areas best suited and most viable for wind generation.
  
- 5.4.2.4 Council shall reassess the small-scale wind turbine policies within 5 years of adoption of the original wind turbine policies. At that time Council shall examine the number of small scale wind turbines sited, the impact on the landscape and on tourism, incidents of bird and bat kills and any other issues that Council deems necessary.

PART 5	ENACTED DATE	SECTION
	August 31, 2006	5.4

**6.1 MUNICIPAL PLANNING STRATEGY (MPS)****6.1.1 Council's Policy Framework and Further Considerations**

- 6.1.1.1 The Municipal Planning Strategy for the County of Kings is the prime policy document providing the framework by which the future growth and development of the County shall be encouraged, controlled, and co-ordinated. The policies of the Strategy will be implemented through the powers of Council as provided by the Nova Scotia *Municipal Government Act* and other statutes as may apply.
- 6.1.1.2 In addition to employing specific implementation measures it shall be the policy of Council to maintain a program of ongoing planning through its Planning Advisory Committee (PAC). Such a program shall include, but shall not be restricted to the preparation of Secondary Planning Strategies for the Growth Centres, programs of public information and participation, and further studies respecting such matters as recreation, transportation, extractive resources, lakeshore capacity, shoreland management, forestry and any others which Council deems suitable.
- 6.1.1.3 In order that decisions may be based on expert advice beyond that which the Municipality is able to supply, Council intends to solicit comments from other government agencies and may circulate applications for amendments to this Strategy, the Land Use Bylaw and/or Subdivision applications to appropriate provincial government agencies for their information, advice, comment or approval as may be required.

**6.1.2 Municipal Planning Strategy Amendments**

- 6.1.2.1 This document and all associated maps and guidelines constitute the official Municipal Planning Strategy of the Municipality of the County of Kings. An amendment to this Strategy shall be required:
- a. where any policy intent is to be changed
  - b. where detailed Secondary Planning Strategies are to be incorporated into this Strategy
  - c. at the request of the Minister of Service Nova Scotia and Municipal Relations

6.1.2.2 Strategy amendments shall require the approval of the Minister of Service Nova Scotia and Municipal Relations and shall be carried out in accordance with the provisions of the *Municipal Government Act*.

**6.1.3 Actions Not Requiring a Strategy Amendment**

6.1.3.1 The Future Land Use Maps show a graphic representation of the intended Future Land Use District designations. The boundaries of the District will be more accurately refined on the Land Use Bylaw schedules which show the zones that implement these policies. Council may consider minor zone boundary adjustments and/or rounding out of zone boundaries without the necessity of a Strategy Amendment.

6.1.3.2 Lands contiguous to a District may be considered for a rezoning to a zone permitted within that Designation without an amendment to this Strategy provided all other policies of this Strategy are met.

**6.1.4 Strategy Review**

6.1.4.1 In accordance with the provisions of the *Municipal Government Act*, this Strategy may be revised when either the Minister of Service Nova Scotia and Municipal Relations or the Council deems it necessary, but in any case shall be reviewed not later than five years from its coming into force or from the last review.

PART 6	AMENDED DATE	SECTION
	November 27, 1995	6.1.3.1 / 6.1.3.2
	July 17, 1997	6.1.1.2
	July 5, 2005	6.1.1.1 / 6.1.2.1 / 6.1.2.1 c / 6.1.2.2 / 6.1.4.1



**6.2 LAND USE BYLAW (LUB)****6.2.1 Zoning Policies**

6.2.1.1 The principal mechanism by which land use policies are implemented is the Land Use Bylaw. The Land Use Bylaw will set out zones, permitted uses and development standards and in so doing shall reflect the policies of the Municipal Planning Strategy, pursuant to the provisions of the *Municipal Government Act*.

6.2.1.2 It is not intended that all land shall be rezoned at the outset in the manner indicated on the Future Land Use Maps. In order that Council may maintain a comparatively high degree of control and is able to monitor future development, a number of areas will be zoned to reflect the existing land use and appropriately rezoned in compliance with the Strategy upon application.

Categories of uses not to be rezoned include:

Agricultural Commercial  
Agricultural Industrial  
Community Facilities  
Hamlet Commercial  
Hamlet Industrial  
Heavy Industrial  
Highway Commercial  
Institutional  
Neighbourhood Commercial  
Permanent Shoreland Residential  
Recreational Commercial  
Recreational Open Space  
Residential Facilities  
Residential High Density  
Resource Extraction  
Resource Industrial  
Rural Commercial  
Salvage Yard Industrial  
Shopping Centre Commercial

6.2.1.3 The Land Use Bylaw shall apply to the entire Municipality of the County of Kings with the exception of those lands affected by the New Minas Sector Plan.

The New Minas policies were not part of the 1990/92 review. This policy shall apply until such time as the New Minas Sector Plan is reviewed and updated.

## **6.2.2 Amendment to the Land Use Bylaw**

6.2.2.1 In considering amendments to the Land Use Bylaw, in addition to all other criteria as set out in various policies of this Strategy, Council shall be satisfied:

- a. the proposed rezoning is in keeping with the intent of this Strategy and can meet the requirements of all other Municipal Bylaws and regulations
- b. the proposed rezoning is not premature or inappropriate by reason of:
  - i. the financial capability of the Municipality to absorb any costs relating to the development of the subject site
  - ii. the impact on, or feasibility and costs of, sewerage and water services if central services are to be provided, or adequacy of physical site conditions for private on-site sewer and water systems
  - iii. the potential for creating, or contributing to, a pollution problem including contamination of watercourses
  - iv. the adequacy of storm drainage and the effect on adjacent uses
  - v. the adequacy and proximity of school, recreation, and any other community facilities
  - vi. the adequacy of street or road networks in, adjacent to, or leading to the subject site
  - vii. the potential for the contamination of a watercourse due to erosion or sedimentation
  - viii. creating extensive intervening parcels of vacant land between the existing developed lands and the proposed site, or a scattered or ribbon development pattern as opposed to compact development

- ix. traffic generation, access to and egress from the subject site, and parking
  - x. incompatibility with adjacent uses and the existing development form of the surrounding area
  - xi. the potential for overcrowding on lakeshores or the reduction of water quality.
  - xii. the potential for contamination of, or interference with a designated groundwater supply protection area
- c. the proposed site is suitable for development in terms of steepness of grades, soil and geological conditions, location of watercourses, marshes, swamps, or bogs and proximity of highway ramps, railway rights-of-way and other similar factors that may pose a hazard to development

PART 6	AMENDED DATE	SECTION
	July 17, 1997	6.2.2.1 b xi
	April 26, 2005	6.2.2.1 b xii
	July 5, 2005	6.2.1.1



## 6.3 DEVELOPMENT AGREEMENTS

### 6.3.1 Discharging of Development Agreements

6.3.1.1 Under the 1979 Municipal Planning Strategy the Council has effected considerable specific site planning by way of Development Agreements. Council intends to reduce the number of situations where Development Agreements are used. It follows that a number of Development Agreements now in place will be rendered redundant. Council intends to make an effort to discharge unnecessary Development Agreements.

6.3.1.2 Where Council has agreed, by resolution, to enter a Development Agreement and the applicant has not signed the agreement within six months and no appeal has been lodged, Council may rescind its resolution to enter the agreement. A subsequent agreement would have to be negotiated.

### 6.3.2 Application of Policies for Development Agreements

6.3.2.1 The following uses shall only be considered subject to the entering into of a Development Agreement according to the provisions of the *Municipal Government Act*:

- Expansion of Rural Non-Conforming Uses (Subsection 3.7.10)
- Expansion of "existing uses" in Grand Pré, where existing uses are other than those permitted uses listed specifically in 14.3 of the Land Use Bylaw (pursuant to subsection 3.7.9)
- Expansion of Urban Non-Conforming Uses (Subsection 2.7.2)
- Re-use of non-permitted structures and sites with unique post-development characteristics (Subsection 5.2.3)
- Day Care Facilities for more than 14 people in Residential Districts (Subsection 2.5.5)
- Re-use of Heritage Buildings registered under the *Heritage Property Act* (Subsection 4.4.4)

- Tourist Commercial Facilities for Lodging, Food Services and Ancillary Uses (Subsection 4.4.8)
- Tourist Commercial uses in Grand-Pre Hamlet Historic Residential District (Policies 3.6.8.6 and 3.6.8.7)
- Recreational - Commercial uses (Policy 3.7.8.6)
- Commercial uses at Tourist Destination Areas (Subsection 4.4.8)
- Mobile Home Parks in Rural Districts
- Multi-unit residential development in Hamlets
- Rural Day Care Facilities for more than 14 people in Rural Districts (Policy 3.7.2.4)
- Expansion of certain existing hamlet industrial uses beyond their initial zoned area (Policy 3.6.10.5)
- Construction and demolition debris disposal sites in the Forestry and Agricultural Districts (Subsection 3.7.13)
- Continuation and limited expansion of excavation company related industrial uses at 323 Cambridge Mountain Road, PID Nos. 5528312 (approx. 6.6 acres) and 55166409 (approx. 4.05 acres) (Policy Subsection 3.4.16)
- Excavation company related industrial uses involving the transportation and storage of extracted materials and fleet maintenance in the Forestry (F1) Zone
- Completion of a golf course in the Weston area on lands fronting on the south side of Highway # 221 in an area generally north of Brooklyn Street, west of Long Point Road, and east of McLean Road. The specific limits of the site are set out in policy 3.2.14.1 of this Strategy.
- Agri-tourism Commercial uses in the Agricultural District (Policy 3.2.8.2) and Forestry District (Policy 3.3.3.4)
- Expansion or redevelopment of existing non-conforming uses within the Wellhead Protection, Wellfield Protection

or Wellfield Recharge Zones as identified on the Canning Groundwater Resource Management Map, Appendix "E" of the Land Use Bylaw (Policy 2.12.5.6)

- The development of complementary uses on P2 Zoned lands by development agreement, pursuant to Policy 3.7.8.5 of this Strategy
- Expansion or redevelopment of existing non-conforming uses within the Wellhead Protection, Wellfield Protection, Wellfield Recharge or Future Wellhead Area Zones as identified on the Port Williams Growth Centre Urban Zoning Map – Appendix 10g of the Land Use Bylaw (Policy 2.12.5.4 and 2.12.5.6)
- Development of a restaurant or lounge on the properties described as PID # 55022305 and PID # 55445399 generally located on Terrys Creek Road in Port Williams (Policy 2.3.5)
- A topsoil and aggregate mixing operation in conjunction with a provincially approved sand pit operation on the lands of Twin Mountain Construction Ltd. in Waterville, PID Nos. 55168868 and 55370829, pursuant to Policy 4.6.2
- Expansion or redevelopment of existing non-conforming uses within the Wellfield Protection and Wellfield Recharge Zone as identified on the Coldbrook Urban Zoning and Wellfield Protection Zoning Map, Schedule 5g, of the Land Use Bylaw
- Development of Gasoline and Automotive Service Stations; all uses in the Agricultural Industrial (M3) Zone except Fire Stations; and all uses in the Hamlet Industrial (M5) Zone within the South Berwick and Area Groundwater Supply Area Zone of Influence (Zone I) and Zone of Contribution (Zone C) as provided for in Municipal Planning Strategy Policy 2.12.8.7 and identified on the South Berwick Hamlet and Wellfield Protection Zones Map, Schedule 16h of the Land Use Bylaw
- Expansion or redevelopment of existing non-conforming uses within the Zone of Influence (Zone I) and Zone of Contribution (Zone C) as identified on the

South Berwick Hamlet and Wellfield Protection Zones Map, Schedule 16h of the Land Use Bylaw

- Multiple unit residential dwellings in Residential Districts within the Growth Centre of Coldbrook (Subsection 2.4.9)
- Development of Unique Historic Places (Subsection 5.2.4)
- Farm dwellings for bona fide farmers subject to Policy 3.2.5.3.3
- Agri-tourism Commercial uses within the Wellfield Protection Zone (Zone B) and Wellfield Recharge Zone (Zone C) as shown in Appendix 10g – Port Williams Growth Centre Urban Zoning (Policy 2.12.5.9)
- Medium or large scale residential, commercial, recreational, institutional, or resource development within the S1 and S2 Zones in the Shoreland District (Policy 3.5.8.1)
- Expansion of existing commercial or industrial uses in a commercial or industrial zone immediately adjacent to an O1 Zone into the Natural Environment District (Policy 4.2.4.8)
- Expansion of non-conforming residential structures in the Shoreland District (Subsection 3.5.12.1)

6.3.2.2 The following Comprehensive Development Districts are established in which all development is subject to a Development Agreement:

- Commercial Comprehensive Development District Uses (Subsection 2.2.6)
- Resort Comprehensive Development District Uses (Subsection 4.4.14)
- Country Residential Resort Uses in Country Residential Resort Districts (Subsection 3.4.15)



- Residential Comprehensive Development District Uses (Subsection 2.4.12)

### 6.3.3 Conditions of Approval of Development Agreements

6.3.3.1 A Development Agreement shall not require an amendment to the Land Use Bylaw but shall be binding upon the property until the agreement or part thereof is discharged by the Municipality. In considering Development Agreements under the *Municipal Government Act*, in addition to all other criteria as set out in various policies of this Strategy, Council shall be satisfied:

- a. that the proposal is in keeping with the intent of the Municipal Planning Strategy
- b. that the proposal is not premature or inappropriate by reason of:
  - i. the financial capability of the Municipality to absorb any costs related to the development of the subject site
  - ii. the adequacy of municipal sewer and water services if services are to be provided. Alternatively, the adequacy of the physical site conditions for private on-site sewer and water systems
  - iii. the potential for creating, or contributing to, a pollution problem including the contamination of watercourses or the creation of erosion or sedimentation during construction
  - iv. the adequacy of storm drainage and the effect of same on adjacent uses
  - v. the adequacy of street or road networks in, adjacent to, and leading to, the development
  - vi. the adequacy, capacity and proximity of schools, recreation and other community facilities
  - vii. adequacy of municipal fire protection services and equipment

- viii. creating extensive intervening parcels of vacant land between the existing developed lands and the proposed site, or a scattered or ribbon development pattern as opposed to compact development
  - ix. the suitability of the proposed site in terms of steepness of grades, soil and/or geological conditions, and the relative location of watercourses, marshes, swamps or bogs
  - x. traffic generation, access to and egress from the site, and parking
  - xi. compatibility with adjacent uses
- c. the Development Agreement may specify that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
- i. the type of use
  - ii. the location and positioning of outlets for air, water and noise within the context of the Land Use Bylaw.
  - iii. the height, bulk and lot coverage of any proposed buildings or structures
  - iv. traffic generation
  - v. access to and egress from the site and the distance of these from street intersections
  - vi. availability, accessibility of on-site parking
  - vii. outdoor storage and/or display
  - viii. signs and lighting
  - ix. the hours of operation
  - x. maintenance of the development
  - xi. buffering, landscaping, screening and access control

- xii. the suitability of the proposed site in terms of steepness of grades, soil and/or geological conditions, and the relative location of watercourses, marshes, swamps, or bogs
  - xiii. the terms of the agreement provide for the discharge of the agreement or parts thereof upon the successful fulfillment of its terms
  - xiv. appropriate phasing and stage by stage control
- d. performance bonding or security shall be included in the agreement if deemed necessary by Council to ensure that components of the development such as, but not limited to, road construction or maintenance, landscaping or the development of amenity areas, are completed in a timely manner

#### **6.3.4 Required Information for Applications for Entering a Development Agreement**

6.3.4.1 Council may require that any or all of the following information be submitted to the Municipality by the Developer with respect to any proposed development which is to be the subject of a Development Agreement under the *Municipal Government Act* namely:

- a. information as to the physical and environmental characteristics of the proposed site including information regarding topography, contours, elevations, dimensions, natural drainage, soils, existing watercourses, vegetative cover, size and location of the lands
- b. information as to the proposed location, height, dimensions and use of all buildings or structures proposed to be built or erected on the lands
- c. information on the type and amount of site clearing required, if any
- d. information regarding proposed site drainage and servicing with water supply and sewage disposal
- e. information on proposed access and egress to and from the lands and estimated traffic flows to be generated

- f. information on the intended hours of operation
- g. information on the architectural design, including renderings, scaled site plans, profiles, grade elevations and cross sections
- h. information regarding the provision and maintenance of appropriate natural screens and landscaping.

6.3.4.2 It shall be the intention of Council that Staff of the Municipality's Department of Community Development Services be responsible for negotiations with the proponents of Development Agreements to secure draft written agreements for consideration by Council.

Draft agreements shall be reviewed by the Municipal Solicitor before Council will consider entering the agreement. Council shall have it registered at the Registry of Deeds. The Development Officer, in concert with the Building Inspector, shall be responsible for monitoring of development subject to a Development Agreement and shall inform Council in writing of any deficiencies on the part of the developer to meet the terms and conditions of the agreement. Council shall be responsible for decisions about the enforcement of any and all terms and conditions of any Development Agreement as provided for in the *Municipal Government Act*.

PART 6	AMENDED DATE	SECTION
	June 10, 1994	6.3.2.1
	September 6, 1995	6.3.2.1
	January 8, 1997	6.3.2.1
	September 23, 1997	6.3.2.2
	March 26, 1999	6.3.2.1
	April 27, 1999	6.3.2.1
	June 30, 1999	6.3.2.1
	September 1, 1999	6.3.2.1
	January 26, 2000	6.3.2.1
	September 4, 2001	6.3.2.1
	September 25, 2001	6.3.3.1 b
	September 15, 2003	6.3.2.1
	May 31, 2004	6.3.2.1
	April 5, 2005	6.3.2.1
	July 5, 2005	6.3.2.1 / 6.3.2.2 / 6.3.3.1 / 6.3.3.1 b ix, x, xi / 6.3.4.1 / 6.3.4.2
	September 13, 2005	6.3.2.1
	June 8, 2006	6.3.2.1
	July 27, 2006	6.3.2.1
	August 3, 2006	6.3.2.1
	May 10, 2007	6.3.2.1
	October 25, 2007	6.3.2.1
	June 26, 2008	6.3.2.2 / 6.3.3.1 d
	January 29, 2009	6.3.2.1
	May 21, 2009	6.3.2.1
	November 12, 2009	6.3.2.1



## 6.4 OTHER MUNICIPAL BYLAWS

### 6.4.1 Subdivision Bylaw

The subdivision of land in the County is presently regulated by "The Subdivision Bylaw for the Municipality of the County of Kings" enacted and approved in 1991 and as may be subsequently amended. Through the Subdivision Bylaw Council has adopted stringent requirements to regulate such things as the construction and installation of services and requirements for the subdivider to install services and construct roads to the satisfaction of the Nova Scotia Department of Transportation and Infrastructure Renewal.

6.4.1.1 It is Council's intention that the Municipality's Subdivision Bylaw reflects and will continue to reflect the intent and policies of this Strategy. The Subdivision Bylaw includes:

- a. standards for the installation of services
- b. requirements for the subdivider to install services and construct roads to specified standards
- c. requirements for dedication of open space or cash-in-lieu
- d. other requirements in accordance with the permissive content provisions of the *Municipal Government Act*

### 6.4.2 Mobile Home Parks Bylaw

6.4.2.1 It shall be the policy of Council to administer the regulations as set out in the Municipal Mobile Home Parks Bylaw.

### 6.4.3 Building Bylaw

6.4.3.1 It shall be the policy of Council to administer the regulations as set out in the National Building Code and adopted as the Municipal Building Bylaw and the regulations pursuant to the Provincial Building Code Act.

### 6.4.4 Dangerous and Unsightly Premises

6.4.4.1 It shall be the policy of Council to administer the regulations as set out in the Dangerous and Unsightly Premises provisions of the *Municipal Government Act*.

**6.4.5 Street Lighting Bylaw**

6.4.5.1 It shall be the policy of Council to require that all street lighting provided be charged to the users within the service limits by an area rate chargeable to each benefitted property in the community in accordance with the Street Lighting Bylaw.

**6.4.6 Street Improvement Bylaw**

6.4.6.1 It shall be the policy of Council to accept the responsibility for requesting that the Nova Scotia Department of Transportation and Infrastructure Renewal undertake street paving in Growth Centres and Hamlets where abutting property owners indicate approval of such action and the Municipality is prepared to allow for financing the property owners share of the cost over a five year period, in accordance with the Street Improvement Bylaw.

**6.4.7 Heritage Property Bylaw**

**6.4.8 Grand Pré Heritage Conservation District Bylaw**

<b>PART 6</b>	<b>AMENDED DATE</b>	<b>SECTION</b>
	March 26, 1999	6.4.7 / 6.4.8
	July 5, 2005	6.4.1 / 6.4.1.1 d / 6.4.4.1 / 6.4.6.1
	May 21, 2009	6.4.1 / 6.4.6.1



**6.5 DEVELOPMENT OFFICER**

**6.5.1 Development Officer Responsibility**

6.5.1.1 In accordance with the *Municipal Government Act*, the Development Officer, appointed by Council, shall administer the Land Use Bylaw, Development Agreements and all subdivision controls and shall grant development permits and approvals of plans of subdivision.

PART 6	AMENDED DATE	SECTION
	July 5, 2005	6.5.1.1



## 6.6 CAPITAL PROGRAM

In addition to controlling private development, Council may undertake programs of its own to encourage development in certain areas, to enhance, improve, or protect the environment of the Municipality, or to provide a greater range of social, recreational, or cultural facilities and activities. It is one purpose of this Strategy to aid in establishing such programs.

### 6.6.1 Capital Program Policy

- 6.6.1.1 It shall be the intention of Council to incorporate policies and provisions of this Strategy into the Capital Budget and the five year Capital Program of the Municipality to the greatest extent possible, with the goal of eventual integration of land use planning, capital programming and budgeting.



**6.7 EXISTING DEVELOPMENT****6.7.1 Definition of Existing Development**

- 6.7.1.1 Where this document refers to existing development it shall be considered as development and uses existing on the date of adoption of this Municipal Planning Strategy. Some policies apply to uses existing at the adoption of the initial Municipal Planning Strategy (June 19, 1979) and this is specified where applicable.



**6.8 GENERAL PROVISIONS FOR SITE PLANS****6.8.1 Application of Policies for Site Plans**

- 6.8.1.1 The *Municipal Government Act* permits development by site plan approval in cases where additional controls are warranted on the development of the site but where there are no operational issues that are normally covered by a development agreement. Council may permit site plan approvals in the Land Use Bylaw.
- 6.8.1.2 The following uses shall only be considered subject to site plan approval according to the provisions of 6.8.2 of the Municipal Planning Strategy.
- a. Small-scale towers not regulated by the policies in Section 5.3 proposed within designated Tourist Destination Areas (TDAs) or registered historic sites<sup>1</sup>.
  - b. Mini homes, single detached dwellings, or seasonal dwellings within the Seasonal Residential (S1) Zone on lakes where the carrying capacity has been exceeded, as provided for in Policy 3.5.4.7.
  - c. Mini homes, single detached dwellings, or seasonal dwellings within the Future Shoreland (S2) Zone on lots created after October 25, 2007 as provided for in Policy 3.5.4.9.
  - d. Non-farm dwellings in the Agricultural (A1) Zone as provided for in Policy 3.2.6.2 and 3.2.6.3.

**6.8.2 Conditions of Approval for Site Plans**

- 6.8.2.1 A site plan shall not require an amendment to the Land Use Bylaw but shall be binding upon the property until the site plan is discharged by the Municipality.
- 6.8.2.2 The Site Plan may deal with the following:
- a. the location of the structures on the lot

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<sup>1</sup> A registered historic site is a building, property, streetscape or other site that has been formally registered as an historic site by the Municipal, Provincial or Federal government.

- b. the location of off-site loading and parking facilities
- c. the location, number and width of driveway accesses to the streets
- d. the type, location and height of walls, fences, hedges, trees, shrubs, ground cover or other landscaping elements necessary to protect and minimize the land-use impacts on adjoining lands
- e. the retention of existing vegetation
- f. the location of walkways, including the type of surfacing material, and all other means of pedestrian access
- g. the type and location of outdoor lighting
- h. the location of facilities for the storage of solid waste
- i. the location of easements
- j. the grading or alteration in elevation or contour of the land and provision for the management and surface water
- k. the type, location, number and size of signs or sign structures
- l. the provisions for the maintenance of any of the items referred to above

### **6.8.3 Required Information for Applications for Site Plan Approval**

- 6.8.3.1 Council, through its Development Officer, may require that any or all of the following information be submitted to the Municipality by the Developer with respect to any proposed development which is to be the subject of a Site Plan under the *Municipal Government Act* namely:
- a. information as to the physical and environmental characteristics of the proposed site including information regarding topography, contours, elevations, dimensions, natural drainage, soils, existing watercourses, vegetative cover, size and location of the lands



- b. information as to the proposed location, height, dimensions and use of all buildings or structures proposed to be built or erected on the lands
- c. information on the site and amount of site clearing, grading and fill, if required
- d. information regarding proposed site drainage and servicing with water supply and sewage disposal
- e. information on proposed access and egress to and from the lands and estimated traffic flows to be generated
- f. information regarding the provision of landscaping and other natural features.
- g. the type, location, number and size of signs or structures
- h. provision for the maintenance of any of the items referred to in this subsection
- i. the type and location of outdoor lighting

#### **6.8.4 Registering and Discharging of Site Plan**

- 6.8.4.1 Site plans will be registered in the Land Information Office at the applicant's expense.
- 6.8.4.2 Site plans will be discharged upon resolution of Council.
- 6.8.4.3 Once discharged by Council, a copy of the resolution as stated in 6.8.4.2 will be registered at the Kings County Land Registration Office.

<b>PART 6</b>	<b>ENACTED DATE</b>	<b>SECTION</b>
	November 2, 2006	6.8

<b>PART 6</b>	<b>AMENDED DATE</b>	<b>SECTION</b>
	October 25, 2007	6.8.1.2 a
	May 21, 2009	6.8.1.2 b c d

## 1. INTRODUCTION

The Kings County Region is located in the western part of the Province of Nova Scotia bounded on the north by the Bay of Fundy and Minas Channel, on the east by the County of West Hants, on the south by Hants and Lunenburg Counties and on the west by Annapolis County. The population of Kings County is approximately 64,314, and this includes the population for the Towns of Berwick which is 2,282, Kentville at 5,535 and Wolfville at 4,085. Wolfville which is also home to Acadia University, each year witnesses an increase in its population to approximately 7,000 as a result of student enrolment.

A Municipal Council of twelve members governs the Municipality of the County of Kings. The Warden, elected by the Council, is the head of the Council. The Municipal Office is located at 87 Cornwallis Street in the Town of Kentville. The Chief Administrative Officer heads the administration of this municipal government. The Towns of Berwick, Kentville and Wolfville are governed by Town Councils, and these are each comprised of a mayor and six elected councillors. Their Chief Administrative Officer also heads the administration of these towns. The Town of Berwick's Municipal Office is located at 236 Commercial Street, Berwick. Kentville's Town Hall is located at 354 Main Street, Kentville and Wolfville's Municipal Office is located at 359 Main Street, Wolfville.

The Royal Canadian Mounted Police carry out policing duties within all of Kings County with the exception of the Town of Kentville, which has its own Municipal Police Department. The Royal Canadian Mounted Police have four detachment offices and these are located at Kingston, Berwick, New Minas and Wolfville.

The County of Kings is served by the following volunteer departments:

- Aylesford Fire Department
- Berwick Fire Department
- Canning Fire Department
- Greenwich Fire Department
- Kentville Fire Department
- Kingston Fire Department
- Halls Harbour Fire Department
- New Minas Fire Department
- Port Williams Fire Department
- Waterville and District Fire Department
- Wolfville Fire Department

Fire departments from Hantsport and Springfield provide fire protection to areas of Kings County, which borders their municipalities. These departments as well as CFB Greenwood, Michelin North America (Canada) Inc. and New Ross are part of a sixteen fire department mutual aid agreement and are staffed by volunteers.

**Health facilities** include the Valley Regional Hospital in Kentville, Western Kings Memorial Health Centre in Berwick, Eastern Kings Memorial Health Centre in Wolfville, Kings Regional Rehabilitation Centre in Waterville and a health facility at 14 Wing Greenwood. Provincial ambulance service is available.

**Vehicular traffic** utilizes mainly Highway 101, which runs from Halifax to Yarmouth and also Highway 1. Acadian Lines operates a daily bus service from Halifax to Yarmouth. Kings Transit Authority operates a daily public service from Wolfville to Greenwood.

**Air traffic** utilizes the Waterville Municipal Airport located in Cambridge, and substantial air traffic utilizes 14 Wing Greenwood.

**Rail traffic** The Windsor & Hantsport Railway Company Ltd. operates a rail line from Hants County on the eastern end of Kings County to approximately five kilometres west of the town of Wolfville.

**Harbour facilities** are available at Harbourville, Halls Harbour, Scott's Bay and Delhaven to provide mainly for the fishing industry around the Minas Basin and Bay of Fundy. There are also small wharfs along these shores, one of which is located in the Town of Wolfville.

## 2. AIM OF THE KINGS REGIONAL EMERGENCY READINESS PLAN

The aim of the Kings Regional Emergency Readiness Plan is to prescribe the organization and Management required to protect life, property and the environment in the event of an actual emergency affecting Kings County.

### 2.1 DEFINITIONS AND SCOPE

**For the purpose of this plan, an emergency is defined as:**

"An abnormal event, or threat of an event, of a severity and magnitude that may result in death, injury, property damage and/or environmental damage and will require a coordinated response beyond the routine procedures, resources, and/or authority of Kings County and its elected officials, employees and volunteer fire fighters".

The scope includes the actions of the Kings Regional Emergency Management Organization in response to an emergency affecting the Kings Region. It also includes guidelines for the development of departmental plans.

### 2.2 DEFINITIONS

**The following definitions apply in this Plan.**

***Exercises*** - scheduled events, which provide a realistic setting for practising emergency response and evaluating emergency plans, procedures and resources.

***Hazardous Materials*** - substances which, if accidentally released, may result in serious harm to life, property, or the environment. These substances are listed in the Transportation of Dangerous Goods Schedule XII and the Major Industrial Accident Council of Canada list of Hazardous Substances.

***Hazard*** - a situation with the potential for human injury or death, damage to property, damage to the environment, or some combination of these.

***Responders*** - persons responsible for actions during an emergency. Actions are generally intended to reduce risk, minimize losses and damage, and relieve suffering. Responders include employees or agents of Kings County, and employees or volunteers from other governments, the private sector, or community organizations.

***Emergency Network*** - all persons and organizations that may reasonably be expected to be involved in emergency operations with Kings County. Involvement may include, but is not limited to: exchange of information, coordination of policies, plans, and procedures, and participation in training and exercise programs.

## **2.3 PLANNING BASIS**

The Plan is an **all hazards plan** and has been prepared as a guide for all personnel responsible for the direction and co-ordination of the emergency services in the event of a local emergency.

### **Legislation**

The Plan is primarily based on the Nova Scotia Emergency Management Act (1990) and the Kings Regional Emergency Management By-Laws, which are to provide for a prompt and coordinated response to an emergency.

### **Hazards**

**The plan is based on the vulnerability to hazards in each of the following categories:**

- (1) **natural hazards:** those related to naturally occurring elements and conditions including, but not limited to, floods, severe weather, and forest fires;
- (2) **technological hazards:** those related to the use of technology including, but not limited to transportation accidents, hazardous materials accidents, structural failures, and essential services failures; and
- (3) **civil hazards:** those related to acts of civil disorder intended to disrupt community services or activities.

### **Resources**

The demand for resources (personnel, facilities, supplies, and equipment) varies during an emergency, depending on the situation. In the event of an accident or disaster, with few exceptions, the Kings Region has appropriate and sufficient resources to mount an initial response. In the event of a catastrophe or a protracted response to a lesser event, additional resources will be required from the private sector and other levels of government.

### **3. RESPONSIBILITIES AND FUNCTIONS**

#### **3.1 KINGS REGIONAL EMERGENCY MANAGEMENT ADVISORY COMMITTEE**

The Kings Regional Emergency Management Advisory Committee is responsible for advising Council(s) of any developments during a state of local emergency. This Committee is to carry out any other duties as directed by the respective Council(s).

#### **3.2 KINGS REGIONAL EMERGENCY MANAGEMENT COORDINATOR**

The Kings Regional Emergency Management Coordinator (REMC) is responsible for the coordination of the Regional Emergency Operations Centre and the emergency services to be provided.

#### **3.3 KINGS REGIONAL EMERGENCY MANAGEMENT ALTERNATE COORDINATOR**

The Kings Regional Emergency Management Alternate Coordinator will carry out the duties of the Kings Regional Emergency Management Coordinator in his absence. The Kings Regional Emergency Management Coordinator or the Kings Regional Emergency Management Alternate Coordinator will be advised of any local emergency, which might require the activation of the Kings Regional Emergency Plan.

#### **3.4 KINGS REGIONAL EMERGENCY MANAGEMENT PLANNING COMMITTEE**

- (a) income assistance;
- (b) law enforcement;
- (c) fire control services;
- (d) engineering services;
- (e) health services;
- (f) community services;
- (g) transportation;
- (h) communications;
- (i) public information;
- (j) utilities;
- (k) financial services; and
- (l) legal services.

The Kings Regional Emergency Management Planning Committee will assemble at the Regional Emergency Operation Centre (EOC), located at 87 Cornwallis St., Kentville or at the Alternate Operation Centres as directed. These centers are located at 465 Main Street, Kentville and 359 Main Street, Wolfville (see Section 8.3 and 8.4).

#### **3.5 KINGS REGIONAL EMERGENCY OPERATIONS CENTRE**

The function of the Kings Regional Emergency Operations Centre is to provide a facility where the co-ordination of all activities required to achieve the aim of the plan can be carried out. This shall be done through the process of joint decision-making and sharing of information.

The Kings Regional Emergency Management Planning Committee will staff the Kings Regional Operations Centre. The Planning Committee directs the activities of the emergency services and advises the Kings Regional Emergency Management Advisory Committee on the overall management of the emergency.

**4. ACTIVATION OF KINGS REGIONAL EMERGENCY READINESS PLAN**

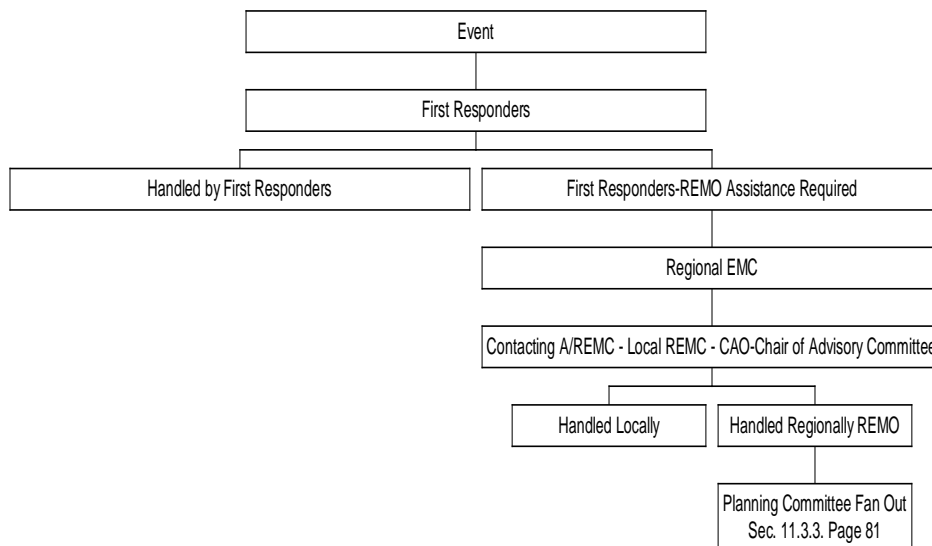
On receipt of information about an actual or potential emergency, all agencies involved shall react as per their standard operating procedures and then promptly decide whether the situation will require activation of the Kings Regional Municipal Emergency Readiness Plan. If it has been determined that due to the overall situation the Emergency Readiness Plan should be activated then the following procedures shall take place.

- 4.1** The determining agency will notify their emergency dispatch centre and inform them that the Emergency Readiness Plan should be activated.
- 4.2** The emergency dispatch center will notify the Kings Regional Emergency Management Coordinator of the emergency, who will then contact the Kings Regional Emergency Management Alternate Coordinator. The CAO and the appropriate staff for the affected area will be immediately apprised of the situation.
- 4.3** The Kings Regional Emergency Management Coordinator will assess the need to activate the Emergency Plan. **If activation is required, the Kings Regional Emergency Management Coordinator will recommend the appropriate activation level to the Chief Administrative Officer.**

**\*\*Note:** The Kings Regional Emergency Management Coordinator may confer with other members of the Planning Committee. However, unnecessary delay must be prevented.

This recommendation should be provided within 30 minutes, or as soon as possible thereafter, of the initial report to the emergency dispatch center. If activation is not required, the Regional Emergency Management Coordinator will log the information and will notify the CAO at the earliest opportunity.

When activation has been approved, the Planning Committee, the Advisory Committee members and the Emergency Operations Centre support staff shall be notified as per the Call-Out procedures. All persons should be contacted within 30 minutes of the approval to activate the Plan. They should be present at the EOC within one hour of the approval to activate the Plan.





## 5. ACTIVATION LEVELS OF THE KINGS REGIONAL EMERGENCY READINESS PLAN

Activation levels define the degree to which the Emergency Readiness Plan is activated. The CAO has the authority to upgrade the activation level on the recommendation of the Regional Emergency Management Coordinator. The Advisory Committee has the authority to downgrade the activation level. There are three (3) levels of activation for the Emergency Readiness Plan.

### **They are:**

- (a) Standby mode
- (b) Active mode
- (c) Recovery mode

In **standby mode**, only some departments or individuals in the Kings Regional Emergency Management Organization are alerted and kept informed on the progress of the emergency. This normally happens when the abnormal situation has only limited consequences and emergency services are in control of the situation. Emergency services would not require additional procedures, resources, and/or authority.

In **active mode**, the Master Emergency Plan alert procedure is implemented immediately. Department/service emergency plans are activated as required. The general public and members of the Kings Regional Emergency Network are also notified.

In **recovery mode**, the Kings Regional Emergency Management Organization is in transition between emergency and normal operations.

## **6. ON SITE OPERATIONS**

Until the Kings Regional Emergency Management Plan is activated, all directions and requests for resources are handled according to routine departmental procedures. When the Emergency Readiness Plan is activated, the EOC Manager ensures that an Emergency Site Manager (ESM) is in place. If there are multiple sites, the EOC Manager will also ensure that there is an ESM for each site. The selection of the ESM (s) is based on recommendations from Department Heads, who are part of the Planning Committee.

The priority emergency actions for the on-site group are:

- (a) isolate the site (establish inner and outer perimeters) to prevent further casualties (control access/egress in the area);
- (b) take prompt action to protect the population immediately adjacent to the emergency site;
- (c) take safe actions to conduct life-saving and rescue operations;
- (d) take safe actions to control the hazard; and/or
- (e) take safe actions to mitigate the emergency.

The ESM directs all emergency operations (except federal or provincial mandated operations) within the outer perimeter (except on federal property, provincial facilities/roadways, or First Nations lands). The ESM provides regular situation reports to EOC Manager by way of his agency representative, at the Emergency Control Operation Centre. Where possible, the ESM will adhere to the following procedures in sending requests to the EOC Manager.

The ESM coordinates on-site Municipal operations with persons responsible for federal/provincial/First Nations mandates, properties, facilities, and roadways.

The ESM may recommend Management or response actions for areas outside the outer perimeter (e.g. evacuation recommendation) to the EOC Manager. However, the ESM has no authority for any actions in that regard.

Members of the Emergency Planning Committee activate department emergency centres, as required; review information about the emergency; share information with other committee members; make sure their information is recorded and displayed in the EOC; and recommend emergency Management to the EOC Manager. The Kings Regional Emergency Management Planning Committee members implement approved recommendations by issuing instructions to department emergency managers. Department emergency managers determine how things will be done and issue further instructions to emergency responders. Department emergency managers report results to their Planning Committee members.

## **KINGS REGIONAL EMERGENCY MANAGEMENT ADVISORY COMMITTEE**

The Kings Regional Emergency Management Advisory Committee meets in a room adjacent to the Emergency Management Planning Committee room. At least one member of the Emergency Management Advisory Committee is available in that room at all times while the Master Emergency Plan is activated. The EOC Manager makes recommendations on the following, to the committee, for approval: policy matters, declaration; renewal or termination of a state of local emergency; or execution of the state of local emergency power.

The Kings Regional Emergency Management Advisory Committee releases information to the media by way of formal media announcements and/or media conferences. While the Master Emergency Plan is activated, the Kings Region has a single media spokesperson, who, whenever possible, is a member of the Kings Regional Emergency Management Advisory Committee or the Kings Regional Planning Committee. All announcements and media conferences are prepared/coordinated by the member of the Kings Regional Emergency Management Planning Committee who is responsible for public information. That individual attends all briefings of the Kings Regional Emergency Management Advisory Committee and reviews the committee's log on a regular basis. All media announcements and media conference strategies are approved in advance by the EOC Manager (especially evacuation warnings). The announcements and strategies are also coordinated with other members of the emergency network. If the Provincial Government declares a state of emergency, the announcements must be coordinated with that provincial body.

Finally, the Kings Regional Emergency Management Advisory Committee briefs Council on developments during a local state of emergency. Council meets at a location other than the EOC for their briefings.

## **RECORD KEEPING**

Detailed information about the following items is recorded during an emergency:

- (a) receipt of information about an actual or potential emergency;
- (b) activation of Master Emergency Plan;
- (c) notification of the general public and other emergency organizations;
- (d) Kings Regional Emergency Management Advisory Committee operations (single log);
- (e) Kings Regional Emergency Management Planning Committee operations (individual logs), Emergency site operations;
- (f) health and safety assessments;
- (g) public inquiries;
- (h) media announcements;
- (i) declaration/renewal/termination of a state of local emergency;
- (j) orders issued by the Kings Region under state of local emergency;
- (k) requests for assistance;
- (l) acquisition of materials/services;

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- (m) warnings/orders issued to the Kings Region;
- (n) all expenditures.

Detailed information includes:

- (a) time of the event;
- (b) information received/sent;
- (c) decisions taken;
- (d) instructions received/sent;
- (e) actions planned/implemented.

In addition, a central registry of the names, tasks, hours worked, operating locations, and injuries of every person who responds to the emergency under the authority of the Kings Regional Emergency Management Organization is maintained.

## **7. DEACTIVATION OF THE KINGS REGIONAL EMERGENCY MANAGEMENT PLAN**

Members of the Kings Regional Emergency Management Planning Committee consider and recommend to the EOC Manager, as appropriate, a deactivation of department/service plans they are responsible for. The EMS(s) considers and recommends to the EOC Manager, as appropriate, deactivation of the on-site emergency operations group. The Kings Regional Emergency Management Planning Committee discusses and recommends, as appropriate, changing the activation level of the Kings Regional Emergency Management Plan (and the EOC). The Kings Regional Emergency Management Advisory Committee authorizes downgrading the activation level from active mode to standby or recovery. In every instance, reasonable notification of deactivation change is given to the Emergency Operations Centre, on-site and off-site emergency operations groups, the emergency network, and the general public.

### **RECOVERY**

The aim of the recovery plan is to return the Kings Region to a normal state. A recovery plan has three components: social, physical and environmental recovery.

Social recovery includes, but is not limited to, critical incident stress programming and medical follow-up.

Physical and environmental recovery generally includes: resumption of public services; infrastructure repair and reconstruction; residential repair and reconstruction; and business repair and reconstruction. The scope of the recovery plan includes, but is not limited to, the following:

- (a) establishment and operation of a recovery committee;
- (b) impact/damage assessment;
- (c) sources of assistance (including financial and technical assistance);
- (d) issues (including legislative, regulatory, policy, safety, emergency mitigation, political, and economic issues);
- (e) recommendations;
- (f) implementation strategy (including a budget and schedule).

### **POST-EMERGENCY EVALUATION**

Following the emergency an evaluation of the emergency response will be made by members of the Kings Regional Planning Committee in concert with elected officials, staff and emergency resource personnel

## **8. ACTIVATION OF KINGS REGIONAL EMERGENCY OPERATIONS CENTRE**

### **PURPOSE:**

To establish an operational procedure when activation of the Emergency Operations Centre has been established.

### **FUNCTION:**

The function of the Emergency Operations Centre (EOC) is to co-ordinate all activities required to achieve the aim of the Plan. This shall be accomplished through the process of joint decision making and sharing of information.

### **FORWARD:**

The Emergency Operations Centre will be staffed by the Kings Regional Emergency Management Coordinator, Alternate Coordinator, the Kings Regional Emergency Management Planning Committee and the Kings Regional Emergency Operations Centre Support Staff.

### **PROCEDURES:**

On receipt of information, to activate the Kings Regional Emergency Readiness Plan, all planning committee, advisory committee and support staff members shall report to the Council Chambers, located in the Municipal Building, 87 Cornwallis Street, Kentville. If the Emergency Operations Centre in the Municipal building has been affected by an emergency and is inoperable, then an alternate site will be used. This site could be located at the EOC located at 354 Main Street, Kentville or 359 Main Street, Wolfville. (Section 8.2.1 and 8.3)

The **Kings Regional Advisory Committee** will assemble in the boardroom located in the executive office area and will provide support to the Planning Committee without becoming involved in the technical details of departmental activities.

The **Kings Regional Planning Committee**, consisting of all the chiefs of services, will assemble in the Emergency Operations Centre and will be responsible to direct the overall response and advise the Advisory Committee on the overall management of the emergency.

The **Kings Regional Support staff** shall be notified by their respective/department counterparts or the Planning Committee, and report to the EOC. Once at the EOC they will be responsible to ensure that their counterpart has the necessary equipment to carry out their responsibilities.

The **Kings Regional Public Information Officer** shall be responsible to set up an area away from the EOC and Advisory Committee room for the purpose of meeting with the media.

A briefing meeting will be held as members of the Planning Committee, Advisory Committee, and the Public Information Officer, are assembled in the EOC. This meeting is in accordance with the Reporting Procedures and is used to bring everyone up to date on the situation. This meeting will be held in the Councilor's Lounge located in the Council Chambers. Briefing meetings will be held on a regular basis throughout the emergency and will be scheduled by the EOC Manager.

**WHO IS IN CHARGE:**

The EOC facility and the EOC Control group are often managed by the CAO or another designated senior municipal administrator. The Kings Regional Emergency Management Coordinator generally reports to and supports the Manager of the EOC. Similarly, the Site Manager manages the emergency site and leads the Site Team. Each response agency and organization is managed/commanded by its own senior representative (i.e. the Agency Site Control Officer). For example, the Senior Fire Officer at the Site is a member of the Site Team and is also the Fireground Commander. This individual's role is to fight the fire and neither the Site Manager nor the Team should interfere with that function. However, they must be able to provide input when it comes to coordinating their activities and resources with those of the Fire Services at the Site. When an Agency Site Control Officer is assigned to the role of Site Manager, he or she must relinquish the Agency role and assume fully the Agency-neutral role of Site Manager.

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## **8.1 KINGS REGIONAL EMERGENCY MANAGEMENT OPERATIONS CENTRE**

**EMERGENCY SITE MANAGEMENT DOCTRINE**  
Canadian Emergency Preparedness College



**8.1.1 EMERGENCY OPERATIONS CENTRE MUNICIPAL COUNCIL CHAMBERS  
KENTVILLE, N.S.**

**TELEPHONE DESIGNATION NUMBERS**

Fire Service (KCFFA)	30 Blue	9+	690-6122
Fire Service (1of 16 depts.)	30 Grey	9+	690-6149
RCMP	33 Blue		679-6101
RCMP	33 Grey	9+	690-6181
Valley Communications	34 Blue	9+	690-6177
Transportation	34 Grey	9+	690-6104
Emergency Social Services	35 Blue	9+	678-6112
Emergency Social Services	35 Grey		678-0086
Engineering & Public Works	36 Blue		678-3870
Medical Health	36 Grey	9+	690-6134
Emergency Health Services	37 Blue		690-6183
Public Information Officer	37 Grey		690-6190
Alt.EMO Coordinator	31 Blue		690-6145
EMO Coordinator	31 Grey	9+	690-6117
EOC Manager		9+	690-6116
Communication		9+	690-6106
Councillors' Lounge		9+	690-6107
Chairperson of the Kings Regional Advisory Committee		9+	690-6132

## **8.2 KINGS REGIONAL EMERGENCY MANAGEMENT ALTERNATE OPERATION CENTRE**

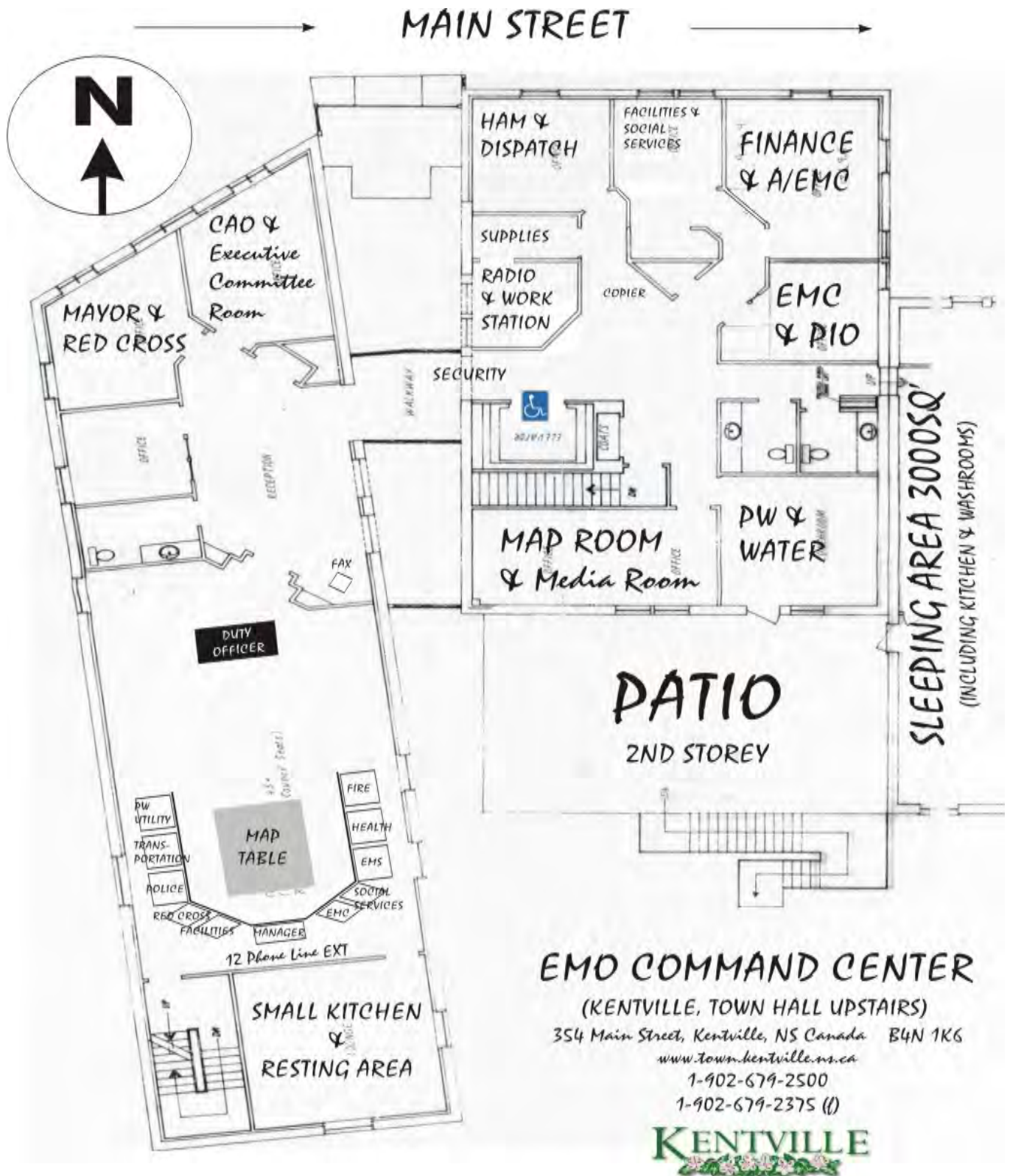
### **Kentville Emergency Operations Centre (EOC)**

The Town of Kentville Emergency Operation Centre (EOC) is located at the Town Hall. Access is through the back door ramp upstairs. Once you have entered the building you can reach the Council Chambers by either using the stairs or by using the elevator. Proceed over the ramp and the Council Chambers is located on your left hand side. The Town Hall is located at 354 Main Street, Kentville, NS B4N 1K6. The Kentville Emergency Operation Centre is a back up to the Kings County Regional Emergency Operation Centre.

The Emergency Management Planning Committee who will act as the Emergency Control Response Group (ECRG) will staff the Emergency Operation Centre. The Emergency Operation Centre Manager will manage the Kentville Emergency Operation Centre (EOC) Facility and the activities of the Kings County Regional Emergency Operation Centre (ECRC). The Emergency Management Coordinator will support the Emergency Operation Centre Manager in the operation of the Emergency Operation Centre. All persons should be contacted within 30 minutes of the approval to activate the Plan. Personnel requested for the operation of the Emergency Operation Centre should be present at the Emergency Operation Centre within one hour of the approval to activate the Plan.

### 8.2.1 KINGS REGIONAL EMERGENCY MANAGEMENT ALTERNATE OPERATION CENTRE

#### Kentville Emergency Operations Centre (EOC) - Layout



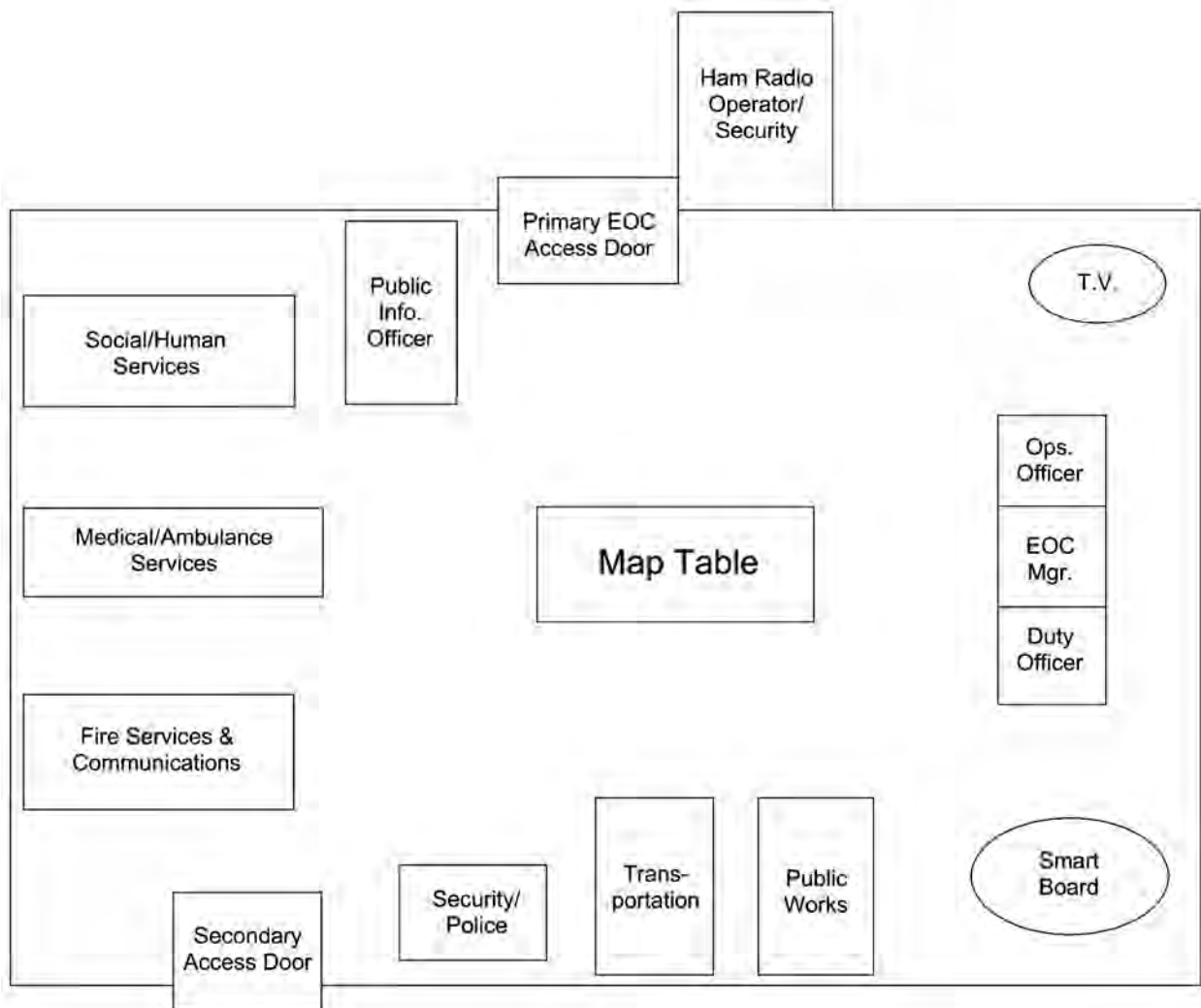
### 8.3 KINGS REGIONAL EMERGENCY MANAGEMENT ALTERNATE OPERATION CENTRE

#### Wolfville Emergency Operations Centre (EOC)

The Town of Wolfville EOC is located at the Town Hall Council Chambers, 359 Main Street. This EOC has a back up facility, which is located on the main floor of Wheelock Hall, Acadia University.

The EOC will be staffed by the Emergency Management Planning Committee, who will act as the Emergency Control Response Group (ECRG). The EOC facility and the activities of the ECRG will be managed by the EOC Manager. The Emergency Management Co-ordinator will support the EOC Manager in the operation of the EOC. All persons should be contacted within 30 minutes of the approval to activate the Plan. Personnel required for the operation of the EOC should be present at the EOC within one hour of the approval to activate the Plan.

EOC Layout:



## **9. KINGS REGIONAL EMERGENCY CENTRE REPORTING PROCEDURE**

### **9.1 KINGS REGIONAL EMERGENCY MANAGEMENT ADVISORY COMMITTEE**

#### **RESPONSIBILITIES:**

- Activate the Emergency Management Organization's emergency alert system;
- Reports to the Emergency Operations Centre;
- Co-ordinates the acquisition of emergency response equipment;
- Represents his/her municipality and liaises with EMO Nova Scotia;
- Ensures support for the Emergency Operations Control Group is provided;
- Ensures the municipal police/RCMP are dispatched and act at the Emergency Site Management command post;
- Locates lists of resources, advisors and provincial or federal emergency response agencies, as stated in the municipal emergency plan;
- Recommends the activation of mutual aid, when required, to the EOC Manager;
- Ensures a prompt, co-ordinated response of required volunteer organizations (may be assisted by other personnel);
- Activates the response of specialist response teams, as required;
- Ensures an operations log is maintained during an emergency, recording all activity and personnel involved;
- Conducts the emergency debriefing;
- Prepares the emergency operations final status report to present to council;
- Advises the Mayor, Warden or designated official acting as Chief Administrative Officer, during the emergency.

## **9.2 KINGS REGIONAL EMERGENCY OPERATIONS CENTRE MANAGER**

### **RESPONSIBILITIES:**

- Activate the Regional Emergency Operations Control Group emergency alerting System in whole or in part;
- Upon warning of an emergency or disaster activate the emergency plan in whole or in part;
- Advise and continuously update the Chairperson of the Advisory Committee regarding the current emergency situation;
- Assume the responsibilities as the Regional Emergency Operations Centre Manager;
- Sanction an Emergency Site Manager(s);
- Coordinate the municipal response as per the emergency plan;
- Cooperate with other municipal departments, adjacent municipalities and other applicable bodies;
- Approve the activation of mutual aid when required;
- Determine if Municipal resources are adequate or if additional resources are needed;
- Recommend, when required, that assistance be requested from the Provincial Emergency Management Organization;
- Take such action as is necessary to minimize the effects of an emergency or disaster on the Kings Region and its inhabitants;
- Advise the Chairperson of the Kings Regional Advisory Committee, or their alternate, or Council, of any necessary actions that should be taken that are not covered in the emergency plan;
- Maintain a log of all actions taken;
- During normal times when not activated, must ensure regular cleaning and maintenance of the facility it carried out;
- Begin long-range planning.

**Remember: Success depends on information**  
**Insist on: Frequent briefings from Staff Officers -**  
**Frequent situation reports from the site**

### **9.3 DUTY OFFICER**

#### **RESPONSIBILITIES:**

- Reports to the EOC when notified of its activation;
- Collect, collate, summarize, display and circulate information concerning emergency operations on a master event status board;
- Ensure all work station telephones during Sitreps and that Emergency messages are received and copied;
- Messages are received and copied;
- Secure EOC and arrange to have access limited to EOC personnel;
- Reports to the EOC Manager and assists the Operations Officer, as required.

#### **9.4 KINGS REGIONAL EMO COORDINATOR**

##### **RESPONSIBILITIES:**

- Contact Provincial EMO;
- Report to the EOC when notified of its activation;
- Report to and support the EOC Manager;
- Activate the Emergency Management Organization's emergency alert system;
- Provide emergency response equipment;
- Act as Liaison with the responding Agencies and provide linkage between the EOC and Site;
  
- Make arrangements to support the Emergency Operations Control Group;
- Provide lists of resources, advisors and provincial or federal emergency response agencies;
  
- Recommend to the EOC Manager the activation of mutual aid when required;
  
- Act as the EOC Operations Officer;
- Alert and coordinate the response of volunteer organizations;
- Coordinate the response of radiological response teams;
- Maintain a log of all actions taken;
- Begin long-range planning.



## **9.5 KINGS REGIONAL ALTERNATE EMO COORDINATOR**

### **RESPONSIBILITIES:**

- Report to the EOC when notified of its activation;
- Report to and assist the EOC Manager;
- Assist the Emergency Management Coordinator in carrying out his duties;
- Act as the EOC Duty Officer;
- Begin long-range planning.

## **9.6 OPERATIONS OFFICER**

### **RESPONSIBILITIES:**

- Report to the EOC when notified of its activation;
- Alerts and coordinates volunteer organizations' services;
- Support the Emergency Operations Centre;
- Provide lists of resources, advisors and provincial/federal emergency response agencies;
- Keeps abreast of EOC personnel stress and the need to alert health services for debriefings;
- Alert photographer(s) and/or videographer(s) to photograph aspects of the disaster, for study and training purposes;
- Maintains the operational map;
- Logs and tracks messages in and out through the telecommunications center;
- Monitors, logs and forwards to appropriate addresses, all facsimiles in/out;
- Reports to the EOC Manager and assists the Duty Officer and departmental representatives, as required;
- Coordinates shift change and relief schedule for EOC personnel; coordinates runners and/or messengers, as necessary;
- Maintain a log of all actions taken.

## **9.7 TELECOMMUNICATIONS OFFICER**

### **RESPONSIBILITIES:**

- Report to the EOC when notified of its activation;
- Activate the telecommunications alert system;
- Coordinates all EOC telecommunication requirements, i.e. phones, radios, facsimile;
- Ensure adequate back-up telecommunications are provided;
- Coordinate radio frequencies used;
- Supervise the Emergency Operations Centre, Message Control Centre;
- Establish static and mobile telecommunications posts as required;
- Provide liaison with Kings County Amateur Radio Club;
- Provide or request mutual aid when required;
- Ensure that logs are maintained of all actions taken, including all IN and OUT messages;
- Begin long-range planning.

## **9.8 HUMAN RESOURCES**

### **RESPONSIBILITIES:**

- Report to the EOC when notified of its activation;
- Activate the department's emergency plan and alert system;
- Coordinate supply and demand of human resources;
- Select the most appropriate site(s) for the registration of human resources;
- Maintain records of human resources and administrative detail that may involve financial liability;
- Ensure that identification cards are issued for feeding and other purposes;
- Arrange for transportation of human resources;
- Obtain assistance, if necessary, from Human Resources Development Canada;
- Advise the EOC Manager on all matters of Human Resources planning;
- Maintain a log of all actions taken;
- Begin long-range planning.

## **9.9 PUBLIC INFORMATION OFFICER**

### **RESPONSIBILITIES:**

- Report to the EOC when notified of its activation;
- Activate the department's emergency communications plan and alert system;
- Prepare self-help information for rapid distribution;
- Keep the public informed of significant developments occurring during the emergency or disaster;
- Establish communication requirements;
- Arrange for media facilities at the pre-designated Media Centre;
- Provide public information support at the emergency site(s), if required;
- Gather, process and disseminate information from the emergency services;
- Maintain a log of all actions taken;
- Begin long-range planning.

## **9.10 FIRE CHIEF**

### **RESPONSIBILITIES:**

- Report to the EOC when notified of its activation;
- Activate the department's emergency plan and alert system;
- Coordinate firefighting operations;
- Coordinate search and rescue operations;
- Recommend to the EOC Manager, the activation of the Mutual Fire Aid System, if required;
- Ensure that dangerous goods support agencies are contacted, if necessary;
- Maintain a log of all actions taken;
- Begin long-range planning.

## **9.11 POLICE CHIEF – DETACHMENT COMMANDER**

### **RESPONSIBILITIES:**

- Report to the EOC when notified of its activation;
- Activate the department's emergency plan and alert system;
- Establish inner and outer perimeters at the emergency or disaster site(s);
- Control and if necessary, disperse crowds within the emergency or disaster site(s);
- Control traffic to facilitate the movement of emergency vehicles;
- Conduct the evacuation of buildings or residential areas authorized by the Emergency Operations Control Group;
- Ensure the protection of lives, public and private property;
- Provide security and prevent looting of evacuated areas;
- Provide river, storm and tornado watch;
- Provide assistance and support to the Coroner;
- Provide assistance in search and rescue operations;
- Recommend to the EOC Manager, the activation of mutual aid, if required;
- Act as liaison with Local Police Departments/Detachments;
- Act as liaison with Valley Search and Rescue;
- Act as liaison with the Humane Society, when animal control is required;
- Maintain a log of all actions taken;
- Begin long-range planning.

### **RESPONSIBILITIES OF VALLEY SEARCH AND RESCUE**

- Report to the EOC when notified of its activation, if required;
- Activate the organization's emergency plan and alert system;
- Check operation status of your organization;
- Report operational status to the EOC Manager and receive briefing on the emergency requirements;
- Check with your staff members for any immediate or perceived future manpower requirements;
- Report to the Telecommunications Officer any immediate or perceived future needs regarding communications;
- Answer the immediate needs of the Emergency;
- Maintain a log of all actions taken;
- Begin long-range planning.

## **9.12 DIRECTOR PUBLIC WORKS AND UTILITIES**

### **RESPONSIBILITIES:**

- Report to the EOC, when notified of its activation;
- Activate the department's emergency plan and alert system;
- Provide municipal equipment and personnel, as required;
- Provide a list of equipment, supplies, construction companies, private contractors and engineer resources;
- Coordinate the response of Public Works and Utilities, Nova Scotia Power Corporation and MT&T Communications;
- Disconnect any services (utilities) that represent a hazard;
- Provide assistance in cleanup operations and repair of damage where there is a municipal responsibility;
- Advise the Emergency Operations Control Group when sustained damages to buildings exceeds safe limits;
- Provide alternate supplies of water, when required;
- Provide barricades and flashers;
- Provide assistance in search and rescue operations;
- Restore essential services;
- Recommend to the EOC Manager, the activation of mutual aid, if required;
- Act as a liaison with Nova Scotia Power and MT&T Communications;
- Maintain a log of all actions taken;
- Begin long-range planning.



### **9.13 DIRECTOR OF EMERGENCY SOCIAL SERVICES**

#### **RESPONSIBILITIES:**

- Report to the EOC when notified of its activation;
- Activate the service's emergency plan and alert system;
- Coordinate the response of Social Services and if used, volunteer organizations directly involved with Social Services;
- Ensure and coordinate provisions for the following:
  - (1) emergency feeding
  - (2) emergency lodging
  - (3) emergency clothing
  - (4) emergency registration and inquiry
  - (5) personal services
- Establish telecommunications requirements;
- Recommend to the EOC Manager, the activation of mutual aid, if required;
- Coordinate the response of volunteer organizations directly involved with Emergency Social Services (St. John Ambulance, Salvation Army, etc.);
- Maintain a log of all actions taken;
- Begin long-range planning.

#### **RESPONSIBILITIES-ST. JOHN AMBULANCE/SALVATION ARMY/ETC.:**

- Report to the EOC when notified of its activation;
- Activate the department's emergency plan and alert system;
- Check operational status of your organization;
- Report operational status to the EOC Manager and receive briefing on the emergency requirements;
- Check with staff members for any immediate or perceived future manpower requirements;
- Report to the Telecommunications Officer any immediate or perceived future needs regarding communications;
- Answer immediate needs of the emergency;
- Maintain a log of all actions taken;
- Begin long-range planning.

## **9.14 MEDICAL OFFICER OF HEALTH**

### **RESPONSIBILITIES:**

- Report to the EOC when notified of its activation;
- Activate the department's emergency plan and alert system;
- Provide information on any health hazards for dissemination by the Public Information Officer;
- Provide for mass immunization, if required;
- Oversee water quality checks;
- Provide authority for evacuation of buildings or residential areas for health reasons;
- Coordinate first aid, casualty collection posts, distribution of casualties, real or improvised ambulances and health personnel;
- Provide for life saving surgery and hospitalization for the seriously injured;
- Provide for continuous medical care on an austere basis;
- Provide for emergency medical treatment for the injured not requiring hospitalization;
- Provide lists of wholesale distributors of pharmaceutical or surgical supplies, hospitals, clinics, clinical laboratories, special care facilities and health personnel;
- Recommend to the EOC Manager the activation of mutual aid, if required;
- Act as liaison with federal and provincial health departments;
- Maintain a log of all actions taken;
- Begin long-range planning.

## **9.15 DIRECTOR PURCHASING AND STORES**

### **RESPONSIBILITIES:**

- Report to the EOC, when notified, if necessary;
- Activate the department's emergency plan and alert system;
- Coordinate purchase and supply requirements;
- Provide an inventory of local stores, supplies and their locations;
- Provide lists of suppliers;
- Maintain records of all purchases and a log of all actions taken;
- Begin long-range planning.

**9.16 KINGS COUNTY AMATEUR RADIO CLUB**

**RESPONSIBILITIES:**

- Report to the EOC when notified of its activation;
- Activate the Club's emergency plan and alert system;
- Act as liaison with local emergency planning officials to determine their telecommunications needs;
- Act as liaison with regional and provincial amateur emergency telecommunications Coordinators;
- Provide lists of amateur radio operators and their telecommunications resources;
- Alert and coordinate, through regional and provincial amateur telecommunications coordinators, the possible deployment for assistance of additional amateur radio operators and resources according to the requirements of the Telecommunications Officer;
- Ensure that volunteer amateur radio operators are properly registered so that Workers' Compensation coverage is provided during an emergency or disaster;
- Maintain a log of all actions taken;
- Begin long-range planning.

## **9.17 KINGS EMERGENCY HEALTH SERVICES**

### **RESPONSIBILITIES:**

- Report to the EOC when notified of its activation;
- Activate the department's emergency plan and alert system;
- Check operational status of your department;
- Report operational status to the EOC Manager and receive briefing on the emergency requirements;
- Check with staff members for any immediate or perceived future manpower requirements;
- Report to the Telecommunications Officer any immediate or perceived future needs regarding communications;
- Answer immediate needs of the emergency;
- Maintain a log of all actions taken;
- Begin long-range planning.

**9.18 C.F.B. GREENWOOD – 14 WING/CAMP ALDERSHOT**

**RESPONSIBILITIES:**

- Report to the EOC when notified of its activation;
- Activate the department's emergency plan and alert system;
- Check operational status of your organization;
- Report operation status to the EOC Manager and receive briefing on the emergency requirements;
- Check with other staff members for any immediate or perceived future manpower requirements;
- Report to the Telecommunications Officer and immediate or perceived future needs regarding communications;
- Answer immediate needs of the emergency;
- Maintain a log of all actions taken;
- Begin long-range planning.

**(Note: Request for military assistance to be made through the Provincial EMO office as per the aid to civil power provisions).**

**9.19 SAFETY OFFICER**

**RESPONSIBILITIES:**

- Report to the EOC, when notified, if necessary;
- Provide assistance and direction on safety issues;
- Establish contact with Emergency Site Commander;
- Act as liaison with all Emergency Departments relating to safety;
- Maintain a log of all actions taken;
- Begin long-range planning.

**9.20 SCRIBE**

**RESPONSIBILITIES:**

- Report to the EOC, when notified of its activation;
- Record EOC logs and post;
- Record minutes of EOC briefings and debriefings.



## 10. THE EMERGENCY SITE: LAYOUT, ROLES AND PROCESS

### The principles and components of site layout

One of the greatest tools of effective site control and management is an effective site layout. Each emergency site requires a unique site layout, as does each disaster, even those affecting the same site. However, the principles affecting site layout are similar and bear attention. However, all site layouts are guided by similar principles.

There are a number of key factors, which could have significant impact on the site layout and the overall response effort. These are listed below and should be viewed both on their own merit and in the context of the impact the disaster will have on each.

- Terrain type (e.g., rugged, mountainous, marshy, sandy).
- Lay of the land (e.g., closed-in versus open).
- Environmental constraints (i.e., weather, season).
- Accessibility to the site and access routes.
- Land ownership and jurisdiction.
- Communications needs and available resources.
- Space requirements and availability.
- Available structural resources (i.e., buildings, warehouses, shelters).
- Safety (i.e., from the elements, disaster agents).
- Availability and proximity to water, power and sanitation resources/services.

Emergency sites may contain unique components, which reflect the nature of the disaster, the resource capacity of the municipality, or the topography of the site. However, generally speaking, most emergency sites have similar components. These are listed below (refer to Figure 6).

**Inner perimeter** with designated and secured entry/exit points.

**Outer perimeter** with designated and secured entry/exit points.

**Traffic control points.** These include well-marked primary and alternate in/out routes. They also include specific points along these routes where traffic can be controlled and security Management implemented as appropriate.

**Site command post.** This command post is often accompanied by Agency/Department posts. It should be located centrally as close as possible to the primary area of the inner perimeter. It should also be easily identifiable (i.e., flagged) and connected to as many communication media as possible. Given sufficient space, it should include all agency Site Control Officers. It is also referred to as **ESM Command Centre (ESMCC)**

**Command Post (CP)** for each of the major response agencies.

**Triage area.** If necessary, this is an area where the injuries are categorized for the purpose of treatment and transportation to health care facilities. It needs to be close to the inner perimeter yet secure from danger. It should also be large enough to accommodate various responders and injured persons, and be near in/out transportation route(s). This area may include the treatment area.

**Treatment area.** When required, this area should be established in a safe zone outside the inner perimeter. It should be well marked and be close to the in/out transportation route(s). When the treatment process is expected to last a long time, or when weather dictates it, the Site Team may wish to establish large tent(s) within which to conduct the treatment. To avoid congestion, ambulances must be dispatched to the treatment area from the staging area.

**Casualty Collecting Area.** The area from which the casualties are taken away to the various health care facilities for treatment.

**Staging area.** Located within the outer perimeter, or some times just outside of it, the staging area contains all resources dispatched to the site but yet unused. The area must have in/out routes and its entry points secured. It should be near the rest and feeding areas. It is managed by the Staging Area Coordinator (and, where available, Staging Officers). It must be in close communications with the Site Command Post.

**Parking area(s).** These areas are intended to reduce traffic congestion within the site. They may be used to keep response vehicles, which may not be required for lengthy period of time. Response agencies may be assigned their own specific parking lot/sector and tasked with the management of its use and the security of its content.

**Temporary morgue.** This will not be required in all disaster situations. However, when required it should be established within the outer perimeter away from the rest of site operations to secure it from interference. When established, it requires round-the-clock access control and may require counseling/clergy staff nearby to assist the bereaved. (A separate facility/tent may be established near the temporary morgue for that purpose.) The temporary morgue should also have a property office to preserve the belongings of the deceased and coordinate their release as appropriate.

**Logistics area.** This area is designed for vehicle repair, equipment servicing, fueling, distribution/allocation of equipment, and the storage of dangerous goods. It should be near the main access routes and within the outer perimeter. Moreover, the area should be near the Rehab. Sector but must be both upwind and far enough from it to reduce the presence of noise and fumes in the Rehab. Sector.

**Rehab. Sector (or rest and feeding area).** This area is particularly important for operations which last for lengthy periods. It needs to be near access route(s) but should be located in a less busy (i.e., quiet and isolated) area of the site.

**Decontamination Area.** This is a relatively small area which, when required, should be located just outside the Inner Perimeter as near as possible to the hot zone. It should be available to decontaminate both responders as well as casualties being evacuated from the hot zone.

**Media center or access point.** Wherever possible, members of the Media should be allowed controlled access to the site and key site personnel (e.g., Site Manager, Agency Site Control Officers). The Media center may be a tent or other structure where Media representatives are briefed verbally, provided news updates, or gather for site tours. It should be easily identifiable, near access routes, and away from the key site operations.

**Helibase.** When required, and depending on the topography of the site, the helibase should be located near the Site Command Post. The helibase operations may require fuel supplies and lighting.

**Volunteer coordination point.** This area should be established at a key entry point through the outer perimeter. It should contain a facility (e.g., tent) in which to carry out volunteer registration and briefing, ideally located near the rest and feeding area.

**Entry points.** The site should have two entry points; one for emergency response personnel and equipment, the other for volunteers, the media and visitors. The access through these points must be controlled.

**Exit points.** There should be a primary and an alternate exit points. Both should be controlled and, ideally, at opposite ends/sides of the site.

Many factors should be considered when designing of 'laying out' the emergency site. As noted above, there are no precise formats or one single workable layout. However, the layout of any site has a direct bearing on the flow of communications among the agencies operating within it. The communication flow will be influenced by the following considerations:

- Related functions and agencies should be co-located and grouped into operational task groups.
- Major response organizations/agencies (e.g., Fire, Police) should be isolated and given functional lead role (see Section below). (That role needs to be identified to all key organizations at the site.)
- The various components should be positioned in the site along the major transportation routes.
- All command posts (CPs), but especially the Site Command Post, must be easily identifiable (e.g., flagged, strobe lit, brightly colored), readily accessible, and within view of the major action.
- The layout and its transportation pattern must allow for the smooth in/out flow of personnel and resources.
- The layout of the site and the location of all functional areas must be communicated to all agencies at the site.

## **Key roles and functions**

The Emergency Site Management system integrates the various roles and functions of response organizations and their key personnel. In doing so, it provides a number of benefits. Key among them is the ability to effectively:

- Provide for the safety of emergency personnel and the general public.
- Remove and treat injured or threatened patients.
- Protect and conserve property.
- Perform recovery and reconstruction tasks.

The activities by members of response organizations at the emergency site may be divided into five categories:

- Tasks in support of the Strategic (e.g., site management) roles.
- Command Post functions.
- Control point operations.
- Tactical activities.
- Tasks in support of the main operation.

**Site Manager.** Appointed by the EOC Control Group, the Site Manager is responsible for the management of the site until its closure. The Site Manager must:

- Establish the inner and outer perimeters.
- Designate the location of the Site Command Post.
- Lay out the site and all its components.
- Manage the flow of information through the Site Command Post to members of the Site Team and the EOC Control Group.
- Coordinate key response activities (i.e., those activities/operations which would affect more than one agency or the overall outcome of the response effort at the site).
- Communicate with the Media.

**Staging area coordinator.** The person occupying this role may be appointed by the Site Manager to perform the following functions:

- Establish and lay out the staging area.
- Establish the flow pattern for vehicle movement.
- Account, at any given point, for the resources within the staging area.
- Maintain contact with the Site Manager or Site Team.
- Maintain contact with the Logistics Area to facilitate repairs or fueling as appropriate.
- Deploy resources requested by the Site Manager or Site Team.
- Alert the Site Manager of resources, which may be discharged from the staging area.
- When directed by the Site Manager, discharge unnecessary recourse.

**Liaison officer (LO).** This person is designated by the Site Manager to help coordinate key functions in and around the Site Command Post. The LO should perform the following functions:

- Assist with the lay out of the site.
- Maintain the event log.
- Assist with the flow of information within the Site Team.
- Undertake responsibility for specific tasks assigned by the Site Manager.
- Act as alternate Site Manager (if so directed).

**Agency Site Control Officers** (e.g., the senior representatives of each of the key response agencies at the site). These individuals need to:

- Assist, as appropriate, the Site Manager with site layout.
- Co-locate, as appropriate/directed, their command post with the Site Command Post.
- Command/control their agency's response effort at the site.
- Share appropriate information with the other members of the Site Team.
- Coordinate activities which may impact other agencies with the appropriate agency-representative.
- Be available to communicate with the Media, as appropriate. (This will be performed in support of the Emergency Public Information Officer, and in keeping with the concept of a single spokesperson for the region.)

More specifically, each of the major response agencies has a set of accepted 'traditional' roles. These are listed below by agency.

**Police.** Often, the roles assigned to the Police Services are the protection of life and property, as well as the control of traffic and crowd. Security of the site and the control of traffic within it should be a Police responsibility.

The Police Services have also been called out to conduct investigations (e.g., criminal or in case of fatalities), care for the dead, provide perimeter security, assist with or conduct an evacuation, and help maintain a record of events. They also have valuable communication equipment and a trained personnel pool, which could be employed in a variety of roles at the Site Command Post.

**Fire.** The Fire Services are usually tasked with the suppression of fire, containment of dangerous goods, decontamination, search and rescue, as well as the provision of basic health care. They may also be involved in the evacuation of the site and the protection of site personnel (i.e., ensuring against structural collapse). Like the Police Services, they too have valuable communication equipment and trained personnel who could be employed in and around the Site Command Post.

**Emergency Medical Services (EMS).** The primary role of the EMS is to provide medical services (i.e., triage and treatment) and to transport the wounded to health care facilities as appropriate. If trained to do so, some members may be involved in structural rescue in support of the Fire Services. EMS personnel must also coordinate with the Site Manager the location of and resources for patient triage, casualty collecting area, and patient care or transportation.

**Public Works.** The primary role of Public Works departments/agencies is to provide the resources needed by the primary responders to perform their tasks effectively and safely. Services provided may include establishment of barriers, closure of transportation routes, provision of other needed resources (e.g., lighting or shoring equipment, heavy equipment), or the movement of resources. These individuals may work hand-in-hand with utility company personnel and transportation agencies.

**Transportation.** The primary task of transportation personnel is to move people from one location to another. This may involve the evacuation of people from the danger zone; the transportation of responders or volunteers to the site; or, in cases of mass casualties, to evacuate the wounded.

**‘Assistants’.** Each of the above mentioned positions, including that of the Site Managers are likely to have one or more people designated as ‘Assistants’ and tasked with various supportive duties. The details of their actual duties must be designated by the person to whom they report.

**Others.** Disaster sites are likely to involve a myriad of response agencies/organizations and representatives of many jurisdictions. Their primary role is to support the Site Manager and the Site Team. To that end they are to bring their expertise and specialized resources (if any) and must be willing to cooperate with the Site Manager to meet the needs and priorities established for the site. Failure to do so will only jeopardize the success of the overall effort.

### **Site operations: Tips for success**

Emergency sites are, by necessity, the focus of all disaster response efforts. Nearly always, they are established in or around the area where the disaster inflicted its greatest damage. And, because of the inherent risks to life, limb, property and the environment, disaster response at the site must be quick, comprehensive and well managed.

The following are key lessons relating to successful operations at emergency sites regardless of their nature:

- Quickly establish and brief the Site Team.
- If a Site Manager is not appointed, establish one on an interim basis.
- Re-locate all agency command posts to the Site Command Post, or, in its absence, a central location near the inner perimeter.

- Establish inter-agency communications (i.e., the process through which vital information is shared in a timely manner).
- Pool knowledge regarding the event, its consequence and the response effort.
- Anticipate required actions and resources.
- Adapt the response organization and its procedures to the changing circumstances.
- Be proactive in requesting resources or information. (For example, request area lights **BEFORE** it starts to get dark, or order food **BEFORE** shift changes.)
- Coordinate agency operations which may have a bearing on the operation of other response agency (ies) or the overall operation at the site.
- Establish a single Media representative (e.g., individual or group) for the operation.
- Advise the Media that they will be briefed only through that representative, and that the information they seek will be provided only at or through the Media Center. (Site tour may be organized through the Center.)
- Manage resources efficiently (i.e., ensure proper feeding and rest of response personnel; ensure proper maintenance of equipment; avoid having unnecessary equipment on stand-by).
- Manage the staging area effectively right from the start.
- Identify staging area resources using three status conditions: 'Assigned' means the resource is performing an active role at the site; 'Available' means the resource is in the staging area ready for use; And, 'Unavailable' means the resource is not ready for use at this time.
- Plan for the operation to last longer than initially expected.
- Plan for an extremely stressful work environment.
- Communicate, communicate, communicate!!!

### **SUMMARY**

The Emergency Site Management system is a structure and a system for linking various management systems into a single disaster response framework at the municipal level. It is based primarily on activities at and through two physical locations: The municipal emergency operations center (EOC) and the emergency site. Both are important, however, the focus of the system is on the emergency site and its response personnel.

The emergency site is bounded by its outer perimeter. All activities within that perimeter are the responsibility of the Site Manager and the Site Team. The Site Manager is the team leader whose primary role is to **manage** the Site Team comprised of senior representatives of the key response agencies at the site. Their role is to return life to normal at the site as soon as is reasonable.

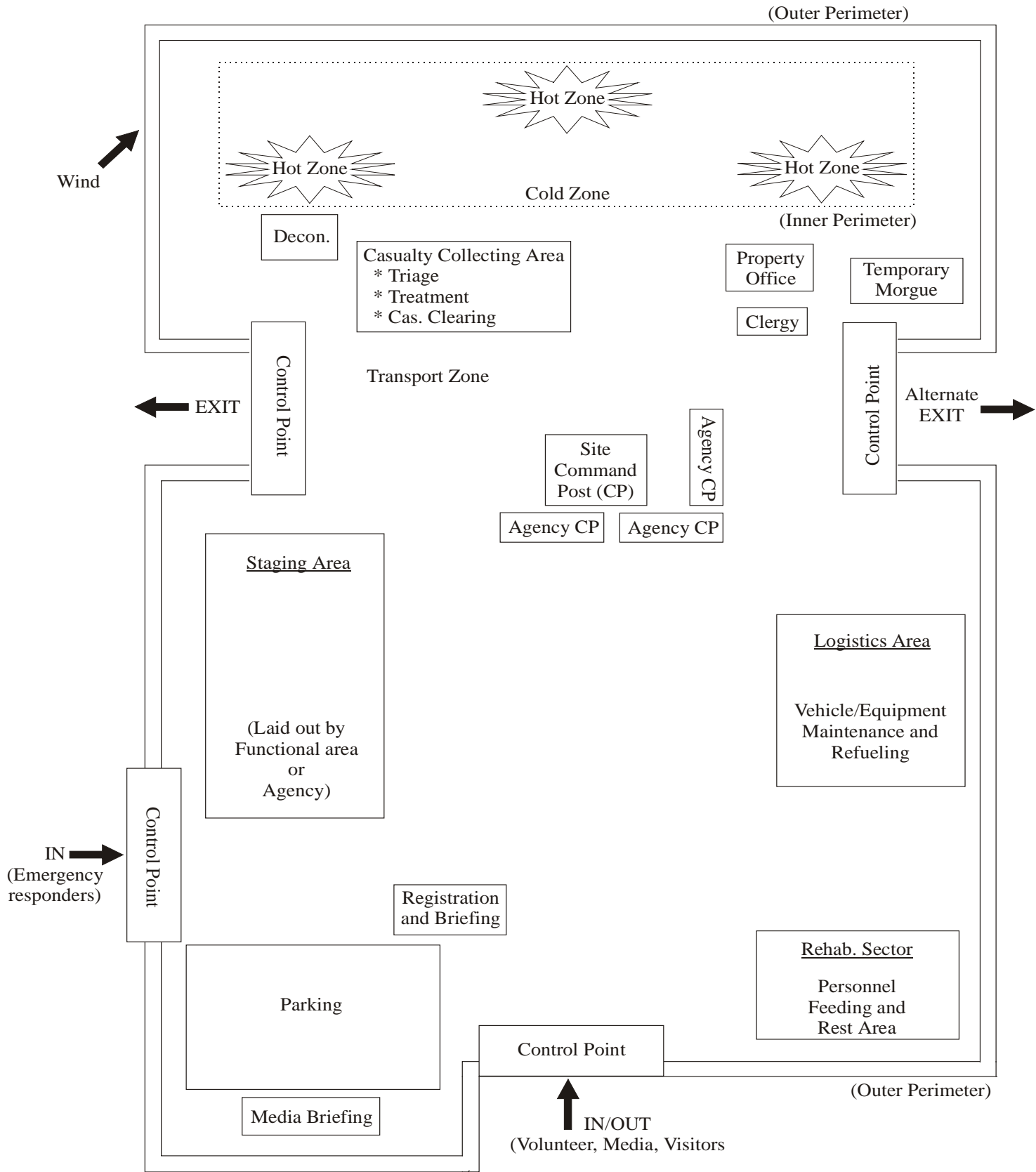
The Municipal Emergency Operation Center is operated by the Municipal EOC Control Group, which includes Department heads of the key municipal departments/agencies involved in the response effort. The EOC and the EOC Control Group are often managed by the Town Manager/Town Clerk/CAO.

All activities outside the outer perimeter are the responsibility of the EOC Control Group. The group has a dual role. It supports the emergency site, as requested, with needed resources. And, it maintains or strives to maintain normal operations for the rest of the municipality. The municipal EOC is also the key channel for site-destined resources from other jurisdictions.

The Emergency Site Management system contains a number of roles, general procedures and expectations. It is, by design, a flexible system, which allows for the inclusion and integration of various agencies, jurisdictions, and systems into a municipal framework. The system assumes the continuation of pre-disaster organizational lines of authority. The only 'subordination' (if any) is to the officials of the local authority (i.e., municipality) and their legal responsibility to protect their citizens from harm.



### Emergency Site Layout



1/12/2011

**11. APPENDICES**

**11.1 KINGS REGIONAL EMERGENCY MANAGEMENT BY-LAWS**

11.1.1 Town of Berwick

11.1.2 Town of Kentville

11.1.3 Municipality of the County of Kings

11.1.4 Town of Wolfville

### **11.1.1 REGIONAL EMERGENCY MANAGEMENT BY-LAW**

#### **A By-law to Provide for a Prompt and Coordinated Response to a State of Local Emergency.**

The Council of the Town of Berwick, under the authority vested in it by the *Municipal Government Act*, R.S.N.S. 1999, and the *Emergency Management Act*, R.S.N.S. 1990,c.8, enacts as follows:

#### **SHORT TITLE**

1. This By-law may be cited as the “Regional Emergency Management By-Law”.

#### **INTERPRETATION**

2. In this By-law
  - a. “Act” means the *Emergency Management Act*, R.S.N.S. 1990, c.8;
  - b. “Agreement” means the Kings Regional Emergency Services Agreement made between the Town of Berwick, the Town of Kentville, the Town of Wolfville and Municipality of the County of Kings pursuant to Section 10 (2) of the Act executed by all of the Participating Parties in the year 2006 and attached to this By-law as Schedule 1;
  - c. “Council” means the Council of the Town of Berwick;
  - d. “Councils” means the Councils of the Town of Berwick, the Town of Kentville, the Town of Wolfville and the Municipality of the County of Kings also referred to herein individually as a "Participating Municipality" or collectively as "Participating Municipalities";
  - e. “Councillor” means a member of the Council of the Town of Berwick;
  - f. “Director” means the Director of the Nova Scotia Emergency Management Organization;
  - g. “Emergency” means a present or imminent event which requires the prompt co-ordination of action or regulation of persons or property to be undertaken to protect property or the health, safety or welfare of people;
  - h. “Minister” means the member of the Executive Council of the Province of Nova Scotia to whom is assigned the administration of the Act and regulations made pursuant thereto;

- i. “Emergency Management Plans” means plans, programs or procedures prepared by the Municipality of the County of Kings and the Regional Emergency Management Organization (REMO) that are intended to mitigate the effects of an emergency and to provide for the safety, health or welfare of the civil population and the protection of property in the event of such an emergency;
- j. “Regional Emergency Management Advisory Committee” means the committee established by the Agreement to plan and be responsible for the direction and management of emergency activities;
- k. “Regional Emergency Management Coordinator” means the person appointed to serve as the staff person in accordance with the Agreement;
- l. “Regional Emergency Management Organization” means the organization established in accordance with the Agreement, and also referred to as “REMO”;
- m. “Regional Emergency Management Planning Committee” means the committee responsible for recommending policy to the Regional Emergency Management Advisory Committee, for preparing a Regional Emergency Management Plan, and for maintaining a state of preparedness for emergencies;
- n. “State of Emergency Regulations” means regulations made pursuant to the Act;
- o. “State of local emergency” means a state of local emergency declared or renewed pursuant to the Act and Regulations made pursuant thereto.

### **REGIONAL EMERGENCY MANAGEMENT ORGANIZATION**

- 3. The Agreement is hereby adopted and approved.
- 4. Regional Emergency Management Organization in accordance with the Agreement is hereby established.
- 5. The Regional Emergency Management Organization shall consist of the following persons and Committees:
  - a. a Regional Emergency Management Advisory Committee;
  - b. a Regional Emergency Management Coordinator; the Municipal Emergency Management Coordinators shall act as assistant Regional Emergency Management Coordinators; and
  - c. a Regional Emergency Management Planning Committee.

**REGIONAL EMERGENCY MANAGEMENT COORDINATOR**

6. The Regional Emergency Management Coordinator and Assistant Coordinators identified in the Agreement shall be the Emergency Management Coordinator and Assistant Coordinators for the Town of Berwick.
7. The Regional Emergency Management Coordinator shall be paid for work performed in accordance with the Agreement.
8. The Regional Emergency Management Coordinator shall:
  - a. perform such duties as may be provided for in the Agreement.

**REGIONAL EMERGENCY MANAGEMENT PLANNING COMMITTEE**

9. The Town of Berwick shall appoint representatives to the Regional Emergency Management Planning Committee as the Agreement provides.

**COST SHARING**

10. The Town of Berwick shall pay its portion of any costs associated with the Regional Emergency Management Organization as outlined in the Agreement.

**RELATIONSHIP TO INDIVIDUAL MUNICIPAL EMERGENCY BY-LAW**

11. Emergency Measures By-law of the Town of Berwick shall be subject to the provisions of this REMO By-law only in the event that a Regional Emergency has been declared in accordance with the REMO Agreement.

## **11.1.2 REGIONAL EMERGENCY MANAGEMENT BY-LAW**

### **A By-law to Provide for a Prompt and Coordinated Response to a State of Local Emergency.**

The Council of the Town of Kentville, under the authority vested in it by the *Municipal Government Act*, R.S.N.S. 1999, and the *Emergency Management Act*, R.S.N.S. 1990,c.8, enacts as follows:

#### **SHORT TITLE**

1. This By-law may be cited as the “Regional Emergency Management By-Law”.

#### **INTERPRETATION**

2. In this By-law
  - a. “Act” means the *Emergency Management Act*, R.S.N.S. 1990, c.8;
  - b. “Agreement” means the Kings Regional Emergency Services Agreement made between the Town of Berwick, the Town of Kentville, the Town of Wolfville and Municipality of the County of Kings pursuant to Section 10 (2) of the Act executed by all of the Participating Parties in the year 2006 and attached to this By-law as Schedule 1;
  - c. “Council” means the Council of the Town of Kentville;
  - d. “Councils” means the Councils of the Town of Berwick, the Town of Kentville, the Town of Wolfville and the Municipality of the County of Kings also referred to herein individually as a "Participating Municipality" or collectively as "Participating Municipalities";
  - e. “Councillor” means a member of the Council of the Town of Kentville;
  - f. “Director” means the Director of the Nova Scotia Emergency Management Organization;
  - g. “Emergency” means a present or imminent event which requires the prompt co-ordination of action or regulation of persons or property to be undertaken to protect property or the health, safety or welfare of people;
  - h. “Minister” means the member of the Executive Council of the Province of Nova Scotia to whom is assigned the administration of the Act and regulations made pursuant thereto;
  - i. “Emergency Management Plans” means plans, programs or procedures prepared by the Municipality of the County of Kings and the Regional Emergency Management Organization (REMO) that are intended to mitigate the effects of an

emergency and to provide for the safety, health or welfare of the civil population and the protection of property in the event of such an emergency;

- j. “Regional Emergency Management Advisory Committee” means the committee established by the Agreement to plan and be responsible for the direction and management of emergency activities;
- k. “Regional Emergency Management Coordinator” means the person appointed to serve as the staff person in accordance with the Agreement;
- l. “Regional Emergency Management Organization” means the organization established in accordance with the Agreement, and also referred to as “REMO”;
- m. “Regional Emergency Management Planning Committee” means the committee responsible for recommending policy to the Regional Emergency Management Advisory Committee, for preparing a Regional Emergency Management Plan, and for maintaining a state of preparedness for emergencies;
- n. “State of Emergency Regulations” means regulations made pursuant to the Act;
- o. “State of local emergency” means a state of local emergency declared or renewed pursuant to the Act and Regulations made pursuant thereto.

### **REGIONAL EMERGENCY MANAGEMENT ORGANIZATION**

- 3. The Agreement is hereby adopted and approved.
- 4. Regional Emergency Management Organization in accordance with the Agreement is hereby established.
- 5. The Regional Emergency Management Organization shall consist of the following persons and Committees:
  - a. a Regional Emergency Management Advisory Committee;
  - b. a Regional Emergency Management Coordinator; the Municipal Emergency Management Coordinators shall act as assistant Regional Emergency Management Coordinators; and
  - c. a Regional Emergency Management Planning Committee.

### **REGIONAL EMERGENCY MANAGEMENT COORDINATOR**

- 6. The Regional Emergency Management Coordinator and Assistant Coordinators identified in the Agreement shall be the Emergency Management Coordinator and Assistant Coordinators for the Town of Kentville

- 7. The Regional Emergency Management Coordinator shall be paid for work performed in accordance with the Agreement.
- 8. The Regional Emergency Management Coordinator shall:
  - a. perform such duties as may be provided for in the Agreement.

**REGIONAL EMERGENCY MANAGEMENT PLANNING COMMITTEE**

- 9. The Town of Kentville shall appoint representatives to the Regional Emergency Management Planning Committee as the Agreement provides.

**COST SHARING**

- 10. The Town of Kentville shall pay its portion of any costs associated with the Regional Emergency Management Organization as outlined in the Agreement.

**RELATIONSHIP TO INDIVIDUAL MUNICIPAL EMERGENCY BY-LAW**

- 11. Bylaw #51 of the Town of Kentville shall be subject to the provisions of this REMO By-law only in the event that a Regional Emergency has been declared in accordance with the REMO Agreement.

**Clerk’s Annotation (Office Use Only)**

Date of First Reading	-	June 14, 2006
Dates of Advertisement (for Second Reading)	-	June 20, 22, 27, 2006
Date of Second Reading	-	July 12, 2006
Date of Advertisement (* for Notice of Passing)	-	July 20, 2006
Date of Mailing to Minister	-	August 21, 2006
Certified Copy sent to Minister	-	October 30, 2006

\* Effective Date of the Bylaw unless otherwise specified in the text of the Bylaw.

**I certify that the foregoing is a true copy  
of the bylaw passed by the Town of Kentville  
at a meeting of Kentville Town Council  
held on the 12<sup>th</sup> day of July, 2006**

\_\_\_\_\_  
**WILLIAM E. BOYD**  
**Chief Administrative Officer**



### **11.1.3 REGIONAL EMERGENCY MANAGEMENT BY-LAW**

#### **A By-law to Provide for a Prompt and Coordinated Response to a State of Local Emergency.**

The Council of the Municipality of the County of Kings, under the authority vested in it by the *Municipal Government Act*, R.S.N.S. 1999, and the *Emergency Management Act*, R.S.N.S. 1990,c.8, enacts as follows:

#### **SHORT TITLE**

1. This By-law may be cited as the “Regional Emergency Management By-Law”.

#### **INTERPRETATION**

2. In this By-law
  - a. “Act” means the *Emergency Management Act*, R.S.N.S. 1990, c.8;
  - b. “Agreement” means the Kings Regional Emergency Services Agreement made between the Town of Berwick, the Town of Kentville, the Town of Wolfville and Municipality of the County of Kings pursuant to Section 10 (2) of the Act executed by all of the Participating Parties in the year 2006 and attached to this By-law as Schedule 1;
  - c. “Council” means the Council of the Municipality of the County of Kings;
  - d. “Councils” means the Councils of the Town of Berwick, the Town of Kentville, the Town of Wolfville and the Municipality of the County of Kings also referred to herein individually as a "Participating Municipality" or collectively as "Participating Municipalities";
  - e. “Councillor” means a member of the Council of the Municipality of the County of Kings;
  - f. “Director” means the Director of the Nova Scotia Emergency Management Organization;
  - g. “Emergency” means a present or imminent event which requires the prompt co-ordination of action or regulation of persons or property to be undertaken to protect property or the health, safety or welfare of people;
  - h. “Minister” means the member of the Executive Council of the Province of Nova Scotia to whom is assigned the administration of the Act and regulations made pursuant thereto;
  - i. “Emergency Management Plans” means plans, programs or procedures prepared by the Municipality of the County of Kings and the Regional Emergency

Management Organization (REMO) that are intended to mitigate the effects of an emergency and to provide for the safety, health or welfare of the civil population and the protection of property in the event of such an emergency;

- j. “Regional Emergency Management Advisory Committee” means the committee established by the Agreement to plan and be responsible for the direction and management of emergency activities;
- k. “Regional Emergency Management Coordinator” means the person appointed to serve as the staff person in accordance with the Agreement;
- l. “Regional Emergency Management Organization” means the organization established in accordance with the Agreement, and also referred to as “REMO”;
- m. “Regional Emergency Management Planning Committee” means the committee responsible for recommending policy to the Regional Emergency Management Advisory Committee, for preparing a Regional Emergency Management Plan, and for maintaining a state of preparedness for emergencies;
- n. “State of Emergency Regulations” means regulations made pursuant to the Act;
- o. “State of local emergency” means a state of local emergency declared or renewed pursuant to the Act and Regulations made pursuant thereto.

### **REGIONAL EMERGENCY MANAGEMENT ORGANIZATION**

- 3. The Agreement is hereby adopted and approved.
- 4. Regional Emergency Management Organization in accordance with the Agreement is hereby established.
- 5. The Regional Emergency Management Organization shall consist of the following persons and Committees:
  - a. a Regional Emergency Management Advisory Committee;
  - b. a Regional Emergency Management Coordinator; the Municipal Emergency Management Coordinators shall act as assistant Regional Emergency Management Coordinators; and
  - c. a Regional Emergency Management Planning Committee.

### **REGIONAL EMERGENCY MANAGEMENT COORDINATOR**

- 6. The Regional Emergency Management Coordinator and Assistant Coordinators identified in the Agreement shall be the Emergency Management Coordinator and Assistant Coordinators for the Municipality of the County of Kings.

7. The Regional Emergency Management Coordinator shall be paid for work performed in accordance with the Agreement.
8. The Regional Emergency Management Coordinator shall:
  - (a) perform such duties as may be provided for in the Agreement.

**REGIONAL EMERGENCY MANAGEMENT PLANNING COMMITTEE**

9. The Municipality of the County of Kings shall appoint representatives to the Regional Emergency Management Planning Committee as the Agreement provides.

**COST SHARING**

10. The Municipality of the County of Kings shall pay its portion of any costs associated with the Regional Emergency Management Organization as outlined in the Agreement.

**RELATIONSHIP TO INDIVIDUAL MUNICIPAL EMERGENCY BY-LAW**

11. Bylaw #61 of the Municipality of the County of Kings shall be subject to the provisions of this REMO By-law only in the event that a Regional Emergency has been declared in accordance with the REMO Agreement.

THIS IS TO CERTIFY that the foregoing is a true copy of a By-Law duly passed at a duly called meeting of the Council of the County of Kings duly held on the 4th day of July, 2006 and passing advertised during the week of July 10, 2006.

GIVEN under the hands of the Warden and Municipal Clerk and under the corporate seal of the Municipality of the County of Kings this 12th day of July, 2006.

-----  
Fred Whalen, Warden

-----  
Ann L. Longley, Municipal Clerk

### **1.1.4 REGIONAL EMERGENCY MANAGEMENT BY-LAW**

#### **A By-law to Provide for a Prompt and Coordinated Response to a State of Local Emergency.**

The Council of the Town of Wolfville, under the authority vested in it by the *Municipal Government Act*, R.S.N.S. 1999, and the *Emergency Management Act*, R.S.N.S. 1990,c.8, enacts as follows:

#### **SHORT TITLE**

1. This By-law may be cited as the “Regional Emergency Management By-Law”.

#### **INTERPRETATION**

2. In this By-law
  - a. “Act” means the *Emergency Management Act*, R.S.N.S. 1990, c.8;
  - b. “Agreement” means the Kings Regional Emergency Services Agreement made between the Town of Berwick, the Town of Kentville, the Town of Wolfville and Municipality of the County of Kings pursuant to Section 10 (2) of the Act executed by all of the Participating Parties in the year 2006 and attached to this By-law as Schedule 1;
  - c. “Council” means the Council of the Town of Wolfville;
  - d. “Councils” means the Councils of the Town of Berwick, the Town of Kentville, the Town of Wolfville and the Municipality of the County of Kings also referred to herein individually as a "Participating Municipality" or collectively as "Participating Municipalities";
  - e. “Councillor” means a member of the Council of the Town of Wolfville;
  - f. “Director” means the Director of the Nova Scotia Emergency Management Organization;
  - g. “Emergency” means a present or imminent event which requires the prompt co-ordination of action or regulation of persons or property to be undertaken to protect property or the health, safety or welfare of people;
  - h. “Minister” means the member of the Executive Council of the Province of Nova Scotia to whom is assigned the administration of the Act and regulations made pursuant thereto;
  - i. “Emergency Management Plans” means plans, programs or procedures prepared by the Municipality of the County of Kings and the Regional Emergency Management Organization (REMO) that are intended to mitigate the effects of an emergency and to provide for the safety, health or welfare of

the civil population and the protection of property in the event of such an emergency;

- j. “Regional Emergency Management Advisory Committee” means the committee established by the Agreement to plan and be responsible for the direction and management of emergency activities;
- k. “Regional Emergency Management Coordinator” means the person appointed to serve as the staff person in accordance with the Agreement;
- l. “Regional Emergency Management Organization” means the organization established in accordance with the Agreement, and also referred to as “REMO”;
- m. “Regional Emergency Management Planning Committee” means the committee responsible for recommending policy to the Regional Emergency Management Advisory Committee, for preparing a Regional Emergency Management Plan, and for maintaining a state of preparedness for emergencies;
- n. “State of Emergency Regulations” means regulations made pursuant to the Act;
- o. “State of local emergency” means a state of local emergency declared or renewed pursuant to the Act and Regulations made pursuant thereto.

### **REGIONAL EMERGENCY MANAGEMENT ORGANIZATION**

- 3. The Agreement is hereby adopted and approved.
- 4. Regional Emergency Management Organization in accordance with the Agreement is hereby established.
- 5. The Regional Emergency Management Organization shall consist of the following persons and Committees:
  - a. a Regional Emergency Management Advisory Committee;
  - b. a Regional Emergency Management Coordinator; the Municipal Emergency Management Coordinators shall act as assistant Regional Emergency Management Coordinators; and
  - c. a Regional Emergency Management Planning Committee.

### **REGIONAL EMERGENCY MANAGEMENT COORDINATOR**

6. The Regional Emergency Management Coordinator and Assistant Coordinators identified in the Agreement shall be the Emergency Management Coordinator and Assistant Coordinators for the Town of Wolfville.
7. The Regional Emergency Management Coordinator shall be paid for work performed in accordance with the Agreement.
8. The Regional Emergency Management Coordinator shall:
  - a. perform such duties as may be provided for in the Agreement.

### **REGIONAL EMERGENCY MANAGEMENT PLANNING COMMITTEE**

9. The Town of Wolfville shall appoint representatives to the Regional Emergency Management Planning Committee as the Agreement provides.

### **COST SHARING**

10. The Town of Wolfville shall pay its portion of any costs associated with the Regional Emergency Management Organization as outlined in the Agreement.

### **RELATIONSHIP TO INDIVIDUAL MUNICIPAL EMERGENCY BY-LAW**

11. By-law (Chapter) #57 of the Town of Wolfville shall be subject to the provisions of this REMO By-law only in the event that a Regional Emergency has been declared in accordance with the REMO Agreement.

**First Reading:** June 19, 2006

**Second Reading:** July 17, 2006

### ***CERTIFICATE***

I, Brian Porter, Town Clerk of the Town of Wolfville, do hereby certify that the Bylaw of which the foregoing is a true copy was duly passed at a duly called meeting of the Town Council of the Town of Wolfville held on the 17<sup>th</sup> day of July, 2006.

Notice of the said Bylaw passing was published in ***THE KINGS COUNTY REGISTER*** on the 27<sup>th</sup> day of July, 2006.

Given under the hand of the Town Clerk and the corporate seal of the Town of Wolfville this 28<sup>th</sup> day of July, 2006.

**11.2 KINGS REGIONAL INTER-MUNICIPAL EMERGENCY SERVICES AGREEMENT**

**THIS AGREEMENT** is made in quadruplicate this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

**AMONG:**

The **TOWN OF BERWICK**, a municipal body corporate pursuant to the *Municipal Government Act*;

OF THE FIRST PART

-and-

The **TOWN OF KENTVILLE**, a municipal body corporate pursuant to the *Municipal Government Act*;

OF THE SECOND PART

-and-

The **MUNICIPALITY OF THE COUNTY OF KINGS**, a municipal body corporate pursuant to the *Municipal Government Act*;

OF THE THIRD PART

-and-

The **TOWN OF WOLFVILLE**, a municipal body corporate pursuant to the *Municipal Government Act*;

OF THE FOURTH PART

**THE PARTIES HERETO AGREE AS FOLLOWS:**

**PURPOSE**

1. The purpose of this inter-municipal services agreement (hereinafter called “the Agreement”) is to provide for a coordinated joint municipal response to an emergency occurring within the County of Kings, including the Town of Berwick, Town of Wolfville and the Town of Kentville, referred to in this Agreement as the region.
2. This Agreement also provides for the parties to render mutual aid with respect to personnel and equipment during an emergency.
3. This Agreement is to provide for the joint provision of services and facilities by the municipal units in the region pursuant to Part III-60(1) of the Municipal Government Act and section 10(2)(c) of the Emergency Management Act.

4. The planning for and coordination of emergency service delivery during a present or imminent emergency, as defined by the *Emergency Management Act*, shall be provided by the individual municipalities or the Regional Emergency Management Organization, referred to in this Agreement as the (REMO).

## **REGIONAL EMERGENCY MANAGEMENT ORGANIZATION**

5. The REMO shall consist of a Regional Emergency Management Advisory Committee, a Regional Emergency Management Planning Committee and the Regional Emergency Management Coordinator.
  - (a) The Regional Emergency Management Advisory Committee shall be responsible for the development of a Regional Emergency Management Plan, and for the direction of emergency preparedness activities within the region and to advise the appointing Councils pursuant to section 10 (1) (d) of the *Emergency Management Act*.
    - (i) Each party to this agreement shall appoint to the Regional Emergency Management Advisory Committee two (2) members of its Council, one of whom shall be the Mayor or Warden. The two representatives should be members of the Municipal EMO Advisory Committee.
    - (ii) The Regional Emergency Management Advisory Committee shall annually name one of its members to be chair and one to be vice-chair, to act in the absence or incapacity of the chair.
    - (iii) The chair or other person presiding shall vote on every question before the Regional Emergency Management Advisory Committee.
    - (iv) The Regional Emergency Management Advisory Committee shall appoint a person to be secretary of the REMO.
    - (v) Members of the Regional Emergency Management Advisory Committee are appointed for the same term of office as designated by the Council that appoints them and hold office until their successors are named. (subject to i. Above).
    - (vi) In the event of a vacancy occurring, the Council that appointed the member shall appoint a replacement within six weeks after the vacancy occurs.
  - (b) The Regional Emergency Management Planning Committee shall be responsible for recommending policy and management procedures to the Regional Emergency Management Advisory Committee, for preparing a Regional Emergency Management Plan, and for maintaining a state of preparedness for emergencies. This committee shall be appointed by the



parties hereto. Each such appointee shall be drawn from representatives of emergency services that may have direct operational responsibilities in an emergency.

- (i) Each party to this agreement shall appoint their Emergency Management Coordinator or assistant Emergency Management Coordinator, to the Regional Emergency Management Planning Committee.
- (ii) The Regional Emergency Management Coordinator shall chair the Regional Emergency Management Planning Committee.
- (c) The Emergency Management Coordinator for the Municipality of the County of Kings shall be the Regional Emergency Management Coordinator.
- (d) The parties agree that the Emergency Management Coordinators for each Municipality shall act as Assistant Regional Emergency Management Coordinators.

#### **EMERGENCY RESPONSE BY INDIVIDUAL MUNICIPALITIES**

- 6. Each Party will maintain its own Emergency Management Plan in accordance with the Emergency Management Act.
  - (a) Each Party will respond to emergency events as appropriate to the situation. As part of this response, the individual municipal EMO will notify the Regional EMC as soon as possible after the initial event.
  - (b) The EMC or Emergency Operations Centre (EOC) Manager for the Municipality or Town may request resources from the other municipal units as required, and these will be provided at cost to the requesting municipal unit. Fire response would continue to be cost-shared under the terms of the Kings County Mutual Aid Agreement.
  - (c) Emergency responses by individual municipal units, as described in this Section 6 will not constitute a regional response, nor trigger the activation of REMO as per Section 7.

#### **ACTIVATION OF REMO**

- 7. The EMC or EOC Manager for the Municipality or Town may request the activation of the REMO if necessary to increase the resources and scope of the municipal response.
  - (a) The REMO Coordinator will activate the REMO Organization at a level (Standby, Active or Recovery) appropriate to the circumstances.

- (b) The EOC Manager from the Municipality or Town that initiates the emergency response will assume the role of Regional EOC Manager unless he/she determines another CAO alternate should perform that role.

## **OPERATION OF REMO**

- 8. The REMO shall be the organization directly responsible for the control and conduct of emergency response operations according to the plans and procedures adopted by the parties from time to time. When the capacity of REMO is exceeded, or is likely to be exceeded, REMO will activate support from other agencies in accordance with formal or informal agreements.
- 9. The REMO is authorized to operate, maintain and manage physical facilities for emergency activities both at the scene of the emergency and at a centralized coordination facility.
- 10. The REMO shall establish its own rules of procedure.
- 11. The REMO is empowered to acquire or contract for the use of equipment, facilities and personnel necessary or advisable to carry out the responsibilities assigned to it by this Agreement.
  - (a) The REMO may contract with any person or organization, including a municipal unit and a municipal unit that is party to this Agreement, for the provision of any service or facility necessary or advisable to carry out the responsibilities assigned to the REMO by this Agreement.
  - (b) Any capital asset created or acquired by the REMO shall be deemed to be owned jointly by the parties in the same proportion as was used to calculate their last annual financial contribution to the REMO except for assets donated by a particular municipality for REMO use (those assets shall remain the property of the donating municipality).
  - (c) The Regional Emergency Management Advisory Committee may enter into Agreements with the Government of Canada, the Province of Nova Scotia, a municipality, city or town, or any other agency or any person.

## **COST SHARING OF REMO**

- 12. The parties recognize that an emergency may require the sharing or redeployment of personnel and equipment in order to save lives or minimize damage to property or the environment, and undertake to provide personnel and equipment as deemed appropriate by the Regional Emergency Management Advisory Committee and recommended by the Regional Emergency Management Planning Committee.
  - (a) Any cost associated with the development of resources will be recorded by the responding municipality, and cost shared as per the funding formula in section 13.
  - (b) Other resources that may be required by REMO during an emergency will be cost shared as per the funding formula in section 13.

- (c) In dealing with emergency events that don't impact all four municipal units, where an alternate cost sharing formula may be more appropriate, the Regional Emergency Management Advisory Committee may recommend this to the parties to the agreement. Failing agreement by all parties to an alternate approach for a specific incident, the formula outlined in section 13 would apply.
13. The parties shall contribute to the cost of operations of the REMO based on equal blend (50/50) of population and uniform assessment for each of the respective parties.
- (a) REMO shall have its budget submitted to the municipal units by December 31, to provide for approval of the participating municipalities by April 1 of the following fiscal year.
  - (b) The actual dollar contribution of the Municipalities shall be based on the annual budget of the REMO.
  - (c) REMO will invoice the Parties for their portion of the actual costs on a quarterly basis, to be payable within 30 days.
  - (d) In the event the REMO requires additional money for capital or operating purposes, any such increase shall be approved by the parties or such of them as agree to contribute.
  - (e) The Regional Emergency Management Coordinator shall arrange for the REMO organization and assets to be specifically recognized in the Municipality of Kings County liability insurance policy such that the REMO's assets and its liability are covered under such policy.
14. The fiscal year of the REMO shall be from April 1 to March 31 of the following year.

#### **TRANSITIONAL PROVISIONS**

15. This Agreement is conditional on the parties passing a complementary by-law respecting the coordinated response to an emergency pursuant to the *Emergency Management Act*.
16. This Agreement comes into effect on the date upon which the signatures of all parties have been affixed to the Agreement.
- (a) This Agreement continues in force until notice of termination is given by the Council of any party to the councils of the other parties not less than one (1) year prior to the intended termination date, which shall be the 31<sup>st</sup> day of March in a year to be specified in the notice of termination.
  - (b) Any party withdrawing from this Agreement remains responsible for its share of any liabilities of the REMO incurred up to the date of the withdrawal and any severance, penalty or other costs necessarily incurred by the REMO as a result of the withdrawal.

- (c) Any party to this Agreement which exercises its right to withdraw from the Agreement ceases to have any ownership of any assets contributed, created or acquired by REMO and the full property interest in any such assets shall be distributed among the remaining parties in proportion to their accumulated contributions to REMO.
- 17. This Agreement may be amended from time to time with the agreement by Council resolution of all Councils. Such an amendment would be subject to the parties passing by-law amendments if required to implement the changes made to this agreement.
- 18. Upon dissolution of the REMO by unanimous consent of the Parties who are still active members of the REMO, the assets of the REMO are vested in the parties and the parties are responsible for the liabilities of the REMO in proportion to the amounts contributed by the Parties in accordance with their respective obligation under this Agreement.
- 19. Each party shall indemnify its representatives from any liability that may arise as a result of that member acting as a member of the REMO.
- 20. If any disagreement arises among the parties as to the proper interpretation of this agreement that cannot be resolved, the parties shall submit the area of disagreement to an arbitrator as provided by the *Commercial Arbitration Act*.
- 21. This Agreement is governed by the laws of Nova Scotia.

1/12/2011

**IN WITNESS WHEREOF** the parties hereto have caused this Agreement to be executed by the hands of their duly authorized officers and the affixing of their respective seals the day and year first above written.

**DATED** this \_\_\_\_ day of \_\_\_\_\_, 2007.

**SIGNED, SEALED AND DELIVERED**

**In the presence of:**

**Per:** \_\_\_\_\_  
**Witness**

**THE TOWN OF BERWICK**  
)  
)  
)**Per:** \_\_\_\_\_  
) **Mayor**  
)  
)  
)**Per:** \_\_\_\_\_  
) **C.A.O.**  
)

**Per:** \_\_\_\_\_  
**Witness**

**THE TOWN OF KENTVILLE**  
)  
)  
)**Per:** \_\_\_\_\_  
) **Mayor**  
)  
)  
)**Per:** \_\_\_\_\_  
) **C.A.O.**  
)

**Per:** \_\_\_\_\_  
**Witness**

**THE MUNICIPALITY OF THE COUNTY OF KINGS**  
)  
)  
)**Per:** \_\_\_\_\_  
) **Warden**  
)  
)  
)**Per:** \_\_\_\_\_  
) **C.A.O.**  
)

**Per:** \_\_\_\_\_  
**Witness**

**THE TOWN OF WOLFVILLE**  
)  
)  
)**Per:** \_\_\_\_\_  
) **Mayor**  
)  
)  
)**Per:** \_\_\_\_\_  
) **C.A.O.**

## 11.3 IMPLEMENTATION AND ALERTING PROCEDURE

### IMPLEMENTATION

Accidents that happen on a day-to-day occurrence in the Kings Region are usually handled by the police, fire, ambulance and our local hospital. These accidents may seem to be major emergencies to the individual(s) involved, but may not affect the safety, property and environment of the surrounding community.

Should an event occur where the size, potential hazard, or seriousness of the emergency appears beyond the capability or the responsibility of the first response agencies, the senior officer may request the activation of the emergency plan (**as per Section 4, page 6**).

The Kings Regional Emergency Management Coordinator will assess the need to activate the plan by consulting members of the Kings Regional Emergency Management Planning Committee. If activation of the plan is required, the Kings Regional Emergency Management Coordinator will recommend the appropriate activation level to the Chief Administrative Officer and ensure that the chairperson of the Advisory Committee is advised. The Kings Regional Emergency Management support staff will help in the alerting of the following:

- Advisory Committee Members
- Planning Committee Members
- EOC support staff

Upon activation of the plan, the Kings Regional Emergency Operations Centre Manager will appoint an emergency site manager, based on the agency that is most likely to have the greatest involvement or legal responsibility in the handling of the emergency or disaster.

If the magnitude of the emergency or disaster requires actions beyond normal procedures, then the Kings Regional Emergency Management Coordinator/Chief Administrative Officer will advise the Regional Emergency Advisory Committee that a local state of emergency be declared in accordance with the authority given to the Committee by the Kings Regional Emergency Management By-law.

The Assistant Emergency Management Coordinators, upon being advised of an emergency occurring in their towns, shall immediately advise the Kings Regional Emergency Management Coordinator or in his absence the Kings Regional Alternate Coordinator.

1/12/2011

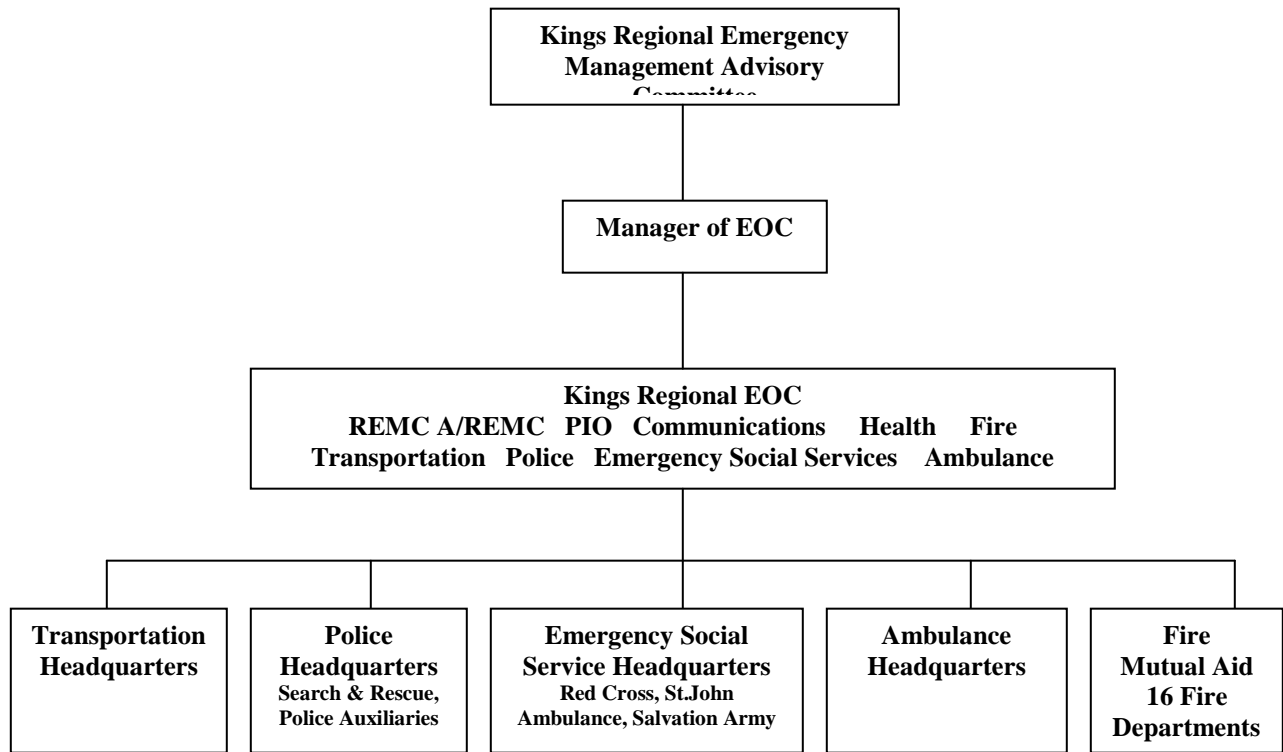
**11.3.1 KINGS REGIONAL EMERGENCY MANAGEMENT ADVISORY COMMITTEE**

**NAME AND ADDRESS**

**PHONE WORK PHONE HOME**

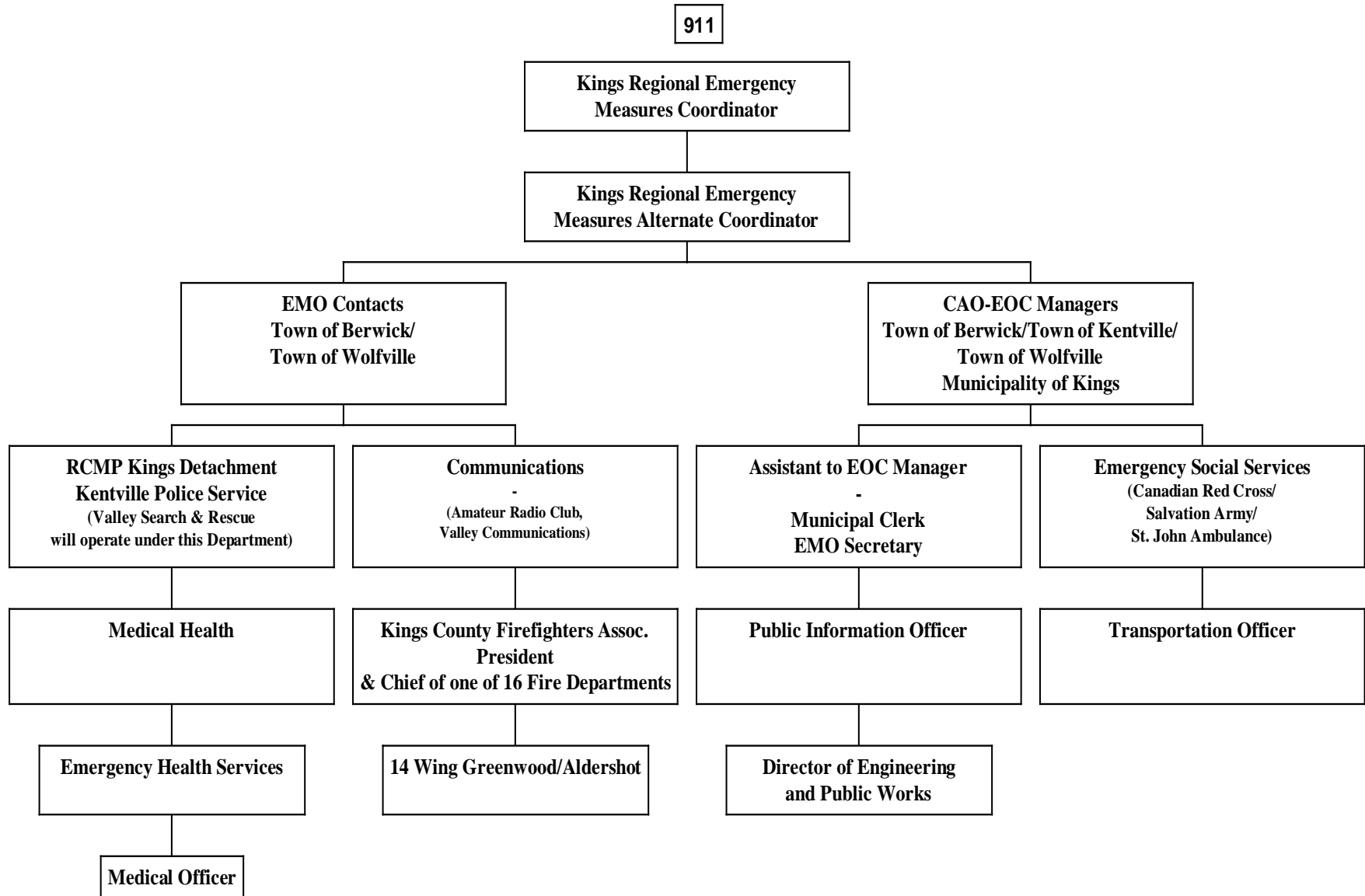
**CELL PHONE**

### 11.3.2 KINGS REGIONAL EMERGENCY MANAGEMENT LINES OF AUTHORITY- ORGANIZATIONAL CHART





**11.3.3 KINGS REGIONAL EMERGENCY MANAGEMENT PLANNING COMMITTEE FAN-OUT**



### 11.3.4 KINGS REGIONAL EMERGENCY MANAGEMENT CONTACTS/ALTERNATES

	Contact/Alternate	Phone (h)	Phone (w)	Cell Phone	Fax	E-Mail
Kings Regional EMO Coordinator Services	Gary Smith	679-5647	690-6117	670-0191	679-0911	<a href="mailto:gsmith@county.kings.ns.ca">gsmith@county.kings.ns.ca</a>
Kings Regional Alternate Coordinator						
Assistant REMO Coordinators	Ted Salmon Bert Greene Wayne Gibbons John Gordon Dan Noebert  Calvin Boudreau	542-3044 582-7223 681-7775 542-2905 538-7043  538-1403	  679-2535  765-1494 ext.5349	679-9379 680-0214 670-0462 670-1084  691-2067	542-4789	<a href="mailto:tsalmon@ns.sympatico.ca">tsalmon@ns.sympatico.ca</a>  <a href="mailto:wgibbons@town.kentville.ns.ca">wgibbons@town.kentville.ns.ca</a> <a href="mailto:jgordon@ns.sympatico.ca">jgordon@ns.sympatico.ca</a> <a href="mailto:noebert.d@forces.gc.ca">noebert.d@forces.gc.ca</a>  <a href="mailto:calvinb2001@hotmail.com">calvinb2001@hotmail.com</a>
Chief Administrative Officers	Brian Smith Linda Parker Bill Boyd Roy Brideau	678-5842 765-3708 678-6436 684-9800	690-6131 538-4007 679-2500 542-4494	680-6011 847-5687 679-8687 679-9396	678-9279 538-3724 679-2375 542-4789	<a href="mailto:bsmith@county.kings.ns.ca">bsmith@county.kings.ns.ca</a> <a href="mailto:lparker@ns.sympatico.ca">lparker@ns.sympatico.ca</a> <a href="mailto:bboyd@town.kentville.ns.ca">bboyd@town.kentville.ns.ca</a> <a href="mailto:rbrideau@town.wolfville.ns.ca">rbrideau@town.wolfville.ns.ca</a>
Public Information Officers	Kevin Matheson Charlene Brown Sheri Woodland Don Clarke	798-0115 582-3099 678-1687 538-9768	690-6130 679-2515 585-1362	670-0452 680-5420	690-6165 679-2375 542-4789	<a href="mailto:kmatheson@county.kings.ns.ca">kmatheson@county.kings.ns.ca</a> <a href="mailto:cbrown@town.kentville.ns.ca">cbrown@town.kentville.ns.ca</a> <a href="mailto:sheri.woodland@acadiac.ca">sheri.woodland@acadiac.ca</a>
Operations Officers	Ann Longley Rachel Turner Mark Phillips	678-7864 679-0074 679-1286	690-6133 542-8842 679-2541	670-0620 670-4255	678-9279 542-4789 679-2375	<a href="mailto:alongley@county.kings.ns.ca">alongley@county.kings.ns.ca</a> <a href="mailto:rturner@town.wolfville.ns.ca">rturner@town.wolfville.ns.ca</a> <a href="mailto:markp@town.kentville.ns.ca">markp@town.kentville.ns.ca</a>
Engineering and Public Works	Richard Lloyd Gary Gould Hal Henderson Greg Morrison	876-8174 538-8164 678-8061 542-7068	690-6111 538-8717 679-2520 542-3232	680-6034 680-6707 680-6904 680-0597	679-0911 538-3724 679-2375 542-5066	<a href="mailto:rlloyd@county.kings.ns.ca">rlloyd@county.kings.ns.ca</a> <a href="mailto:ggould@town.berwick.ns.ca">ggould@town.berwick.ns.ca</a> <a href="mailto:halh@town.kentville.ns.ca">halh@town.kentville.ns.ca</a> <a href="mailto:gmmorrison@town.wolfville.ns.ca">gmmorrison@town.wolfville.ns.ca</a>
Berwick Electric Comm.	Fred Hayden	847-9476 538-8210	538-4744			
Communications-Valley Amateur Radio	John Bickerton Phil Hopkins	582-3873 847-1141		680-5245		<a href="mailto:john.bickerton@xcounty.tv">john.bickerton@xcounty.tv</a> <a href="mailto:phopkins@ns.sympatico.ca">phopkins@ns.sympatico.ca</a>
Radio Communication	Reg MacDonald	582-7983		679-8017	582-7983	<a href="mailto:reg.macdonald@xcountry.tv">reg.macdonald@xcountry.tv</a>
Communications Valley Communications	Joan Garden	679-1209	678-4962	679-9195	678-0162	<a href="mailto:jgarden@ns.sympatico.ca">jgarden@ns.sympatico.ca</a>
Transportation Officers	George Thomson Gordon Robinson Brian Hackett	847-0254 847-3102 865-7816	538-4643 765-2977 678-7310	680-8523 680-1695 679-8583	765-2397 678-2545	<a href="mailto:drl@avrsb.ednet.ns.ca">drl@avrsb.ednet.ns.ca</a> <a href="mailto:andy@kingstransit.ns.ca">andy@kingstransit.ns.ca</a>
Emergency Social Services	Janet Moore Brian Taylor Phil Warren	678-1272 665-2765 542-9235	678-5093 825-5022 679-6715	679-5093 824-0946 680-6261	679-6242 679-6242 679-6127	<a href="mailto:mooreje@gov.ns.ca">mooreje@gov.ns.ca</a>  <a href="mailto:warrenp@gov.ns.ca">warrenp@gov.ns.ca</a>
Canadian Red Cross	Catherine Kersten	538-0636	1 800 222-9597 678-0982	670-8497	678-8713	<a href="mailto:ancel.langille@redcross.ca">ancel.langille@redcross.ca</a>
Salvation Army	Major Bond Jening	678-6447	678-2039	680-5924	678-0505	
Search & Rescue	Fred Foltz Alfred Parks David Walsh	679-0477 538-7394	678-2180 538-7495	670-0258 698-0118		558-6585 pager 558-1222 pager
Medical Health Valley Regional Hospital	JoAnne Fairfax Gary Slaunwhite	538-8914 678-2689	679-2657 825-5190	679-5085	679-1904 825-1423	<a href="mailto:jfairfax@avrsb.nshealth.ca">jfairfax@avrsb.nshealth.ca</a> <a href="mailto:gslauenwhite@avrha.nshealth.ca">gslauenwhite@avrha.nshealth.ca</a>
Emergency Health Services	Earl Russell Tim Bayers	538-8836 765-9449	678-3686 825-2788	670-1013 825-9353	678-3687 825-4055	<a href="mailto:earl.russell@emci.ca">earl.russell@emci.ca</a> <a href="mailto:timothy.bayers@emci.ca">timothy.bayers@emci.ca</a>

	<b>Contact/Alternate</b>	<b>Phone (h)</b>	<b>Phone (w)</b>	<b>Cell Phone</b>	<b>Fax</b>	<b>E-Mail</b>
Medical Officer	Dr. Richard Gould		542-6310	680-6633	542-3333	
Police Service Kentville	Chief B. MacLean D/Chief M.Mander Cpl. K.Reade	678-4746 679-4490 679-0164	678-6069 679-5964 679-3378	679-7713 679-5031	678-6600	
Kings RCMP	Rick Daley Cst. S.MacLeod	678-6502 538-3666	679-5555 679-5555	670-2028	681-2111 538-0788	<a href="mailto:rick.daley@rcmp-grc.gc.ca">rick.daley@rcmp-grc.gc.ca</a> <a href="mailto:scott.macleod@rcmp_grc.gc.ca">scott.macleod@rcmp_grc.gc.ca</a>
Provincial EMO Western Zone Controller	Keith Crosland	538-3221	679-6100	825-7466 558-2817 (pager)	679-6322	<a href="mailto:croslake@gov.ns.ca">croslake@gov.ns.ca</a>
Executive Secretary (Planning Committee)	Ann Longley	678-7864	690-6133	670-6298	678-9279	<a href="mailto:alongley@county.kings.ns.ca">alongley@county.kings.ns.ca</a>
Scribe & REMO Assistant						
Secretary-Kings	Diane Poirier	678-6637	690-6164		679-0911	<a href="mailto:dpoirier@county.kings.ns.ca">dpoirier@county.kings.ns.ca</a>
Information Technology - Berwick - Kentville - Kings County - Wolfville	Dianne Ashton Frank MacFarlane Kathleen Leslie Dan Keddy Ed Gerrits	678-6130 678-6576 678-8027 679-2455	538-4012 679-2531 690-6155 690-6176 542-3058	670-3563 670-0333 670-1933	679-2375 690-6165 690-6195	<a href="mailto:fmacfarlane@town.kentville.ns.ca">fmacfarlane@town.kentville.ns.ca</a> <a href="mailto:kleslie@county.kings.ns.ca">kleslie@county.kings.ns.ca</a> <a href="mailto:dkeddy@county.kings.ns.ca">dkeddy@county.kings.ns.ca</a> <a href="mailto:egerrits@town.wolfville.ns.ca">egerrits@town.wolfville.ns.ca</a>
Acadia University Liaison	John Smith	542-1156	585-1474	670-1186		
Valley Waste Resource Management	Ross Maybee Ken Redden	679-1804 538-9196	679-1349 679-1361	680-6588 670-1166	679-1327 679-1327	<a href="mailto:rossm@vwrn.com">rossm@vwrn.com</a> <a href="mailto:kenr@vwrn.com">kenr@vwrn.com</a>

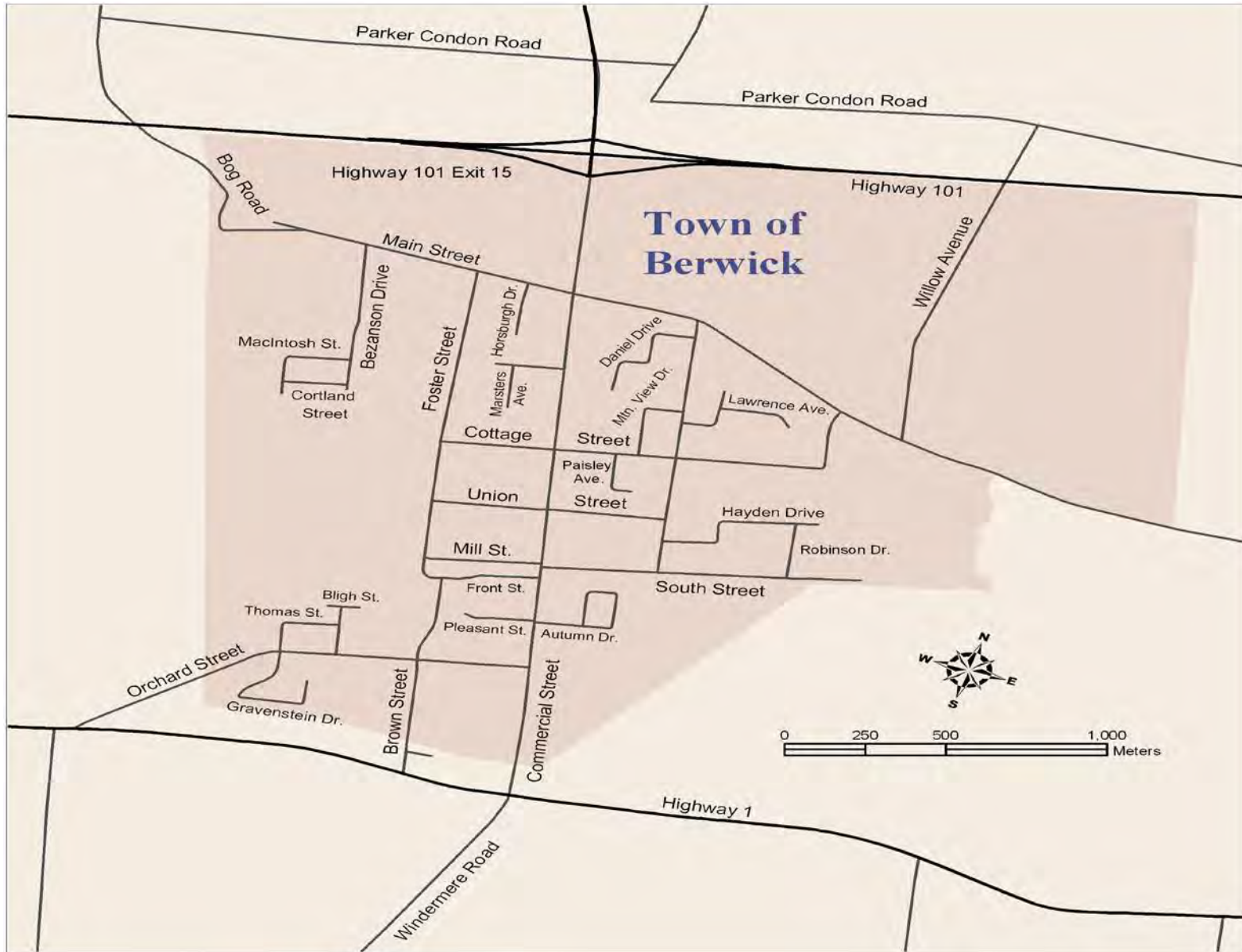
<b>TOWN/MUNICIPALITY</b>	<b>MAILING ADDRESS</b>	<b>PHONE NUMBER</b>
Town Berwick	PO Box 130 Berwick, Nova Scotia B0P 1E0	902 538-8068 Fax 902 538-3724
Town of Kentville	354 Main Street Kentville, Nova Scotia B4N 1K6	902 679-2500 Fax 902 679-0790
Municipality of the County of Kings	PO Box 100 Kentville, Nova Scotia B4N 3W3	902 678-6191 Fax 902 678-9279
Town of Wolfville	359 Main Street Wolfville, Nova Scotia B4P 1A1	902 542-5767 Fax 902 542-4789

# TOWN OF BERWICK



**11.3.5 TOWN OF BERWICK: MAYOR, COUNCILLORS**

<b>Position</b>	<b>Contact/Alternate</b>	<b>Phone (h)</b>	<b>Phone (w)</b>	<b>Cell</b>	<b>Fax</b>
<b>Mayor</b>	John Prall	538-9421	538-4008	680-0172	538-3724
<b>D/Mayor</b>	Micheal Trinacy	538-9813	679-4390	670-0346	825-3571
<b>Councillor</b>	Thomas Banks	538-8447	765-1494		765-5118
<b>Councillor</b>	Donald Clarke	538-9768			
<b>Councillor</b>	Murray Bezanson				
<b>Councillor</b>	Gary Whittier	538-9140	538-3126		538-7375
<b>Councillor</b>	Richard Horsburg	538-9217			



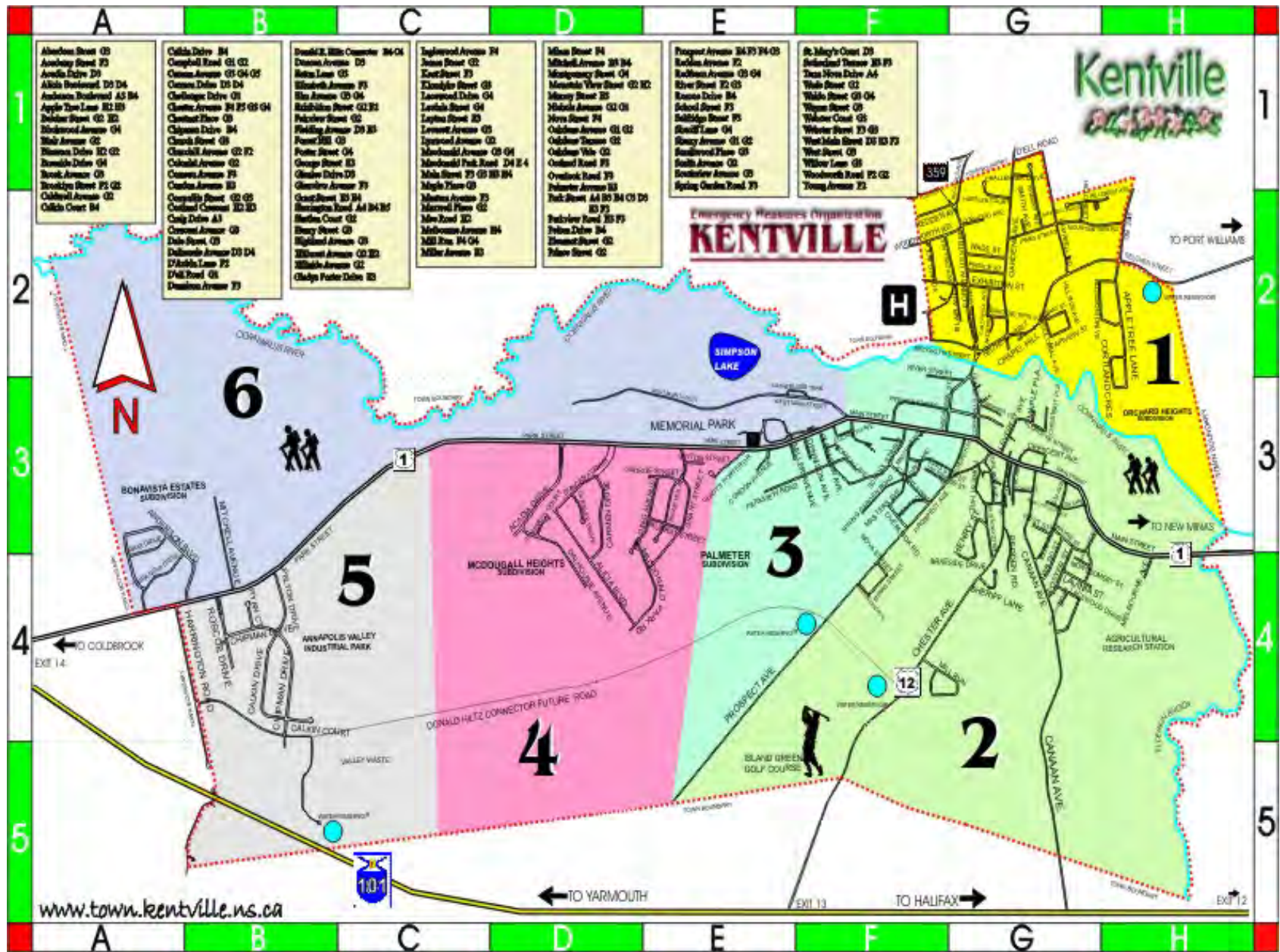
# TOWN OF KENTVILLE



**3.6 TOWN OF KENTVILLE: MAYOR, COUNCILLORS AND CONTACTS**

<b>Position</b>	<b>Contact/Alternate</b>	<b>Phone (h)</b>	<b>Phone (w)</b>	<b>Cell</b>	<b>Fax</b>
<b>Mayor</b>	Dave Corkum	678-9125	678-2114	680-6125	679-2375
<b>D/Mayor</b>	Larry Honey	678-6852			679-2375
<b>Councillor</b>	Bernie Cooper	679-0688		670-8575	679-2375
<b>Councillor</b>	Mark Pearl	678-9125	678-1232		679-2375
<b>Councillor</b>	Nola Folker-Hill	678-8166		680-5147	679-2375
<b>Councillor</b>	Eric Bolland	679-5204			679-2375
<b>Councillor</b>	Dennis Kehoe	678-9686			462-1660
<b>Zones</b>	<b>Contact</b>	<b>Phone (h)</b>	<b>Phone (w)</b>	<b>Cell</b>	<b>Fax</b>
<b>Zone Commander Zone #1</b>	John Mailman Mr.&Mrs. Allan Louthers Lloyd & Ann Schmidt	678-8889 679-7728 678-6327		679-8337	
<b>Zone Commander Zone #2</b>	Wayne Wagner Jim Haverstock Mr. & Mrs. Darrel McDow Lynn Fudge Mr. Cecil White Derek Atwater	678-2151 678-7715 678-6887 678-3090 678-3150 678-6936	678-7381	678-7656 670-0348 680-6523 456-5112	
<b>Zone Commander Zone #3</b>	Gary Patterson Bob Bennett Everett Butler Mitch Soucie Howard Otchenash	678-5891 678-3558 678-6550 678-1367 678-6225	427-0550	558-0632 (pager)	
<b>Zone Commander Zone #4</b>	John MacDonald Bill Buchanan Debra Pettet George Reid John Durno	678-5927 678-2848 679-3009 678-6229 678-3006			
<b>Zone Commander Zone #5</b>	Richard Barnes Donnie Gertridge Beverly Schofield	542-3560 542-3823 678-8954	678-2134 678-6001	680-6367	
<b>Zone Commander Zone #6</b>	Frank Simons David Cunningham Linda Rankin	678-9224 678-2931 678-8114	678-4962 679-0496	680-6783(c)	



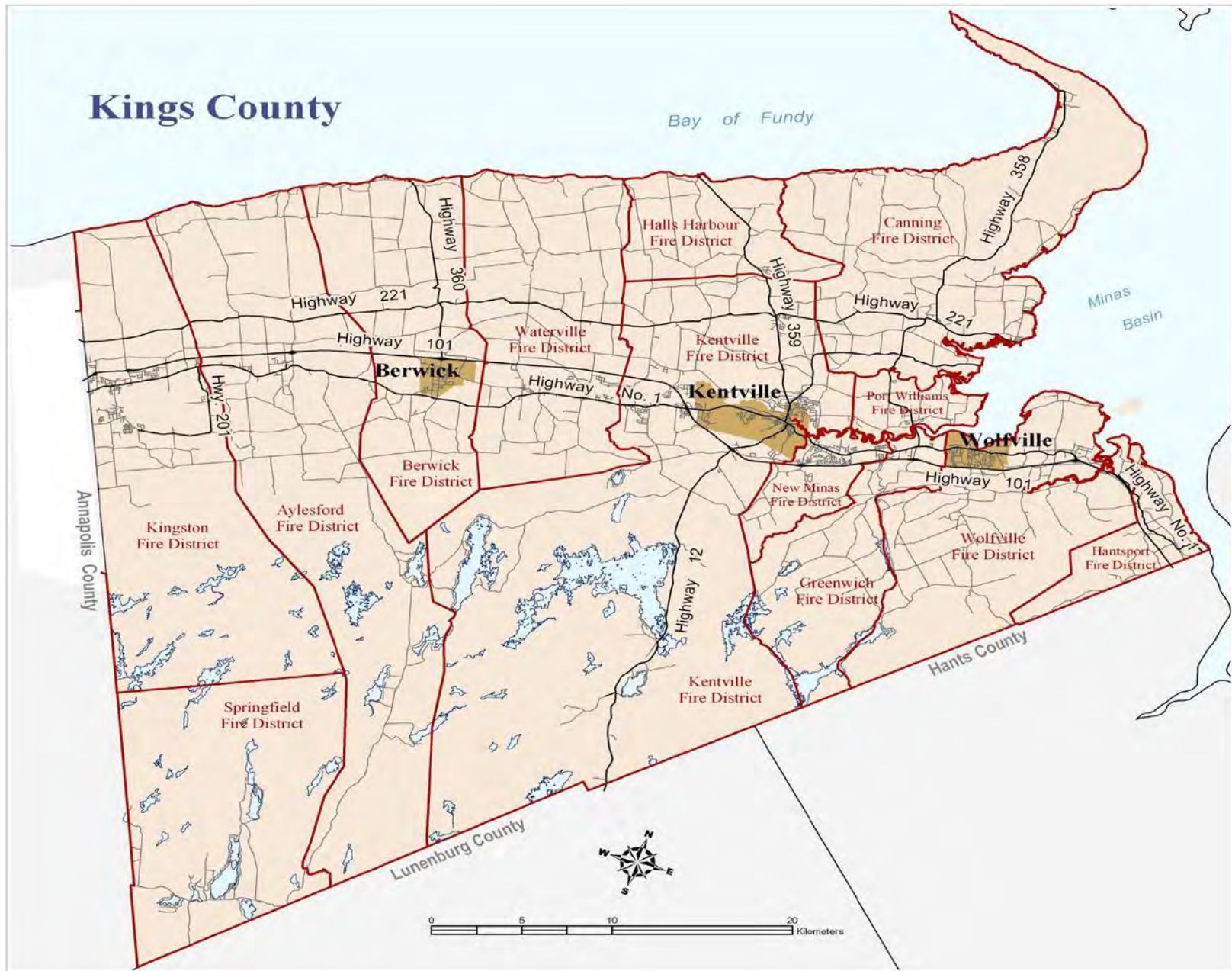


# MUNICIPALITY OF THE COUNTY OF KINGS



**11.3.7 MUNICIPALITY OF THE COUNTY OF KINGS: WARDEN, COUNCILLORS**

<b>Position</b>	<b>Contact/Alternate</b>	<b>Phone (h)</b>	<b>Phone (w)</b>	<b>Cell</b>	<b>Fax</b>
<b>D/Warden-Dist.#1</b>	Bert Greene	582-7223		680-0214	
<b>Councillor-Dist.#2</b>	Janet Newton	542-5036			
<b>Councillor-Dist.#3</b>	Madonna Spinazola	679-1949		670-5378	679-0975
<b>Warden - Dist.#4</b>	Fred Whalen	538-1611		679-7941	
<b>Councillor-Dist.#5</b>	Wayne Atwater	847-9179	765-5567	558-1901(p)	
<b>Councillor-Dist.#6</b>	Diana Brothers	765-8609			
<b>Councillor-Dist.#8</b>	Ted Palmer	847-3730		847-5059	
<b>Councillor-Dist.#9</b>	Barry Peterson	679-5200	538-3183		
<b>Councillor-Dist.#10</b>	Chris Parker	542-1977		471-8628	
<b>Councillor-Dist.#11</b>	Eric Smith	681-8590	528-3350		
<b>Councillor-Dist.#12</b>	John Fuller	542-5432			



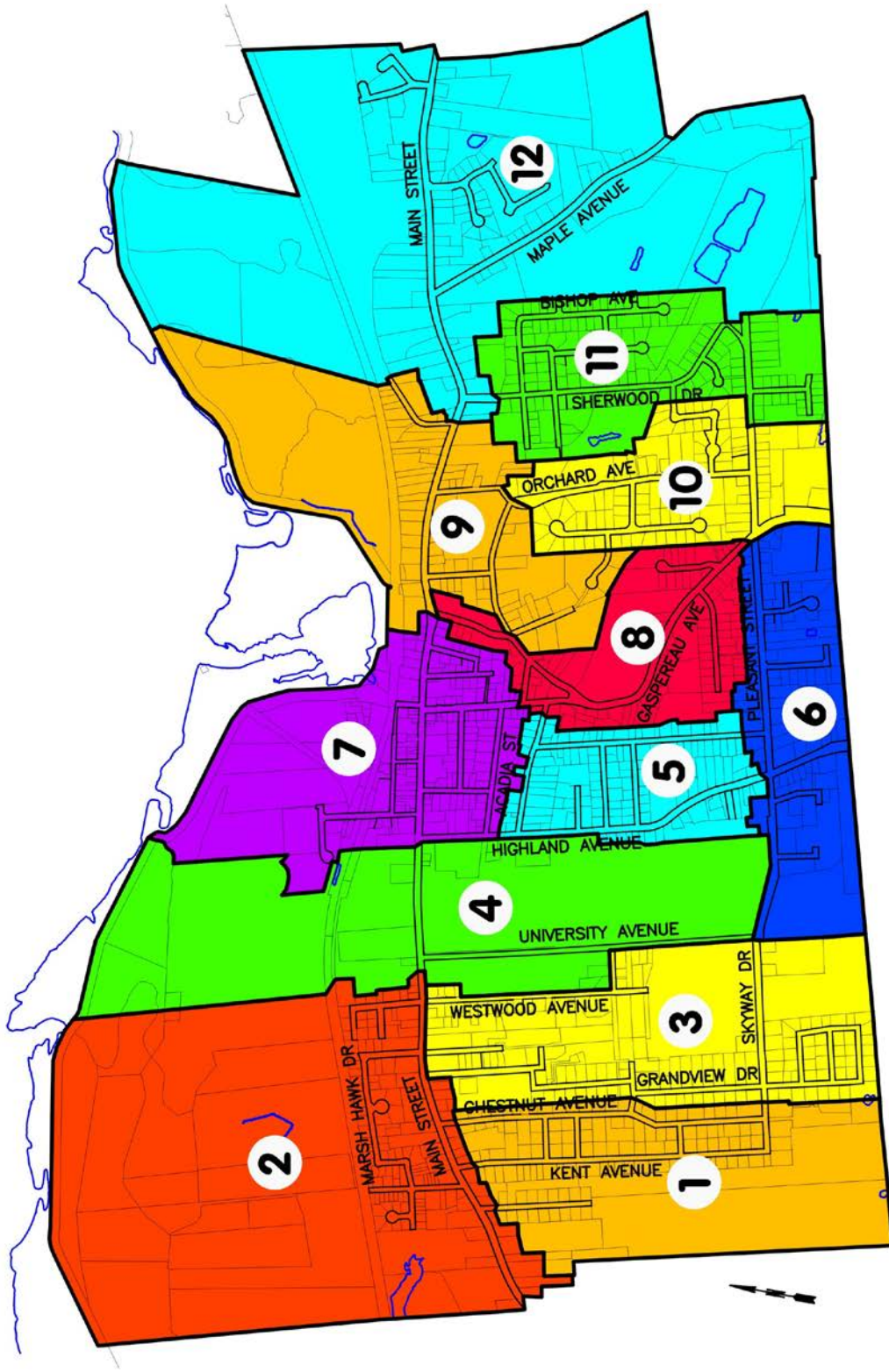
# TOWN OF WOLFVILLE



**11.3.8 TOWN OF WOLFFVILLE: MAYOR, COUNCILLORS AND CONTACTS**

<b>Position</b>	<b>Contact/Alternate</b>	<b>Phone (h)</b>	<b>Phone (w)</b>	<b>Cell</b>	<b>Fax</b>
<b>Mayor</b>	Robert Stead	542-5013	542-4008		542-4789
<b>D/Mayor</b>	Robert Wrye	542-2301	1 800 565-1000		1 800 205-3353
<b>Councillor</b>	Richard Boyd	542-0625	679-2500	680-6643	679-2375
<b>Councillor</b>	Brian Bunch	542-3773	542-0455		
<b>Councillor</b>	John A. MacKay	542-7077	542-3546	679-4641	542-5554
<b>Councillor</b>	Rosemary Segado	542-1514		679-8785	
<b>Councillor</b>	Hugh Simpson	542-9307	468-2283		468-3705
<b>Zone Commander</b>	<b>Contact</b>	<b>Phone (h)</b>	<b>Phone (w)</b>	<b>Cell</b>	<b>Fax</b>
<b>Zone #1</b>	Maurice Tugwell	542-5346			
<b>Zone #2</b>	Pat Salmon	542-9788			
<b>Zone #3</b>	Scott Follows	542-7325			
<b>Zone #4</b>	Acadia Security	542-7711			
<b>Zone #5</b>	Scott Mustgrave	542-1563			
<b>Zone #6</b>	Jim Amos	542-5317			
<b>Zone #7</b>	Neil Campbell	542-1572	542-1480		
<b>Zone #8</b>	David Mangle	542-7718			
<b>Zone #9</b>	Darryl Dewolfe	542-2357			
<b>Zone #10</b>	Mark Hanneman	542-1483			
<b>Zone #11</b>	Gary Ness Brian Rhodenizer	542-7366 542-3061			
<b>Zone #12</b>	Phil & Maggie Kenny	542-3562			

### Town of Wolfville Zone Map



**11.3.9 VILLAGE COMMISSION CONTACTS**

<b><u>CONTACT NAME AND ADDRESS</u></b>	<b><u>TELEPHONE</u></b>	<b><u>CELL/FAX</u></b>
Village of Aylesford Mrs. Trudy Spinney – Clerk Treasurer Peter Sayers – Chairman PO Box 91 Aylesford, NS B0P 1C0	847-0827 (w) 847-3762 (h) 847-9452 (h)	
Village of Canning Mrs. Gloria Porter – Clerk Treasurer Mr. Bob Churchill – Chairman PO Box 9 Canning, NS B0P 1H0	582-3768 (w) 582-3827 (h) 582-3719 (h)	
Village of Cornwallis Square Mr. William Farrell – Clerk Treasurer Mr. George Foote – Chairman PO Box 149 Waterville, NS B0P 1V0	538-0325 (w) 678-4371 (h)	538-1683 fax
Village of Greenwood Ms. Marian Ellsworth – Clerk Treasurer Mr. Al Belliveau - Chairman PO Box 1068 Greenwood, NS B0P 1N0	765-8788 (w) 765-2477 (h)	1 765-4369fax 760-0712 cell
Village of Kingston Mrs. Kelly Rice – Clerk Treasurer Mr. Robert Fettes - Chairman PO Box 254 Kingston, NS B0P 1R0	765-2800 (w) 765-9177 (h)	1 765-0807fax 824-0492 cell
Village of New Minas Terry Silver – Clerk Treasurer Mr. Dave Chaulk – Chairman 9209 Commercial Street New Minas, NS B4N 3G1	681-0292 (w) 681-5030 (h) 678-6397 (w) 681-2387 (h)	681-0779 fax
Village of Port Williams Diane Hancock– Clerk Treasurer Lewis Benedict –Chairman PO Box 153 Port Williams, NS B0P 1T0	542-4411 542-4142 542-9519	542-3005 fax 670-3771 cell



**11.3.10 FIRE SERVICE CONTACTS**

<b><u>FIRE SERVICE</u></b>	<b><u>CONTACT</u></b>	<b><u>HOME</u></b>	<b><u>WORK</u></b>	<b><u>CELL</u></b>	<b><u>HALL</u></b>
Aylesford	Chief Jack Young	847-9244		847-1268	847-3434
	D/C Shawn Carey		678-2134	848-6017	
	D/C Don Pinsent	847-9535		848-6550	
Berwick	Chief Laurie Saunders	538-3534		848-6355	538-3661
	D/C Brad Palmer	538-0649	534-3462	679-9014	
	D/C Mark Marchant	538-1768		848-6767	
Canning	Chief Mike Evans	582-7033		679-7670	582-3231
	D/C Rick Weisner	582-3455		798-7218	
	D/C Jeff Skaling	582-1283	678-0020	670-1510	
Greenwich	Chief Randy Schofield	542-7524	678-8323		542-5351
	D/C Randy Hill	678-0962	538-8021	679-3089	
	D/C John MacKeen	542-9840			
Halls Harbour	Chief David Watson	679-4088		680-0887	679-4400
	D/C Scott Tipple	679-4080		679-5082	
Hantsport	Chief Paul Maynard	684-0383	832-5500	680-5440	684-9187
	D/C Peter Johnson	684-3139	684-3211	798-7853	
	D/C Shannon Cunningham	684-3854	679-8354	790-0919	
Kentville	Chief Shaun Ripley	678-4843	679-4331	679-9910	678-7798
	D/C Paul Jackson	679-3299	678-0773	670-1555	
	D/C Stephen Leslie	679-4504	538-8021		
Kingston	Chief Watson Armstrong	765-8950	765-2412	847-5324	765-2263
	D/C Troy Bruce	765-0099	538-8021	844-0929	
New Minas	Chief James Redmond	681-7595		680-6144	681-6661
	D/C Donald Zwicker	681-4532		670-1742	
	D/C Mark Redmond	681-2638			
New Ross	Chief Sheldon Fudge	689-2795	538-8021		689-2422
	D/C Scott Reeves	689-2018	689-2210	553-0461	
	D/C Dale Broome	689-2220	275-3556		
Port Williams	Chief Phil Porter	690-7137	681-1335		542-1183
	D/C Stewart Griffin	542-3581			
	D/C Mark Lynk	542-7872			
Springfield	Chief Ainsley Acker	547-2651			547-2888
	D/C Carson Lowe	547-2800			
	D/C Myles Bezanson	547-2568			
Waterville & District	Chief Wayne Johnstone	538-8490		679-9546	538-3594
	D/C Ron Rafuse	678-2368	678-1335	679-1337	
	D/C John Foote	678-7245	678-1335	670-9062	
Wolfville	Chief Tim MacLeod	542-3342	542-5635	670-6044	542-5635
	D/C Kevin White	681-0039	542-4812	670-6045	
	D/C Adam Forsythe	542-2568	542-2211	670-6046	

1/12/2011

<b><u>FIRE SERVICE</u></b>	<b><u>CONTACT</u></b>	<b><u>HOME</u></b>	<b><u>WORK</u></b>	<b><u>CELL</u></b>
Michelin Tire	Edgar Dowell	538-8021		534-3211
Greenwood	Lt. Rick Dunning	765-0892	765-1494 ext.5473	844-0333
D/Fire Marshall	Harold Pothier	679-5174	538-4112	538-4112

**NUMBER OF FIRE FIGHTERS**

Kings Region	485
Hantsport	40
New Ross	29
Springfield	30

**KINGS COUNTY HAZARDOUS RESPONSE TEAM**  
**KENTVILLE, NEW MINAS, WOLFVILLE FIRE DEPARTMENTS**

Kentville Fire Department - Shawn Ripley - cell 679-9910

New Minas Fire Department - James Redmond - cell 680-6144

Wolfville Fire Department - Tim MacLeod - cell 670-6044

911

Valley Communications - 678-2100

**KINGS COUNTY COMMUNICATIONS TEAM  
EMO CALLING LIST 2000  
KCARC**

<b>Communication Service:</b>	Frank Redden	678-2775	
<b>Team One</b>	Maurice Brehaut	678-7549	
	Layton Fulton	678-7488	
	Philip Long	681-6748	
	Richard Jones	678-8049	679-5587
	John Bickerton	582-3873	582-2027/582-2020
	Kurt Arseneault	679-9783	
	Lysle Anderson	678-1653	678-7381 ext. 1051
<b>Team Two</b>	Dave Gillis	1-902-798-4310	
		1-902-798-0977	
	Sam Swinamer	1-902-684-9112	
	Rick Nickerson	679-1381	
	Ron Blaikie	678-4433	
<b>President</b>	David Morrison	678-3329	
<b>Vice President</b>	Peter Smale	542-2430	
<b>Secretary</b>	Derek Coolen	678-8078	
<b>Treasurer</b>	Pat Hamilton	679-0633	

**Team Members Who Are Available at Short Notice**

Maurice Brehaut (Moe)	678-7549
10 Mountain View Street	
Kentville, N.S.	
B4N 1A6	
Derek Coolen	678-8078
81-258 Belcher Street	
Kentville, N.S.	
B4N 1E4	
Alfred Parks	679-0477 (h)
803 Brow Mtn. Road	670-5815 (w)
RR #3	
Centreville, N.S.	
B0P 1J0	
<a href="mailto:Alfred@northsidecommunications.com">Alfred@northsidecommunications.com</a>	

### 11.3.12 DIRECTORY OF VITAL COMMUNITY EMERGENCY SERVICES AND RESOURCES

Acadia Security	Emergency Line	542-7711 585-1853 585-1103
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#### AIRPORTS

Canadian Forces Base-Greenwood	Duty OP'S Desk	765-1494ext.5457
Kings County Municipal Airport	Mark Cudmore	538-7116
Halifax International		

#### AMBULANCES

Emergency Medical Care	13 ambulances serving Windsor to Middleton	911
Business Office		832-8320
Earl Russell	Supervisor	678-3686 (o) 670-1013 (c)
14 Wing Greenwood	Duty OP'S Desk	765-1494ext.5457

#### ANIMAL HOSPITALS

Wolfville Animal Hospital	Dr. Peter Bligh	542-3422
Domestic Animal Control	Lance Bishop	582-3717
Wild Animal Control (raccoons, etc.)	Owen Atwell	542-7094

#### BOATS

Kings Fire Service		911
Valley Search and Rescue		538-7495 679-0477
Kings RCMP		679-0126 679-5555

#### BUS SERVICES

Acadia Bus Lines – Lindsay Smith	1-800-567-5151 (24 hours)	678-2000
CFB Greenwood	Duty OP'S Desk	765-1494ext.5457
Kings Transit	5 buses – Brian Hackett	678-7310
Perry Rand Limited	11 buses Shane Buchan	679-7773
Alternative Transportation	2 Vans/Wheelchair accessible Stephenie Vogler	678-1218
D.R.L. Transit Gordon Robinson	100 buses, 3 mini buses wheelchair accessible	1 902 765-2977

**CATERERS & RESTAURANTS**

A & B Family Restaurant	Highway #1, Cambridge	679-0888
Acton's Grill & Café	Wolfville	542-7525
Al's Homestyle Fireside Café	Canning	582-7270
Appetizers	New Minas	681-5555
Aurora Inn	Kingston	765-3306
Between the Bushes	Middle Dyke Road	582-1482
Billy Bob's Pizza	Wolfville	542-1111
Blomidon Inn	Wolfville	542-2291
Burger King Restaurant	New Minas	681-1203
C & M Restaurant & Lounge	Berwick	538-1351
Canning Village Restaurant	Canning	582-7978
Centreville Diner	Centreville	678-1953
Checker's Diner	Wolfville	542-1956
Chris' Pizzeria	Wolfville	542-0477
Cobblestone Café	New Minas	681-0127
Country Chalet Restaurant	New Minas	681-5111
Dairy Queen	New Minas	681-1812
Dairy Queen	Greenwood	765-8764
Dee Dees' Dinette	Canning	582-7252
Disco Deli	Wolfville	542-1618
Double Dragon Restaurant Inc.	New Minas	681-2263
Driftwood Restaurant	Berwick	538-8393
Evangeline Inn & Motel Inc.	Grand Pre	542-2703
Gold Star Restaurant	Coldbrook	679-9818
Greco Pizza	Kentville	678-3030
Greco Pizza & Donair Restaurant	Greenwood	765-6363
Hall's Harbour Lobster Pound	Hall's Harbour	679-5299
Harbourville Restaurant By the Sea	Harbourville	538-0844
Haus' Family Restaurant	New Minas	681-0709
Hennigar's Country Cookhouse	Greenwich	542-7998
J.R.'s Restaurant & Lounge	New Minas	681-2828
Joe's Food Emporium	Wolfville	542-3033
Jungle Jim's	New Minas	681-5467
Kai-Wing Restaurant	Coldbrook	679-6599
Kentucky Fried Chicken	Coldbrook	679-6646
Kentucky Fried Chicken	New Minas	681-4567
Kentucky Fried Chicken	Greenwood	765-4864
Kings Arms Pub	Kentville	678-0066
Lai Ching Restaurant	New Minas	681-7696
Luigies Pizza Palace	Berwick	538-9606
McDonald's Family Restaurant	Coldbrook	678-8227
McDonald's Family Restaurant	New Minas	681-8227
Paddy's Brew Pub	Kentville	678-3199
Rosie's Restaurant	Wolfville	542-0059
Stonerroom Lounge	Kentville	678-0955
Subway	Wolfville	542-0791
Subway	New Minas	681-6132
Subway	Greenwood	542-1500
Taj Mahal Restaurant	Wolfville	542-1500
The Ivy Deck	Wolf Ville	542-1868
Tim Horton's	New Minas	681-2253
Tim Horton's	Berwick	538-1104

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Tim Horton's	Wolfville	542-1755
Tim Horton's	Kentville	678-0010
Tim Horton's	Greenwood	765-6947
Top Hat Beverage Room	Greenwood	765-3585
Union Street Café	Berwick	538-7787
Wendy's	Coldbrook	679-1095
Zack's	New Minas	681-6861

<b>CFB ALDERSHOT</b>		678-7377
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<b>CFB GREENWOOD</b>	Duty OP'S Desk	765-1494ext5457
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**CHURCHES**

Anglican Church	Wolfville	542-2464
Baptist Church	New Minas	681-7683
Church of the Nazarene	New Minas	681-0793
Jehovah's Witness	Grand Pre	542-4462
Mennonite Church	Black Rock Road	538-1197
Mormon Church	Kentville	678-9370
Christian Reform Church	Kentville	678-6293
Church of Christ	Kentville	678-8881
Pentecostal Church	Kentville	678-3455
Presbyterian Church	Kentville	681-1333
Roman Catholic Church	Kentville	678-3303
Salvation Army	Kentville	678-2039
Seventh Day Adventist	New Minas	681-1034
United Church	Wolfville	542-3796

**COMFORT ZONES**

All Fire Departments	See Page 95	
Kingston Lions Hall	Ron Osmond Vern Mullen Vick Yahnke	765-3063 765-3712 765-3514
Coldbrook Community Hall		
Centreville Community Hall		

**COMMUNITY HALLS/CLUBS/CENTRES**

Kingston Lions Club	Vern Mullen	765-3712
Kingston Fire Hall	Watson Armstrong	765-8950
Aylesford Lions Club	Bob Dougan	847-9738
Aylesford Fire Hall	Wayne Ritchie	847-3559
Lake Paul/Lake George Community Club	Timothy Jones	847-3357
Lake Paul Fire Hall	Mark MacDonald	847-9809
Waterville Fire Hall	Robie Carty	538-8182
Cambridge Community Centre	Barry Peterson	679-5200
Coldbrook & District Lions Club	Laverne Lonergan	680-6068
Harbourville Community Hall	George Spicer	538-3922
Hall's Harbour Fire Department	Bob West	678-3480
Centreville Community Hall	Minnie Sheffield	678-6391
Canning District Lions Club	George Mapplebeck	582-3023
Canning Fire Department	Terry Porter	582-3827
Scott's Bay Community Hall	William Poole	582-1229
Port Williams Community Centre	Diane Hancock	542-4411
Greenwich Fire Hall	Ralph Smith	681-5822
Greenwich Community Centre	Darlene Hennigar	542-3498
Hants Border Community Hall	Audrey Woodworth	684-9244
Lockhartville Community Club	Audrey Woodworth	684-9405
Horton Community Centre	Edie Lloyd	542-2142
Gaspereau Community Centre	Howard Coldwell	542-1726
White Rock Community Hall	Deanna Schofield	542-7234
New Minas Civic Centre	Lynn Spencer	681-6972
New Minas Fire Hall	James Redmond	681-7595
Meadowview Community Centre	Jack Aalders	679-1963
North Alton Community Hall	Bernice Comish	678-3120
South Alton Community Centre	Vivian Bezanson	678-9158
Annapolis Valley First Nations Medical Centre		

<b>CUSTOMS HOUSE</b>		1700 461-9999
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**DENTISTS**

Friars, Christine & Stephen Drs.		542-2121
Hills, Wayne Dr.		542-4555
Ingham, David Dr.		542-5240
Nette, A.L. Dr.		542-3386

**DEPARTMENT OF THE ENVIRONMENT**

Environmental Emergencies		1 800 565-1633
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### **DEPARTMENT OF NATURAL RESOURCES**

24 hour line		1 800 565-2224
Forest Operations		679-6097
Law Enforcement		679-6097
Fire Prevention		679-6097
Wild Life		679-6097
Wild Life Planning		679-6091

### **DEPARTMENT OF TRANSPORTATION**

Transportation line-Kings County	24 hour line from Dec.6 <sup>th</sup> through to end of March	679-4308
Plow Shed	New Minas	679-6122
Mechanical Branch	New Minas	679-6126
Area Office Area Manager	New Minas Bob Bieren	679-4308 497-0635 (cell)
Operation Supervisors	New Minas-Allan Slack - Paul Maillet	679-6122
Operational Supervisor	Berwick Base – Mike Best	538-3877
Field Office	Coldbrook	679-6123
Gaspereau (Plow Shed)		542-2131

### **DIVERS & DIVING EQUIPMENT**

Canadian Forces Base-Greenwood	Duty OP'S Desk	765-1494ext.5457
RCMP – New Minas		679-5555
Wolfville & New Minas Fire Dept.	Kirk Fredericks	542-5635



**DOCTORS**

Wolfville Pager	24 hours	558-1265
Community Clinic	Eastern Kings Memorial Hosp.	542-0528
Dr. Roger Hamilton	542-1523 (H)	542-7016
Dr. Paul Kinsman	542-7372 (H)	542-2417
Dr. J. E. McNaughton	542-3989 (H)	No office
Dr. Donald Neily		542-7888
Dr. B. A. Nichols		542-9343
Dr. W. L. Phillips		542-2071
Dr. R. D. Stuart	Pager 558-0797	542-5688
Dr. H. M. Wellwood	Pager 558-0729 542-0502 (H)	542-3880
Dr. Christopher Yoell	542-3497 (H)	542-3633

**Doctors - Surrounding Areas**

Dr. Ann Barry		678-6101
Dr. Charles Brown (Pediatrician) Dr. Patricia Bolivar		678-1221
Dr. Lori Burgess		681-6101
Dr. R. H. Burnett (Suregon)		678-3422
Dr. R. G. Bustin		538-7381
Dr. A.B.F Connelly (Suregon_		678-2423
Dr. Stewart Dr. Stilitowicz		678-2525
Dr. G.E.L. Dickson		538-3688
Dr. Martin Fleckstein		678-3144
Dr. B. Garvey (Psychiatrist)		582-7535
Dr. P.P. George (Psychiatrist)		678-3011
Dr. D.A. Grant		678-4113
Dr. R.F. Gunn		678-6845
Dr. Lynn Harrigan Dr. D.W. Marsters Dr. Violetta Hadlaw		678-8233
Dr. E.B. Howatt (Surgeon)		678-4404
Dr. Yvonne King		678-6495
Dr. K. Kishan		681-8530
Dr. Barbara Leitch Dr. Martin Fleckenstein Dr. D.M. Seaman Dr. McAdoo		678-3144
Dr. John MacEachern		538-7226
Dr. B. MacInnis		538-9210
Dr. Angus McLean		678-7381
Dr. Jean Muggah		681-1515
Dr. R.D. Mullan		678-4113
Dr. Bruce Palmer Dr. Murphy Dr. J. Wynberg		679-1223

Dr. M.G. O'Reilly (Cardiology) Dr. Wightman		678-1411
Dr. R.B. Stern (Internal Medicine)		678-4742
Dr. P.W. Watts (Obst.& Gyn.) Dr. Singh Dr. McBeath		678-4626

**DRUG STORES**

Centennial Pharmacy	81 Exhibition Street	678-2799
Chisholm's Pharmacy	Aylesford	847-3465
Clinic Pharmacy	Kent Prof. Building	678-9933
Cochrane Pharmasave Ltd.	Wolfville-Terry Broome	542-3624 542-2883 (h)
Cochrane Drugs Ltd.	Canning	582-7119
Clinic Pharmacy	Kent Prof. Building	678-9933
Lawton's Drugs	Kentville	678-3308
Lawton's Drugs	New Minas	681-7345
Mader's Pharma Choice	Coldbrook	679-1251
Shopper's Drug Mart	Wolfville-Mike Peters	542-2248 765-4248 (h)
Shopper's Pharmacare	Greenwood	765-3060
Sobeys	New Minas	681-1434
Superstore	New Minas	681-0728
Valley Drug Mart	Kingston	765-2103
Wilsons Pharmasave	Berwick	538-3185

**DYKE AUTHORITY**

Lindsey Carter	Berwick Superintendent	538-8163
Windsor Marshlands		798-5325

**ELECTED MAYORS, CLERKS OF MUNICIPALITIES**

Berwick Town Office		538-8068
Canning Village Office		582-3768
Greenwood Village Office		765-8788
Kentville Town Office		679-2500
Kingston Village Office		765-2800
New Minas Village Office		681-6972
Port Williams Village Office		542-4411
Wolfville Town Office		542-5767

**EMERGENCY MANAGEMENT COORDINATORS**

Dan Noebert	Berwick	538-7043 (h) 670-1084 (c)
Calvin Boudreau		538-1403 (h) 691-2067 (c)
Wayne Gibbons	Kentville	681-7775 (h) 670-0462 (c)
Ted Salmon	Wolfville	542-3044 (h) 679-9379 (c)
John Gordon		542-2905 (h) 670-1084 (c)

**EMERGENCY MANAGEMENT ORGANIZATIONS**

EMO Organization	Nova Scotia- <b>24 hours 7 days</b>	424-5620 424-5376 fax gatesdl@gov.ns.ca
Donna Gates	Communications Officer	
Rescue Coordination Centre	424-5620	1 800 565-1582
Search & Rescue-Greenwood	Duty OP'S Desk	765-1494ext.5457
Valley Search and Rescue		538-7495

**EXPRESS AGENCIES**

C.P. Express		1 800 665-1885
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**FIRST AID PERSONNEL (See Ambulances)**

Base Nuclear Defence Office-Greenwood	Duty OP'S Desk	765-1494ext.5457
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**FUNERAL HOMES**

W. C. Hiltz	2-3 body bags	678-3339
H.C. Lindsay-Kentville	Wayne Wagner (Total 51 body bags)	678-2151
H.C. Lindsay-Wolfville		542-2151
H.C. Lindsay-Berwick		538-9900
Lohnes Funeral Service	1 body bag	798-8317
Warren Roop	8 body bags	825-3448

**GASOLINE AND OIL COMPANY OUTLETS**

Esso	Craig Bauchman	798-20
Petro Canada	Shaun Cunningham	902 497-1104
Irving	Nathan Woodland	310-1924
New Minas Big Stop	Adrian Beaton	681-0224
Greenwich Irving Mainway	Belinda Griffin	542-2722
Grand Pre Irving	Larry Harvey	542-9210
Greenwood Irving	Lana Gosse	765-2550
Shell Canada Products	Debbie Vitale	902 468-7567
Cambridge Shell	Harold Reeves	538-3919
Coldbrook Shell	Gene Vaughan	679-6633
New Minas Shell	Robert Feeney	681-5161
Shell SawlerFuels Ltd.	Lorna Rawding	538-3812
Ultramar Kentville	Jeff Durno	678-3293
Oulton Home Heating Oil	Heather Smith	542-3835
Fuels for Less	Cristal Sanford	538-0677
West Main Fuels	Darrell Davidson	542-3318
Co-op Fuels	Dewayne Latter	678-2430
Berwick Need's Service Station.	Brian Wear	538-7122
Canning Auto Service	Neil Cruickshank	582-3122 582-7215
Somerset Market	Belay Iassu	538-8866 538-1550

**GROCERY STORES**

Atlantic Superstore-New Minas	Kathy McGee 679-3734	681-0665
Atlantic Superstore-Kingston	Marvin Phinney 678-5687 Barry Corkum	765-3516
Berwick Save Easy	Dale Lloyd 538-8144 Mary Kennedy 847-3622	538-8818
Carter's Foodland - Canning	582-7145	582-7145
Foodland	Coldbrook Jerry Brown 538-9599	679-6647
Kent Co-Operative Ltd.-New Minas	Marvin Messom- 681-6407	681-7738
Save Easy-Kentville	Jason Blanchard 679-0097	678-3893
Sobey's Store Ltd.-New Minas	Reid Morris 665-4126	681-3723
TRA Foods - Middleton	Mike Rex 765-0683	825-3404
Save Easy - Wolfville	Carl Oldham 681-0875	542-9680

**HAZARDOUS MATERIALS INFORMATION**

CANUTEC	Information –Collect (613) 992-4624	(613) 996-6660
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**HEAVY EQUIPMENT**

ACA Co-op	Freezers, forklifts	681-6161
Al's Backhoe & Dozer Services		582-7391
Cavalier Contracting		679-5871 679-8247 (cell)
Maple Leaf Poultry	Freezer trucks	582-3301
David Cavanaugh	1 payloader, 1 excavator, 2 half-tons, 1 farm tractor and 2 dump trucks	542-7469
Evangeline Excavators		542-5577
Howard Little Excavating Inc.		538-3275
Harold B. Legge Transport Ltd.		542-5718
Larsen Packers Ltd.	Freezers, 1 small refrigerator, 3 forklifts, 1 uni-loader/skid steer	538-8060
Mark-Lyn Construction		679-2693 680-5136 (cell)
G.K.Morse & Sons Ltd.		678-3902 679-1697
Welton Construction		678-2697

**HOSPITALS/CLINICS**

Eastern Kings Memorial		542-2266
Immunization Clinic	(Dept. of Public Health)	542-6310
Kings Regional Health and Rehabilitation Centre		538-3103
Valley Health Services Assoc.		678-7381
Valley Regional Hospital		678-7381

**HOTELS & MOTELS**

Blomidon Inn	28 rooms	542-2291
Roselawn Lodging	40 rooms	542-3420
Tattingstone Inn	10 rooms	542-7696
Victoria's Historic Inn	16 rooms	542-5744
Allen's Motel	9 winter/10 summer	678-2683
Aurora Inn	Kingston/25 rooms	765-3306
Evangeline Motel	(closed in winter)	542-2703
Old Orchard Inn	101 winter, plus 29 summer cabins	542-5751
Slumber Inn	79 rooms	681-5000
Sun Valley Motel	13 units	678-7368
Wandlyn Inn	70 rooms	678-8311

**HOUSING**

Senior Citizen & Family Rental Housing-Kings Regional	Jim Vidito <b>(phone answered 24/7)</b>	681-3179
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**INFORMATION LINE**

Municipality of County of Kings	Information Line-Emergencies	690-2333
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**INTERPRETERS**

Base Language School-Greenwood	Duty OP'S Desk	765-1494ext.5457
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**LIGHTING AUXILIARY**

CFB Greenwood	Duty OP'S Desk	765-1494ext.5457
Kentville Fire Department		678-2100
Search and Rescue		538-7495
Wolfville Fire Department		542-5635
West Hants Ground Search and Rescue		684-3410

**MALLS**

Wal-Mart	Max Noseworthy 678-0931	681-4271 *300
Zellers County Fair Mall	Kevin Arbuckle	681-8331
Greenwood Mall	Darrell Wade 765-2251	765-4206

**MEALS ON WHEELS**

Kings County Meals on Wheels	Shirley Connelly Janet Bent	690-2118 542-2117
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**MEDICAL EXAMINERS**

Dr. R.D. Mullan (Kentville)	Pager 1 902 558-4593	678-4113
Dr. Kazamarski (Windsor)		798-2227
Dr. O'Sullivan (Yarmouth)		875-3787

**METEROLOGICAL OFFICE**

Meterological Office	14 Wing Greenwood Base	765-1494 ext.5529
Bedford Weather Office	Recording	426-9090

**MORGUE**

Kings Regional Hospital		678-7381
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**MORGUES – BUILDINGS SUITABLE (TEMPORARY)**

Acadia Arena	Equipment Room Box Office	585-1568 542-2204
Curling Club	Wolfville Fred Kelly – 542-2759 Herbert Sullivan – 542-3550 Tony Stirling – 542-4605	542-3819
Berwick Arena		538-9070
Berwick Curling Club	Orchard Street	538-9149
Glooscap District Arena-Canning	Greg Stockall	582-3727
Glooscap Curling Arena-Kentville	Jim Haverstock – 678-7715	678-4637
Kentville Arena	Webster Street	679-2542
Western Kings Arena	Westwood	765-2516

**MUNICIPAL DEPARTMENTS**

Administration	After hours emergency	678-6141
Community Development		678-6141
Environmental Services		678-6141
Public Health		679-6086

**NEWSPAPERS**

Advertiser	Kentville	681-2121
Berwick Register	Berwick	538-3187
Chronicle Herald	Kentville	679-3700

**PEST AND RODENT CONTROL FIRMS**

PCO Services Ltd.	(fly lights, anti-bacterial soap, hand sanitizers, etc.) Service Canada wide	679-1113 1 800 726-7378
Annapolis Valley Pest Control		678-1332

**POLICE DEPARTMENTS**

Kentville		678-3378
Military Police-Camp Aldershot		678-7377
Military Police-CFB Greenwood		765-5111
RCMP	Wolfville	542-3817
	Berwick	538-3666
	New Minas	679-5555
	Kingston	765-3317
	Halifax	426-1323

**POST OFFICES**

Wolfville		542-3619
Aylesford		847-9302
Berwick		538-9254
Canning		582-3866
Kentville		678-0773
Port Williams		542-9318
Waterville		538-8451
Kingston		765-2435
Greenwood		765-3200

**PROVINCE OF NOVA SCOTIA OFFICES**

Agriculture & Marketing		679-6000
Consumers Affairs		426-6080
Crown Prosecutor		679-6067
Deeds		678-4320
Education		679-6083 679-6204
Liquor Commission		679-3858 405-5874
Natural Resources		679-6097
Probate		679-5339
Prothonotary (Chief Clerk)		679-6156
Provincial Judges		679-6070
Public Health		679-6086 542-6310
Sheriff		678-4687 679-6074 679-6077
Small Claims		678-5790 679-5540



Social Services		679-6176
Supreme Court		679-5540

### **PUBLIC WORKS**

Wolfville	Superintendent after hours	542-3960 680-0603
Berwick Police and Public Works	24 hours	678-1666
Kentville Public Works		679-2520
Water Utility	Kings County 24 hour service	678-6141

### **PUMPS**

CFB Greenwood	Duty OP'S Desk	765-1494ext.5457
Annapolis Valley Plumbing & Heating Ltd.		542-4173
Cross' Plumbing and Heating		678-7094
Margeson Plumbing and Heating		678-6917
M & M Plumbing and Heating		678-1585
K.D. Rogers Welldrilling Ltd.		678-0945
Sumners Plumbing Supplies		678-3204
Valley Power Products		681-0700

### **RADIO STATIONS**

Annapolis Valley Radio	General	678-2111
	Night /Weekend Contact	678-1113
	News	678-6397
	Diane Best	679-9622
	Mike Mitchell	679-8702
	Judy Rafuse	582-1244 or 680-6938
	Dave Chaulk	681-2387
Bridgewater CKBW		543-2401
CBC		420-4373
Sun FM		835-6100

### **RAILWAY**

CN Rail (Via)		1 800 561-3952
Windsor and Hantsport Railway	Main Office in Halifax Jim Taylor, Train Manager	798-0798 798-0816 (fax)

### **RENTAL (EQUIPMENT) COMPANIES**

Discount Car & Truck Rental	24 Hour	678-5755
R & A Rentals	Robert Atwell (generators, hand tools)	542-7952
Valley Power Products	Albert MacNutt 678-2673 (H) Dave Cox 681-0484 (H)	681-0700

**RESTAURANTS (See Caterers)****SCHOOLS**

Annapolis Valley Regional S.B.	David Floyd	538-4600
Evangeline Middle School	Erica Bawn	681-4910
Gaspereau Elementary	Linda Bergevin	542-6090
Horton District High School	Andrew Clinch	542-6060
LE Shaw Elementary	Ed Shynal	542-6900
Berwick School	Andre Tessier	538-4720
Central Kings Rural High School	Sue Burke	538-4700
Coldbrook & District School	Bev Williams	690-3830
Kings County Academy	Robie Harrison	690-3850
New Minas Elementary	Everett MacPherson	681-4900
Port Williams Elementary	Sandi Carmichael	542-6074
Somerset & District Elementary	Heather Morse	538-4670
West Kings High School	David Reid	847-4440
Wolfville Elementary	Tony Stewart	542-6055
Wolfville Junior High	Tony Stewart	542-6050

**SERVICES & EQUIPMENT PROVIDED BY CFB GREENWOOD**

Civil Defence-Greenwood	Duty OP'S Desk	765-1494ext.5457
Divers & Diving Equipment	Duty OP'S Desk	765-1494ext.5457
Interpreters (French)	Duty OP'S Desk	765-1494ext.5457
Marine Disaster Service	Duty OP'S Desk	765-1494ext.5457
Meteorological Office	Duty OP'S Desk	765-1494ext.5457
Military – Armed Forces	Duty OP'S Desk	765-1494ext.5457
	Aldershot	678-7377
Radiation Monitor-Nuclear Defence-Greenwood	Duty OP'S Desk	765-1494ext.5457
Search and Rescue-Greenwood	Duty OP'S Desk	765-1494ext.5457
	Canada	1 800 565-1582
Sonar Side Scan Equipment-Greenwood	Duty OP'S Desk	765-1494ext.5457

**SNOWMOBILES , ATV'S AND 4X4 CLUBS**

Annapolis Valley Lake and Ridge Runners	Snowmobile Club	
	Bev Spicer	538-9780
	Ruth Corkum	538-8879
Kings County 4x4 Club	Brian Misner	798-0872 (h)
		798-3222 (w)
		790-0880 (c)
	Derek Quigley	678-0845 (h)
		678-4538 (w)
Citizens on Patrol – Off Road Association ATV's	Duchie Cavanagh	679-4007 (h)
		680-8787 (c)
	Gary Candow	679-0746 (h)
		680-4858 (c)
	Scott MacInnis	847-0236 (h)
		679-8943 (c)
Kings County ATV Club	Bob Wright	679-3231 (h)
		678-3030 (w)

**SPCA**

Kings County SPCA	Susan Escott	582-7292
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**TABLE AND CHAIR RENTAL**

Glooscap Curling Arena	200-300 Chairs	678-4637
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**TAXI COMPANIES**

A-1 Taxi	7 taxis/24 hours	542-4414
Apple Taxi	3 taxis	542-2674
B & G Taxi	5 taxis/24 hours	681-0403
Evangeline Taxi	12 with Valley Cab/24 hours	681-2222
Franks Taxi		765-8359
New Minas Taxi		681-0129
Ted's Taxi		678-4983
Valley Cab		681-0129
Village Taxi		765-4260

**TOILETS (PORTABLE)**

Valley Septic Services	Lower Wolf Ville Portable toilets, waste removal and pumping	542-5811 (w) 542-4610 (h) 680-6610 (cell)
Loomer's	Kingston	765-274 (w) 765-3268

**TOW TRUCKS**

Kelly's Towing	4 tow trucks	679-7662
Harold Reeves	2 tow trucks	538-9595
Lindsay Milners	4 tow trucks	678-5001 678-0070 (h)
Morine's Towing and Recovery	2 tow trucks	670-3281
Sawler's Towing	3 tow trucks	681-3147
Shaffner Enterprises	7 tow trucks	678-2699 678-0097

**TRUCKING COMPANIES**

Cornwallis Trucking		542-3358
Evangeline Equipment Rentals	12 trucks	542-3375
Merks Farms Limited	40 trucks	542-4200
Peterbilt of NS	Transport and Truck Refrigeration/Truck AC systems after hours	678-6001  1 558-3377
Ryder Truck Rental	64 units 24 hours 468-9896	1 800 667-9337

**T.V. & VCR RENTALS**

Rent to Own		681-1800
Video World		681-0262
Wacky Wheatley		681-2885

**UTILITY COMPANIES**

Aliant	24 hour repair General Office	811 1 800 688-9811
Municipal Office	County of Kings 24 hour Emergency Line	678-6141
Nova Scotia Power Corporation  Darrell Emberly Peter Doig  Allan Sullivan	24 hour	1 800 428-6230 1 877 428-6004 521-1510 428-6934 (o) 225-0351 (c) 428-6424 (o) 223-7804 (c)

**VETERINARIANS**

Berwick Animal Hospital	Dr. Bruce Bouker	538-8039
Glooscap Veterinary Clinic	Carla MacKenzie	542-7363
Glooscap Veterinary Clinic-Coldbrook		678-7363
Greenwood Animal Hospital	Dr. Speelman	765-6355
Annapolis Animal Hospital	Dr. Dana Power	681-8387

**WELDING SERVICES**

Archie's Welding	Doug 679-5614	681-7812
Hal's Maritime Welding		678-6559
Heritage Machine	Glen	678-1354
Kingstec Community College		678-7341
LRB Fabrications Ltd.		542-9519
Nova Industrial Supplies		681-7082
Robinson's Supplies Ltd.		678-3291
Rocky Mountain Enterprises		678-7189
Scotia Machining Service		678-1100

**WILDERNESS OUTFITTERS**

Canadian Tire Corp	1 800 387-8803	681-4576
Cleves Sporting Shop		678-3805
Everetts Sporting Goods		678-6505

## **11.4 KINGS REGIONAL HAZARD ANALYSIS**

A brief hazard analysis of potential dangers to the Kings Region follows which describes the likelihood of each type of disaster:

### **.1 Construction Accident**

Heavy snowfalls, frequent changes in occupancy, and building fatigue might place undue stress on buildings and contribute to their collapse. Other disastrous occurrences, such as, flood, fire, or explosion, might jeopardize the stability of any structure.

### **.2 Epidemic**

With the weakening effects of antibiotics on bacteria, and the ease with which disease can be carried throughout the world by air travel, the potential for an epidemic increases daily. The near release of BOLA-Zaire into the environment at Reston, Virginia, in 1989 shows how vulnerable we really are; this virus was transmitted as an airborne agent, similar to the influenza epidemic of 1918-19 (20 million deaths), or Asian flu of 1968-69. Fortunately, the Reston strain only affected monkeys. Even more recently (Summer 1995), the BOLA virus in Zaire caused public health concern worldwide.

### **.3 Explosion**

Restaurants in most of the Kings Region use propane gas as their principal means of food preparation. Though the use of propane under normal circumstances is safe, accidents can rupture storage tanks, valves, or feed lines. An accident involving a propane delivery truck could prove catastrophic. There have been several propane leaks in different parts of the Kings Region during the past two years.

### **.4 Fire**

The Kings Fire Service responds to hundreds of fire related calls each year. The majority of these alarms are considered minor, i.e. chimney and grass fires. However, there is potential for a large-scale fire in area where there are large buildings in close proximity. Older buildings of wood frame construction make it easier for fire to spread. Fire and wind conditions can often produce severe smoke conditions throughout an area, which may necessitate an evacuation.

### **.5 Flood**

Damage by wind and snow can be complicated by the action of our local tides. There have been several instances of flooding in the Kings Region in recent history. In 1958 and again in 1977, large areas of this region had major flooding which required evacuation of residents for long periods of time. This flooding is often the consequence of high tides, heavy rainstorm and strong north-easterly winds. Though flooding is infrequent, seasonal high tides (approx. 20 year cycle) combined with heavy snow melt can pose a flood threat.

### **.6 Hurricane/Windstorm/Snow**

During the winter months, severe weather conditions often occur in this area including heavy snowfalls, ice storms, and severe winds. Long-term power outages resulting from

these conditions can cause severe hardship. Winds generally blow off the Minas Basin in a southwesterly direction. During the hurricane season, Nova Scotia often receives the tail end of these events. The procession of hurricanes up the Atlantic coast in the summer of 1995 demonstrates how helpless we are against the whims of nature.

#### **.7 Power Failure**

There are many situations that might result in the cessation of power, including an act of terrorism. However, severe winds or a winter ice storm are more likely causes. Power outages can last several days or even weeks. In cold weather this would cause considerable hardship to the community.

#### **.8 Transportation Accidents involving Hazardous Materials/Road**

Highway 101 which runs through the middle of the Kings Region creates perhaps the greatest threat for a disaster. Today's lifestyle depends on the use of a multitude of materials that are classified as hazardous. These agents are everywhere in varying amounts. Under normal storage conditions, these chemicals and substances pose no threat to life. However, fire or transportation accidents may rupture containers and release these hazardous substances into the air or water systems. Located along the 101 Highway are several towns and small communities, which would be most vulnerable to such an accident.

#### **.9 Transportation/Air**

The Kings Region lies under the flight path of many aircraft landing at Halifax International Airport. Canadian Forces Base, Greenwood, do regular patrols in and out of the region and other small aircraft from the Annapolis Valley Municipal Airport often sightsee over this area. Crop dusters also spray our orchards and crops from the air. Although aircraft disasters are infrequent, the crash of the Air force jet near Falmouth, NS (1994), and the recent tragedy of Swissair Flight 111 near Peggy's Cove (Sept. 1998), demonstrate the potential for this type of disaster.

#### **.10 Transportation/ Rail**

The Kings region has a rail line that passes through its eastern section, which includes the Town of Wolfville. There are on an average of two trains per day and the cargo is mostly grain to the Greenwich Area, which is located just west of Wolfville.

#### **.11 Transportation/Water**

The County of Kings is bounded on two sides by water, the Bay of Fundy and the Minas Basin. A marine disaster involving a spill could wash into any of the small harbours in the Kings Region and create an environmental problem. Hazardous cargos on a ship in distress, such as on fire or explosion, could threaten a near by community with toxic smoke. Under certain conditions, the Fundy coast may even be threatened by a tidal wave.

## 11.5 PEACETIME DISASTERS

### **.1 AIRCRAFT CRASH**

#### **Possible Major Effects**

1. Casualties
2. Deaths
3. Fire
4. Explosion
5. Damage to property
6. Nuclear cargo problems
7. International implications
8. Special cargo problems
9. Sudden hospital requirements
10. Disruption of traffic and communications
11. Disruption of utilities
12. Involvement of dangerous goods

<b>Potential Actions at the Scene</b>	<b>Agency Responsible</b>
1. Establish an emergency headquarters	Municipal government/Mun.EMO
2. Establish emergency communications	Police/Municipal EMO
3. Define working area and establish control perimeter	Police
4. Secure disaster scene for subsequent investigation	Police
5. Rescue and fire-fighting	Fire/rescue services
6. Establish routes for emergency vehicles	Police
7. Notify hospitals of casualties including number and type	Medical/Police
8. Establish temporary morgue	Coroner/Police
9. Investigate disposal of nuclear or other hazardous cargoes	
10. Establish traffic control	Police
11. Establish crowd control	Police
12. Eliminate hazards from damaged utilities	Public Works/Utilities
13. Protect property and valuables	Police
14. Establish news-release system	Airline authorities (If commercial plane)
15. Establish inquiry system	Emergency Social Services

<b>Equipment</b>	<b>Sources</b>
1. Fire-fighting and rescue equipment	Fire/EMO
2. Ambulances	Medical/Transportation/Police
3. Communications equipment	Police/EMO
4. Auxiliary lighting	Police/Fire
5. Barricades	Public Works
6. Mobile public address system	Police/Fire/EMO/radio stations
7. Chemical response team, if applicable	Province/Fire/industry



**.2 BLIZZARD/MASSIVE SNOWSTORM****Possible Major Effects**

1. Casualties/Injuries
2. Disruption of community
3. Disruption of utilities
4. Damage to property
5. Disruption of traffic
6. Disruption of communication (all forms)

<b>Potential Actions at the Scene</b>	<b>Agency Responsible</b>
1. Warn of imminence	Meteorological service/media
2. Establish emergency headquarters	Municipal EMO
3. Establish communication	Police/Fire/EMO
4. Establish perimeter	Police
5. Establish emerge/traffic routes	Police/Public Works
6. Alert medical facilities	Police
7. Eliminate hazards (utilities)	Public Works/Utilities
8. Establish media contact	Municipal EMO
9. Establish information link	Municipal EMO
10.Necessary plowing – snow removal	Public Works
11.Remove disabled vehicles	Police
12.Necessary road closures	Police/Traffic Authorities

<b>Equipment</b>	<b>Sources</b>
1. Road clearing equipment	Public Works
2. Barricades	Public Works
3. Towing services	Police
4. Fire equipment	Fire
5. Ambulance services	Police/Medical
6. Communications	Police/Fire/Public Works
7. Auxiliary generators	Utilities/Fire

**.3 CONSTRUCTION ACCIDENT****Possible Major Effects**

1. Casualties
2. Deaths
3. Entrapment
4. Disruption of utilities
5. Disruption of traffic

<b>Potential Actions at the Scene</b>	<b>Agency Responsible</b>
1. Provide emergency lighting if required	Police/ Engineering/ Fire services/ EMO
2. Establish emergency headquarters	Town Council Chambers-EOC
3. Establish adequate communications	Communication Coordinator
4. Establish a control perimeter	Police
5. Establish routes for emergency vehicles	Police
6. Notify hospitals of casualties including number and type	Medical/Police
7. Rescue and Firefighting	Fire/ Police/ Rescue services
8. Establish a temporary morgue	Medical Coordinator
9. Establish a news release system	Public Info Coordinator
10. Establish emergency welfare services	Emergency Social Services
11. Establish an inquiry service	Emergency Social Services
12. Eliminate hazards from damaged utilities	Engineering/Utilities

<b>Equipment</b>	<b>Sources</b>
1. Rescue equipment	Police/EMO/Fire Dept.
2. Communication equipment	Police/EMO/Communication Coordinator
3. Ambulances	Medical/Transportation
4. Auxiliary lighting	Engineering/Utilities
5. Barricades	Engineering
6. Powerful cranes	Contractors
7. Mobile public address equipment	Police/EMO/Radio Stations/Fire Dept.
8. Welfare equipment	Emergency Social Services

**4 DANGEROUS GASES****Possible Major Effects**

1. Casualties
2. Deaths
3. Tendency of people to disperse
4. Explosions and fire
5. Health hazard to humans and livestock
6. Disruption of traffic
7. Disruption of business and industrial activities
8. Evacuation

<b>Potential Actions at the Scene</b>	<b>Agency Responsible</b>
1. Determine nature and effects of the gas	Police/Medical/Industry/Fire service/ Canutec
2. Establish an emergency headquarters	Town Council Chambers-EOC
3. Establish adequate communications	Communication Coordinator
4. Establish a control perimeter	Police
5. Establish routes for emergency vehicles	Police
6. Notify hospitals of casualties including number and type	Medical/Police
7. Rescue and Firefighting	Fire/Police/Rescue services
8. Establish a temporary morgue	Medical Coordinator
9. Establish a news release system	Public Info Coordinator
10. Establish emergency welfare services	Emergency Social Services
11. Establish an inquiry service	Emergency Social Services
12. Eliminate further escape of gases	Engineering/Industry
13. Warn adjacent areas and define area of risk	Police
14. Evacuate area	Police/Fire Dept./Zone Commanders
15. Establish evacuation routes	Police/EMO

<b>Equipment</b>	<b>Source</b>
1. Fire fighting and rescue equipment including respirators and resuscitators	Fire Dept./Police/Rescue Services
2. Communication equipment	Police/EMO/Communication Coordinator
3. Ambulances	Medical/Transportation Coordinator
4. Decontaminating equipment	Industry/Fire/EMO
5. Barricades	Engineering
6. Mobile public address equipment	Fire Dept./Police/EMO
7. Anti-gas clothing if necessary	Rescue services/Police/Fire
8. Emergency feeding facilities	Emergency Social Services
9. Hazardous materials equipment	Fire Dept./Industry

**.5 EPIDEMIC****Possible Major Effects**

1. Casualties
2. Deaths
3. Disruption of community (i.e., key people victims)
4. Contamination of normal water supplies
5. Sudden hospital and medical requirements (i.e., immunization)
6. Panic
7. Disruption of business and industrial activities
8. Hazards to livestock
9. Need for child care
10. Complications due to restricted interaction with Rescue Staff

<b>Potential Actions at the Scene</b>	<b>Agency Responsible</b>
1. Warning	Dept. of Health
2. Establish emergency headquarters	Town Council Chambers-EOC
3. Establish adequate communications (N.B. Contamination may complicate situation)	Communication Coordinator
4. Restrict entrance and exit	Police/Military
5. Establish routes for emergency vehicles	Police
6. Notify hospitals of casualties including number and type	Medical/Police
7. Temporary immunization clinic	Medical Coordinator
8. Establish a temporary morgue	Medical Coordinator
9. Establish a news release system	Public Info Coordinator
10. Establish emergency welfare services	Emergency Social Services
11. Establish an inquiry service	Emergency Social Services
12. Establish jurisdiction	EMO/Dept. of Health
13. Request medical staff	Medical Coordinator
14. Contact Tracking/Tracing	Department of Health
15. Establish quarantine facility	Department of Health
16. Ensure proper disposal/isolation of contaminated waste	Medical Coordinator

<b>Equipment</b>	<b>Source</b>
1. Ambulances	Medical/Transportation Coordinator
2. Medical and health supplies	Province/EMO
3. Field hospital	Military/EMO

**.6 EXPLOSION****Possible Major Effects**

1. Casualties
2. Deaths
3. Panic
4. Disruption of utilities
5. Damage to property
6. Disruption of traffic
7. Fires
8. Release of dangerous gases, chemicals, etc.

<b>Potential Actions at the Scene</b>	<b>Agency Responsible</b>
1. Eliminate hazards from public utilities	Engineering/Utilities
2. Establish an emergency headquarters	Town Council Chambers-EOC
3. Establish adequate communications	Communication Coordinator
4. Establish a control perimeter	Police
5. Establish routes for emergency vehicles	Police
6. Notify hospitals of casualties including number and type	Medical/Police
7. Rescue and Firefighting	Fire/Police/Rescue Services
8. Establish a temporary morgue	Medical Coordinator
9. Establish a news release system	Public Info Coordinator
10. Establish emergency welfare services	Emergency Social Services
11. Establish an inquiry service	Emergency Social Services
12. Establish traffic control	Police
13. Establish crowd control	Police
14. Protection of property	Police
15. Arrange for specialists to deal with hazardous substances	Police/EMO/Industry
16. Estimate possible future hazards	Specialists/Industry

<b>Equipment</b>	<b>Source</b>
1. Fire fighting and rescue equipment	Fire Dept./Police/EMO
2. Communication equipment	Police/Fire/EMO/Communication Coordinator
3. Ambulances	Medical/Transportation
4. Equipment to repair public utilities	Engineering/Utilities
5. Barricades	Engineering
6. Auxiliary lighting	Police/Fire/EMO
7. Special equipment associated with type of hazard	Supplier
8. Food and lodging	Emergency Social Services

**.7 FIRE - MAJOR****Possible Major Effects**

1. Casualties
2. Deaths
3. Release of toxic gases and other products of combustion
4. Sudden hospital requirements
5. Damage to property
6. Disruption of traffic
7. Disruption of communications
8. Evacuation
9. Collapse of buildings
10. Disruption of buildings
11. Disruption of utilities

<b>Potential Actions at the Scene</b>	<b>Agency Responsible</b>
1. Secure disaster scene for subsequent Investigation	Police
2. Establish emergency headquarters	Town Council Chambers-EOC
3. Establish adequate communications	Communication Coordinator
4. Establish a control perimeter	Police
5. Establish routes for emergency vehicles	Police
6. Notify hospitals of casualties including number and type	Medical/Police
7. Rescue and firefighting	Fire/Police/Rescue Services
8. Establish a temporary morgue	Medical Coordinator
9. Establish a news release system	Public Info Coordinator
10. Establish emergency welfare services	Emergency Social Services
11. Establish an inquiry service	Emergency Social Services
12. Eliminate hazards from damaged utilities	Engineering/Utilities
13. Establish crowd control	Police
14. Establish traffic control	Police
15. Warning of spread of fire	Police/News media

<b>Equipment</b>	<b>Source</b>
1. Fire fighting and rescue equipment	Fire Department
2. Ambulances	Medical/Transportation
3. Water tankers, i.e. street cleaners	Engineering/Fire Dept.
4. Relay pumps	Engineering/Fire Dept.
5. Communication equipment	Fire Dept./Police/EMO/ Communication Coordinator
6. Auxiliary lighting	Engineering/Utilities/ Fire Dept.
7. Mobile public address equipment	Police/EMO/Radio stations/Fire dept.
8. Food and lodging	Emergency Social Services

**.8 FLOOD****Possible Major Effects**

1. Casualties
2. Deaths
3. Disruption of community
4. Disruption of utilities
5. Damage to property
6. Disruption of traffic
7. Disruption of communications
8. Evacuation
9. Contamination of normal water supplies
10. Loss of economic activities

<b>Potential Actions at the Scene</b>	<b>Agency Responsible</b>
1. Warning of imminence a. long term b. short term	Provincial flood authority Meteorological services/ Canadian Tide & Current Tables (Acadia U.)Police
2. Establish an emergency headquarters	Town Council Chambers-EOC
3. Establish adequate communications	Communication Coordinator
4. Establish a control perimeter	Police
5. Establish routes for emergency vehicles	Police
6. Notify hospitals of casualties including number and type	Medical/Police
7. Rescue	Fire/Police/Rescue services
8. Establish a temporary morgue	Medical Coordinator
9. Establish a news release system	Public Info Coordinator
10. Establish emergency welfare services	Emergency Social Services
11. Establish an inquiry service	Emergency Social Services
12. Eliminate hazards from damaged utilities	Engineering/Utilities
13. Protection of property and relocate resources where necessary	Police
14. Provide auxiliary power	Engineering
15. Clear debris	Engineering
16. Mobilize necessary manpower & equipment	EMO/Canada Manpower Centres
17. Establish jurisdiction	Government
18. Establish traffic control	Police
19. Establish dyking as required	Engineering
20. Check stocks of sand and sandbags	Engineering
21. Evacuation of personnel, livestock, etc.	Emergency Social Services
22. Storage of furnishings and equipment	EMO
23. Establish emergency health facilities	Health service

<b>Equipment</b>	<b>Source</b>
1. Rescue equipment	Police/EMO
2. Pumps	Engineering/Fire department
3. Medical and health supplies	Health services
4. Transportation/Boats	EMO/Various sources/Transportation Coordinator
5. Communication equipment	Province/Police/EMO/Communication Coordinator
6. Auxiliary generators	Various sources
7. Mobile public address equipment	Police/EMO/Radio Stations/Fire Dept.
8. Food and lodging	Emergency Social Services
9. Dyking equipment	Engineering/Industry
10. Heavy equipment (bulldozers, etc.)	Engineering/Industry
11. Auxiliary lighting equipment	Engineering/Industry
12. Storage facilities for equipment, furnishings, and livestock	Province



**.9 FOREST FIRE MAJOR****Possible Major Effects**

1. Casualties from fire or smoke
2. Deaths
3. Damage to property
4. Disruption of traffic and communication
5. Disruption of utilities
6. Losses to local economy

<b>Potential Actions at the Scene</b>	<b>Agency Responsible</b>
1. Establish an emergency headquarters	Prov.(Dept.of Natural Resources)
2. Control traffic and access routes	Police/Dept.of Natural Resources
3. Recruit fire-fighters	Prov./Police/Canada Employment and Immigration Centres
4. Fire-fighting	Provincial/Forest Industry
5. Rescue	Rescue Services
6. Establish emergency communications	Province
7. Establish water points	Province/Dept. of Natural Resources
8. Establish transportation requirements and obtain vehicles	Road/rail/air authorities
9.Warn about spread of fire	Dept.of Natural Resources/News Media/Province
10. Establish news-release system	Dept. of Natural Resources/Police/Municipal EMO
11.Establish welfare service	Emergency Social Services
12.Establish first-aid posts	Dept. of Natural Resources/Medical

<b>Equipment</b>	<b>Sources</b>
1. Light portable fire-fighting equipment	Dept. of Natural Resources
2. Water bombers	Province
3. Bulldozers	Province/Industry
4. Water tankers	Province/Industry
5. Power saws, shovels, axes, back tanks and other hand tools for fire-fighting	Province/Industry
6. Establish emergency welfare services	Emergency Social Services
7. Communication equipment	Province/Forest Industry/EMO
8. First-aid kits	Health

**.10 HURRICANE/TORNADO/WINDSTORM/SNOW****Possible Major Effects**

1. Casualties
2. Deaths
3. Disruption of community
4. Disruption of utilities
5. Damage to property
6. Disruption of traffic
7. Disruption of communications
8. Evacuation

<b>Potential Actions at the Scene</b>	<b>Agency Responsible</b>
1. Warning of imminence	Meteorological service/CBC/other news media
2. Establish an emergency headquarters	Town Council Chambers-EOC
3. Establish adequate communications	Communication Coordinator
4. Establish a control perimeter	Police
5. Establish routes for emergency vehicles	Police
6. Notify hospitals of casualties including number and type	Medical/Police
7. Rescue	Fire/Police/Rescue Services
8. Establish a temporary morgue	Medical Coordinator
9. Establish a news release system	Public Information Coordinator
10. Establish emergency welfare services	Emergency Social Services
11. Establish an inquiry service	Emergency Social Services
12. Eliminate hazards from damaged utilities	Engineering/Utilities
13. Protection of Property	Police
14. Provide auxiliary power	Engineering
15. Clear debris	Engineering

<b>Equipment</b>	<b>Source</b>
1. Rescue equipment	Police/EMO
2. Fire Equipment	Fire department
3. Ambulances	Medical/Transportation
4. Road clearing equipment	Engineering
5. Barricades	Engineering
6. Auxiliary generators	Various sources
7. Mobile public address equipment	Police/EMO/Radio Stations/Fire Dept.
8. Food and lodging	Emergency Social Services

**.11 POWER FAILURE****Possible Major Effects**

1. Casualties - indirectly caused by a lack of power
2. Deaths - as above
3. Panic - real danger in crowded areas
4. Disruption of utilities
5. Trapped persons
6. Energized lines down

<b>Potential Actions at the Scene</b>	<b>Agency Responsible</b>
1. Establish headquarters for restoration of power	Power authorities
2. Establish emergency headquarters	Town Council Chambers-EOC
3. Establish adequate communications	Communication Coordinator
4. Restore power	Power Authorities
5. Establish a priority for essential requirement	Local Government/EMO
6. Control the allocation of auxiliary power	Municipalities/EMO
7. Rescue and release of trapped persons in electrically operated devices	Fire/Police/Rescue Services
8. Assess danger to public health and provide emergency services	Medical Coordinator
9. Establish a news release system	Public Info Coordinator
10. Establish emergency welfare services	Emergency Social Services
11. Establish an inquiry service	Emergency Social Services
12. Ascertain the status of water and food	Health/Welfare/Social Services/EMO
13. Organize an emergency transportation pool	Engineering/EMO
14. Establish special assistance to aged, infirm, and home patients	Health and Community Services
15. Establish traffic control	Police
16. Protection of property	Police

<b>Equipment</b>	<b>Source</b>
1. Auxiliary power	Engineering/Any other source of supply
2. Auxiliary heaters	Engineering/Any other source of supply
3. Mobile public address equipment	Police/EMO/Radio Stations/Fire department
4. Auxiliary lighting	Engineering/Police/Fire Dept./Stores, etc.
5. Food and Lodging	Emergency Social Services

**.12 TRANSPORTATION - AIR****Possible Major Effects**

1. Casualties
2. Deaths
3. Fire
4. Disruption of utilities
5. Damage to property
6. Disruption of traffic and communications
7. Nuclear or hazardous cargo problems
8. Explosion
9. Special cargo problems
10. Sudden hospital requirements
11. International implications

<b>Potential Actions at the Scene</b>	<b>Agency Responsible</b>
1. Secure disaster scene for investigation	Police
2. Establish emergency headquarters	Town Council Chambers-EOC
3. Establish adequate communications	Communication Coordinator
4. Establish a control perimeter	Police
5. Establish routes for emergency vehicles	Police
6. Notify hospitals of casualties including number and type	Medical/Police
7. Rescue and Firefighting	Fire/Police/Rescue Services
8. Establish a temporary morgue	Medical Coordinator
9. Establish a news release system	Public Info Coordinator
10. Establish emergency welfare services	Emergency Social Services
11. Establish an inquiry service	Emergency Social Services
12. Disposition of nuclear or special cargoes	Police/Industry
13. Eliminate hazards from damaged utilities	Engineering/Utilities
14. Establish traffic control	Police
15. Establish crowd control	Police
16. Protection of property and valuables	Police

<b>Equipment</b>	<b>Source</b>
1. Firefighting and rescue equipment	Police/EMO/Fire Department
2. Ambulances	Medical/Transportation Coordinator
3. Communication equipment	Police/EMO/ Communication Coordinator
4. Auxiliary lighting	Engineering/Utilities/Fire Department
5. Barricades	Engineering
6. Mobile public address equipment	Police/EMO/Radio Stations/Fire Dept.

**.13 TRANSPORTATION – RAIL****Possible Major Effects**

1. Casualties
2. Deaths
3. Fires and explosions
4. Release of hazardous materials
5. Disruption of rail traffic
6. Disruption of railway communications

<b>Potential Actions at the Scene</b>	<b>Agency Responsible</b>
1. Warn other traffic	Train workers or first on scene/Police
2. Establish an emergency headquarters	Town Council Chambers-EOC/Railway Staff
3. Establish adequate communications	Communication Coordinator/ Railway Staff
4. Establish a control perimeter	Police/Railway Staff
5. Establish routes for emergency vehicles	Police
6. Notify hospitals of casualties including number and type	Medical/Police
7. Rescue and Firefighting	Fire/Police/Rescue services
8. Establish a temporary morgue	Medical Coordinator
9. Establish a news release system	Public Info Coordinator/Railway Co.Authorities
10. Establish emergency welfare services	Emergency Social Services
11. Establish an inquiry service	Emergency Social Services
12. Arrange temporary reception for casualties	Medical/Police
13. Dispatch ambulances to ensure proper distribution of casualties	Medical/Police
14. Request relief train	Railway Staff/EMO/Police

<b>Equipment</b>	<b>Source</b>
1. Fire fighting equipment	Fire Department
2. Heavy recovery equipment including cutting torches	Railway Authorities/EMO
3. Ambulances	Medical/Transportation
4. Relief train	Railway Authorities
5. Special equipment may be required if Radioactive material or other hazardous cargo is involved	Suppliers/EMO
6. Auxiliary lighting	Police/Fire/EMO/Railway staff
7. Mobile public address system	Police/EMO/Fire Dept
8. Emergency feeding facilities	Emergency Social Services

**.14 TRANSPORTATION – ROAD****Possible Major Effects**

1. Casualties
2. Deaths
3. Fires and explosions
4. Entrapment
5. Toxic spill - liquid or gas
6. Disruption of traffic
7. Contamination

<b>Potential Actions at the Scene</b>	<b>Agency Responsible</b>
1. Request additional police assistance	Police
2. Establish an emergency headquarters	Town Council Chambers-EOC
3. Establish adequate communications	Communication Coordinator
4. Establish a control perimeter	Police
5. Establish routes for emergency vehicles	Police
6. Notify hospitals of casualties including number and type	Medical/Police
7. Rescue and Firefighting	Fire/Police/Rescue services
8. Establish a temporary morgue	Medical Coordinator
9. Establish a news release system	Public Info Coordinator
10. Request doctors, ambulances, wreckers, fire trucks, and heavy equipment as required	Police/Fire Dept.
11. Special precautions needed when radioactive container or dangerous gases, chemicals, etc. are involved.	Police/Industry/Fire Service

<b>Equipment</b>	<b>Source</b>
1. Fire fighting and rescue equipment	Police/EMO/Fire Department
2. Wrecker/tower equipped with cutting torches	Police/Garage
3. Ambulances	Medical/Transportation
4. Road clearing equipment	Engineering
5. Barricades to control traffic	Engineering
6. Radiac test equipment if accident involves radioactive material	Industry/EMO
7. Test equipment for dangerous gases where applicable	Industry/Fire/EMO
8. Hazardous materials equipment	Fire Dept./Industry

**.15 TRANSPORTATION - WATER****Possible Major Effects**

1. Casualties
2. Deaths
3. Fires and explosions
4. Hazardous cargo
5. Pollution of environment

<b>Potential Actions at the Scene</b>	<b>Agency Responsible</b>
1. Organize and direct search and rescue	Coast Guard/Police/EMO
2. Establish emergency headquarters	Town Council Chambers-EOC/Coast Guard
3. Establish adequate communications	Communication Coordinator
4. Establish a control perimeter	Police
5. Establish routes for emergency vehicles	Police
6. Notify hospitals of casualties including number and type	Medical/Police
7. Rescue and Firefighting	Fire/Police/Rescue Services
8. Establish a temporary morgue	Medical Coordinator
9. Establish a news release system	Public Info Coordinator
10. Establish emergency welfare services	Emergency Social Services
11. Establish an inquiry service	Emergency Social Services
12. Determine cargo	Port Authority/Police
13. Determine responsibilities of National Harbours Board, DOT, Coast Guard, RCAF Search & Rescue, Provinces, etc.	Agencies involved/EMO
14. Establish traffic control	Police

<b>Equipment</b>	<b>Source</b>
1. Fire fighting equipment	Fire department
2. Air/Sea rescue equipment provided by Coast Guard, DOT, RCMP, Police, RCAF	All agencies involved
3. Special equipment may be required if Radioactive material or other hazardous Cargo is involved	Supplier/EMO
4. Limited medical supplies at reception centre	Medical Coordinator
5. Barricades	Engineering
6. Communication equipment	Agency involved/EMO
7. Mobile public address system	Police/Fire/EMO
8. Boats	Transportation Officer

1/12/2011

## **11.6 KINGS REGIONAL MUTUAL AID AGREEMENTS**

The following Mutual Aid Agreements have been entered into and copies of these Agreements are held by the parties involved.

Kings County Amateur Radio Club  
Annapolis Valley Regional School Board  
Municipal Aid Fire Fighting Agreement  
Municipality of Annapolis  
Municipality of West Hants  
Municipality of Lunenburg  
First Nations: Glooscap/Horton - Annapolis Valley/Cambridge



## 11.7 KINGS REGIONAL EMERGENCY PUBLIC INFORMATION PLAN

### Introduction

**Objective:** The Objective of this plan is to ensure, in the event of an emergency, that prompt, effective and coordinated public information is provided by the Kings Region to the affected segments of the population and the public as a whole. This plan also ensures the rapid deployment of staff and other resources needed to carry out these responsibilities.

**Application:** The Kings Regional Emergency Public Information Plan applies to all emergencies requiring a municipal level response as defined by the Kings Regional Emergency Readiness Plans.

The Public Information Officer may activate this plan at the request of:

- Advisory Committee
- The Chief Administration Officer

Some emergencies to which the plan may apply:

- Widespread flooding
- Forest Fire
- Extraordinary severe weather
- Large Scale toxic spill
- Catastrophic industrial accident; or
- Airplane crash

In the event of an emergency, any Municipal staff in the Kings Region may be called upon to perform related duties for the Kings Regional Emergency Management Organization. The Kings Regional Public Information Officer or Alternate will contact staff members as they are needed.

**Operations:** Upon activation of this plan, a Media Centre will be established adjacent to the EOC, located at the Kings Municipal Complex located at 87 Cornwallis Street, Kentville, Nova Scotia or at the Alternate Operations Centre as directed or Site Command Centre near the site of the disaster. The Alternate Operation Centres are located at 465 Main Street, Kentville and 359 Main Street, Wolfville (see Section 8.3 and 8.4).

A bulletin will be sent by telephone, facsimile, radio or personal delivery to all local news media, giving a brief status report and, if telephones are working, the direct numbers (for the media) to call for further information.

If telephones are working when the emergency arises, the PIO will request the designated municipal staff be on alert status. There are two different levels of alert status:

- Level I, where communications staff can go about their personal business as long as they can be reached by telephone; and
- Level II, where communications staff must remain at their desks or at home until further notice.

Depending on the situation, the Inquiry Centre Receptionist may be put on standby for Citizen's Inquiry purposes. The Inquiry Centre may be activated to answer public calls in the event of emergencies with no localized site, such as forest fires. All Media will be advised of the Inquiry Centre telephone numbers. The Inquiry Centre Receptionist will have a separate, unlisted number. Having been placed on alert, municipal staff will leave numbers where they can be reached 24 hours a day.

If telecommunications have failed as a result of an emergency, designated communications staff will automatically report to the Kings Regional EOC. Designated staff are listed in Appendices 11.3.4 of the Kings Regional Emergency Readiness Plan.

If staff are unable to report (due to localized flooding or impassible snow drifts, for example), they should contact the Kings Regional EOC to arrange for transportation.

**Organization:** The public information staff will be under the direction of the Kings Regional PIO Supervisor, who will act as the primary communications link between public information staff and the Emergency personnel.

The Media Centre will have separate incoming telephone lines for the media and a dedicated link to the Kings Regional EOC. It will also have a dedicated fax line to the Kings Regional EOC and the Inquiry Centre. It will be staffed 24 hours a day or as required. The Kings Regional Public Information Officers will be situated at the Emergency Site. The Kings Regional PIO Supervisor will be located at the Kings Emergency Operations Centre.

The public will be advised via media to direct their calls to the Inquiry Centre during emergencies.

**Roles and Responsibilities:** During an emergency, the Kings Regional Public Information Officer and Staff must attend to the following key duties:

- Public notification
- Media relations
- Public inquiries response and referral
- Media information monitoring; and
- Maintain accurate logs

Individual responsibilities are as follows:

### **Kings Regional Public Information Supervisor**

- Direct the Kings Regional Emergency Public Information Plan
- Advise Kings Regional CAO
- Link EOC, the Site, the Kings Media Centre and Inquiry Centre
- Keep the Chairperson of the Regional Advisory Committee up to date, prepare the Chairperson for media briefing, act as the Chairperson facilitator at media briefings
- Organize regular media briefings as required
- Issue news releases on a timely, as needed basis
- Accredite all media
- Monitor media coverage
- Number and file all media releases
- Establish the initial contact with the news media (see Appendix 11.2 – Kings Regional Emergency Readiness Plan)
- Dispatch PIO staff to site
- Identify appropriate spokesperson for interviews requiring specific expertise
- Liaise with PIO's of other responding agencies, such as the police, other Municipal units
- Approve news releases written by the Media Centre for the media in a timely and accurate manner
- Ensure the Inquiry Centre are supported in a manner sufficient to do their jobs
- Liaise with Site PIO's
- Identify contradictions and discrepancies in information arriving at EOC and keep the CAO up to date
- Post all information released to the media in the Kings Regional EOC
- Ensure that staff are relieved as required; and
- Maintain accurate logs

### **Kings Regional Site Public Information Staff**

- Act as liaison between Site and Kings Regional EOC
- Write Site news "updates" and send to Kings Regional PIO Supervisor for information and to the Media Centre for distribution to media
- Respond to media requests on site
- Conduct media briefings after each on-site briefing
- Gather and coordinate information for release to the media and the public
- Meet and check accreditation of media coming to emergency site, ensure arrangements have been made for a trailer or tent (depending on weather) for on-site media
- Log all site media inquiries.

### **Kings Regional Inquiry Centre Receptionist**

- Organize personnel and equipment to respond effectively to public inquiry
- Maintain log of inquiries
- Answer questions with approved information
- Put calls related to an existing emergency through to the appropriate agencies.

### **Kings Regional Emergency Public Information Responsibilities**

I

Emergency Call Received by Kings Regional Public Information Supervisor

I

Initiates Fan Out Procedure

I

Media Centre Established

I

Dispatch P.I.'s to site

Activate Inquiry Centre

PIO report to EOC

### **Procedures**

The Kings Regional Public Information Supervisor will be the lead spokesperson, but this responsibility can be delegated to alternate.

Technical spokesperson and alternates from all departments involved will be identified, depending on the emergency.

As soon as a Kings Regional PIO office is operational, a bulletin to that effect will be issued to the media and other organizations involved in the response. The bulletin will provide the telephone numbers of the office and public inquiry numbers.

PIO's at site will only deal with the media located at the site. All media calls will be referred to the Media Centre.

Regular printed updates for the news media will be provided and media briefings will be held near the Emergency Site as information becomes available. In the case of an emergency with no localized site, media briefings may be held near the Media Centre or adjacent to the EOC.

**Public Information will be given out in the following order of PRIORITY:**

- Lifesaving – information essential to survival, health and safety
- Response – information concerning response operations and relief services
- Other – non-emergency information such as background, recovery and human interest

All significant information released by the Media Centre will have been authorized by the CAO, or Kings Regional PIO Supervisor, who will get the CAO's approval.

Any information released will be posted in a media book in the EOC and in the Site Command Post.

**Administration and Logistics Support**

In the event of an emergency, facilities, equipment and support for the Kings Regional Public Information office must be available immediately. These include:

Office equipment and supplies, such as computers, printer, photocopiers and fax machines

- Telecommunications equipment and services
- Back up cellular phones; and
- Personnel support and administration

When an emergency occurs, an office should be set aside adjacent to the EOC and designated as the Media Centre. The telephone number of this office is then provided on the first update to the media as a media contact line. The Kings Regional EOC should also be equipped with an additional fax machine for public information staff to ensure quick dissemination of information.

The Kings Regional PIO Supervisor will be issued a pager and cellular telephone in order to be accessible at all times. When the PIO Supervisor is out of the city, this equipment will be passed on to an alternate.

## **Implementation Guide**

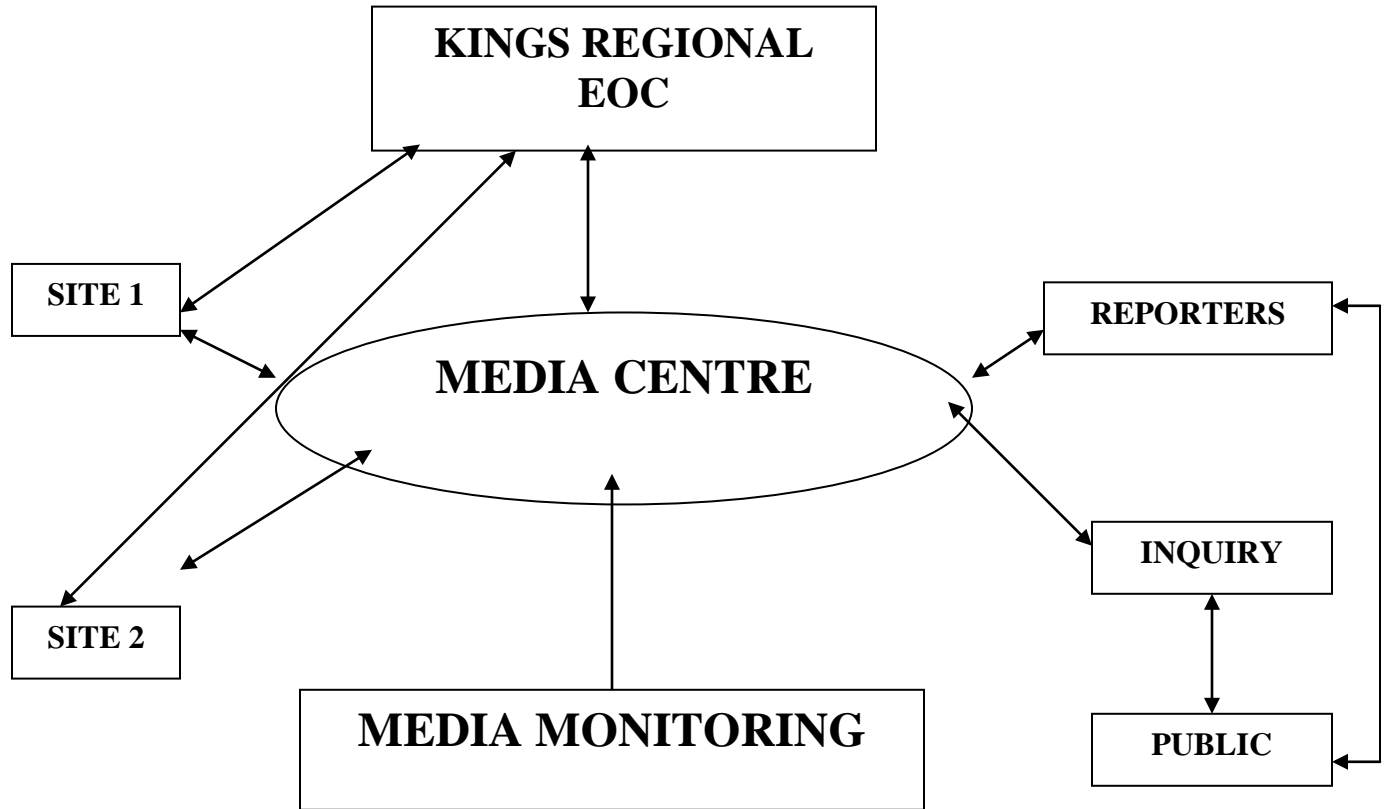
**Fan-Out** – Word of an emergency is likely to come to the Kings Regional Emergency Management Organization (EMO) via telephone. Once EMO has determined its scope, the Kings Regional Duty Officer will notify the Kings Regional PIO Supervisor as part of the emergency fan-out notification process.

**Procedure** – The message that an emergency exists or is thought to exist and that PIO's should stand by or report for work will be passed to PIO staff on the priority fan-out list (see Appendix 11.3 Kings Regional Emergency Management Plan).

When the nature of the emergency public information need is known, designated personnel will be given their assignments and any special instructions. Other staff may subsequently be put on alert status.

The decision to activate this plan will be made by the Kings Regional PIO Supervisor, in consultation with the Kings Regional EMO Coordinator, and the Kings Regional CAO. Certain emergencies may not require activation of the plan. Instead, all that may be required is notification that the situation exists.

### Communications Flow



## **11.8 KINGS REGIONAL EMERGENCY EVACUATION PLAN**

On receipt of information about an actual or potential emergency, all agencies involved shall react as per their standard operating procedures and then promptly decide whether the situation will require activation of the Kings Regional Emergency Readiness Plan. (*Kings Regional Emergency Readiness Plan, Section 4, Page 6*)

- (a) The determining agency will notify their emergency dispatch center and inform them of the situation and that the Kings Regional Emergency Readiness Plan should be activated;
- (b) The emergency dispatch center will notify the Kings Regional Emergency Management Coordinator to ensure the CAO for the area is appraised of the situation;
- (c) The Kings Regional Emergency Management Coordinator will assess the situation and the need to activate the Emergency Plan. If activation is requested, the Kings Regional Emergency Management Coordinator decides on the appropriate activation level. The Kings Regional Emergency Management Coordinator may confer with other members of the Planning Committee. However, unnecessary delay must be prevented;
- (d) The Kings Regional Emergency Management Coordinator will make a recommendation to the CAO. This recommendation should be provided immediately and based on information and recommendations from the emergency responders at the site.

### **THE REQUEST TO EVACUATE**

The request to evacuate should come in consultation with the Kings Regional Emergency Management Coordinator and the emergency response group who have visited the scene and have appraised the seriousness of the situation. A situation might require prompt and immediate action by the emergency responders to safe guard public safety. If time permits the decision regarding the evacuation of an area will be directed through channels as per the Kings Regional Emergency Readiness Plan.

### **THE DECISION TO EVACUATE**

The decision to evacuate or seal off an area in the Kings Region is a very important one which requires an evaluation of the risks involved and the consequences for the Municipalities and cannot be made lightly. Removal of people from their homes to ensure public safety might be a doubled-edged sword. This exercise may protect people against the elements but it will also inconvenience them. The evacuation may save lives but it might have an adverse effect on the mental and physical state of the people we are attempting to help. Often because of this, these people criticize the decision for ordering the evacuation and for what is construed as an apathetic response to their needs. Decision makers should avail themselves with as much pertinent information as possible because the decision to evacuate is a big one and might require a significant price to be paid by everyone.



## PLANNING AND DECISION-MAKING

- a) Knowledge of the area in question and its specific features;
- b) Identify the risks an evacuation might pose;
- c) Evaluate what elements could help minimize the disadvantages that might occur should the risks materializing compromise an evacuation;
- d) An analysis and evaluation of response Management that can mitigate, or even neutralize, the negative impacts of the limiting factors;
- e) Evaluate what emergency response scenarios can be realistically implemented;
- f) Making the Decision or Recommendation having chosen the best strategy for safeguarding the public in accordance with the circumstances observed;
- g) Dissemination/Implementation of the Decision or Recommendation. The decision is disseminated and put into action. Emergency responders and the public are advised of the operational strategy and stages planned;
- h) Follow-up/monitoring/evaluating the chosen response strategy. Managers must evaluate and bring new information to the decision-making process;
- i) Revisiting the decision or recommendation. The initial decision must be evaluated and might lead to a second decision.

## WHO IS IN CHARGE

The importance of clearly establishing the roles of who will be called on to act in the event of a disaster cannot be over-emphasized. It begins with making a determination at the municipal level – and at the top of the pyramid – about **who decides, who co-ordinates and who plans**. If there is uncertainty about who is in charge, the actions of other emergency responders could result in serious defects in the emergency planning Management or evacuation and even cause problems in the on-site response if a disaster is declared.

The CAO or another designated senior municipal administrator most often manages the Emergency Operations Center and the EOC CONTROL GROUP. The Kings Regional Emergency Management Coordinator and Kings Regional Alternate Emergency Management Coordinator(s) generally reports to and supports the Manager of the EOC. Similarly, the Site Manager manages the emergency site and leads the Site Team. Each response agency and organization is managed/commanded by its own senior representative (i.e. the Agency Site Control Officer). For example, the Senior Fire Officer at the Site is a member of the Site Team and is also the Fire Ground Commander. This individual's role is to fight the fire and neither the Site Manager nor the Team should interfere with that function. However, they must be able to provide input when it comes to coordinating their activities and resources with those of the Fire Services at the Site. When an Agency Site Control Officer is assigned to the role of Site Manager, he or she must relinquish the Agency role and assume fully the Agency-neutral role of Site Manager.

**The ESM may recommend Management or response actions for areas outside the outer perimeter (e.g. evacuation recommendation) to the EOC Manager. However, the ESM has no authority for any actions in that regard.**

Until the Master Emergency Plan is activated, all directions and requests for resources are handled according to routine departmental procedure. When the Master Emergency Plan is activated, the EOC Manager ensures that an Emergency Site Manager (ESM) is in place. If there are multiple sites, the EOC Manager will ensure that there is an ESM for each site. The selection

of the ESM(s) is based on recommendations from Department Heads, who are part of the Planning Committee.

## **DUTIES PERTAINING TO EVACUATION DECISIONS**

### **1. Emergency Response Coordinator or Municipal officer**

Map the area into sectors for the purpose of planning the evacuation. The coordinator can delegate this task to another department. Prepare a list of parties concerned (municipal government and community) which the coordinator can plan to call upon for help should the need for evacuation arise. Prepare memoranda of agreement with responders, to specify the roles and responsibilities. The coordinator must, therefore, plan the following resources:

- a) **Security:** Police – Fire Department
- b) **Health:** Medical Care – Public Health
- c) **Environment:**
- d) **Transportation:** Ambulances – Public Transit – Traffic
- e) **Planning:**
- f) **Communications:**
- g) **Relief Services:**

### **2. Local Police Department**

The police department may be called upon to inform the public of the decision or recommendation to evacuate. They will then, in accordance with the emergency plan implemented, lead the evacuation process by directing traffic and monitoring and securing the stricken area. They will subsequently inform managers about the outcome of events and the evacuation procedure implemented. The police will inform decision-makers about the status of events and make recommendations in the event that a shift from the original decision is warranted.

- a) Identify police resources and components in the area at risk;
- b) Identify where the response will require greater resources;
- c) Identify human and material resources available to police;
- d) Identify time available to the police to warn population and organize an early evacuation;
- e) Ensure that outer perimeters are established at the site and are in accordance with ESM practices;
- f) Ensure a system of traffic control is in place to facilitate the movement of emergency vehicles to and from the outer perimeters;
- g) Provide post-evacuation security;
- h) Provide assistance to the coroner;
- i) Provide assistance in ground search and rescue;
- j) Establish liaison when required with the SPCA and Humane Society;
- k) Recommend the activation of mutual aid when required;
- l) Maintain a record of all action taken.

**3. Local Fire Department**

The fire department may be called upon to inform the public of the decision or recommendation to evacuate. If their resources permit, they might be called upon to assist the police and other departments to carry out the evacuation. They will subsequently inform the managers about the outcome of events and the evacuation procedure implemented. In conjunction with other departments, identify the planning sectors where it is anticipated that the response will require greater resources or more extensive planning due to higher risk potential. They will evaluate the help and hindrance factors for each threat identified.

- a) Identify human and material resources available to the fire department;
- b) Identify time available to the fire department;
- c) Identify human and material resources available to other fire departments in the area;
- d) Direct and coordinate all fire fighting operations;
- e) Direct and coordinate search and rescue operations;
- f) Activate the Fire Mutual Aid System when required;
- g) Ensure that dangerous goods support services are contacted when required;
- h) Provide discretionary assistance to ambulance and police services;
- i) Maintain a record of all action taken.

**4. Public and Private Transportation Services**

The primary task of transportation personnel is to move people from one location to another. They will be required to respond to the area to be evacuated and assist in removing members of the public as directed. The director of transportation will establish effective control over all local transportation, provide qualified personnel to operate transportation vehicles, and will provide transportation and improvised ambulances for casualties, evacuees and special care persons. The director of transportation will also act as liaison with local transport companies, taxi firms, etc.

- a) Identify human and transit resources available;
- b) Identify time available to prepare for evacuation;
- c) Keep the Emergency Operations Control Group advised on all matters related to the transportation of people;
- d) Maintain a record of all action taken.

**5. Ambulance Service**

The ambulance service will be responsible for transporting casualties for the area and assisting where possible. They will establish the best operational scenarios for transporting people by ambulance. The ambulance service will brief decision-makers as accurately as possible on the status of ambulance movements in the stricken area.

- a) Identify existing human and material resources in the area;
- b) Identify human and material resources available from other areas;
- c) Maintain a record of all action taken.

**6. Emergency Social Services**

Emergency Social Services will provide emergency feeding, lodging, clothing, registration and inquiry as well as personal service. The Red Cross, our local Community Services, St. John Ambulance and the Salvation Army, who make up the ESS, provide these services. The director of the Red Cross will coordinate the response of the ESS group. The director will also keep the decision makers at the EOC updated and make recommendations when necessary.

**The Canadian Red Cross Society**

- a) Activate the branch's emergency mobilization system;
- b) Establish a registration and inquiry service under the authority of the Emergency Social Services;

- c) Assist with the management of reception centers including the provision of first aid, feeding, clothing and personal services as required;
- d) Maintain a record of all action taken.

**Emergency Social Services**

- a) Activate the department's emergency mobilization system;
- b) Advise members of the Emergency Operations Control group in all matters related to the care and maintenance of people relocated as a result of the emergency;
- c) Provide as required emergency feeding, clothing, lodging, registration and inquiry, and personal services;
- d) Designate reception centers and lodging facilities to be opened when the evacuation of residents is necessary;
- e) Open, staff, supply and manage all reception centers and lodging facilities;
- f) Direct and coordinate the support activities of other local area and provincial welfare agencies;
- g) Request the Telecommunication Manager to establish a network to meet the needs of Emergency Social Services;
- h) Maintain a record of all action taken.

**The Salvation Army**

- a) Activate the division's emergency mobilization system;
- b) Operate under the authority of the Emergency Social Services;
- c) At the request of Emergency Social Services, provide assistance with the management of reception centers and the provision of food, clothing, bedding, and personal services;
- d) Coordinate the clerical response to the emergency;
- e) Maintain a record of all action taken.

**The St. John Ambulance**

- a) Activate the division's emergency mobilization system;
- b) Operate under the authority and direction of the Emergency Social Services;
- c) At the request of Community Services, provide assistance with the management of reception centers and with the provision of first aid;

- d) At the request of the Ambulance Service, provide assistance with triage, first aid and casualty handling;
- e) Maintain a record of all action taken.

**7. Health Services**

The medical officer of health or designated alternate will identify and locate the components of the health system: the provincial ministry responsible for health.

- a) Activate the department's emergency plan and alert system;
- b) Provide information on any health hazard for dissemination by the Public Information Officer;
- c) Provide for mass immunization if required;
- d) Oversee water quality checks;
- e) Provide authority for evacuation of buildings or residential areas for health reasons;
- f) Coordinate first aid, casualty collection posts, distribution of casualties, real or improvised ambulances and health personnel;
- g) Provide life saving surgery and hospitalization for seriously injured;
- h) Provide for emergency medical treatment for the injured not requiring hospitalization;
- i) Act as liaison with federal and provincial health departments;
- j) Maintain a record of all action taken.

**8. Department of Environment**

This department would be requested to provide as accurate and complete a picture as possible of the situation to the municipal decision makers. The Department of the Environment should perform the following duties:

- a) Establish what risks they have detected;
- b) List and cross-reference the environmental components in the affected area;
- c) According to the impact and the evolution of the risk, develop scenarios to monitor the situation from the environmental quality viewpoint;
- d) Simulate the evolution of the situation;
- e) Analyze the systems concerned and risk detected;
- f) Maintain a record of all action taken.

**9. Communications**

The work to be done is twofold as it will be important to develop internal communication as well as external communication.

- a) Internal communication, for the most part, will be carried out between emergency responders and the EOC. In the event of a situation where these groups are unable to communicate, the services of the Kings Amateur Radio club would be essential. This area of communication will be the responsibility of the Telecommunication Officer (*Page 22 of the Kings Regional Emergency Readiness Plans*);

- b) External communication will be the responsibility of the Public Information Director (*Page 24 of the Kings Regional Emergency Readiness Plans*). Keep the public informed of significant developments occurring during the emergency or disaster. Arrange for media facilities at the pre-designated media center;
- c) A record of all action taken will be maintained.

#### **10. Human Resources**

- a) Report to the EOC and advise on all matters related to the acquisition and utilization of human resources;
- b) Establish liaison with Human Resources Canada;
- c) Coordinate requests for human resources on behalf of the Emergency Operations Control Group;
- d) Select a site, staff, and manage any Emergency Human Resources Registration Centre required in support of the emergency;
- e) Register and maintain a work record of individuals employed during the emergency and/or post-emergency phases;
- f) Ensure that each person employed receives an identification card for feeding, transportation, and other purposes;
- g) Arrange for the transportation of workers from the registration center to a job site or from one job site to another;
- h) Maintain a record of all action taken.

#### **11. Public Works – Kings Region**

These departments responds by assisting with and providing information regarding water and sewage. If flooding is a problem, they can provide sand bags and other related materials.

#### **12. Department of Transportation – Province of Nova Scotia**

This department responds by assisting with setting up a special system of traffic signs during evacuation operations. They can make changes to traffic signals for rerouting traffic and supply equipment to block roadways.

#### **13. Recreation – Kings Region**

These departments can organize and manage services to the evacuees such as recreation and information to assist them to pass their time, if they are to be away from their homes for a long period of time.

#### **14. The Evacuees Themselves**

Lastly the key players in the entire evacuation process are the evacuees themselves. The accumulated experience shows that the victims have an active role to play in the evacuation, which they generally perform in a satisfactory manner. Evacuees help one another get through a confusing situation.

## **11.9 KINGS REGIONAL EMERGENCY TELECOMMUNICATIONS PLAN**

### **GENERAL**

1. In the event of an emergency or disaster, the ability to communicate will contribute greatly to the success or failure of emergency operations. One area of focus in Emergency Preparedness Evaluation by the Province of Nova Scotia is Telecommunication Planning.

In the Scotiaville Exercise, our Provincial EMO training staff have provided us with an excellent Telecommunication Planning Guide. This document has been prepared using that same format.

### **AIM**

2. The aim of the Kings Regional Emergency Telecommunication Plan is to provide a telecommunications resource and infrastructure that enables those dealing with an emergency to communicate with Municipal departments, governments and external agencies to support their functions in response to an emergency.

### **SCOPE**

3. The concept of the Emergency Telecommunication Plan is to provide for:
  - (a) emergency alerting systems;
  - (b) telecommunication links to various levels of government;
  - (c) co-ordinate and controlled operations;
  - (d) a list of human and material resources.

### **CONDUCT**

4. (a) Emergency Alerting System (see Figures 1,2)
  1. On receipt of information about an actual or potential emergency, all agencies involved shall react as per their standard operating procedures and then promptly decide whether the situation will require activation of the Kings Regional Emergency Readiness Plan. If it has been determined that due to the overall situation the Emergency Readiness Plan should be activated, then the emergency dispatch center will notify the Kings Regional Emergency Management Coordinator/Alternate Emergency Measure Coordinator.
  2. Within the Regional Emergency Operations Centre, provision is made for the Regional Emergency Operations Control Group:
    - Regional Emergency Management Advisory Committee
    - Regional Emergency Operations Centre Manager
    - Duty Officer
    - Regional EMO Co-ordinator
    - Alternate EMO Co-ordinators

- Operations Officer
- Telecommunications Officer
- Human Resources
- Public Information Officer
- Fire Chief
- Police Chief – Detachment Commander
- Director of Public Works & Utilities
- Director of Emergency Social Services
- Medical Officer of Health
- Director of Purchasing & Stores
- Kings County Amateur Radio Club
- Valley Search & Rescue
- Emergency Health Services
- St. John Ambulance
- C.F.B. Greenwood – 14 Wing / Camp Aldershot
- Kings Regional Safety Officer

## **CO-ORDINATING INSTRUCTIONS**

### **GENERAL**

5.

- (a) Immediately on arrival at the Emergency Operations Centre, the members of the Emergency Operations Control Group will establish telecommunications via telephone with their respective agencies or organizations.
- (b) The Emergency Telecommunications Officer will establish and maintain radio communications with the responding agencies or organizations and, if required, with the Nova Scotia Emergency Management Organization.
- (c) The Emergency Telecommunications Officer will co-ordinate the provision of radio operations and equipment to furnish telecommunications to emergency agencies and organizations.
- (d) The Telecommunications Officer will establish and supervise the Message Control Centre. All messages are to be logged and copies retained.
- (e) All IN and OUT radio messages are to be directed through the Message Control Centre.
- (f) All members of the Emergency Control Group and their respective operation centers will maintain a log of all action taken.



## SUPPORT

### GENERAL

6.

**a. The Municipality of Kings Emergency Operations Centre**

1. This center is equipped with one (1) TMR base unit, one (1) VHF radio which operates on the EMO repeater at Garland, N.S., and one (1) VHF amateur radio.
2. The Emergency Management Organization has five (5) portable VHF radios.

**b. Fire Department**

The Kings Region has a Mutual Aid System which is comprised of sixteen (16) fire departments. These departments operate on a NSIMRS, "grid" fire frequency, which includes a local and mutual aid VHF frequency and they also have TMR radio capabilities. Some departments are paged through dial-up encoders. Several of the fire service units are equipped with mobile command units.

**c. Hospitals**

There are three (3) major health centers in the County of Kings and these are as follows:

- Valley Regional Hospital, 150 Exhibition Street, Kentville, Nova Scotia
- Eastern Kings Memorial Community Health, Wolfville, Nova Scotia
- Western Kings Memorial Health Centre, Berwick, Nova Scotia

Valley Regional alone has trunked mobile radio contact with Emergency Health Services.

**d. Police Department**

All Kings Detachments of the RCMP operate on the Trunked Mobile Radio System (TMR). In the event of an emergency, the RCMP will activate an additional radio for the Emergency Operations Centre. The RCMP have access to a mobile command post which is located in Halifax.

**e. Private Commercial Services**

The major private radio systems cannot communicate directly with the telecommunication center, although they can all be contacted by phone.

**f. Public Transit**

Kings Transit Authority employs six (6) buses and communication to these vehicles is done via cell phones. In the event of an emergency, equipment from Kings Transit, as well as the Annapolis Valley School Board would be used for evacuation. There are ninety nine (99) large buses and three (3) mini buses in service in the Kings County School System and they all operate on a VHF radio system with their own repeater, which is located on Blomidon Mountain, Kings County, N.S.

**g. Municipal Services**

Engineering and Public Works has its own radio network consisting of a VHF repeater system with emergency backup power. There are mobile VHF radios in all municipal fleet work equipment and offices, as well as cell phones for communication.

**h. Search and Rescue**

The Kings County Search and Rescue has ten (10) portable VHF radios, one (1) mobile radio and one (1) NS Grid radio, all of which can operate through Nova Scotia Integrated Radio System (NS/MRS).

- i. St. John Ambulance**  
The St. John Ambulance are not equipped with radios. They may be contacted by phone.
- j. Kings County Amateur Radio Club**  
1. The Kings County Amateur Radio Club is supported by forty-three (43) active amateur radio operators. Their resources include thirty (30) VHF mobiles, thirty (30) VHF portables, twenty-five (25) HF bases.  
  
2. The club also operates a VHF two-meter repeater that has phone patch facilities allowing radio access to the telephone system, and a VHF Packet Station (hard copy similar to e-mail) and there is emergency power available for these systems.
- k. Emergency Health Services (E.H.S.)**  
All Emergency Health Service vehicles and dispatchers use the trunked mobile radio system (TMR) fax radio communications.
- l. Nova Scotia Emergency Management Organization**  
The primary telecommunication link between EMO (Central Zone) and the Municipality of the County of Kings is by telephone and trunked mobile radio. Backup communications is via amateur radio HF Voice or N.S.I.M.R.S.
- m. Aliant**  
1. Line Load Control (L.L.C.) and priority restoration for emergency telephones are now in force by MT &T.  
  
2. Line Load Control means that listed telephones will be in an emergency, the only telephones that can originate a call. All other telephones can be called only.  
  
3. Aliant will establish telephone communications to the emergency site(s) if required.
- n. Engineering and Public Works**  
All vehicles operate on a VHF repeater which is located on the Brown Mountain Road. These vehicles are also equipped with cell phones.

**o. Valley Communications**

Valley Communications Inc., which is located in Kentville, Kings County, N.S. operates as one of six 9-1-1 PSAP's (Public Safety Answering Points) in the Province of Nova Scotia. It provides direct dispatch for all Kings County Fire Departments as well as digital computer mapping for the counties of Kings and Annapolis. Valley Communications operates as a VHF and UHF radio system and employs one TMR base radio. It monitors E.O.P.-1 as they dispatch a total of twenty-one (21) Fire Departments located in five different counties. All offices and equipment have back-up power.

**p. Department of Natural Resources**

The Department of Natural Resources operates on the TMR System and all five (5) of their vehicles are equipped with TMR. The radio inventory of this department also includes ten (10) portable radios.

**q. Town of Berwick**

The Town of Berwick operates on a VHF repeater. Their Electric Commission, Public Works and Fire Departments have a total of eighteen (18) Portable VHF radios, nine (9) VHF mobile radios and three (3) VHF base stations. The Berwick Fire Services also has two (2) TMR portables.

**r. Town of Kentville**

The Kentville Emergency Management, Fire Service, Police Service, Public Works, Parks and Recreation Departments all operate on a VHF repeater. Kentville EMO has one (1) TMR portable radio and the Kentville Fire Service has two (2) TMR portables. There are approximately forty-three (43) portable VHF radios, twenty-four (24) mobile VHF radios and three (3) VHF base stations being used by these five departments.

**s. Town of Wolfville**

The Wolfville Emergency Management, Fire Service and Public Works all operate on a VHF repeater. Wolfville EMO has one (1) TMR portable and the Fire Service has two (2) TMR portables. The Wolfville Fire Service also has seven (7) apparatus mounted radios, six (6) officer vehicle (mobile) radios and twenty-one (21) portable radios. The Wolfville Public Works Department has fifteen (15) mobile VHF radios, six (6) VHF portables. One base station radio serves all departments and this base station has a battery backup of four (4) hours. The repeater which serves these radios is located on Wolfville Ridge and has a battery backup system which would last for four (4) hours during a power outage.

## **11.10 KINGS REGIONAL EMERGENCY TRANSPORTATION PLAN**

### **Primary Task**

The primary task of the Transportation Officer in the Emergency Readiness Plan is to respond to the requirement to move people from danger areas, volunteers to work sites, and to assist in the evacuation of casualties when major incidents or accidents occur.

### **Responsibilities**

The Transportation Officer will exercise his authority in response to the needs of the EMO Planning Committee. The Transportation Officer will select and assign an assistant, dictated by the demands or magnitude of the emergency response required, and act as an alternate member of the EMO Planning Committee in his absence.

### **Equipment Source**

The provision of logistic support is best achieved through the large contingent of school buses operated by the private school bus carriers in Kings County (95) units and the Annapolis Valley Regional School Board buses (75 units) operated in the adjoining Counties of West Hants and Annapolis.

### **School Board Notification of Municipal Emergency**

The Kings Region shall, in the event of an emergency that could impact on normal school bus operations, advise the Superintendent of Schools for the Annapolis Valley Regional School Board.

### **School Board Representation in an Emergency**

The Annapolis Valley Regional School Board agrees to provide a Transportation Officer from the Board. He would provide assistance in arranging the logistical use of the school buses owned and operated by the Board.

### **Conditions of Municipal Use of Board School Buses**

The Advisory Committee and other parties having authority pursuant to the Kings Regional Peacetime Emergency Plan shall use school buses of the Board with due diligence and care and shall not interfere with any of the Board's activities unless deemed absolutely necessary by emergency.

## 11.11 EMERGENCY MANAGEMENT ACT

### CHAPTER 8 OF THE ACTS OF 1990

#### An Act to Provide for a Prompt and Co-ordinated Response to a State of Emergency

##### Short title

1 This Act may be cited as the *Emergency Management Act*. 1990, c. 8, s. 1.

##### Interpretation

2 In this Act,

(a) "Director" means the Director of the Emergency Management Organization;

(b) "emergency" means a present or imminent event in respect of which the Minister or a municipality, as the case may be, believes prompt co-ordination of action or regulation of persons or property must be undertaken to protect property or the health, safety or welfare of people in the Province;

(c) "Emergency Management Organization" means the Emergency Management Organization of Nova Scotia continued by Section 4;

(d) "emergency Management plan" means any plan, program or procedure prepared by the Province or a municipality, as the case may be, that is intended to mitigate the effects of an emergency or disaster and to provide for the safety, health or welfare of the civil population and the protection of property in the event of such an occurrence;

(e) "Fire Marshal" means the Fire Marshal appointed pursuant to the *Fire Prevention Act*;

(f) "mayor or warden" includes an alderman or councillor acting in the stead of the mayor or warden, as the case may be;

(g) "Minister" means the member of the Executive Council to whom is assigned the administration of this Act and the regulations;

(h) "municipality" means a city, an incorporated town or a municipality or a county or district;

(i) "police officer" means a member of the Royal Canadian Mounted Police and a police officer of a municipality;

(j) "state of emergency" means a state of emergency declared by the Minister or renewed by the Minister pursuant to this Act;

(k) "state of local emergency" means a state of local emergency declared by a municipality or renewed by it pursuant to this Act. 1990, c. 8, s. 2.

### **Supervision of Act**

- 3 (1) The Minister has the general supervision and management of this Act.

### **Powers of Minister**

- (2) The Minister shall co-ordinate emergency Management plans within the Province and may delegate powers vested in the Minister by or pursuant to this Act. 1990,c. 8, s.3.

### **Emergency Management Organization of Nova Scotia**

- 4 (1) The Emergency Management Organization of Nova Scotia is continued.

### **Powers and duties**

- (2) The Emergency Management Organization has and shall exercise and perform such powers and duties as are vested in it by or under this Act and those assigned to it by the Minister.

### **Personnel**

- (3) A Director and such other persons as may be required for the administration of the Emergency Management Organization shall be appointed in accordance with the *Civil Service Act*.

### **Director**

- (4) The Director shall advise and assist the Minister on all matters relating to emergencies and emergency Management plans and perform such other duties and exercise such powers as are imposed or conferred upon the Director by this Act or the regulations. 1990, c. 8, s. 4.

### **Committee to advise Governor in Council**

- 5 The Governor in Council may appoint, from among the members of the Executive Council, a committee to advise the Governor in Council on matters relating to emergencies. 1990, c. 8, s. 5.

### **Advisory committees**

- 6 (1) The Emergency Management Organization may appoint such committees as it considers necessary or desirable to advise or assist the Emergency Management Organization, the Minister or the Governor in Council.

#### **Remuneration and expenses**

- (2) A member of a committee appointed pursuant to subsection (1) may, if the member is not an employee of Her Majesty or an agency thereof, be paid such remuneration and expenses as the Governor in Council determines. 1990, c. 8, s. 6.

### **Powers of the Minister**

- 7 (1) Subject to the approval of the Governor in Council, the Minister may, on behalf of the Province,
- (a) enter into agreements with the Government of Canada, a province or a municipality, or an agent of any of them, in respect of emergency Management plans;

(b) enter into agreements with a board, commission, agency or Crown corporation of the Government of Canada, of a province or of a municipality, or an agent of any of them, in respect of emergency Management plans;

(c) enter into agreements with the Government of Canada and the Workers' Compensation Board for the administration and payment of compensation benefits to persons engaged in training or carrying out duties related to a state of emergency or a state of local emergency;

(d) acquire, by purchase or lease, real and personal property for the purpose of administering the Emergency Management Organization.

### **Workers' Compensation Board**

(2) The Workers' Compensation Board may execute and administer an agreement referred to in this Section. 1990, c. 8, s.7.

### **Powers of Emergency Management Organization**

**8** The Emergency Management Organization may, subject to the approval of the Minister,

(a) review and approve, or require modification to Provincial and municipal emergency Management plans;

(b) make surveys and studies to identify and record actual and potential hazards that may cause an emergency;

(c) make surveys and studies of resources and facilities to provide information for the effective preparation of emergency Management plans;

(d) conduct public information programs related to the prevention and mitigation of damage during an emergency;

(e) conduct training and training exercises for the effective implementation of emergency Management plans;

(f) procure food, clothing, medicines, equipment and goods of any nature or kind for the purposes of emergencies;

(g) authorize or require the implementation of any emergency Management plan;

(h) enter into agreements with any persons, organizations or associations in respect of emergency Management plans. 1990, c. 8, s. 8.

### **Powers of Minister**

**9** The Minister may

(a) divide the Province into districts and subdistricts for the purpose of this Act;

- (a) After consultation with the municipalities concerned, designate a combination of municipalities or parts thereof as a municipality for the purpose of this Act and determine the respective responsibilities of municipalities on the designated area;
- (c) require municipalities to prepare emergency Management plans, including mutual aid programs, and to submit such plans to the Emergency Management Organization for review for adequacy and integration with the Provincial emergency Management plans;
- (d) establish procedures for the prompt and efficient implementation of emergency Management plans;
- (e) require any person to develop emergency Management plans in conjunction with the Emergency Management Organization or the municipalities to remedy or alleviate any hazard to persons or property that is or may be created by
  - (i) a condition that exists or may exist on that person's property,
  - (ii) that person's use of property,
  - (iii) an operation in which that person is or may be engaged, or
  - (iv) a process that that person is or may be utilizing

except where an enactment of the Province or a municipal by-law provides a procedure for dealing with the hazard. 1990, c. 8, s. 9.

#### **Duties of Municipalities**

- 10** (1) Within one year after the coming into force of this Act, each municipality shall:
- (a) subject to the approval of the Minister, establish and maintain a municipal emergency by-law;
  - (b) establish and maintain a municipal emergency Management organization;
  - (c) appoint a co-ordinator of the municipal emergency Management organization and prescribe the duties of the co-ordinator which shall include the preparation and co-ordination of emergency Management plans for the municipality;
  - (d) appoint a committee consisting of members of the municipal council to advise it on the development of emergency Management plans; and
  - (e) prepare and approve emergency Management plans.

#### **Powers of Municipalities**

- (2) The municipality may
- (a) pay the reasonable expenses of members of the organization or members of the committee appointed pursuant to clause (b) or (d) of subsection (1);



- (b) enter into agreements with and make payments to persons and organizations for the provision of services in the development and implementation of emergency Management plans;
- (c) enter into an arrangement or agreement with any other municipality respecting a common organization, plan or program;
- (d) appropriate and expend sums approved by it or the purpose of this Section. 1990, c. 8, s. 10.

#### **Appointment of Auxiliary Police**

- 11** (1) The Minister may appoint persons trained for police duties as auxiliary police officers for the purpose of this Act. ,

#### **Powers and duties of police and auxiliary police**

- (2) Police officers and auxiliary police officers have such powers, duties and responsibilities as the regulations prescribe and shall be organized and operate in accordance with the regulations.

#### **Powers, authorities and immunities of peace officers**

- (3) A police officer or auxiliary police officer, in carrying out duties pursuant to this Act and the regulations, has and may exercise in any part of the Province all the powers, authorities, and immunities of a peace officer as defined in the *Criminal Code* (Canada).

#### **Protection for person assisting police**

- (4) The protection afforded by this Act and any other enactment to a police officer or auxiliary police officer extends to any other person while and to the extent that that person is in the course of assisting a police officer or auxiliary police officer under the police officer's or auxiliary police officer's direction. 1990, c. 8, s. 11.

#### **Declaration by Minister of state of emergency**

- 12** (1) The Minister, after consulting if it is practical to do so, with a majority of the members of a committee established pursuant to Section 5 or a quorum of the Executive Council and, if the Minister is satisfied that an emergency exists or may exist, may declare a state of emergency in respect of all or any district, subdistrict or area of the Province.

#### **Declaration by municipal council**

- (2) A municipal council may, when satisfied that an emergency exists or may exist in all or any area of that municipality, declare a state of local emergency in respect of that municipality or area thereof.

Exercise of authority by mayor or warden

(3) If a municipal council is unable to act promptly, the mayor or warden may exercise the authority of the municipal council contained in subsection (2) after consulting, if it is practical to do so, with a majority of the members of the council's committee to advise on the development of emergency Management plans.

Content of declaration

(4) A declaration pursuant to this Section shall identify the nature of the emergency and the area in which it exists.

Interpretation of Section

(5) Nothing in this Section prevents the Minister from declaring a state of emergency whether a state of local emergency has been declared or not. 1990, c. 8, s. 12.

**Publication of declaration or termination**

**13** When a state of emergency or a state of local emergency has been declared or terminated pursuant to this Act, the Minister or the municipality, as the case may be, shall immediately cause the details of the declaration or termination to be communicated or published by such means as the Minister or the municipality, respectively, considers the most likely to make the contents of the declaration or termination known to the people of the area affected. 1990, c. 8, 8.13.

**Powers respecting protection of property and safety**

**14** Upon a state of emergency being declared in respect to the Province or an area thereof, or upon a state of local emergency being declared in respect to a municipality or an area thereof, the Minister may, during the state of emergency, in respect of the Province or an area thereof, or the mayor or warden, as the case may be; may, during the state of local emergency, in respect of such municipality or a area thereof, as the case may be, do everything necessary for the protection of property and the health or safety of persons therein and, without restricting the generality of the foregoing, may

(a) cause an emergency Management plan or any part thereof to be implemented;

(b) acquire or utilize or cause the acquisition or utilization of personal property by confiscation or any means considered necessary;

(c) authorize or require a qualified person to render aid of such type as that person may be qualified to provide;

(d) control or prohibit travel to or from an area or on a road, street or highway;

(e) provide for the maintenance and restoration of essential facilities, the distribution of essential supplies and the maintenance and co-ordination of emergency medical, social and other essential services;

(f) cause or order the evacuation of persons and the removal of livestock and personal property threatened by an emergency and make arrangements for the adequate care and protection thereof;

(g) authorize the entry by a person into any building or upon land without warrant;

(h) cause or order the demolition or removal of any thing where the demolition or removal is necessary or advisable for the purpose of reaching the scene of an emergency, of attempting to forestall its occurrence or of combating its progress;

(i) order the assistance of persons needed to carry out the provisions mentioned in this Section;

(j) regulate the distribution and availability of essential goods, services and resources;

(k) authorize and make emergency payments;

(l) assess damage to any works, property or undertaking and the costs to repair, replace or restore the same;

(m) assess damage to the environment and the costs and methods to eliminate or alleviate the damage. 1990, c. 8, s. 14.

**Powers and duties of mayor or warden**

**15** (1) Upon declaring a state of local emergency, a mayor or warden, as the case may be,

(a) shall immediately forward a copy of the declaration to the Minister; and

(b) may authorize any person or committee to exercise any power vested in the mayor or warden, respectively, by Section 14.

**Delegation by Minister**

(2) Upon declaring a state of emergency, the Minister may authorize any person or committee to exercise any power vested in the Minister by Section 14. 1990, c. 8, s.15.

**Prices**

**16** (1) During a state of emergency or a state of local emergency, no person in the Province may charge higher prices for food, clothing, fuel, equipment, medical or other essential supplies for the use of property, services, resources or equipment than the fair market value of the same thing immediately before the emergency.

Contract contrary to subsection (1)

- (2) A contract that is contrary to subsection (1) is voidable at the option of the purchaser if the purchaser repudiates the contract within one month after the termination of the state of emergency or state of local emergency. 1990, c. 8, s. 16.

### **Fires and law enforcement**

**17** During a state of emergency,

(a) the Fire Marshal is the co-ordinator of all efforts in relation to the suppression and prevention of fires, and every fire brigade, fire department and firefighter in the area in which the state of emergency exists is subject to the direction and control of the Fire Marshal; and

(b) a peace officer designated for this purpose by the Solicitor General is the co-ordinator of all efforts in relation to law enforcement and every police officer and auxiliary police officer in the area in which the state of emergency exists is subject to the direction and control of that officer" 1990, c. 8, s. 17.

### **Termination by Minister**

**18** (1) The Minister may

(a) terminate a state of emergency with respect to an area identified by the Minister in a declaration of a state of emergency when, in the Minister's opinion, an emergency no longer exists in such area and

(b) terminate a state of local emergency with respect to an area identified by a municipality in its declaration of a state of local emergency when, in the Minister's opinion, an emergency no longer exist in such area.

Termination by municipality

- (2) A municipality may terminate a state of local emergency with respect to an area identified by it in its declaration of a state of local emergency when, in its opinion, an emergency no longer exists in such area. 1990, c. 8, s. 18.

### **Termination within fourteen days**

**19** (1) A state of emergency terminates fourteen days after the day on which it was declared unless it is terminated by the Minister.

Renewal of state of emergency

- (2) A state of emergency may be renewed by the Minister with the approval of the Governor in Council.

Application of Act to renewal

- (3) The provisions of this Act respecting a state of emergency and the declaration thereof apply, with the necessary changes, to a renewal of a state of emergency. 1990, c. 8, s. 19.

### **Termination of state of local emergency**

**20** (1) A state of local emergency terminates

(a) When the area identified by the municipality in its declaration of a state of local emergency is included in an area identified by the Minister in a declaration of a state of emergency;

(b) when it is terminated by the Minister or by the municipality;

(c) seven days after the day on which it was declared unless it is renewed in accordance with this Act.

Renewal of state of local emergency

(2) A state of local emergency may be renewed by the municipality with the approval of the Minister.

Application of Act to renewal

(3) The provisions of this Act respecting a state of local emergency or the declaration thereof apply, with the necessary changes, to a renewal of a state of local emergency. 1990, c. 8, s. 20.

**No liability**

**21** The Minister, a mayor or warden, a municipality, the Emergency Management Organization, a committee established pursuant to this Act or a member thereof, or any other person

(a) is not liable for any damage arising out of any action taken pursuant to this Act or the regulations; and

(b) is not subject to any proceedings by prohibition, *certiorari*, *mandamus* or injunction with respect to any action taken pursuant to this Act or the regulations. 1990, c. 8, s.21.

**Entry upon property**

**22** Any person in the course of implementing an emergency Management plan pursuant to this Act or the regulations may, at any time enter upon any property. 1990, c. 8, s.22.

**Offence of obstruction**

**23** Any person who obstructs the Minister, a municipality, the Emergency Management Organization, a committee established pursuant to this Act or any person in the performance of any action, matter or thing authorized by this Act or who contravenes or fails to comply

(a) with any provision of this Act or any regulation; or

(b) with any direction, order or requirement made pursuant to this Act or the regulations,

is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment of not more than six months or both. 1990, c. 8, s. 23.

**Absence from employment**

- 24** Every person, who with proper authority is absent from that person's accustomed employment and is on duty authorized by the Minister or by the council of a municipality for the purpose of this Act shall, while so absent, for all purposes relative to retention of employment, of seniority rights and of superannuation benefits, be deemed to have been in that person's accustomed employment during the period of absence.. 1990, c.8,. ,s. 24.

**Regulations**

- 25** (1) The Governor in Council may make regulations
- (a) respecting emergency planning for the continuity of functions of departments, boards, commissions, corporations and other agencies of the Province;
  - (b) respecting the vesting of special powers and duties in various departments and agencies of the Province for the purposes of emergency planning and the implementation of an emergency Management plan;
  - (c) respecting the organization, responsibilities, powers, duties and operation of police officers and auxiliary police officers throughout the Province or any part thereof for the purpose of this Act;
  - (d) respecting authority to be delegated pursuant to this Act;
  - (e) prescribing the forms to be used for a declaration of a state of emergency and renewals and termination of the same;
  - (f) respecting the establishment, operation, liability and responsibilities of ground search and rescue organizations;
  - (g) prescribing renewal periods for states of emergency;
  - (h) defining any word or expression used in this Act but not defined herein;
  - (i) respecting any matter or thing that the Governor in Council deems necessary for the administration of this Act.

Regulations Act

- (2) The exercise by the Governor in Council of the authority contained in subsection (1) shall be regulations within the meaning of the *Regulations Act*. 1990, c. 8, s. 25.

**Repeal**

- 26** Chapter 145 of the Revised Statutes, 1989, the *Emergency Management Act*, is repealed. 1990, c. 8, s. 26.

**Proclamation**

- 27** This Act comes into force on and not before such day as the Governor in Council orders and declares by proclamation. 1990, c. 8, s. 27

**Proclaimed -July 31, 1990**

**In force -November 1,1990**

## 11.12 STATE OF EMERGENCY DECLARATION – REGULATIONS

made under Section 25 of the  
Emergency Management Act  
R.S.N.S. 1989, c.8  
O.I.C. 92-61, N.S. Reg. 17/92  
January 21 1992

### Citation

- 1 These regulations may be cited as the “State of Emergency Regulations”.

### Definitions

2. In these regulations,
  - (a) “Act” means the Emergency Management Act;
  - (b) “mayor or warden” includes an alderman or councilor acting in the stead of the mayor or warden, as the case may be;
  - (c) “Minister” means the member of the Executive Council to whom is assigned the administration of the Act and regulations;
  - (d) “municipality” means a city, an incorporated town or a municipality of a county or district;
  - (e) “state of emergency” means a state of emergency declared by the Minister or renewed by the Minister pursuant to the Act;
  - (f) “state of local emergency” means a state of local emergency declared by a municipality or renewed by it pursuant to the Act.

### State of emergency

- 3 (1) For the purposes of declaring a state of emergency pursuant to subsection(1) of Section 12 of the Act, the Minister shall use Form 1 attached to these regulations.
- (2) (a) For the purposes of renewing a state of emergency pursuant to subsection (2) of Section 19 of the Act, the Minister shall use Form 2 attached to these regulations.
  - (b) Renewal period under clause (a) may extend for 14 days.
- (3) For the purposes of terminating a state of emergency pursuant to clause (a) of subsection (1) of Section 18 of the Act, the Minister shall use Form 3 attached to these regulations

### State of local emergency

- 4
- (1) For the purposes of declaring a state of local emergency pursuant to subsection (2) of Section 12 of the Act, a municipal council shall use Form 4 attached to these regulations.
  - (2) For the purposes of declaring a state of local emergency pursuant to subsection (3) of Section 12 of the Act, a mayor or a warden shall use Form 5 attached to these regulations.
  - (3)
    - (a) For the purposes of renewing a state of local emergency pursuant to subsection (2) of Section 20 of the Act, a municipality shall use Form 6 attached to these regulations.
    - (b) A renewal period under clause (a) may extend for 7 days.
  - (4) For the purposes of terminating a state of local emergency pursuant to subsection (2) of Section 18 of the Act, a municipality shall use Form 7 attached to these regulations.
  - (5) For the purposes of terminating a state of local emergency pursuant to clause (b) of subsection (1) of Section 18 of the Act, the Minister shall use Form 8 attached to these regulations.

### Effective date

- 5 These regulations are effective on, from and after the 1<sup>st</sup> day of February 1992.

**Form 1 – Declaration of a State of Emergency (Minister)  
Section 12(1) of the Emergency Management Act, S.N.S. 1990, c.8**

**WHEREAS** the area herein described is or may soon be encountering an emergency that requires prompt action to prevent harm or damage to the safety, health or welfare of persons or to prevent damage to property;

#### Emergency area:

- (a) all of the Province of Nova Scotia  
(hereafter referred to as the “Province”) Yes ( ) No ( )
  
- (b) the district, subdistrict or area generally  
described as \_\_\_\_\_ situated  
in the County/Counties of \_\_\_\_\_  
Province of Nova Scotia (hereafter referred  
TO AS THE “Designated Area(s)”) Yes ( ) No ( )



**Nature of the Emergency:**

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**AND WHEREAS** the undersigned is satisfied that an emergency as defined in Section 2(b) of Chapter 8 of the Statutes of Nova Scotia 1990, the Emergency Management Act, exists or may exist in the Province/Designated Area(s) noted above;

**AND WHEREAS** the undersigned has (check appropriate box):

- (a) consulted with a majority of the members of the Provincial Emergency Management Committee Yes ( ) No ( )
- (b) consulted with a quorum of the Executive Council Yes ( ) No ( )
- (c) found it impractical to consult with the persons listed in (a) or (b) Yes ( ) No ( )

**THE UNDERSIGNED HEREBY DECLARES** pursuant to Section 12(1) of the Emergency Management Act, a state of emergency in the Province/Designated Area(s) noted above as and from \_\_\_\_\_ o'clock in the forenoon ( ) or afternoon ( ) of the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**THIS DECLARATION OF STATE OF EMERGENCY** shall exist until \_\_\_\_\_ o'clock in the forenoon ( ) or the afternoon ( ) of the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**DATED** at \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Hon.  
Minister Responsible for the  
Emergency Management Act

**Form 2 – Renewal of a State of Emergency (Minister)  
Section 19(2) of the Emergency Management Act, S.N.S. 1990, c.8**

**WHEREAS** the area herein described is or may soon be encountering an emergency that requires prompt action to prevent harm or damage to the safety, health or welfare of persons or to prevent damage to property;

**Emergency area:**

- (a) all of the Province of Nova Scotia  
(hereinafter referred to as the "Province") Yes ( ) No ( )
  
- (b) the district, subdistrict or area generally  
described as \_\_\_\_\_, situate in  
the County/Counties of \_\_\_\_\_,  
Province of Nova Scotia (hereinafter referred to  
as the "Designated Area(s)") Yes ( ) No ( )

**Nature of the Emergency:**

---



---

**AND WHEREAS** a Declaration of a State of Emergency was signed on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**AND WHEREAS** the undersigned is satisfied that an emergency as defined in Section 2(b) of Chapter 8 of the Statutes of Nova Scotia 1990, the Emergency Management Act, continues to exist or may exist in the Province/Designated Area(s) noted above;

**AND WHEREAS** the undersigned has (check appropriate box):

- (a) consulted with a majority of the members of  
the Provincial Emergency Management Committee Yes ( ) No ( )
  
- (b) consulted with a quorum of the  
Executive Council Yes ( ) No ( )
  
- (c) found it impractical to consult with the persons  
listed in (a) or (b) Yes ( ) No ( )

**THE UNDERSIGNED HEREBY DECLARES** pursuant to Section 19(2) of the Emergency Management Act, a state of emergency in the Province/Designated Area(s) noted above is renewed as of and from \_\_\_\_\_ o'clock in the forenoon ( ) or afternoon ( ) of the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**THIS RENEWAL OF A DECLARATION OF STATE OF EMERGENCY** shall exist until \_\_\_\_\_ o'clock in the forenoon ( ) or the afternoon ( ) of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, or for a maximum of 14 days from the date and time specified above unless the Declaration is renewed or terminated by the Minister as provided in Section 19 of the Emergency Management Act.

1/12/2011

**THIS RENEWAL** was duly authorized by the Governor in Council by Order in Council No. \_\_\_\_\_ made the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**DATED** at \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Hon.  
Minister Responsible for the  
Emergency Management Act

**Form 3 –Termination of a State of Emergency (Minister)  
Section 18(1)(a) of the Emergency Management Act, S.N.S. 1990, c.8**

**WHEREAS** by a Declaration of a State of Emergency dated the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, as renewed on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, a state of emergency was declared for the following area:

**Emergency area:**

(a) all of the Province of Nova Scotia  
(hereinafter referred to as the “Province”) Yes ( ) No ( )

(b) the district, subdistrict or area generally  
described as \_\_\_\_\_, situate in  
the County/Counties of \_\_\_\_\_,  
Province of Nova Scotia (hereinafter referred to  
as the “Designated Area(s)”) Yes ( ) No ( )

**Nature of the Emergency:**

---

**AND WHEREAS** the undersigned is of the opinion that an emergency no longer exists in the Province/Designated area(s) noted above;

**THE UNDERSIGNED** pursuant to Section 18(1) of the Chapter 8 of the Statutes of Nova Scotia 1990, the Emergency Management Act, hereby terminates the state of emergency effective as of and from \_\_\_\_\_ o'clock in the forenoon ( ) or afternoon ( ) of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**DATED** at \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Hon.  
Minister Responsible for the  
Emergency Management Act

**Form 4**  
**Declaration of a State of Local Emergency (City/town/Municipal Council)**  
**Section 12(2) of the Emergency Management Act, S.N.S. 1990, c.8**

**WHEREAS** the area herein described is or may soon be encountering an emergency that requires prompt action to prevent harm or damage to the safety, health or welfare of persons or to prevent damage to property;

**Emergency area:**

- a. City of \_\_\_\_\_ or suburb of \_\_\_\_\_, County of \_\_\_\_\_, Province of Nova Scotia (hereafter called the "City") Yes ( ) No ( )
  
- b. Town(s) of \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia (hereafter called the "Town") Yes ( ) No ( )
  
- c. Municipality of the County or District of \_\_\_\_\_ or the general area of \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia (hereinafter called the "Municipality") Yes ( ) No ( )

**Nature of the Emergency:**



**AND WHEREAS** the undersigned is satisfied than an emergency as defined in Section 2(b) of Chapter 8 of the Statutes of Nova Scotia 1990, the Emergency Management Act, exists or may exist in the City/Town/Municipality noted above;

**THE UNDERSIGNED HEREBY DECLARES** pursuant to Section 12(2) of the Emergency Management Act, a state of local emergency in the City/Town/Municipality noted above as of and from \_\_\_\_ o'clock in the forenoon ( ) or afternoon ( ) of the \_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**THIS DECLARATION OF A STATE OF LOCAL EMERGENCY** shall exist until \_\_\_\_ o'clock in the forenoon ( ) or afternoon ( ) of the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, or for a maximum of 7 days from the date and time specified above unless the Declaration is renewed or terminated as provided in Section 20 of the Emergency Management Act.

1/12/2011

**DATED** at \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
City/Town/Municipal Council  
\_\_\_\_\_  
County  
\_\_\_\_\_  
Name  
\_\_\_\_\_  
Position  
(Authorized by Resolution No. \_\_\_\_\_  
dated the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_)

**Form 5 - Declaration of a State of Local Emergency (Mayor/Warden)  
Section 12(3) of the Emergency Management Act, S.N.S. 1990, c.8**

**WHEREAS** the area herein described is or may soon be encountering an emergency that requires prompt action to prevent harm or damage to the safety, health or welfare of persons or to prevent damage to property;

**Emergency area:**

- (a) City of \_\_\_\_\_ or suburb of \_\_\_\_\_, County of \_\_\_\_\_, Province of \_\_\_\_\_, Nova Scotia (hereafter called the "City") Yes ( ) No ( )
  
- (b) Town(s) of \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia (hereafter called the "Town") Yes ( ) No ( )
  
- (c) Municipality of the County or District of \_\_\_\_\_ or the general area of \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia (hereinafter called the "Municipality") Yes ( ) No ( )

**Nature of the Emergency:**

\_\_\_\_\_  
\_\_\_\_\_

**AND WHEREAS** the undersigned is satisfied that an emergency as defined in Section 2(b) of Chapter 8 of the Statutes of Nova Scotia 1990, the Emergency Management Act, exists or may exist in the City/Town/Municipality noted above;

1/12/2011

**AND WHEREAS** the Council of the City/Town/Municipality is unable to act;

**AND WHEREAS the undersigned has (check appropriate box):**

(a) Consulted with a majority of the members of the Municipal Emergency Management Committee Yes ( ) No ( )

(b) Found it impractical to consult with a majority of the Municipal Emergency Management Committee Yes ( ) No ( )

**THE UNDERSIGNED HEREBY DECLARES** pursuant to Section 12(3) of the Emergency Management Act, a state of local emergency in the City/Town/Municipality noted above as of and from \_\_\_\_ o'clock in the forenoon ( ) or afternoon ( ) of the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**THIS DECLARATION OF A STATE OF LOCAL EMERGENCY** shall exist until \_\_\_\_ o'clock in the forenoon ( ) or afternoon ( ) of the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, or for a maximum of 7 days from the date and time specified above unless the Declaration is renewed or terminated as provided in Section 20 of the Emergency Management Act.

**DATED** at \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia, on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Mayor's signature  
Town/City of \_\_\_\_\_

\_\_\_\_\_  
Warden's signature  
Municipality of \_\_\_\_\_

**Form 6 – Renewal of Declaration of a State of Local Emergency  
(City/Town/Municipal Council)  
Section 20(2) of the Emergency Management Act, S.N.S. 1990, c.8**

**WHEREAS** the area herein described is or may soon be encountering an emergency that requires prompt action to prevent harm or damage to the safety, health or welfare of persons or to prevent damage to property;

**Emergency area:**

(a) City of \_\_\_\_\_ or suburb of \_\_\_\_\_, County of \_\_\_\_\_, Province of \_\_\_\_\_, Nova Scotia (hereafter called the "City") Yes ( ) No ( )

(b) Town(s) of \_\_\_\_\_,  
in the County of \_\_\_\_\_,  
Province of Nova Scotia  
(hereafter called the "Town") Yes ( ) No ( )

(c) Municipality of the County or District  
of \_\_\_\_\_ or the general area  
of \_\_\_\_\_, in the County of  
\_\_\_\_\_, Province of Nova  
Scotia (hereinafter called the "Municipality") Yes ( ) No ( )

**Nature of the Emergency:**

**AND WHEREAS** a Declaration of a State of Local Emergency was signed on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**AND WHEREAS** the undersigned is satisfied that an emergency as defined in Section 2(b) of Chapter 8 of the Statutes of Nova Scotia 1990, the Emergency Management Act, exists in the City/Town/Municipality noted above;

**THE UNDERSIGNED HEREBY DECLARES** pursuant to Section 20(2) of the Emergency Management Act, a state of local emergency in the City/Town/Municipality noted above is renewed as of and from \_\_\_\_\_ o'clock in the forenoon ( ) or afternoon ( ) of the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_;

**THE RENEWAL OF A DECLARATION OF A STATE OF LOCAL EMERGENCY** shall exist until \_\_\_\_\_ o'clock in the forenoon ( ) or afternoon ( ) of the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, or for a maximum of 7 days from the date and time specified above unless the Declaration is renewed or terminated as provided in Section 20 of the Emergency Management Act;

**THIS RENEWAL** was authorized by the Minister responsible for the Emergency Management Act, pursuant to Section 20(2) of the Act by approval dated the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**DATED** at \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia, on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
City/Town/Municipal Council

\_\_\_\_\_  
County

\_\_\_\_\_  
Name

\_\_\_\_\_  
Position  
(Authorized by Resolution No. \_\_\_\_\_  
dated the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_)

**Form 7 - Termination of a State of Local Emergency  
(Municipality) Section 18(2) of the Emergency Management Act,**

1/12/2011

**S.N.S. 1990, c.8**

**WHEREAS** by a Declaration of a State of Emergency dated the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, as renewed on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, a state of emergency was declared for the following area:

**Emergency area:**

- (a) City of \_\_\_\_\_ or suburb of \_\_\_\_\_, County of \_\_\_\_\_, Province of Nova Scotia (hereafter called the "City") Yes ( ) No ( )
  
- (b) Town(s) of \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia (hereafter called the "Town") Yes ( ) No ( )
  
- (c) Municipality of the County or District of \_\_\_\_\_ or the general area of \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia (hereinafter called the "Municipality") Yes ( ) No ( )

**AND WHEREAS** the undersigned is of the opinion that an emergency no longer exists in the City/Town/Municipality;

**THE UNDERSIGNED** pursuant to Section 18(2) of Chapter 8 of the Statutes of Nova Scotia 1990, the Emergency Management Act, hereby terminates the state of local emergency effective as of and from \_\_\_\_ o'clock in the forenoon ( ) or afternoon ( ) of the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**DATED** at \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

City/Town/Municipal Council

\_\_\_\_\_  
County

\_\_\_\_\_  
Name

\_\_\_\_\_  
Position

(Authorized by Resolution No. \_\_\_\_\_  
dated the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_)



**Form 8 – Termination of a State of Local Emergency (Minister)  
Section 18(1)(b) of the Emergency Management Act, S.N.S. 1990, c.8**

**WHEREAS** by a Declaration of a State of Local Emergency dated the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, and signed by the Municipal Council (    ), Warden (    ) or Mayor (    ) of the City/Town/Municipality of \_\_\_\_\_, as renewed on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, a state of local emergency was declared for the following area:

**Emergency area:**

- (d) City of \_\_\_\_\_ or suburb of \_\_\_\_\_, County of \_\_\_\_\_, Province of Nova Scotia (hereafter called the “City”) Yes (    ) No (    )
  
- (e) Town(s) of \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia (hereafter called the “Town”) Yes (    ) No (    )
  
- (f) Municipality of the County or District of \_\_\_\_\_ or the general area of \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia (hereinafter called the “Municipality”) Yes (    ) No (    )

**AND WHEREAS** the undersigned is of the opinion that an emergency no longer exists in the City/Town/Municipality;

**THE UNDERSIGNED** pursuant to Section 18(1)(b) of the Chapter 8 of the Statutes of Nova Scotia 1990, the Emergency Management Act, hereby terminates the state of local emergency as of and from \_\_\_\_\_ o’clock in the forenoon (    ) or afternoon (    ) of the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**DATED** at \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Hon.  
Minister Responsible for the  
Emergency Management Act



# STANDARDS AND GUIDELINES

*for the Conservation of Historic Places in Canada*



Parks  
Canada

Parcs  
Canada

Canada

# STANDARDS AND GUIDELINES

*for the Conservation of Historic Places in Canada*



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**Compliance with these Standards and Guidelines for the Conservation of Historic Places in Canada does not, in and of itself, confer immunity from legal obligations.**

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# Foreword

The *Standards and Guidelines for the Conservation of Historic Places in Canada* is the result of a major collaborative effort among federal, provincial, territorial and municipal governments, heritage conservation professionals, heritage developers, and many individual Canadians.

This collaborative process has laid down an important foundation for the evolution of conservation practice in Canada and this approach, based on the involvement of all stakeholders and interested parties, will continue to be used for the periodic revision of the *Standards and Guidelines for the Conservation of Historic Places in Canada* and for other issues related to the conservation of historic places.

Through this pan-Canadian collaboration, we have reinforced the development of a culture of conservation in Canada, which will continue to find a unique expression in each of the jurisdictions and regions of our country.

The development of the *Standards and Guidelines for the Conservation of Historic Places in Canada* could not have been so successful without the vision, leadership and rigor of a Parks Canada employee, Gordon Fulton. As a steward and a guide, he has helped to make available to the heritage conservation community an effective new tool.

On behalf of Parks Canada, I am proud to adopt the *Standards and Guidelines for the Conservation of Historic Places in Canada* for use in our stewardship of Canada's national historic sites and other heritage properties. Together with our many partners, we will move towards a strengthened culture of conservation.

*Alan Latourelle*

Chief Executive Officer  
Parks Canada

## Preface and Acknowledgements

Over the years, guidance on how best to conserve our irreplaceable built heritage, and the limits of acceptable change to it, have been provided in a number of documents (see the BIBLIOGRAPHY). A common set of standards and guidelines for the conservation of historic places in Canada, however, remained an unfulfilled challenge. In June 2000, a working group of heritage conservation and real property experts from industry, non-governmental heritage organizations, municipal, provincial and territorial governments, and federal departments and agencies was brought together by the federal Department of Canadian Heritage to address this shortcoming. The result is this document.

Like most of its Canadian predecessors, *Standards and Guidelines for the Conservation of Historic Places in Canada* draws very heavily and is modelled quite directly on the United States Government's landmark publication, *The Secretary of the Interior's Standards for the Treatment of Historic Properties, with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* (1995). This document is a model of clarity and practicality. The working group that developed these Canadian standards and guidelines could find no reason not to use it as a basis, with appropriate modifications to the Canadian situation. The working group acknowledges the U.S. National Park Service's Technical Preservation Services for its support and encouragement in using and adapting this document and its companion, *The Secretary of the Interior's Standards for the Treatment of Historic Properties, with Guidelines for the Treatment of Cultural Landscapes* (1996).

The working group was also very fortunate to be able to build on the excellent work of a number of agencies in this country and beyond. In particular, it gratefully acknowledges British Columbia's Ministry of Small Business, Tourism and Culture for *Principles of Heritage Conservation* (1989) and *Rehabilitation Principles and Guidelines* (1989); Alberta's Ministry of Community Development for *Guidelines for the Rehabilitation of Designated Historic Resources* (1993); Manitoba's Ministry of Culture, Heritage and Tourism for *Developing a Conservation Strategy for a Heritage Building* (1994); Ontario's Ministry of Citizenship, Culture and Recreation for *Eight Guiding Principles in the Conservation of Historic Properties* (1997); the Ontario Heritage Foundation for *Well-Preserved: the Ontario Heritage Foundation's Manual of Principles and Practice for Architectural Conservation* (1988); le ministère des Affaires culturelles du Québec for *Principes et critères de restauration et d'insertion : le patrimoine architectural d'intérêt public au Québec* (1991); la Ville de Québec and le ministère de la Culture et des Communications du Québec for *Guide d'intervention : con-*

*server et mettre en valeur le Vieux-Québec* (1998); the City of Saint John, New Brunswick, for the *Practical Preservation Guidelines series* (1990-96); Public Works and Government Services Canada for *Federal Heritage Buildings Review Office Code of Practice* (1996); Australia ICOMOS for *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance* (1999); and the British Standards Institution for *British Standard 7913: 1998, Guide to the Principles of the Conservation of Historic Buildings* (1998), all of which provided inspiration for this document.

The *Standards and Guidelines for the Conservation of Historic Places in Canada* was produced under the guidance and direction of the Working Group on Conservation Standards and Guidelines, whose members volunteered their time and expertise. Gordon W. Fulton served as the Working Group's project manager and edited the draft of the Standards and Guidelines, which was then used for consultations.

Working Group members, and their affiliations at the time of their involvement, are as follows:

Gordon Bennett, Policy and Government Relations Branch, Parks Canada (Historic Places Initiative steering committee); Jim Bezanson, Community Planning Department, City of Saint John, New Brunswick; Dinu Bumbaru, Héritage Montréal; Monika Dankova and Byron Johnson, Real Property Services, Public Works and Government Services Canada; Neil Einarson, Historic Resources Branch, Manitoba Culture, Heritage and Tourism; Ken Elder, Heritage Conservation Services (formerly Heritage Conservation Program), Public Works and Government Services Canada; Mary Lou Evans and Melissa Gordon, Heritage Policy and Program Development, Ontario Ministry of Tourism, Culture and Recreation; Louise Fox, Department of Canadian Heritage (Archaeology); Gordon Fulton, Parks Canada (Historic Places Initiative, working group project manager); Denise Gendron, Preservation Services, City of Toronto; Robert Harrold and Daniel LaRoche, Archaeological Services Branch, Parks Canada; Alastair Kerr, Heritage Branch, British Columbia Ministry of Small Business, Tourism and Culture; François Leblanc, Architecture, National Capital Commission and ICOMOS Canada; Robert Lemon, Robert G. Lemon Architecture & Preservation, Vancouver; Don K. Macdonald, Real Estate Advisory Services, Public Works and Government Services Canada; Cliff McCawley, Conservation and Scientific Services, Canadian Conservation Institute; Guy Masson, Heritage Conservation Services, Public Works and Government Services Canada and ICOMOS Canada; Doug Olynyk, Heritage Branch, Tourism



Yukon; Sharon C. Park, Michael Auer and Kay D. Weeks, Technical Preservation Services, U.S. National Park Service; Larry Pearson, Community Heritage Services, Alberta Community Development; David Scarlett, Architecture, National Capital Commission; Julian Smith, Julian Smith and Associates, Almonte, Ontario; Michael Tippin, Tippin Corporation, Toronto; François Varin, La Fondation Rues principales, Quebec; and Vivian Walsworth, Realty and Engineering Policy Directorate, Department of National Defence.

A number of people reviewed specific parts of the *Standards and Guidelines for the Conservation of Historic Places in Canada*. Special thanks go to Karen L. Mudie of the Department of Canadian Heritage's Legal Services; Douglas Bryce, Lyle Henderson, Daniel LaRoche and Virginia Myles of Parks Canada's Archaeological Services; Victoria Angel and Johanne Fortier of Parks Canada's Historic Places Program; David A. Morrison of the Canadian Museum of Civilization (Archaeological Survey of Canada); Lyse Blanchet, Lyne Fontaine, Joann Latremouille, Gerry van Rijn, Jack Vandenberg, John Ward and John Zvonar of Public Works and Government Services Canada's Heritage Conservation Services; Douglas Franklin of The Heritage Canada Foundation; Rick Goodacre of the Heritage Society of British Columbia; Shelley Bruce, Giles Bugailiskis, David Firman and Linda Seyers of the City of Winnipeg's Historical Buildings Committee; and Wayne Morgan and Sherry Pedersen of the City of Toronto's Preservation Services.

Following the preparation of the *Standards and Guidelines for the Conservation of Historic Places in Canada*, 42 pilot projects were undertaken to test use of the Standards and Guidelines. Pat Buchik, Robert Pajot and Ève Wertheimer from Heritage Conservation Services of Public Works and Government Services Canada were instrumental in identifying and coordinating the pilot projects and sharing the results of this work with the working group. Comments provided as a result of these pilot projects contributed to the further refinement of the document and a final review of the document by the working group.

We also acknowledge members of the piloting team, which included the following:

Alastair Kerr, Heritage Branch, Ministry of Small Business, Tourism and Culture, Government of British Columbia; Larry Pearson, Heritage Resource Management Branch, Government of Alberta; Neil Einarson, Heritage Buildings Unit, Historic Resources Branch, Manitoba Culture Heritage and Tourism; Tamara Anson-Cartwright and Melissa Gordon, Heritage & Libraries Branch, Ontario Ministry of Tourism, Culture & Recreation; Michael McClelland, ERA Architects, Toronto, Ontario; Denise Gendron, Murray Miller and Sherry Pedersen, Heritage Preservation Serv-

ices, Culture Division, City of Toronto; Fernand Lévesque, Direction des politiques culturelles et de la propriété intellectuelle, Gouvernement du Québec; Jean-François Gravel, Division du Patrimoine, Service du développement économique et urbain, Ville de Montréal, Québec; Jim Bezanson, Planning & Development, City of Saint John, New Brunswick; Dale Jarvis, Heritage Foundation of Newfoundland and Labrador; Leslie Maitland and Shannon Ricketts, Systems Development Branch, National Historic Sites Directorate, Parks Canada; Jacqueline Hucker, Federal Heritage Building Review Office, National Historic Sites Directorate, Parks Canada; Pat Buchik, Heritage Conservation Services, Public Works and Government Services Canada.

A special acknowledgement must be made to working group members and others who generously made their photographic collections available to illustrate this document. Guy Masson and Jim Bezanson both contributed numerous photographs from their extensive collections. Susan Ross, from the Heritage Conservation Services of Public Works and Government Services Canada provided a needed focus for the selection of illustrations for this document.

The coordination of the last stages of production of the document was under the responsibility of the following: Christiane Lefebvre and Johanne Fortier of the Historic Places Program, National Historic Sites Directorate, Pat Buchik, Ève Wertheimer and Geneviève Charrois of Heritage Conservation Services, Public Works and Government Services Canada, who oversaw the editing of the document in both official languages, as well as Ellen Cunningham and Lana Stewart of the Historic Places Program, National Historic Sites Directorate, for the coordination of the design and layout.

*Peter Frood*

**Director  
Historic Places Program  
National Historic Sites Directorate  
Parks Canada**





# 1 Introduction

The principles and practices that encourage the long-term conservation of our country's historic places are described in this document. The fundamental principles for conserving historic places of all types were first outlined in a set of "Standards". Detailed "Guidelines" then present the Dos and Don'ts of safeguarding archaeological sites, and preserving, rehabilitating or restoring historic landscapes, buildings and engineering works. Emphasis has been placed on providing sound, practical advice for conserving our rich and irreplaceable built heritage.





1- Powerscourt, Quebec, © Jean-Pierre Jérôme, Parks Canada, 2003  
2- Château Frontenac, Quebec, Quebec, © Guy Masson, PWGSC, 1978  
3- Truro Federal Building, Truro, Nova Scotia, © Bill Hockey, PWGSC, 2002  
4- Ferryland, Newfoundland, © Ève Wertheimer, 2003

## The Purpose of the Standards and Guidelines

The primary purpose of the *Standards and Guidelines for the Conservation of Historic Places in Canada* is to provide **sound, practical guidance** to achieve good conservation practice. Anyone with an interest in conserving Canada's historic places who voluntarily follows these Standards and Guidelines will benefit from clear and consistent guidance. The intent of the document is not to replace the role of conservation practitioners or provide detailed technical specifications appropriate to every situation. It does, however, offer results-oriented guidance for sound decision making when planning for, intervening and using a historic place.

A second purpose of the *Standards and Guidelines for the Conservation of Historic Places in Canada* is to develop a pan-Canadian set of Standards and Guidelines. The Standards and Guidelines may be adopted by federal, provincial, territorial or other authorities as a benchmark for assessing proposed conservation interventions. For example, jurisdictions which adopt the Standards and Guidelines may use them to assess proposed changes to a historic place listed on the Canadian Register of Historic Places. Under these circumstances, the Standards and Guidelines would be used to measure compliance with legislation relating to the **statutory protection** of these historic places. To comply with the legislation, a project would then have to respect and conserve the heritage value and character-defining elements of the historic place as recommended in these Standards and Guidelines and as determined by the appropriate authority both at the planning stage and upon completion.

The third purpose is to assist people who intend to apply for government **financial incentives** for conservation. When adopted by a jurisdiction, the Standards and Guidelines may form the basis for review and assessment of a preservation, rehabilitation or restoration project before the project starts, and again upon completion. To be approved and certified for federal financial incentives, a project must be consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*.



## Definitions of Some Key Terms

A number of terms used in this document have very specific meanings in the context of heritage conservation and are defined as follows:

**Character-defining elements:** the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to the *heritage value* of a *historic place*, which must be retained in order to preserve its *heritage value*.

**Conservation:** all actions or processes that are aimed at safeguarding the *character-defining elements* of a cultural resource so as to retain its *heritage value* and extend its physical life. This may involve “*Preservation*,” “*Rehabilitation*,” “*Restoration*,” or a combination of these actions or processes. Reconstruction or reconstitution of a disappeared cultural resource is not considered conservation and is therefore not addressed in this document.

**Guidelines:** statements that provide practical guidance in applying the *Standards for the Conservation of Historic Places*. They are presented herein as recommended and non-recommended actions.

**Heritage value:** the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations. The *heritage value* of a *historic place* is embodied in its character-defining materials, forms, location, spatial configurations, uses and cultural associations or meanings.

**Historic place:** a structure, building, group of buildings, district, landscape, archaeological site or other place in Canada that has been formally recognized for its *heritage value*.

**Intervention:** any action, other than demolition or destruction, that results in a physical change to an element of a *historic place*.

**Maintenance:** routine, cyclical, non-destructive actions necessary to slow the deterioration of a *historic place*. It entails periodic inspection; routine, cyclical, non-destructive cleaning; minor repair and refinishing operations; replacement of damaged or deteriorated materials that are impractical to save.

**Minimal intervention:** the approach which allows functional goals to be met with the least physical intervention.

**Standards:** Norms for the respectful conservation of historic places.

## Preservation

**Preservation:** the action or process of protecting, maintaining, and/or stabilizing the existing materials, form, and integrity of a *historic place* or of an individual component, while protecting its *heritage value*.



*Preservation* can include both short-term and interim measures to protect or stabilize the place, as well as long-term actions to retard deterioration or prevent damage so that the place can be kept serviceable through routine maintenance and minimal repair, rather than extensive replacement and new construction.

# Rehabilitation

**Rehabilitation:** the action or process of making possible a continuing or compatible contemporary use of a *historic place* or an individual component, through repair, alterations, and/or additions, while protecting its *heritage value*.



# Restoration

**Restoration:** the action or process of accurately revealing, recovering or representing the state of a *historic place* or of an individual component, as it appeared at a particular period in its history, while protecting its *heritage value*.



*Rehabilitation* can include replacing missing historic features. The replacement may be an accurate replica of the missing feature, or it may be a new design that is compatible with the style, era, and character of the historic place.



*Restoration* includes the removal of features from other periods in its history and the reconstruction of missing features from the restoration period. Restoration must be based on clear evidence and detailed knowledge of the earlier forms and materials being recovered.

These and other definitions can also be found in the GLOSSARY.

# The Principles Behind the Standards and Guidelines

Heritage conservation involves identifying, protecting and promoting the elements that our society values. The term “heritage” can cover a wide range of physical things from a railway station to a garden to a painting, and non-physical things such as traditional knowledge and language. The term “heritage conservation” (or “historic preservation” in some regions) has traditionally been associated with protecting the physical or “built” environment, i.e., the tangible landscapes, buildings, structures and artefacts that have been created throughout the history of Canada. More recently, the term has also come to be associated with safeguarding the non-physical associations between people and a place, i.e., associations linked to use, meanings and cultural or spiritual values. *Standards and Guidelines for the Conservation of Historic Places in Canada* deals with both the physical aspects of historic places and their non-physical associations.

The fundamental principles that form the basis for good conservation practice have traditionally been collected and published in “charters.” These charters, beginning with the Athens Charter in 1931, reflect our ongoing efforts to spell out as clearly as possible the reasons why one idea or one action may be better than another when dealing with our fragile and irreplaceable historic places. Each of the charters embodies a certain philosophy or bias or focus — the cultural associations in Australia’s Burra Charter, for example. Nevertheless, a consistent thread of logic runs through each. This thread is summarized here and forms the philosophical foundation for the Standards and Guidelines that follow. The principles are presented in a sequence of actions from “beginning” to “end” — from understanding the historic place to making changes to it. However, the persons involved in conservation must occasionally backtrack and re-examine their approaches and obtain additional information, because conservation, an ongoing process, is cyclical by nature.

Decisions regarding any conservation action on the *heritage value* of a *historic place* require sound, cautious judgment to balance conflicting requirements while engaging all relevant stakeholders and considering case-specific criteria. Engaging multidisciplinary experts and all relevant stakeholders is often necessary in the decision-making process.

## A. Understanding

A comprehensive understanding of a historic place is an essential first step to good conservation practice, which is normally achieved through documentary and oral research and physical investigation. It is important to know where the heritage value of the historic place lies; how it fits physically and functionally into its surroundings; and how it was and is important to its larger community past, present, and future. The evaluation of a *historic place* therefore constitutes an important part of the process of understanding it. Planning for, using and intervening in a historic place must be made with this understanding.

## B. Planning

Planning must precede any interventions to a historic place. In other words, conservation work must be coordinated and integrated with planning and other future-oriented activities. Planning is the mechanism that links a comprehensive understanding of a historic place with interventions that respect that place’s specific heritage value. In planning, it is important to maintain a firm sense of the longer term and the larger picture, and to not place emphasis on particular character-defining elements at the expense of others. Planning should include consideration of *all* factors affecting the future of a historic place, including the owner’s needs, resources and external constraints.

## C. Using

If the use of a historic place is part of its heritage value, then that use should be retained. Otherwise, a use compatible with its heritage value should be found. A viable use — economic, social or symbolic — will better ensure the long-term survival of a historic place and lessen or prevent deterioration caused by environmental and human activities. Because of the effects of the ongoing day-to-day use of a historic place, regular inspection, monitoring and maintenance, appropriate to the particular circumstances of the place, should be planned and undertaken. Accessible records should be kept on an ongoing basis to document its condition over time. These records will add to the comprehensive understanding of the historic place. In addition, emergency response plans, monitoring systems and other safeguards should be implemented in a respectful way to protect the place and any people within, in the event of a disaster such as fire.



## D. Intervening

Any interventions to a *historic place*, i.e., any actions or processes that result in a physical change to its tangible elements, must respect its heritage value. In any intervention, as French archaeologist Adolphe-Napoléon Didron wrote in 1839, “it is better to preserve than to repair, better to repair than to restore, better to restore than to reconstruct.” New contributions should respect the spirit and substance of the old. The objective for the conservation of a historic place is to meet functional goals while respecting its heritage value and character-defining elements. This “minimal intervention” approach is the foundation of good conservation practice. Translating good intentions into respectful interventions and clear, unambiguous instructions (usually in the form of design drawings and specifications) is essential.

## The Format of the Standards and Guidelines

*Standards and Guidelines for the Conservation of Historic Places in Canada* has four main sections. The first section, the Introduction, begins with the **purpose** of the Standards and Guidelines, followed by **definitions** of some key terms. The fundamental **principles** that form the basis for good conservation practice and underlie every standard and guideline in this document are then summarized. The Introduction concludes with this outline of the **format** of the Standards and Guidelines, and a description of **how to use** this document.

In the second section, the **Standards** for conservation are introduced and presented. Nine “General Standards” apply to historic places of all types and to the conservation treatment “*Preservation*.” They are also required for the two other conservation treatments, “*Rehabilitation*” and “*Restoration*.” There are three additional Standards that apply only to the *Rehabilitation* conservation treatment, and two additional Standards that apply only to the *Restoration* conservation treatment.

The third and largest section of this document is made up of the **Guidelines**, which are intended to assist in applying the Standards and determining whether the intent of the Standards has been met. After an introduction that discusses **the application of** the Guidelines, and a general discussion on **substitute materials** and **balancing other considerations**, the specific Guidelines for archaeological sites, landscapes, buildings and engineering works — any or all of which may be part of a historic place — are presented.

The fourth section includes detailed recommendations for **other considerations**, such as health and safety issues, accessibility, energy efficiency and ecological objectives, and new additions to historic places.

A number of terms used in this document have very specific meanings in the context of heritage conservation. These terms are defined in this Introduction, and are also included in the **Glossary**. The glossary is followed by a bibliography (technical guide) of useful books and references.



Trained and skilled workers are a vital part of a well-thought out and well-executed conservation project.

# How to Use the Standards and Guidelines

The following text and accompanying chart outline the main steps to achieving a successful conservation project. Key recommendations and cautions are highlighted.

## 1. Identify Heritage Value and Character-Defining Elements

A concept that permeates this document is a respect for heritage value and character-defining elements. A *historic place's heritage value* and *character-defining elements* are usually identified when it is formally recognized by an authority or when it is nominated to the *Canadian Register of Historic Places*. If the character-defining elements of a historic place have not been identified, the first and absolutely essential step in any project is to **identify and describe the elements that are important in defining the overall heritage value of the historic place**. The essence of these elements is usually captured in a “statement of significance” or equivalent document.

## 2. Determine the Primary Treatment

While any conservation project may involve aspects of more than one of the three conservation treatments, it is truly beneficial to **decide during the planning stage whether it is essentially a Preservation, a Rehabilitation or a Restoration project**. A clear idea of the primary focus or objective of the project along with the heritage values of the historic place, from the outset, will contribute to the success of a consistent, coherent conservation project. For a discussion on when to use *Preservation*, *Rehabilitation* or *Restoration* as the primary treatment, see section 2, *APPLYING THE STANDARDS*.

## 3. Review the Standards

The **Standards**, which are at the heart of this document, and the principles on which they are based, are central to the process of *Preserving*, *Rehabilitating* or *Restoring* a historic place in a responsible and consistent manner. It is important, therefore, to review the Standards and the principles before getting into the Guidelines. Note that the Standards are interrelated, meaning that **compliance with the Standards for each type of treatment means compliance with all of the Standards for that type of treatment**, not just some of them. In other words, Standards 1 to 9 apply to a *Preservation* project; Standards 1 to 12 to a *Rehabilitation* project; and Standards 1 to 9 and 13 to 14 to a *Restoration* project.

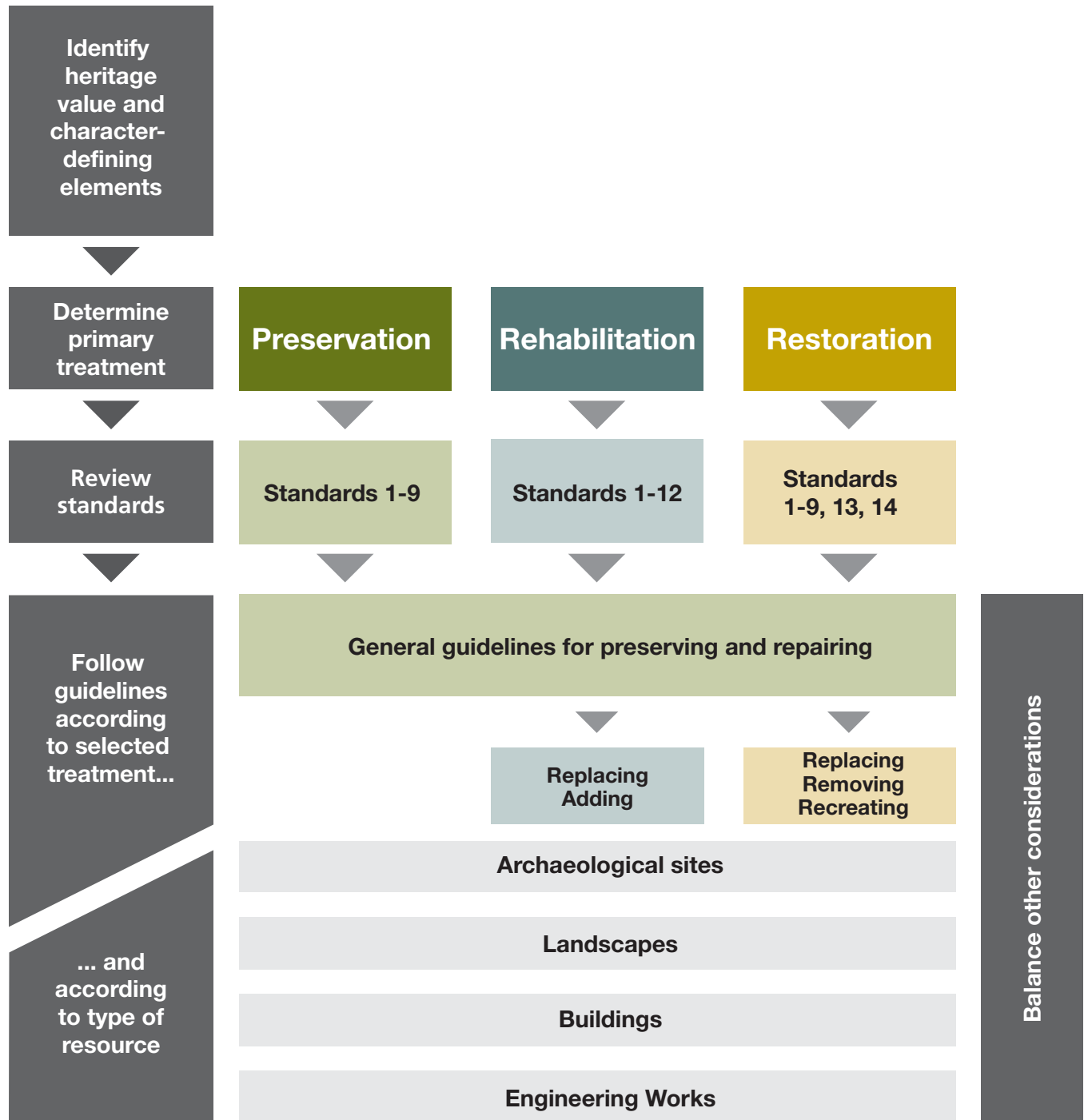
## 4. Follow the Guidelines for the Appropriate Resource Type and Treatment

A thorough **understanding** of a historic place and its components is essential to good conservation practice. The better the understanding, the more likely heritage value will be respected. The Guidelines therefore always recommend **documenting, identifying, surveying and analyzing the form, materials and condition** (and function and interrelationships, where applicable) **of the historic place and its components before the project work begins**.

**Balancing health and safety and other issues with conservation objectives** is an extremely important aspect of any conservation project. The challenge often involves meeting requirements such as fire codes, seismic standards or the use of chemicals, while minimizing the negative impact on a historic place's heritage value. A conservation project's chances of success may depend on the extent to which fundamental issues of health, safety and heritage value can be adequately reconciled. Therefore, a general discussion on meeting these concerns while respecting heritage value is presented at the beginning of the Guidelines section (*BALANCING OTHER CONSIDERATIONS*). Detailed recommendations on these issues can be found in Section 4, *OTHER CONSIDERATIONS*.

After an understanding of the historic place and its components has been developed and other applicable issues have been given consideration, the next step is **following the appropriate Guidelines**. In terms of resource types, the Guidelines are divided into four parts: archaeological sites, landscapes, buildings and engineering works. For ease of use, the landscapes and buildings Guidelines are subdivided into separate components, such as landforms or windows.

**These Guidelines**, which deal with different resource types including their separate components, **should not be used in isolation**. There may be heritage value in the relationships between archaeological sites, landscapes, buildings or engineering works, and these values should not be compromised when undertaking a project on individual components of a historic place.



In terms of treatments, each of the Guideline sections in this document begins with recommendations concerned with **Preserving**, i.e., stabilizing, protecting, maintaining and/or retaining the elements that are important in defining the heritage value of the historic place. **All conservation projects should follow these Guidelines.** For projects requiring more than *Preservation*, one can follow either the additional Guidelines for *Rehabilitation* or the additional Guidelines for *Restoration*.

The Guidelines' approaches to work, treatments, and techniques that are consistent with the Standards for the Conservation of Historic Places in Canada are listed in the "**Recommended**" column on the left; those that are not are listed in the "**Not Recommended**" column on the right.

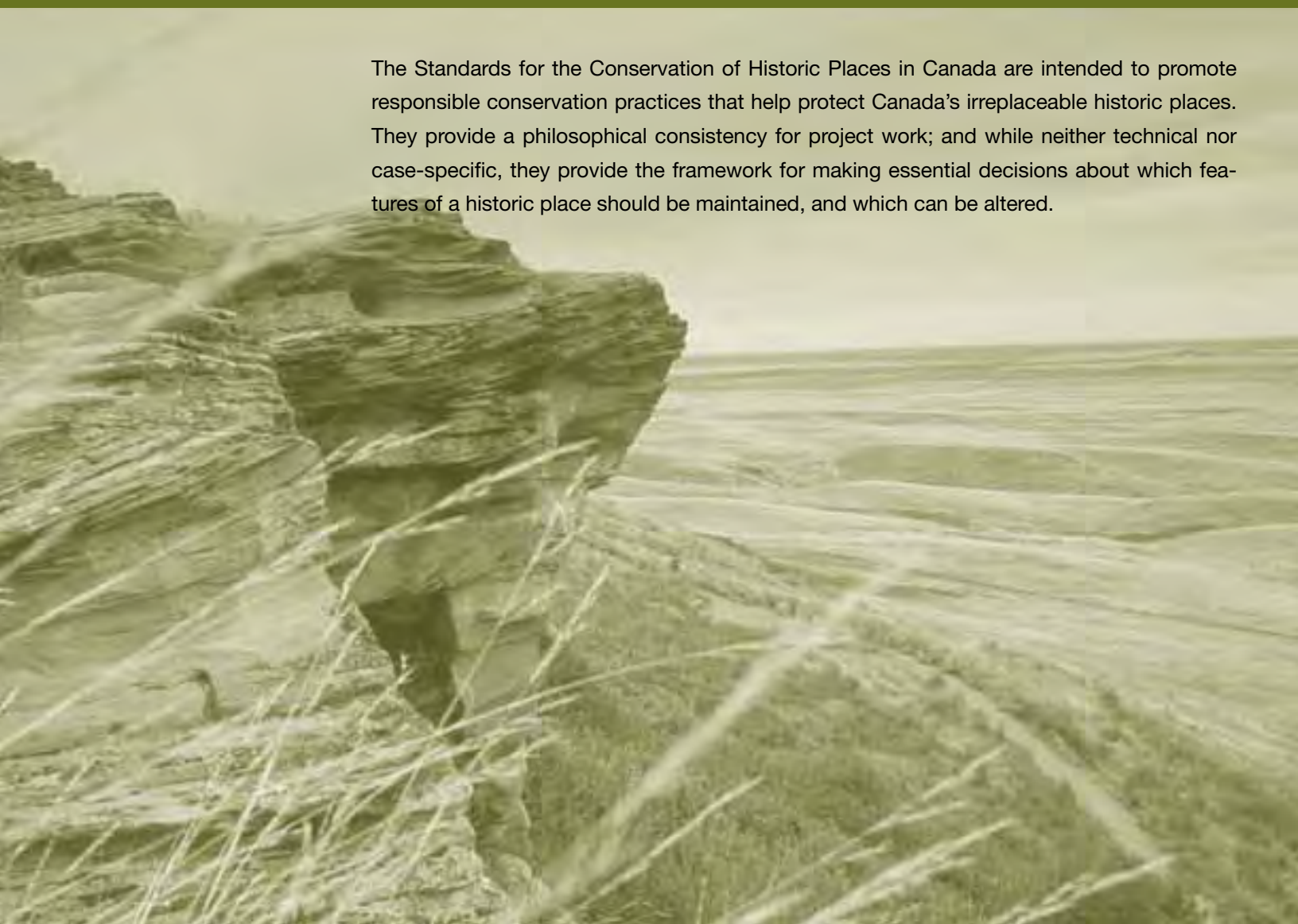
## 5) Undertake the Project Work

The project work is a critical phase in the conservation process. It is just as important to have well-supervised people with the right skills undertaking the work as it is to determine the right work to undertake. While giving advice on project management and related activities is beyond the scope of this document, one can safely say that **it is vital to ensure that all those involved in the actual work of a conservation project possess the right training and skills.** They must be familiar with special conservation approaches **and understand the scope of the project.** Furthermore, while significant interventions may be necessary in a conservation project, **the best long-term investment in a historic place is adequate and appropriate maintenance.**



## 2 Standards for the Conservation of Historic Places in Canada

The Standards for the Conservation of Historic Places in Canada are intended to promote responsible conservation practices that help protect Canada's irreplaceable historic places. They provide a philosophical consistency for project work; and while neither technical nor case-specific, they provide the framework for making essential decisions about which features of a historic place should be maintained, and which can be altered.





- 1- Klondike, Yukon, © Guy Masson, PWGSC, 1992
- 2- Winnipeg, Manitoba, © Guy Masson, PWGSC, 1982
- 3- Dawson City, Yukon, © Guy Masson, PWGSC, 1989
- 4- Head-Smashed-In Buffalo Jump, Fort MacLeod, Alberta, © Parks Canada

## Applying the Standards

The Standards are to be applied to historic places, which have been (or could be) recognized by an appropriate authority for their *heritage value*, i.e., for their aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present, or future generations. Historic places can include archaeological sites with resources on or below ground or under water, such as battlefields or shipwrecks; landscapes of all types and sizes, with their related natural and built features, such as urban parks or Aboriginal sacred sites; buildings such as individual houses or entire urban districts; and engineering works of all materials, construction types and sizes such as bridges or mining headframes. The Standards can also be applied to new construction attached, adjacent or related to any of these resource types. They are to be applied to specific conservation projects in a reasonable manner, taking into consideration economic and technical feasibility.

Conservation in the context of these Standards refers to retaining the heritage value of historic places and extending their physical life. Retaining the heritage value of historic places is primarily ensured through *interventions*, i.e., any actions (or deliberate inactions) that have a physical effect on the tangible elements of a historic place that do not obscure, damage, or destroy character-defining elements. The latter consist of the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to the heritage value of the historic place.

It is useful to consider conservation under three distinct headings: *Preservation*, *Rehabilitation* and *Restoration*, while recognizing that a given conservation project will often include a combination of these activities.

### Preservation

**Preservation** involves protecting, maintaining and stabilizing the existing form, material and integrity of a historic place, or of an individual component, while protecting its heritage value. There are nine Standards relating to *Preservation*, and they must all be applied to a *Preservation* project.

Since protection, maintenance and stabilization are at the core of *all* conservation projects, all nine *Preservation* Standards must be applied to *any* conservation project.

**Preservation should be considered as the primary treatment when** (a) the historic place's materials, features and spaces are essentially intact and thus convey the historic significance without extensive repair or replacement; (b) depiction during a particular period in its history is not appropriate; and (c) a continuing or new use does not require extensive alterations or additions. *Preservation* tends to be the most cautious of the conservation treatments and retains the most materials. It is therefore most appropriate when heritage values related to physical materials dominate. A plan for *Preservation* should be developed before work is undertaken.

## Rehabilitation

**Rehabilitation** involves the sensitive adaptation of a historic place or of an individual component for a continuing or compatible contemporary use, while protecting its heritage value. This is achieved through repairs, alterations and/or additions.

Three Standards relate to *Rehabilitation* and all three must be applied to a *Rehabilitation* project, in addition to the nine Preservation Standards.

**Rehabilitation should be considered as the primary treatment when** (a) repair or replacement of deteriorated features is necessary; (b) alterations or additions to the historic place are planned for a new or continued use; and (c) its depiction during a particular period in its history is not appropriate. *Rehabilitation* can revitalize historical relationships and settings and is therefore most appropriate when heritage values related to the context of the historic place dominate. A plan for *Rehabilitation* should be developed before work begins.

## Restoration

**Restoration** involves revealing, recovering or representing the state of a historic place or of an individual component, as it appeared at a particular period in its history, as accurately as possible, while protecting its heritage value.

Two Standards relate to *Restoration*, both of which must be applied to a *Restoration* project, in addition to the nine *Preservation* Standards.

**Restoration may be considered as the primary treatment when** (a) the significance of a historic place during a particular period in its history *significantly* outweighs the potential loss of existing materials, features and spaces from other periods; (b) there is substantial physical and documentary or oral evidence to accurately carry out the work; and (c) contemporary alterations and additions are not planned. *Restoration* is most appropriate when strong associative or symbolic heritage values have been obscured and can be revealed through removals, repairs and replacements based on detailed historical evidence. Before the work begins, a particular period (i.e., the restoration period) must be selected and justified, and a plan for *Restoration* should be developed.

**A word of caution is in order:** the removal of materials, features and spaces can result in considerable change to a historic place. The *Restoration* plan must therefore include a thorough analysis of the heritage value of the existing historic place as part of the justification for this potentially damaging treatment.



# Standards

Definitions of the terms in *italics* can be found in the Introduction. The Standards are not presented in a sequential or hierarchical order, and as such, equal consideration should be given to each. All standards for any given type of treatment must therefore be applied simultaneously to a project.

## General Standards (all projects)

1. Conserve the *heritage value* of a historic place. Do not remove, replace, or substantially alter its intact or repairable *character-defining elements*. Do not move a part of a *historic place* if its current location is a *character-defining element*.
2. Conserve changes to a *historic place* which, over time, have become *character-defining elements* in their own right.
3. Conserve *heritage value* by adopting an approach calling for *minimal intervention*.
4. Recognize each *historic place* as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other *historic places* or other properties or by combining features of the same property that never coexisted.
5. Find a use for a *historic place* that requires minimal or no change to its *character-defining elements*.
6. Protect and, if necessary, stabilize a *historic place* until any subsequent *intervention* is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbance of archaeological resources, take mitigation measures to limit damage and loss of information.
7. Evaluate the existing condition of *character-defining elements* to determine the appropriate *intervention* needed. Use the gentlest means possible for any intervention. Respect *heritage value* when undertaking an *intervention*.
8. Maintain *character-defining elements* on an ongoing basis. Repair *character-defining elements* by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of *character-defining elements*, where there are surviving prototypes.
9. Make any *intervention* needed to preserve *character-defining elements* physically and visually compatible with the *historic place*, and identifiable upon close inspection. Document any intervention for future reference.

(continued)

## Additional Standards Relating to Rehabilitation

- 10.** Repair rather than replace *character-defining elements*. Where *character-defining elements* are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the *historic place*.
- 11.** Conserve the heritage value and *character-defining elements* when creating any new additions to a historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.
- 12.** Create any new additions or related new construction so that the essential form and integrity of a *historic place* will not be impaired if the new work is removed in the future.

## Additional Standards Relating to Restoration

- 13.** Repair rather than replace *character-defining elements* from the restoration period. Where *character-defining elements* are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.
- 14.** Replace missing features from the restoration period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.



## 3 Guidelines for Archaeological Sites, Landscapes, Buildings, and Engineering Works

The Guidelines for Preserving, Rehabilitating and Restoring archaeological sites, landscapes, buildings and engineering works have been prepared to provide direction on how the Standards for the Conservation of Historic Places in Canada are to be interpreted and applied. They are intended for owners, managers and developers of historic places, conservation practitioners and contractors. They are also intended for project reviewers prior to and after treatment, if compliance with the Standards and Guidelines has been mandated.





- 1- Fort Battleford, Saskatchewan, © Guy Masson, PWGSC, 1994
- 2- Mount Royal Park, Montreal, Quebec, © Susan Ross, 2001
- 3- Percy Covered Bridge, Quebec, © Gerard Van Rijn, Parks Canada, 2003
- 4- Former Hay house, Killarney, Manitoba, © Manitoba Culture, Heritage and Tourism, 1995

## Applying the Guidelines

As noted earlier, the Standards have been designed to be applied to all types of historic places included in the Canadian Register of Historic Places. The Guidelines, however, apply to *specific* resource types: archaeological sites, landscapes, buildings and engineering works.

The Guidelines are not meant to give case-specific advice or to address exceptions or rare instances. It is therefore recommended that the advice of qualified conservation professionals be obtained early in the planning stage of the project. Such professionals may include conservation architects, conservation engineers, conservation landscape architects, architectural historians, historians, archaeologists and others who have experience in working with historic places. For historic places imbued with spiritual or other non-material cultural values, persons recognized and accepted as competent in such matters should be consulted.

The Guidelines' approaches to work, treatments and techniques that are consistent with the Standards for the Conservation of Historic Places in Canada are listed in the "**Recommended**" column on the left; those that are not appear in the "**Not Recommended**" column on the right.

The Guidelines are presented in ascending sequence of lesser to greater intervention — from documenting, to maintaining, to repairing, to replacing character-defining elements. Since the expressed objective of the Standards is to conserve the character of historic places, projects should focus on the first activities in the sequence of Guidelines, i.e., applying the standard of "minimal intervention" and resort to the last activities in the sequence only when essential functional goals cannot otherwise be met.

### Preserving Elements

The Guidelines always begin with a recommendation on **preserving** elements that are important in defining the overall heritage value of the historic place. The heritage value may be defined by the form and detailing of materials, such as wood and metal, and of features, such as windows, vegetation, machinery and spatial relationships, as well as structural and mechanical systems; and by uses and cultural associations.

Next are recommendations about **documenting** the character-defining elements prior to beginning project work. This includes identifying their location, form and materials (and their function and relationships, where applicable), and analyzing them in order to gain a thorough understanding of the historic place and its components. An



Protecting and maintaining character-defining elements using non-destructive methods is always recommended for historic places. Protection can include such activities as limited paint removal and reapplication of protective coatings.

overall evaluation of their physical condition should always begin at this level.

Recommendations are then presented on **protecting and maintaining** elements, with an emphasis on non-destructive methods and daily, seasonal and cyclical tasks such as maintenance. Protection generally represents the least degree of intervention. For example, protection includes the maintenance of historic material through treatments such as rust removal, limited paint removal and the re-application of protective coatings; cyclical pruning, top-dressing and cleaning of drainage inlets or outlets; or installation of fencing, alarm systems and other preventive measures.

Then, recommendations are provided on **retaining** sound elements and elements that can be repaired, rather than removing or reconstructing them.

Recommendations on **stabilizing** fragile and deteriorated elements follow next. This typically involves interim structural reinforcement, protection from the weather and correction of any unsafe conditions, as may be required, until any additional work is undertaken. A *limited* amount of **repair and replacement** may be acceptable at this point for extensively deteriorated or missing *parts* of an element, if the repair focuses on using limited reinforcement or well-tested consolidants, or if the replacement is done “in kind” (i.e., with the same form, material and detailing as the existing), where there are surviving prototypes.

Each section on *Preserving* elements concludes with a recommendation to evaluate the overall physical condition of the element to determine whether more than protection, maintenance and limited repair or replacement in kind are required.

### Repairing Elements

When the physical condition of character-defining elements warrants more than protection, maintenance, or limited repair and replacement in kind, **repairing** is

recommended. Guidance for the repair of materials such as masonry, wood and metal begins with the least degree of intervention possible, such as patching, piecing-in, splicing, consolidating, or otherwise reinforcing or upgrading them according to recognized preservation methods.

In *Restoration* projects, all repair work should be unobtrusively dated to guide future research and treatment.

### Replacing Elements

Following repair in the hierarchy of conservation interventions, guidance is provided for **replacing** *all or part* of a character-defining element (for example, a storefront, an interior staircase, or a diseased sentinel tree), if there is sufficient physical evidence to match the forms, materials and detailing of a sound version of the same element. Replacement may be required because an existing feature is so severely deteriorated or damaged that repair is not possible, or because a feature is missing entirely. In all cases where replacement is required, sound elements that may be part of a larger grouping should be preserved. For example, a few brackets in a cornice, a few windows in a factory, or



Minimally destructive testing techniques should be used to determine the strength of materials. For example, this in-place “push test” uses a calibrated hydraulic ram and a pressure gauge to measure the actual shear strength of a traditional brick wall, and thus its seismic resistance. A single brick beside the brick being tested is removed to accommodate the hydraulic ram (and is replaced in the wall after completion of the test).

a few plantings in a flowerbed may be salvageable, even though the overall character-defining element is severely damaged. Retaining even a small piece of the latter will sustain an important historic record, provide a point of reference for new work and enhance the richness of the site.

The specific guidance on replacement for *Rehabilitation* and *Restoration* projects is slightly different:

In a *Rehabilitation* project, replacing an **existing** feature that is beyond reasonable repair may be appropriate if its essential form and detailing are still evident. Replacing a feature that is **missing** but is known from physical, documentary and oral evidence may be appropriate; accepting the loss and not intervening is another possibility. (Where an important feature is missing, its replacement is always recommended in these Guidelines as the *first*, or preferred, course of action.) The approach for replacement work will depend on the overall design approach and design intentions for the historic place, and most particularly on achieving a visual and functional balance between the new work and the remaining historic “fabric.” In some cases, the preferred design approach will be replacement “in kind” (with the same form, material and detailing as the existing); in other cases, substitute forms, materials or detailing may be appropriate. In both cases, the replacement should be visually and physically compatible with the fabric and character of the historic place and, secondarily, should be distinguishable from the historic place. If the replacement is in kind, the work need only be distinguishable on close inspection; otherwise, it should be distinguishable at a glance to avoid creating a misleading or false historic appearance.

In a *Restoration* project, replacement, as a rule, should be done in kind. **Re-creating** earlier forms, materials, textures, finishes, colours and detailing, as well as patterns and relationships, can help to recover or represent a historic place as it appeared at a particular period in its history. Success is largely a question of accuracy, and this requires scrupulous attention to the physical, documentary and oral evidence, as well as careful monitoring of the replication process. The replacement work will normally be distinguishable only on close inspection, or as part of the project documentation. The source of the information (the physical evidence, such as paint traces, and the documentary and oral evidence, such as historic photographs or traditional knowledge) and the extent of the replacement (how much was replaced, and where was it replaced) should both be carefully documented. If there is insufficient physical, documentary and oral evidence to establish a reasonable level of accuracy, then *Restoration* is probably *not* an appropriate treatment.

### Removing Existing Features from Other Periods

In a *Restoration* project, the goal is to depict the appearance of a historic place or an individual component as it appeared at a particular period in its history (usually the most significant). Thus, specific guidance is included on **removing** or altering existing features such as landforms, roof dormers or windows that do not represent the restoration period. (Since this can result in considerable change to a historic place, *Restoration* should be undertaken only when the place’s heritage value relates very specifically to a single period in its history.) Before such materials, features, spaces, or finishes from other periods are altered or removed, they should be documented to guide future research and treatment.

### Alterations/Additions for a New Use

In a *Rehabilitation* project, some alterations to a historic place may be needed to assure its continued use. If this is the case, it is most important that such alterations do not obscure, radically change, or destroy character-defining materials, forms, spatial configurations, uses or cultural associations and meanings. Alterations required for the new use could include providing additional parking space, installing landscape drainage systems, cutting new entrances or windows on secondary building elevations, inserting an additional floor, installing an entirely new mechanical system, or creating an atrium or light well.

The construction of an exterior **addition** in a historic place may seem to be essential for the new use, but it is emphasized in the Guidelines that such new additions should be avoided, if possible, and considered *only* after it is determined that those needs cannot be met by altering secondary, i.e., non character-defining interior spaces. If, after a thorough evaluation of interior solutions, an exterior addition is still judged to be the only viable alternative, it should be designed and created so that the heritage value of the historic place is not radically changed and to ensure that its character-defining elements are not obscured, damaged, or destroyed. The addition should be physically and visually compatible with, subordinate to and distinguishable from the historic place, so that a false historical appearance is not created.

Additions and alterations to historic places are mentioned within specific sections of the Guidelines such as Landforms, Roofs, Structural Systems, etc., but are addressed in more detail in **NEW ADDITIONS TO HISTORIC PLACES**, in Section 4: **OTHER CONSIDERATIONS**.

## Substitute Materials

Historic materials should be used whenever possible. Substitute materials — those products used to imitate historic materials — should be used only after all other options for repair and replacement in kind have been ruled out. Substitute materials are normally used only when the historic materials or craftsmanship are no longer available, when the original or existing materials are of a poor quality or are causing damage to adjacent materials, or when there are specific regulations that preclude the use of historic materials. Use of these materials should be limited, since replacement of historic materials on a large scale may jeopardize the integrity of a historic place.

Every means of repairing deteriorating historic materials or replacing them with identical materials should be examined before turning to substitute materials. Because there are so many unknowns regarding the long-term performance of substitute materials, their use should not be considered without a thorough investigation into the proposed materials, the manufacturer, the installer, the availability of specifications and the use of that material in a similar situation in a similar environment. The importance of matching the appearance and physical properties of historic materials and, thus, of finding a successful long-term solution cannot be overstated.



The long-term performance of many substitute materials is uncertain. This is why historic materials should be used wherever possible. Instead of repairing and repainting the wood elements of this character-defining balcony (original balcony above, altered balcony below), the existing wood structure was covered in metal and fiberglass cladding. The original colours that matched the remaining wood windows and details such as a drip moulding were lost. Materials that are considered “low-maintenance” are often used as new substitutes, although they may be less durable in the longer term.



Under certain circumstances, substitute materials may be appropriate. As part of a *Rehabilitation* project, new finials were designed based on remains of originals. The originals were fabricated of wafer thin galvanized metal soldered together. The substitute material used in the new design was plate aluminum.



## Balancing Other Considerations

In a conservation project, there may be a need to strike a reasonable balance between health and safety, land use or other regulations and the conservation of the character-defining materials, forms, spatial configurations, uses and cultural associations or meanings of a historic place. Fulfilling the requirements set down in regulations such as by-laws and construction codes should include creative solutions that also preserve a historic place's heritage value.

The Guidelines recommend that repairs or alterations should not radically change, obscure, damage or destroy character-defining elements in the process of meeting other requirements. Thus, actions such as seismic upgrading or abatement of lead paint and asbestos within a historic place require particular care if the heritage value is not to be adversely affected. In addition, alterations and new construction needed to meet requirements such as universal accessibility should respect heritage value and character-defining elements of the historic place. Even recognized preservation methods, if improperly applied (such



Alterations or new construction designed to meet requirements such as accessibility need to be carefully thought out in order to respect the character-defining elements of a historic place. Accessibility requirements at Province House in Charlottetown, Prince Edward Island were met by changing the slope in the grounds as part of the rehabilitation of the landscape in front of the main entrance. The change in grade is limited to the middle section of the building in order to preserve the view of the base course and the use of sections of the original steps.

as washing exterior masonry when there is a possibility of freezing temperatures), may cause or accelerate the physical deterioration of a historic place.

A general discussion on ways of addressing health and safety, accessibility, energy efficiency and ecological concerns while respecting heritage value is presented herein. Detailed recommendations on these issues can be found in Section 4, OTHER CONSIDERATIONS.

### Health And Safety

In undertaking work on historic places, it is necessary to consider the impact that compliance with current health and safety codes (public health, occupational health, life safety, fire safety, electrical, seismic, structural and building codes) will have on a historic place's heritage value. Special coordination with the proper code officials may be required. Securing required permits is best accomplished early in project planning. It is often necessary to look beyond the "letter" of code requirements to their underlying purpose; most modern codes allow for alternative approaches and reasonable variance to achieve compliance.

Some historic materials (insulation, lead paint, etc.) contain toxic substances that are potentially hazardous to people. Following careful investigation and analysis, some form of abatement may be required. All workers involved in the encapsulation, repair or removal of known toxic materials should be adequately trained and should wear proper personal protective gear. Finally, preventive and routine maintenance for historic places known to contain such materials should also be developed to include proper warnings and precautions.

### Accessibility

Providing people of all ages, interests and capacities with broad, general access to heritage places — and ensuring that such access is accompanied by adequate psychological comfort and dignity — is a highly desirable and therefore a frequently mandated social goal. In general, the solutions that best balance accessibility needs with heritage values are those that enhance the use and appreciation of a property for everyone. Work should be carefully planned and undertaken so that damage to a historic place's heritage value and character-defining elements is minimized: the objective is to provide the highest level of access with the lowest level of impact. To determine the most appropriate solutions to access problems, it is recommended that accessibility and conservation specialists, as well as affected users, be consulted early in the planning process.

### **Energy Efficiency**

Some features of a historic place such as treed windbreaks, window shutters and porches can play an energy-conserving role. Therefore, prior to adapting or retrofitting historic places to make them more energy efficient, the first step should always be to identify and evaluate existing features to assess their inherent energy-conserving potential. Any decision to proceed with energy saving measures should include a step where the total environmental cost of these measures is weighed against the overall environmental costs of retaining the existing features. If it is determined that retrofitting measures are appropriate, such work then needs to be carried out with particular care to ensure that character-defining elements are not obscured, damaged, or destroyed.

### **Environmental Considerations**

Modifications undertaken to comply with environmental objectives such as protecting a rare or endangered species' nesting area should not result in the damage or loss of a historic place's heritage value and character-defining elements. To determine the most appropriate solutions to meet environmental objectives, it is recommended that officials be consulted early in the planning process. In the case of environmentally motivated requirements, it may be possible to develop systems, methods, devices or technologies of equivalent or superior effectiveness to those prescribed by regulation so that damage to character-defining elements can be avoided.

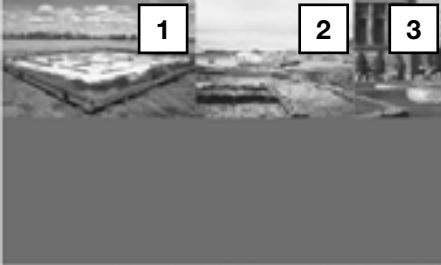


## Guidelines for Archaeological Sites

An archaeological site refers to physical evidence of past human activity found in a specific location on or below the ground, or under water. (A palaeontological site refers to the physical evidence of fossilized animals and plants; both types of evidence may be associated with the same location.) An archaeological site is comprised of features, structures and objects, including artefacts, soil, botanical samples, animal bones, pollen, or any specimen of archaeological interest. Identifying an archaeological site is a remarkable — and perhaps unique — opportunity to learn about the ancient and the not-so-ancient past of this country.

These Guidelines, which address archeological sites, including their separate components, should not be used in isolation. There may be heritage value in the relationships between archaeological sites and landscapes, buildings or engineering works, and therefore, those sections of the Guidelines should also be consulted when undertaking a project. The intention is to protect ALL heritage values associated with the historic place.





1- Fort Battleford, Saskatchewan, © Guy Masson, PWGSC, 1994  
2- Ferryland, Newfoundland, © Ève Wertheimer, 2003  
3- Champs-de-Mars, Montreal, Quebec, © Guy Masson, PWGSC, 1999  
4- Robson Road, Leamington, Ontario, © Jim Molnar, 1987



## Archaeology and the Law

Provinces and territories have laws that relate to exploration for and the discovery and disturbance of archaeological resources. These should be consulted before undertaking any work that could result in the disturbance of archaeological resources. It is a complex subject and providing precise instructions on how to evaluate, excavate, stabilize, monitor or generally manage archaeological sites in Canada lies beyond the scope of this document. For specific guidelines dealing with these activities, consult the appropriate permitting agency. Some general concepts, however, are common to all or almost all provincial and territorial legislation. These are explained in detail in *Unearthing the Law: Archaeological Legislation on Lands in Canada* (Parks Canada, 2000) and are summarized here.

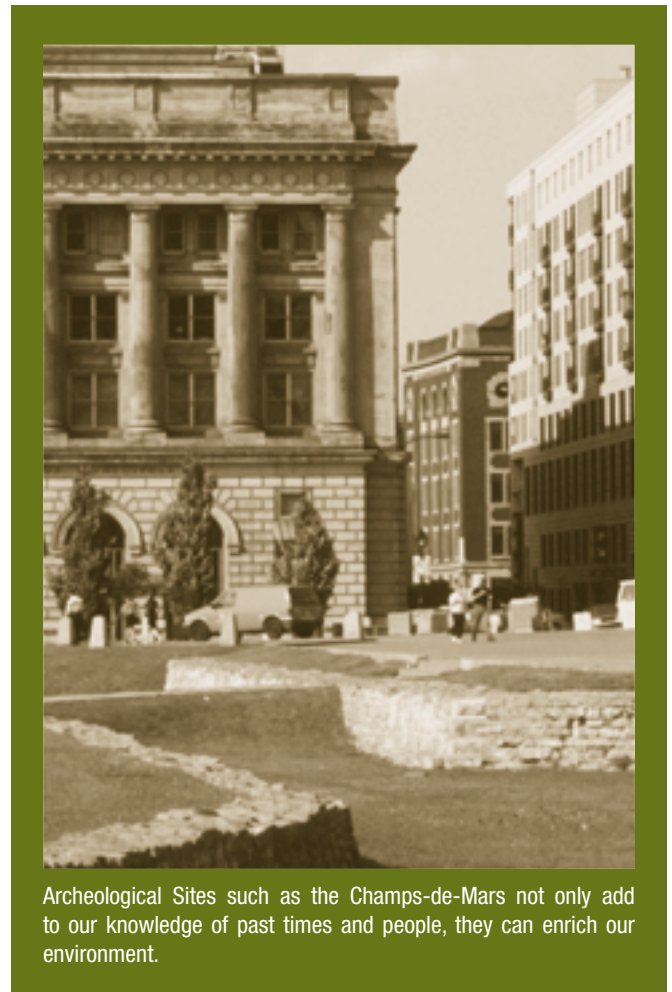
The various laws related to archaeological sites apply not only to physical evidence *in* the ground and under water, but *on* the ground as well — and *above* the ground for old carvings in rock in British Columbia and Ontario or culturally modified trees in British Columbia. The laws also require governments and members of the private sector to *plan* for archaeology and to *protect* archaeological resources, whether discovered by accident or as part of a conscious research effort.

### Accidental Discoveries

All the laws explain what to do in the event of accidental discoveries, involving either artefacts or human remains. In the event of the accidental discovery of human remains, the laws specify that all activities *must* be halted, the area secured and the police called. The police will determine whether the site is a crime scene or “archaeological,” and then contact the relevant authorities.

While human remains are, by law, managed separately from archaeological resources, respecting their association with archaeological resources, as well as their physical and interpretive context, is still very important. A prerequisite for any physical anthropology research on human remains is consultation with relatives and/or an existing cultural group(s) thought to have a direct relationship with the remains to be studied.

The laws are less explicit about what to do in the event of the accidental discovery of artefacts not involving human remains. In general, all work that could potentially threaten the site should be halted, the site secured and the responsible provincial, territorial or federal archaeological officials notified. Where there is any doubt as to whether a find is an archaeological object, it is best to obtain expert advice immediately.



Archeological Sites such as the Champs-de-Mars not only add to our knowledge of past times and people, they can enrich our environment.

### Authorized Exploration

Under the laws of the provinces and territories, all archaeological exploration must be authorized. This includes scanning the land visually or with various kinds of equipment (e.g., metal detectors), though British Columbia, Alberta and Saskatchewan require a permit only if the applicant intends to dig or “disturb” the soil, or move or alter an archaeological object. Every province and territory has a governmental body with an established format for permit applications and for filing reports for authorized archaeological exploration. As part of the permit process, consultations with affected groups (such as Aboriginal people) may be stipulated.

The federal government also has various policies and departmental directives that support archaeological evaluation and interventions when projects could potentially disturb the land.

## Recognized Archaeological Sites

A number of historic places in Canada are archaeological sites or include an archaeological component that is a character-defining element of the recognized historic place. General guidelines for maintaining the physical integrity of such archaeological sites are provided in the following pages. The focus of these guidelines is on *Preservation*; i.e.,

on documenting, stabilizing, protecting, maintaining and retaining the archaeological site. There are no guidelines provided for *Restoring* or *Rehabilitating* an archaeological site, as there are for historic landscapes, buildings and engineering works, since these treatments have limited and specific application in the field of archaeology.

**Note: Protecting archaeological resources is required by provincial, territorial and federal law. Obtaining qualified advice on meeting the obligations spelled out in the various archaeological legislation, policies and directives is strongly recommended.**



It is important to remember that protecting archaeological resources is required by law. Obtaining qualified advice on meeting the obligations is spelled out in the various archaeological legislation, policies and directives, and is strongly recommended.

# Guidelines for Archaeological Sites

Archaeological sites in the context of these Guidelines are the physical traces of material culture left behind by people in the past. Examples include evidence of past human activity such as a stone tool flaking area, a butchering site, a fishing station or an industrial site; remains of human settlement such as a temporary shelter, building, trading post, agricultural settlement or village; vestiges of means of communication or transportation, such as a ship or dugout canoe; and the context in which these traces are found, including the stratigraphy and the spatial distribution of artefacts. These remnants of the past may be visible on the surface of the earth, or deeply buried, leaving no indication of their existence; or, partially or completely submerged in a lake, a river or the sea, like a shipwreck.

## Recommended

**PRESERVING** archaeological sites that are important in defining the overall heritage value of the historic place.

**Documenting** and surveying the historic place and surroundings prior to beginning project work and, in particular, the zones where the terrain will be altered, in order to determine the potential impact on archaeological sites.

**Protecting and maintaining** the context of archaeological sites, including the stratigraphy and the spatial distribution of artefacts, in order to retain the associated scientific and research information for those sites.

Protecting archaeological sites in place by identifying, evaluating and treating the causes of deterioration, such as environmental erosion or tourism-generated traffic.

Providing proper drainage for terrestrial sites to ensure that water does not damage or destroy archaeological sites.

Minimizing disturbance of the terrain, thus reducing the possibility of damaging or destroying archaeological sites.

Protecting archaeological sites against unauthorized activity before work begins, such as erecting protective fencing or installing alarm systems that are keyed into local protection agencies.

## Not Recommended

Removing or damaging archaeological sites that are important in defining the overall heritage value of the historic place, which diminishes the heritage value.

Damaging or destroying archaeological sites by failing to document and survey the historic place before beginning project work.

Disturbing the context of archaeological sites, thus compromising the associated scientific and research information for those sites.

Failing to undertake adequate measures to protect the archaeological sites in place from environmental or human damage.

Failing to maintain adequate drainage for terrestrial sites so that archaeological sites are damaged or destroyed; or alternatively, changing the terrain grading so that water no longer drains properly.

Introducing a use, activity, feature, or piece of equipment (such as on-site parking or heavy machinery) into areas where it will disturb or damage archaeological sites.

Allowing the historic place to remain unprotected so that archaeological sites are damaged or destroyed.

## Recommended

**Retaining** features such as ground cover that help to protect archaeological sites.

Monitoring archaeological sites on a regular basis in order to maintain a stable environment.

Planning and carrying out any necessary investigation and salvage work using qualified personnel such as trained archaeologists. Such work would be undertaken only if the archaeological site must be disturbed, and then only after the required mitigation efforts have been explored.

Ensuring that there is a reasonable balance between the scientific and research knowledge that may be gained from excavating archaeological sites and the preservation of archaeological resources in place.

Protecting the physical integrity of archaeological objects and records during and after excavation.

Ensuring the proper long-term storage of archaeological objects related to the site in order to minimize their deterioration.

## Not Recommended

Removing or altering protective features so that archaeological sites are exposed to an increased risk of damage or deterioration.

Failing to monitor archaeological sites on a regular basis, thus increasing the chances of a destructive change in the site's environment going undetected and untreated.

After the required mitigation efforts have been explored, permitting unqualified personnel to perform salvage work and data recovery on archaeological sites, creating a situation where improper methodology results in the loss of important archaeological data or material.

Excavating archaeological sites to such an extent that the preservation of archaeological resources in place is seriously compromised, thus significantly reducing the potential for future research and presentation.

Failing to protect the physical integrity of archaeological objects and records during and after excavation.

Failing to provide proper long-term storage for archaeological objects.



The physical integrity of this excavated archaeological site at Fort Battleford, Saskatchewan was temporarily protected from accidental disturbance by covering the ground with plastic sheets and erecting a small barrier fence. As required by law, the archaeological exploration was authorized and a permit was obtained before excavation began.





## Guidelines for Landscapes

Landscapes in the context of these Guidelines are exterior spaces that have been assigned cultural (including spiritual) meaning, such as an Aboriginal sacred site, or have been deliberately altered in the past for aesthetic, cultural, or functional reasons, such as a city park, a cemetery or a backyard garden. Landscapes include land patterns, such as the Métis river lot system; landforms, such as hills, prairie or terraces; spatial organization, such as the relation of a house to a barn; and vegetation, such as trees, shrubs or herbaceous plants. They also include related circulation systems, such as paths, roads, parking lots, rail lines and rights-of-way or canals; water features such as lakes, streams, pools or fountains; built features such as light standards, fences, benches or statuary; and views or other visual relationships.

These Guidelines, which address landscapes, including their separate components, should not be used in isolation. There may be heritage value in the relationships between landscapes and archaeological sites, buildings or engineering works, and therefore, those sections of the Guidelines should also be consulted when undertaking a project. The intention is to protect ALL heritage values associated with the historic place.



1- Motherwell Homestead, Saskatchewan, © Guy Masson, PWGSC, 1987  
2- Hatley Park, Victoria, British Columbia, © Guy Masson, PWGSC, 1987  
3- Forestry Farm and Zoo, Saskatoon, Saskatchewan, © Joann Latremouille, PWGSC, 2002  
4- Maplelawn, Ottawa, Ontario, © Lloyd Brown, 2002

# Land Patterns

## Recommended

**PRESERVING** land patterns — such as the overall arrangement and interrelationship of forests, meadows, water, topography, built features and other larger landscape components that are important in defining the overall heritage value of the landscape.

**Documenting** the overall pattern of the landscape; the size, configuration, proportion and relationship of its larger components, such as forests or fields; and its evolution and condition prior to beginning project work. Documentation also includes identifying the intangible values that contribute to the meaning of land patterns, such as associations from Aboriginal oral traditions.

Evaluating and understanding the local environmental context, including climate, prevailing winds, underlying topography and ecological processes.

**Protecting and maintaining** features that define land patterns by using non-destructive methods in daily, seasonal and cyclical tasks. This could include maintaining the topography, vegetation and structures that comprise the overall pattern of the landscape.

**Retaining** sound land patterns or deteriorated land patterns that can be repaired or rejuvenated.

**Repairing and stabilizing** deteriorated land pattern elements by structural reinforcement, weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

**Replacing in kind** extensively deteriorated or missing parts of land patterns where there are surviving prototypes. The new work should match the old in form and detailing.

Evaluating the overall condition of the landscape's land patterns to determine whether more than protection, maintenance and limited repair or replacement in kind are required; i.e., if more extensive repairs to the land pattern elements will be necessary.

## Not Recommended

Removing or radically changing land patterns that are important in defining the overall heritage value of the landscape.

Undertaking project work that will have an impact on character-defining land patterns without first documenting and understanding their characteristics, relationships, evolution, conditions, intangible values and environmental context.

Allowing land patterns to be altered through incompatible development or neglect.

Utilizing maintenance methods that destroy or obscure the landscape's land patterns.

Replacing land patterns that can be repaired or rejuvenated.

Removing deteriorated land pattern elements that could be stabilized, repaired and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile elements.

Replacing an entire land pattern element such as a forest when limited replacement of deteriorated and missing components is appropriate.

Using replacement material that does not match the historic land pattern element.

Failing to undertake adequate measures to protect the landscape's land patterns.

## Additional Guidelines for Rehabilitation Projects

### Recommended

**REHABILITATING** land patterns, if an evaluation of their overall condition determines that more than preservation is required.

**Repairing or rejuvenating** extensively deteriorated or missing parts of features that define land patterns by using non-destructive methods and materials, such as regenerating a deteriorated meadow.

**Replacing in kind** an entire feature that defines a land pattern that is too deteriorated to repair, such as replanting a clear-cut woodlot.

### Not Recommended

Failing to evaluate the overall condition of land patterns in order to determine the proper method of conservation.

Failing to undertake necessary repairs, resulting in the loss of land patterns.

Replacing a feature that defines land patterns when repair is possible.

Removing a feature that is beyond repair and not replacing it; or replacing it with a new feature that does not respect the land pattern.



The overall arrangement of landscape may best be appreciated from an aerial view or photograph. The land patterns created by the interrelationship of larger landscape components, such as the topography, cultivated fields and human settlements of Neubergthal, Manitoba, are often more obvious from this perspective.

The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the *Preservation* and *Rehabilitation* concerns listed above have been addressed.

### Recommended

#### Designing for the Replacement of Missing Historic Features

Designing and installing new features that respect or acknowledge historic land patterns. It may be a new design that is compatible with the style, era and character of the historic place; or a replica based on physical, documentary and oral evidence.

#### Alterations/Additions for the New Use

Designing new features when required by the new compatible use that do not obscure, damage or destroy character-defining land patterns, such as locating a new road to follow a forest edge.

Removing non-significant features that detract from or have altered the land patterns.

### Not Recommended

Introducing new features that are incompatible with the land patterns.

Creating a false history because the replacement feature is based on insufficient physical, documentary and oral evidence.

Adding a new feature that detracts from, damages or destroys character-defining land patterns, such as draining a character-defining wetland to create a residential subdivision.

Placing a new feature where it may cause damage to or is intrusive in land patterns, such as cutting a straight utility corridor through a forest with rolling topography.

Introducing a new feature that is incompatible in size, scale or design.

Removing historic features that are important in defining the land patterns, such as removing hedgerows that define field size.

## Additional Guidelines for Restoration Projects

### Recommended

**RESTORING** land patterns, if an evaluation of their overall condition determines that more than preservation is required; i.e., if repairs to land patterns from the restoration period will be necessary.

**Repairing or rejuvenating** declining features that define land patterns from the restoration period by using non-destructive methods.

**Replacing in kind** an entire feature from the restoration period that defines land patterns, which is too deteriorated to repair or rejuvenate, such as replanting in kind a historic orchard.

### Not Recommended

Failing to evaluate the overall condition of land patterns in order to determine the proper method of conservation.

Replacing an entire feature from the restoration period that defines land patterns when repair or rejuvenation is possible; or using destructive repair or rejuvenation methods, thus causing further damage to fragile historic materials.

Removing a feature from the restoration period that is beyond repair and not replacing it; or replacing it with a new feature that does not respect land patterns.

The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing land patterns from periods other than the accepted restoration period; and the replacement of missing land patterns from the restoration period with all new materials. This work should only be considered after the *Preservation* and *Restoration* concerns listed above have been addressed.

## Recommended

## Not Recommended

### Removing Existing Features from Other Periods

Removing or altering features from other periods that intrude on the historic land patterns.

Failing to remove features from another period, thus confusing the depiction of the landscape's land patterns during the restoration period.

Documenting features dating from other periods prior to their removal or alteration. If possible, selected examples of these features and materials should be stored to facilitate future research.

Failing to document features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing or altering them.

### Recreating Missing Features from the Restoration Period

Recreating a missing feature important to the land patterns that existed during the restoration period, based on physical, documentary and oral evidence.

Constructing a feature that was part of the original design or concept but was never executed, thus creating a false historic appearance; or constructing a land pattern feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.

# Landforms

## Recommended

**PRESERVING** landforms — such as naturally occurring hills, valleys, slopes, plains and other topographical features, as well as terraces, embankments, berms, swales and other human-engineered topographical changes to the underlying ground plane that are important in defining the overall heritage value of the landscape.

**Documenting** the elevation, slope, shape, orientation, contour, condition and function of landforms prior to beginning project work.

Evaluating the evolution of landforms over time, using archival resources such as plans and aerial photographs or, in their absence, archaeological analysis or oral history techniques, in order to understand the landforms and any cultural values associated with them.

**Protecting and maintaining** landforms by using non-destructive methods and daily, seasonal and cyclical tasks. This may include cleaning drainage systems or mowing vegetative cover.

**Retaining** sound landforms or deteriorated landforms that can be repaired or rejuvenated.

**Repairing and stabilizing** deteriorated landform elements by structural reinforcement and weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

**Replacing in kind** extensively deteriorated or missing parts of landforms when there are surviving prototypes. The new work should match the old in form and detailing.

Evaluating the overall condition of landforms to determine whether more than protection, maintenance and limited repair or replacement in kind are required; i.e., if more extensive repairs to landform elements will be necessary.

## Not Recommended

Removing or radically changing the landform elements that are important in defining the overall heritage value of the landscape.

Undertaking project work that will have an impact on landforms without documenting the existing topographic variation, condition and function.

Undertaking project work without understanding its impact on historic landforms.

Failing to undertake regular preventive maintenance.

Utilizing maintenance methods that destroy or degrade landforms, such as using heavy equipment on steep or vulnerable slopes.

Replacing landforms that can be repaired or rejuvenated.

Removing deteriorated landform elements that could be stabilized, repaired and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile elements.

Replacing an entire landform element such as a slope or terrace when limited replacement of deteriorated and missing components is appropriate.

Using replacement material that does not match the historic landform element.

Failing to undertake adequate measures to protect landforms.

## Additional Guidelines for Rehabilitation Projects

### Recommended

**REHABILITATING** landforms, if an evaluation of their overall condition determines that more than preservation is required.

**Repairing** declining landforms. This could include re-excavating a silted swale through appropriate regrading, or re-establishing an eroding agricultural terrace.

**Replacing** deteriorated landform materials and features by using the existing physical evidence of their form and composition. If using the same kind of material is not technically, economically or environmentally feasible, then a compatible substitute material may be considered. For example, eroded bunkers or ramparts in a battlefield could be re-established with a substitute soil mix that supports improved drainage and health and vigour of ground cover plant materials.

### Not Recommended

Failing to evaluate the overall condition of the landscape's landforms in order to determine the proper method of conservation.

Destroying the shape, slope, elevation or contour of landforms when repair is possible.

Removing a landform feature that is deteriorated and not replacing it; or replacing it with a new feature that does not convey the same visual appearance (for example, changing stepped terracing to a graded slope).



Land forms can be natural, such as hills and plains, or they can be human-engineered. Dramatic examples of human-engineered landforms that define the overall character of a landscape are the early 20th century tailing fields in the Yukon's Klondike Gold Fields.



The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the *Preservation* and *Rehabilitation* concerns listed above have been addressed.

## Recommended

### Designing for the Replacement of Missing Historic Features

Designing and installing new landform features when the historic feature is completely missing. It may be a new design that is compatible with the shape, slope, elevation and contour of the historic landform (for example, recutting an earthen embankment that has slumped or eroded over time); or a replica based on physical, documentary and oral evidence.

### Alterations/Additions for the New Use

Designing new landform features when required by the new use so that they are as unobtrusive as possible and assure the preservation of the historic topography. This could include incorporating existing low points in the landscape when designing and installing new drainage swales to protect historic landform features.

## Not Recommended

Introducing a new landform feature that is incompatible in shape, slope, elevation, aspect and contour.

Creating a false history because the replacement feature is based on insufficient physical, documentary and oral evidence.

Placing a new feature where it may cause damage to or be incompatible with historic topography. This could include failing to provide proper drainage for a new feature, which results in the decline or loss of historic landforms.

Locating a new feature in such a way that it detracts from or alters the historic topography (for example, planting trees and shrubs that mask the austerity and visual drama of a steep, grassed embankment).

Introducing a new feature in an appropriate location, but making it visually incompatible in terms of its size, scale, design, materials, colour and texture, such as installing berms to screen a parking area, but using an incongruous topographic shape and contour.

## Additional Guidelines for Restoration Projects

### Recommended

**RESTORING** landforms, if an evaluation of their overall condition determines that more than preservation is required; i.e., if repairs to landforms from the restoration period will be necessary.

**Repairing** declining landforms from the restoration period.

**Replacing in kind** an entire landform feature from the restoration period that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model to reproduce the feature.

### Not Recommended

Failing to evaluate the overall condition of landforms in order to determine the proper method of conservation.

Replacing an entire landform feature from the restoration period when repair is possible; or using destructive repair methods, thus causing further damage to fragile historic materials.

Removing a deteriorated landform feature from the restoration period that is beyond repair and not replacing it; or replacing it with a new feature that does not convey the same appearance.

The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing landform features from periods other than the accepted restoration period; and the replacement of missing landform features from the restoration period with all new materials. This work should only be considered after the *Preservation and Restoration* concerns listed above have been addressed.

### Recommended

#### Removing Existing Features from Other Periods

Removing or altering landform features dating from other periods, such as reshaping knolls to their appearance during the restoration period.

Documenting landforms from other periods prior to their alteration or removal.

#### Recreating Missing Features from the Restoration Period

Recreating a missing landform that existed during the restoration period, based on physical, documentary and oral evidence; for example, recreating a trench and fortification from the restoration period based on stratigraphic research.

### Not Recommended

Failing to remove landscape features from another period, thus confusing the depiction of the landscape during the restoration period.

Failing to document landforms from other periods (which results in the loss of a valuable portion of the historic record) prior to removing or altering them.

Creating a landform that was part of the original design but was never executed, thus creating a false historic appearance; or creating a landform that was thought to have existed during the restoration period, but for which there is insufficient documentation.

# Spatial Organization

## Recommended

**PRESERVING** the spatial organization of the landscape — such as the arrangement in three dimensions of a landscape’s component elements, their relationship to each other and their relationship to the overall landscape — that is important in defining the overall heritage value of the landscape.

**Documenting** the spatial organization of the landscape, including the orientation, alignment, size, configuration and interrelationships of its component features; the relationship of features to the overall landscape; and its evolution and condition prior to beginning project work. Documentation also includes recognizing the functional basis for spatial arrangements, such as siting a farmhouse upwind from a barn, as well as identifying the intangible values that contribute to the spatial organization of the landscape, such as feng shui and other locational theories and practices.

**Protecting and maintaining** features that define spatial organization by using non-destructive methods in daily, seasonal and cyclical tasks.

**Retaining** sound spatial organizations or deteriorated spatial organizations that can be repaired or rejuvenated.

**Repairing and stabilizing** deteriorated elements of the landscape’s spatial organization by structural reinforcement or weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

**Replacing in kind** extensively deteriorated or missing parts of the landscape’s spatial organization where there are surviving prototypes. The new work should match the old in form and detailing.

Evaluating the overall condition of the landscape’s spatial organization to determine whether more than protection, maintenance and limited repair or replacement in kind are required; i.e., if more extensive repairs to the landscape’s spatial organization will be necessary.

## Not Recommended

Removing or radically changing the spatial organization of elements and relationships that are important in defining the overall heritage value of the landscape.

Undertaking project work that will have an impact on the character-defining spatial organization of the landscape without first documenting and understanding their characteristics, relationships, evolution, conditions and intangible values.

Allowing spatial organization to be altered through incompatible development or neglect.

Utilizing maintenance methods that destroy or obscure the landscape’s spatial organization.

Replacing elements of the spatial organization that can be repaired or rejuvenated.

Removing deteriorated elements of the spatial organization that could be stabilized, repaired and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile elements.

Replacing an entire element of the spatial organization when limited replacement of deteriorated and missing components is appropriate.

Using replacement material that does not match the landscape’s historic spatial organization.

Failing to undertake adequate measures to protect the landscape’s spatial organization.

## Additional Guidelines for Rehabilitation Projects

### Recommended

**REHABILITATING** the spatial organization of the landscape, if an evaluation of its overall condition determines that more than preservation is required.

**Repairing or rejuvenating** extensively deteriorated or missing parts of features that define the spatial organization by using non-destructive methods and materials.

**Replacing in kind** an entire feature that defines the spatial organization that is too deteriorated to repair.

### Not Recommended

Failing to evaluate the overall condition of the spatial organization of the landscape in order to determine the proper method of conservation.

Failing to undertake necessary repairs, resulting in the loss of spatial organization.

Replacing a feature that defines spatial organization when repair is possible.

Removing a feature that is beyond repair and not replacing it; or replacing it with a new feature that does not respect the spatial organization of the landscape.

The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the *Preservation* and *Rehabilitation* concerns listed above have been addressed.

### Recommended

#### Designing for the Replacement of Missing Historic Features

Designing and installing new features that respect or acknowledge the historic spatial organization of the landscape. It may be a new design that is compatible with the character of the historic place; or a replica based on physical, documentary and oral evidence. For example, a new shrub planting could be reinstalled to define the edge of a missing historic boundary.

#### Alterations/Additions for the New Use

Designing new features when required by the new compatible use that do not obscure, damage or destroy the character-defining spatial organization.

Removing non-significant features that detract from or have altered the spatial organization of the landscape.

### Not Recommended

Introducing new features that are incompatible with the spatial organization of the landscape.

Creating a false history because the replacement feature is based on insufficient physical, documentary and oral evidence.

Adding a new feature that detracts from or alters the spatial organization, such as constructing a new farmhouse wing on top of a kitchen garden.

Placing a new feature where it may cause damage to or is intrusive in the spatial organization.

Introducing a new feature that is incompatible in size, scale or design.

Removing historic features that are important in defining the spatial organization of the landscape.

## Additional Guidelines for Restoration Projects

### Recommended

**RESTORING** the spatial organization of the landscape, if an evaluation of its overall condition determines that more than preservation is required; i.e., if repairs to the spatial organization from the restoration period will be necessary.

**Repairing or rejuvenating** declining features that define the spatial organization from the restoration period by using non-destructive methods.

**Replacing in kind** an entire feature from the restoration period that defines spatial organization that is too deteriorated to rejuvenate.

### Not Recommended

Failing to evaluate the overall condition of the spatial organization of the landscape in order to determine the proper method of conservation.

Replacing an entire feature from the restoration period that defines spatial organization when repair or rejuvenation is possible; or using destructive repair or rejuvenation methods, thus causing further damage to fragile historic materials. This could include replacing a hedge when the existing hedge could have been pruned to generate new growth.

Removing a feature from the restoration period that is beyond repair and not replacing it; or replacing it with a new feature that does not respect the spatial organization.



The character-defining spatial organization of Motherwell Homestead in Saskatchewan was preserved when the landscape was restored. In particular, the orientation, alignment, size, configuration and interrelationships of its component features, including the formal tennis lawn and ornamental garden (foreground), the household vegetable garden (beside the implement shed) and the grain fields beyond, were carefully preserved.

The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing spatial organization features from periods other than the accepted restoration period; and the replacement of missing spatial organization features from the restoration period with all new materials. This work should only be considered after the *Preservation* and *Restoration* concerns listed above have been addressed.

## Recommended

### Removing Existing Features from Other Periods

Removing or altering features dating from other periods that intrude on the historic spatial organization of the landscape.

Documenting features dating from other periods prior to their removal or alteration. If possible, selected examples of these features and materials should be stored to facilitate future research.

### Recreating Missing Features from the Restoration Period

Recreating a missing feature important to the spatial organization of the landscape that existed during the restoration period, based on physical, documentary and oral evidence.

## Not Recommended

Failing to remove features from another period, thus confusing the depiction of the landscape's spatial organization during the restoration period.

Failing to document features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing or altering them.

Constructing a feature that was part of the original design or concept but was never executed, thus creating a false historic appearance; or constructing a feature of the spatial organization that was thought to have existed during the restoration period, but for which there is insufficient documentation.

# Vegetation

## Recommended

**PRESERVING** vegetation — such as trees, shrubs, herbaceous plants, grasses, vines and other living plant material that is important in defining the overall heritage value of the landscape.

**Documenting** the extent and condition of broad cover types within forests, woodlands, meadows, planted and fallow fields, as well as the genus, species, caliber, height, colour, form and texture of significant individual plants prior to beginning project work.

Evaluating the evolution of a landscape's vegetation over time, using archival resources such as plans and aerial photographs or, in their absence, archaeological analysis or minimally destructive techniques (e.g., resistivity testing to determine tree age) to understand the historic vegetation; and understanding any cultural values embedded in vegetation, such as the oak as a symbol of fortitude.

Analyzing the roles of people, animals and insects in producing and maintaining the existing vegetation.

**Protecting and maintaining** vegetation by using non-destructive methods and daily, seasonal and cyclical tasks. This could include pruning or establishing colonies of beneficial insects that protect fruit trees from pests.

Utilizing maintenance practices that respect the habit, form, colour, texture, bloom, fruit, fragrance, scale and context of historic vegetation.

Utilizing historic horticultural and agricultural maintenance practices when those techniques are critical to maintaining the character of the vegetation, such as the manual removal of dead flowers to ensure continuous bloom.

**Retaining** and perpetuating vegetation through the propagation of existing plants by preserving seed collections and genetic stock cuttings from existing materials to preserve the genetic pool.

**Stabilizing** deteriorated vegetation by structural reinforcement (e.g., using steel cables to support large branches) or correcting unsafe conditions, as required, until any additional work is undertaken.

## Not Recommended

Removing or radically changing vegetation that is important in defining the overall character of the landscape.

Undertaking project work that will have an impact on character-defining vegetation without preparing a survey of existing plant material and its condition.

Undertaking project work such as indiscriminately clearing a woodland understory without understanding its impact on historic vegetation.

Undertaking project work without understanding the dynamics of the ecosystem and the human history of the historic place.

Failing to undertake preventive maintenance of vegetation.

Utilizing maintenance practices and techniques that are harmful to vegetation, such as insufficient or excessive irrigation.

Utilizing maintenance practices and techniques that fail to recognize the uniqueness of individual plant materials. Examples could include utilizing soil amendments that may alter flower colour, or poorly timed pruning and/or application of insecticide, which may alter fruit production.

Employing contemporary practices when traditional or historic practices can be used, such as utilizing untraditional harvesting practices when traditional practices are still feasible.

Failing to propagate vegetation from existing genetic stock, when few or no known sources or replacements are available.

Failing to stabilize deteriorated vegetation, thus putting it at risk of further deterioration.

## Recommended

**Replacing in kind** extensively deteriorated or missing parts of vegetation where there are surviving prototypes. The new plantings should match the old.

Evaluating the overall condition of vegetation to determine whether more than protection, maintenance and limited rejuvenation or replacement in kind are required; i.e., if more extensive repairs to vegetation elements will be necessary.

## Not Recommended

Removing deteriorated vegetation that could be stabilized and conserved; or using untested techniques and untrained personnel, thus causing further damage to fragile elements.

Replacing vegetation when limited replacement of deteriorated and missing elements is appropriate.

Using replacement material that does not match the historic vegetation.

Failing to undertake adequate measures to protect vegetation.

## Additional Guidelines for Rehabilitation Projects

### Recommended

**REHABILITATING** vegetation, if an evaluation of its overall condition determines that more than preservation is required.

**Rejuvenating** historic vegetation by corrective pruning, deep root fertilizing, aerating soil, renewing seasonal plantings and/or grafting onto historic genetic root stock.

**Replacing** a deteriorated or declining vegetation feature with a new feature based on the physical evidence of its composition, form and habit. If using the same kind of material is not technically, economically, or environmentally feasible, then a compatible substitute material may be considered. For example, a diseased sentinel tree in a meadow may be replaced with a disease resistant tree of similar type, form, shape and scale.

### Not Recommended

Failing to evaluate the overall condition of vegetation in order to determine the proper method of conservation.

Replacing or destroying vegetation when rejuvenation is possible. This could include removing a deformed or damaged plant when corrective pruning could be successfully employed.

Removing deteriorated historic vegetation and not replacing it, or replacing it with a new feature that does not convey the same appearance, such as replacing a large, mature, declining canopy tree with a dwarf ornamental flowering tree.



The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the *Preservation* and *Rehabilitation* concerns listed above have been addressed.

## Recommended

### Designing for the Replacement of Missing Historic Features

Designing and installing new vegetation features when the historic features are completely missing. It may be a new design that is compatible with the habit, form, colour, texture, bloom, fruit, fragrance, scale and context of the historic vegetation (for example, replacing a lost vineyard with more hardy stock similar to the historic); or a replica based on physical, documentary and oral evidence.

### Alterations/Additions for the New Use

Designing a compatible new vegetation feature when required by the new use to assure the preservation of the historic character of the landscape. This could include designing and installing a hedge that is compatible with the historic character of the landscape to screen new construction.

## Not Recommended

Introducing new replacement vegetation that is incompatible with the historic character of the landscape.

Creating a false history because the replaced feature is based on insufficient physical, documentary and oral evidence.

Placing a new feature where it may cause damage to or is incompatible with the character of the historic vegetation (for example, constructing a new building that adversely affects the root systems of historic vegetation).

Locating any new vegetation feature in such a way that it detracts from or alters the historic vegetation. An example could include introducing exotic species in a landscape that was historically comprised of indigenous plants.

Introducing a new vegetation feature which is incompatible in terms of its habit, form, colour, texture, bloom, fruit, fragrance, scale or context.

The Saskatoon Forestry Farm and Zoo was originally operated by the Federal Government from 1914 as a tree nursery. Its original function was to grow and distribute tree seedlings to Prairie farmers for shelterbelts. Used as a park since 1966, the City of Saskatoon has preserved this character-defining linear row of trees that act as a windscreen for the site. To the right are seedlings waiting to be transplanted – part of a programme of retaining and perpetuating vegetation through the propagation of existing plants.



## Additional Guidelines for Restoration Projects

### Recommended

**RESTORING** vegetation, if an evaluation of its overall condition determines that more than preservation is required; i.e., if repairs to vegetation from the restoration period will be necessary.

**Rejuvenating** declining vegetation from the restoration period by corrective pruning, deep root fertilizing, aerating the soil, renewing seasonal plantings and/or grafting onto historic stock.

**Replacing in kind** an entire vegetation feature from the restoration period that is declining or too deteriorated to repair — if the overall form, habit or composition is still evident — using the physical evidence as a model to reproduce the feature.

### Not Recommended

Failing to evaluate the overall condition of vegetation in order to determine the proper method of conservation.

Replacing vegetation from the restoration period when rejuvenation is possible; or using destructive repair methods, thus causing further damage to fragile historic materials.

Removing vegetation from the restoration period that has deteriorated and not replacing it; or replacing it with a new feature that does not convey the same appearance.

The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing vegetation from periods other than the accepted restoration period; and the replacement of missing vegetation from the restoration period with all new materials. This work should only be considered after the *Preservation* and *Restoration* concerns listed above have been addressed.

### Recommended

#### Removing Existing Features from Other Periods

Removing or altering vegetation dating from other periods, such as removing later foundation planting or old-field successional species.

Documenting vegetation from other periods prior to its alteration or removal. If possible, representative examples of this vegetation should be saved, cultivated and managed through seed collection and genetic stock cuttings to facilitate future research.

#### Recreating Missing Features from the Restoration Period

Recreating a missing vegetation feature that existed during the restoration period, based on physical, documentary and oral evidence. An example could include replanting crop types based on pollen analysis.

### Not Recommended

Failing to remove vegetation from another period, thus confusing the depiction of the landscape during the restoration period.

Failing to document vegetation from other periods (which results in the loss of a valuable portion of the historic record) prior to removing or altering it.

Planting vegetation that was part of the original design but was never installed, thus creating a false historic appearance; or installing vegetation that was thought to have existed during the restoration period, but for which there is insufficient documentation.

# Viewscapes

## Recommended

**PRESERVING** viewscapes — such as vistas, views, aspects, visual axes and sight lines that may (or may not) be framed by vertical features or terminate in a focal point — that are important in defining the overall heritage value of the landscape.

**Documenting** viewscapes — including their foreground, middle ground and background; landmarks, edges and skyline; prospects both to and from the historic place; and condition — prior to beginning project work.

Evaluating the evolution of the viewscapes. This could include using historic photographs to understand how a viewscape may have changed or been lost over time.

**Protecting and maintaining** viewscapes by using non-destructive methods and daily, seasonal and cyclical tasks, such as pruning to retain sight lines.

**Stabilizing** deteriorated viewscapes by structural reinforcement or weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken.

Evaluating the overall condition of viewscapes to determine whether more than protection and maintenance are required; i.e., if repairs to viewscapes will be necessary.

## Not Recommended

Removing or radically changing viewscapes that are important in defining the overall character of the landscape.

Undertaking project work that will have an impact on character-defining viewscapes without beginning a survey of characteristics and conditions.

Undertaking project work without understanding its impact on viewscapes (for example, removing vegetation that was intended to frame an important viewscape from the historic place).

Allowing viewscapes to be altered, obscured or lost through incompatible development or neglect.

Utilizing maintenance methods that destroy or obscure character-defining viewscapes.

Failing to stabilize deteriorated viewscapes, thus putting them at risk of further deterioration.

Failing to undertake adequate measures to protect viewscapes.

## Additional Guidelines for Rehabilitation Projects

### Recommended

**REHABILITATING** viewscales, if an evaluation of their overall condition determines that more than preservation is required.

**Repairing or rejuvenating** materials that define viewscales by using non-destructive methods and materials when additional work is required, such as regenerating vegetation that frames important viewscales.

**Replacing in kind** an entire feature that defines a viewscape that is too deteriorated to repair. If using the same kind of material is not technically, economically or environmentally feasible, then a compatible substitute material may be considered.

### Not Recommended

Failing to evaluate the overall condition of viewscales in order to determine the proper method of conservation.

Failing to undertake necessary repairs, resulting in the loss of character-defining viewscales.

Replacing a feature that defines a viewscape when repair is possible.

Removing a feature that is beyond repair and not replacing it; or replacing it with a new feature that does not respect the viewscape.



Project work that will have an impact on character-defining viewscales should not be started before completing a survey of their characteristics, conditions and interrelationships – such as the interrelationship between built features, water, vegetation and viewscales at Hatley Park near Victoria – or before understanding any related cultural values (such as the still pool as a symbol of the quiet mind).

The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the *Preservation* and *Rehabilitation* concerns listed above have been addressed.

## Recommended

### Designing for the Replacement of Missing Historic Features

Designing and creating new viewscales when the historic viewscale has been completely lost. It may be a new design that is compatible with the style, era and character of the historic place; or a replica based on physical, documentary and oral evidence.

### Alterations/Additions for the New Use

Designing and creating new viewscales when required by the new use. These should be compatible with the overall design of the landscape and not undermine its heritage value.

## Not Recommended

Introducing a new viewscale that is incompatible in character with the landscape.

Creating a false history because the replacement viewscale is based on insufficient physical, documentary and oral evidence.

Placing a new viewscale where it may cause damage to the overall character of the landscape. This could include inserting a focal point such as a building at the end of a character-defining vista that was traditionally terminated only by the sky.

Introducing a new viewscale in an appropriate location, but making it incompatible in terms of its size, scale, design, materials, colour and texture, as when historical framing devices such as trees have been replaced by modern high-rise buildings.

Locating a new feature in such a way that it detracts from or alters character-defining viewscales (for example, obscuring a view to a prominent landmark by constructing a new wall).

## Additional Guidelines for Restoration Projects

### Recommended

**RESTORING** viewscales, if an evaluation of their overall condition determines that more than preservation is required; i.e., if repairs to viewscales from the restoration period will be necessary.

**Repairing** declining viewscales from the restoration period by reinforcing the materials that comprise these features.

**Replacing in kind** an entire viewscale feature from the restoration period that is too deteriorated to repair — if the overall form, detailing and alignment are still evident — using the physical evidence as a model to reproduce the feature.

### Not Recommended

Failing to evaluate the overall condition of viewscales in order to determine the proper method of conservation.

Replacing an entire viewscale from the restoration period when repair, limited replacement and/or rejuvenation of deteriorated or missing components are appropriate; or using destructive repair methods, such as re-establishing the vegetative framing for a sight line by introducing exotic plants that call attention to themselves and thus detract from the vista.

Using a substitute material for a replacement part that neither conveys the same appearance of the surviving parts of the viewscale from the restoration period, nor is physically or environmentally compatible.

Removing a deteriorated viewscale feature from the restoration period that is irreparable and not replacing it; or replacing it with a new feature that does not convey the same appearance or reinforce the same view.

The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing viewscales from periods other than the accepted restoration period; and the replacement of missing viewscales from the restoration period with all new materials. This work should only be considered after the *Preservation* and *Restoration* concerns listed above have been addressed.

### Recommended

#### Removing Existing Features from Other Periods

Removing or altering viewscales or viewscale features dating from other periods.

Documenting viewscales and viewscale features from other periods prior to their alteration or removal. If possible, selective examples of these materials or features should be stored to facilitate future research.

#### Recreating Missing Features from the Restoration Period

Recreating a missing viewscale that existed during the restoration period, based on physical, documentary and oral evidence.

### Not Recommended

Failing to remove viewscales or viewscale features from another period, thus confusing the depiction of the landscape during the restoration period.

Failing to document viewscales or viewscale features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing or altering them.

Creating a viewscale that was part of the original design but was never executed, thus creating a false historic appearance; or creating a viewscale that was thought to have existed during the restoration period, but for which there is insufficient documentation.

# Circulation

## Recommended

**PRESERVING** circulation systems — such as paths, walkways, parking lots, roads, highways, railways and canals — that are important in defining the overall heritage value of the landscape.

**Documenting** the alignment, surface treatment, edge, grade, materials, infrastructure and condition of circulation systems prior to beginning project work.

Evaluating the evolution of circulation systems. This could include using aerial photographs to understand a transportation corridor's change from a two-lane road to a six-lane highway, or using archaeological techniques to locate pathways and roads not obvious from surface investigation; and understanding the cultural values that may be embedded in circulation systems, such as the journey as a metaphor for life.

**Protecting and maintaining** circulation systems by using non-destructive methods in daily, seasonal and cyclical tasks. This could include using rubberized blade edges on snow plows to prevent damage to stone curbs.

Utilizing maintenance practices that respect infrastructure; for example, periodically resetting paving stones to ensure a level road surface, rather than paving them over.

## Not Recommended

Removing or radically changing circulation system elements that are important in defining the overall heritage value of the landscape.

Undertaking project work that will have an impact on character-defining circulation systems without preparing a survey of the character and condition of the circulation systems.

Undertaking project work without understanding the evolution of circulation systems. This could include changing road alignments and widths without a thorough evaluation of the historic road.

Failing to undertake preventive maintenance of circulation features and materials. This could include using a snow plow across a coarse-textured pavement.

Using materials such as salts and chemicals that can hasten the deterioration of surfaces.

Allowing infrastructure to become dysfunctional, such as permitting aquatic weeds to clog a canal and thus interfere with boat propellers.



Circulation systems largely define the character of the Sault-Ste. Marie Canal National Historic Site of Canada, where a historic canal, paths, roadways, parking lots and railways converge in a very small area. Protecting and maintaining this landscape requires careful management of the site's circulation infrastructure.

## Recommended

**Retaining** sound circulation systems or deteriorated circulation systems that can be repaired.

**Repairing and stabilizing** deteriorated circulation system elements by structural reinforcement or weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

**Replacing in kind** extensively deteriorated or missing parts of circulation systems where there are surviving prototypes. The new work should match the old in form and detailing.

Evaluating the overall condition of the circulation systems to determine whether more than protection, maintenance and limited repair or replacement in kind are required; i.e., if more extensive repairs to the circulation systems will be necessary.

## Not Recommended

Replacing or rebuilding circulation systems that can be repaired.

Removing deteriorated circulation system elements that could be stabilized, repaired and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile elements.

Replacing an entire circulation system element such as a stone curb when limited replacement of deteriorated and missing components is appropriate.

Using replacement material that does not match the historic circulation system element.

Failing to undertake adequate measures to protect the circulation systems.

## Additional Guidelines for Rehabilitation Projects

### Recommended

**REHABILITATING** circulation systems, if an evaluation of their overall condition determines that more than preservation is required.

**Repairing** surface treatment, materials and edges. Examples could include applying a traditional material to a stabilized subsurface base, or patching a canal's retaining wall.

**Replacing** a deteriorated circulation feature by using the physical evidence of its form, detailing and alignment to reproduce it. If using the same kind of material is not technically, economically or environmentally feasible, then a compatible substitute material may be considered (for example, replacing decayed timber edging in kind along a historic trail route).

### Not Recommended

Failing to evaluate the overall condition of circulation systems in order to determine the proper method of conservation.

Replacing or destroying circulation features and materials when repair is possible (for example, not salvaging and reusing historic stone walk material).

Removing a circulation feature that is deteriorated and not replacing it, or replacing it with a new feature that does not convey the same visual appearance. This could include replacing a set of stairs with a wall or terrace.



The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the *Preservation* and *Rehabilitation* concerns listed above have been addressed.

## Recommended

### Designing for the Replacement of Missing Historic Features

Designing and installing new circulation features when the historic feature is completely missing. It may be a new design that is compatible with the style, era and character of the historic place; or a replica based on physical, documentary and oral evidence.

### Alterations/Additions for the New Use

Designing and installing compatible new circulation features when required by the new use to protect the historic character of the landscape. This could include controlling and limiting new curb cuts, driveways and intersections along a historic road.

## Not Recommended

Introducing a new circulation feature that is incompatible with the historic character of the landscape, such as using a standardized concrete barrier along a historic parkway.

Creating a false history because the replaced feature is based on insufficient physical, documentary and oral evidence.

Placing a new feature where it may cause damage to or is incompatible with the historic circulation, such as adding new driveways or intersections along a historic road.

Locating any new circulation feature in such a way that it detracts from or alters the historic circulation pattern (for example, installing a new bike path when an existing historic path can accommodate the new use).

Introducing a new circulation feature but making it incompatible in terms of its scale, alignment, surface treatment, width, edge treatment, grade, materials or infrastructure. An example could be installing a new parking lot in a non-significant location, but utilizing paving materials and patterns that are incongruous with the landscape's historic character.

## Additional Guidelines for Restoration Projects

### Recommended

**RESTORING** circulation systems, if an evaluation of their overall condition determines that more than preservation is required; i.e., if repairs to circulation systems from the restoration period will be necessary.

**Repairing** declining circulation features from the restoration period by reinforcing the materials that comprise these features. Repairs will also generally include the limited replacement — preferably in kind — of those extensively deteriorated or missing parts of features when there are surviving prototypes. The new work should be unobtrusively dated to guide future research and treatment.

**Replacing in kind** an entire circulation feature from the restoration period that is too deteriorated to repair — if the overall form, detailing and alignment are still evident — using the physical evidence as a model to reproduce the feature. The new work should be unobtrusively dated to guide future research and treatment.

### Not Recommended

Failing to evaluate the overall condition of circulation systems in order to determine the proper method of conservation.

Replacing an entire circulation feature from the restoration period when repair of materials and limited replacement of deteriorated or missing components are appropriate; or using destructive repair methods, thus causing further damage to fragile historic materials.

Removing a deteriorated circulation feature from the restoration period that is irreparable and not replacing it; or replacing it with a new feature that does not convey the same appearance; or failing to document the new work.

The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing circulation features from periods other than the accepted restoration period; and the replacement of missing circulation features from the restoration period with all new materials. This work should only be considered after the *Preservation* and *Restoration* concerns listed above have been addressed.

### Recommended

#### Removing Existing Features from Other Periods

Removing or altering circulation features, such as a later parking lot, dating from other periods.

Documenting circulation features from other periods prior to their alteration or removal. If possible, representative features should be stored for future research.

#### Recreating Missing Features from the Restoration Period

Recreating a missing circulation feature that existed during the restoration period, based on physical, documentary and oral evidence, such as duplicating paving patterns based on surviving prototypes.

### Not Recommended

Failing to remove circulation features from another period, thus confusing the depiction of the landscape during the restoration period.

Failing to document circulation features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing or altering them.

Constructing a circulation feature that was part of the original design but was never executed, thus creating a false historic appearance; or creating a circulation feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.

# Water Features

## Recommended

**PRESERVING** water features and water sources — such as natural ocean fronts, lakes, ponds, sloughs, rivers and streams, as well as constructed pools, dugouts and fountains — that are important in defining the overall heritage value of the landscape.

**Documenting** water features before beginning project work. Documentation should include shape, edge and bottom condition/material; water level, sound and reflective qualities; associated plant and animal life; water quality; natural erosion and flooding; and condition.

Evaluating the evolution of water features over time and their role in the overall hydrology of the landscape. This could include using archaeological techniques to determine the changing path of a watercourse using infrared aerial photographs to map hydrological patterns; and understanding the cultural values embedded in water features, such as the still pool as a symbol of the quiet mind.

**Protecting and maintaining** water features by using non-destructive methods in daily, seasonal and cyclical tasks, such as cleaning leaf litter or mineral deposits from drainage inlets or outlets.

## Not Recommended

Removing or radically changing water feature elements that are important in defining the overall heritage value of the landscape. Examples could include placing a section of stream in a culvert or concrete channel, or filling in a farm dugout.

Undertaking project work that will have an impact on character-defining water features and associated hydrology without beginning a survey of the character and condition of the water features.

Undertaking project work without understanding the evolution of water features.

Failing to undertake preventive maintenance of water features and materials.

Utilizing maintenance methods that destroy or degrade water features (for example, using harsh chemical additives for maintaining water quality).



Beaver Lake is a man-made pond that has become a central feature in Montreal's Mount Royal Park, part of Quebec's first natural and historic district. Its intense use puts great pressure on its condition. Protecting and maintaining water features includes daily, seasonal and cyclical tasks. Maintaining a constructed water feature's mechanical, plumbing and electrical systems is essential to ensure the appropriate depth and quality of water.

Maintaining a constructed water feature's mechanical, plumbing and electrical systems to ensure appropriate depth of water or direction of flow. This could include maintaining the timing and sequencing mechanisms for irrigation systems.

**Retaining** sound water features or deteriorated water features that can be repaired or rejuvenated.

**Repairing and stabilizing** deteriorated water feature elements by structural reinforcement or weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

**Replacing in kind** extensively deteriorated or missing parts of water features where there are surviving prototypes. The new work should match the old in form and detailing.

Evaluating the overall condition of water features to determine whether more than protection, maintenance and limited repair or replacement in kind are required; i.e., if more extensive repairs to water features will be necessary.

Allowing mechanical systems to fall into a state of disrepair, resulting in the degradation of the water feature. For example, algae could develop if a pool's aeration system is not maintained.

Replacing or rebuilding water features that can be repaired or rejuvenated.

Removing deteriorated water feature elements that could be stabilized, repaired and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile elements.

Replacing an entire water feature element such as a fountain when limited replacement of deteriorated and missing components is appropriate.

Using replacement material that does not match the historic water feature element.

Failing to undertake adequate measures to protect water features.

## Additional Guidelines for Rehabilitation Projects

### Recommended

**REHABILITATING** water features, if an evaluation of their overall condition determines that more than preservation is required.

**Repairing** water features by reinforcing materials or augmenting mechanical systems. Examples could include patching a crack in a pond liner or repairing a failed pump mechanism.

**Replacing** a deteriorated water feature by using the existing physical evidence of its form, depth and detailing to reproduce it. If using the same kind of material is not technically, economically or environmentally feasible, then a compatible substitute material may be considered (for example, replacing a lead pond liner with one made of plastic).

### Not Recommended

Failing to evaluate the overall condition of water features in order to determine the proper method of conservation.

Replacing or removing water features or systems when repair is possible, such as abandoning a silted-in retention pond.

Removing a water feature that is irreparable and not replacing it, or replacing it with a new feature that does not convey the same appearance. This could include replacing a single orifice nozzle with a spray nozzle, thus changing a fountain's historic character from a singular stem of water to a mist-like stream.

The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the *Preservation* and *Rehabilitation* concerns listed above have been addressed.

### Recommended

#### Designing for the Replacement of Missing Historic Features

Designing and installing a new water feature when the historic feature is completely missing. It may be a new design that is compatible with the style, era and character of the historic place (for example, a lost irrigation feature may be replaced by using materials that convey the same appearance); or a replica based on physical, documentary and oral evidence.

#### Alterations/Additions for the New Use

Designing and installing a compatible new water feature when required by the new use to assure the preservation of the historic character of the landscape. An example could include siting a new retention basin in a secondary or non-significant space in the landscape.

### Not Recommended

Introducing a new design that is inconsistent with the style, era and overall historic character of the landscape, such as replacing a natural pond with a manufactured pool.

Creating a false history because the replaced feature is based on insufficient physical, documentary and oral evidence.

Placing a new water feature where it may cause damage to or is incompatible with the historic character, such as locating a baroque fountain within a picturesque garden.

Locating any new water feature in such a way that it detracts from or alters the historic character of the landscape (for example, installing a “period” fountain where one never existed).

Introducing a new water feature that is in an appropriate location, but is visually incompatible in terms of its shape, edge and bottom condition/material; or water level, movement, sound and reflective quality. An example could include introducing a wading pool in a non-significant space, but utilizing non-traditional materials and colours.

## Additional Guidelines for Restoration Projects

### Recommended

**RESTORING** water features, if an evaluation of their overall condition determines that more than preservation is required; i.e., if repairs to water features from the restoration period will be necessary.

**Repairing** deteriorated water features from the restoration period by reinforcing the materials that comprise these features. Repairs will also generally include the limited replacement — preferably in kind — of those extensively deteriorated or missing parts of features when there are surviving prototypes. The new work should be unobtrusively dated to guide future research and treatment.

### Not Recommended

Failing to evaluate the overall condition of water features in order to determine the proper method of conservation.

Replacing an entire water feature from the restoration period when repair of materials and limited replacement of deteriorated or missing components are appropriate; or using destructive repair methods, thus causing further damage to fragile historic materials.

Using a substitute material for the replacement part that neither conveys the same appearance as the surviving parts of the water feature from the restoration period, nor is physically or environmentally compatible.

## Recommended

**Replacing in kind** an entire water feature from the restoration period that is too deteriorated to repair — if the overall form, depth and detailing are still evident — using the physical evidence as a model to reproduce the feature. The new work should be unobtrusively dated to guide future research and treatment.

## Not Recommended

Removing a deteriorated water feature from the restoration period that is irreparable and not replacing it; or replacing it with a new feature that does not convey the same appearance; or failing to document the new work.

The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing water features from periods other than the accepted restoration period; and the replacement of missing water features from the restoration period with all new materials. This work should only be considered after the *Preservation* and *Restoration* concerns listed above have been addressed.

## Recommended

### Removing Existing Features from Other Periods

Removing or altering water features, such as a later retention pond, dating from other periods.

Documenting water features from other periods prior to their alteration or removal. If possible, selective examples of these materials or features should be stored to facilitate future research.

### Recreating Missing Features from the Restoration Period

Recreating a missing water feature that existed during the restoration period, based on physical, documentary and oral evidence. An example could include recasting a fountain from its original mould.

## Not Recommended

Failing to remove water features from another period, thus confusing the depiction of the landscape during the restoration period.

Failing to document water features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing or altering them.

Creating a water feature that was part of the original design but was never executed, thus creating a false historic appearance; or constructing a water feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.

# Built Features

## Recommended

**PRESERVING** built features — such as gazebos, grottoes, bridges, fences, benches, light standards, drinking fountains, playground equipment, statuary and other constructed amenities, as well as culturally significant objects such as inukshuks — that are important in defining the overall heritage value of the landscape.

**Documenting** the condition, materials and surroundings of built features and the relationship of these features to each other, prior to beginning project work.

Evaluating the evolution of built features over time. Examples could include using historic aerial photographs to understand the relationship of windmills, silos and water troughs in a ranch compound, or the placement of light standards and benches along park paths; and understanding the cultural values embedded in built features such as inukshuks.

**Protecting and maintaining** built features by using non-destructive methods and daily, cyclical and seasonal tasks. This may include limited rust or paint removal and reapplication of protective coating systems in kind (for example, painting metal wrought iron fences, or repointing masonry to match existing mortar material, colour and profile).

**Retaining** sound built features or deteriorated built features that can be repaired.

Retaining the relationships between the landscape and its built features.

**Repairing and stabilizing** deteriorated built feature elements by structural reinforcement or weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

**Replacing in kind** extensively deteriorated or missing parts of built features where there are surviving prototypes. The new work should match the old in form and detailing.

## Not Recommended

Removing or radically changing built features that are important in defining the overall heritage value of the landscape.

Undertaking project work that will have an impact on character-defining built features without beginning a survey of conditions, materials, surroundings and interrelationships.

Undertaking project work without understanding the evolution of built features.

Failing to undertake preventive maintenance for built features, resulting in their damage or loss. An example could include failing to stop water infiltration on roofs and in foundations.

Utilizing maintenance practices and materials that are harsh, abrasive or unproven, for example using aggressive and potentially damaging cleaning methods such as grit blasting on wood, brick or soft stone, or using harsh chemicals on masonry or metals.

Replacing or rebuilding built features that can be repaired.

Removing or relocating built features or objects, such as removing stones that are integral to an Aboriginal sacred site, thus diminishing or destroying the relationship between the landscape and these features.

Removing deteriorated built feature elements that could be stabilized, repaired and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile elements.

Replacing an entire built feature element when limited replacement of deteriorated and missing components is appropriate.

Using replacement material that does not match the historic built feature element.

## Recommended

Evaluating the overall condition of built features to determine whether more than protection, maintenance and limited repair or replacement in kind are required; i.e., if more extensive repairs to structures, furnishings or objects will be necessary.

## Not Recommended

Failing to undertake adequate measures to protect the landscape's built features.

## Additional Guidelines for Rehabilitation Projects

### Recommended

**REHABILITATING** built features, if an evaluation of their overall condition determines that more than preservation is required.

**Repairing** features and materials of buildings, structures, furnishings or objects by reinforcing historic materials. Examples could include returning a children's swing to good working order or reshaping a section of a deformed play structure.

**Replacing** a deteriorated built feature by using the existing physical evidence of its form, material and detailing to reproduce it. If using the same kind of material is not technically, economically or environmentally feasible, then a compatible substitute material may be considered, for example replacing redwood decking with wood from a less endangered tree species such as cedar.

### Not Recommended

Failing to evaluate the overall condition of built features in order to determine the proper method of conservation.

Replacing or destroying a feature of structures, furnishings or objects when repair is possible. Examples could include replacing a pavilion's tile roof with physically or visually incompatible roofing, or removing a non-working historic light fixture instead of rewiring it.

Removing and not replacing a built feature that is deteriorated, or replacing it with a new feature that does not convey the same visual appearance. An example could include removing a wooden rustic footbridge and replacing it with a concrete bridge.



In addition to protecting and maintaining sound character-defining built features and retaining deteriorated built features that can be repaired, *Preservation* recommends retaining the relationships between the landscape and its built features. The open space surrounding this rustic gazebo is a character-defining aspect of this landscape.



The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the *Preservation* and *Rehabilitation* concerns listed above have been addressed.

## Recommended

### Designing for the Replacement of Missing Historic Features

Designing and installing new built features when the historic features are missing. It may be a new design that is compatible with the style, era and character of a historic place (this could include replacing a picnic shelter with one of a new compatible design); or a replica based on physical, documentary and oral evidence.

### Alterations/Additions for the New Use

Designing and installing a new built feature when required by the new use, which is compatible with the preservation of the historic character of the landscape. Examples could include constructing a new farm out-building, utilizing traditional building materials, or installing appropriately scaled and detailed signs.

## Not Recommended

Introducing a new design that is inconsistent with the style, era and overall historic character of the landscape, such as replacing a lost wooden fence with a chain-link fence.

Creating a false history because the replaced feature is based on insufficient physical, documentary and oral evidence.

Placing a new built feature where it may cause damage to or is incompatible with the historic character of the landscape, such as constructing a new maintenance facility in or near a character-defining space.

Locating a new built feature in such a way that it detracts from or alters the historic character of the landscape, such as locating a gazebo in an open space that has always been a simple grassed area.

Introducing a new built feature in an appropriate location, but making it visually incompatible in mass, scale, form, features, materials, texture or colour. This could include constructing a visitors' centre that is incompatible with the historic character of the landscape.



The *Rehabilitation* of the landscape of this early Modernist house included adding a new privacy wall and address marker near the entrance. These additions complement and reinforce the forms, materials and colour of the house.

## Additional Guidelines for Restoration Projects

### Recommended

**RESTORING** built features, if an evaluation of their overall condition determines that more than preservation is required; i.e., if repairs to built features from the restoration period will be necessary.

**Repairing** deteriorated built features from the restoration period by reinforcing the materials that comprise these features. Repairs will also generally include the limited replacement — preferably in kind — of those extensively deteriorated or missing parts of features when there are surviving prototypes such as roof features, windows, bollards and signs. The new work should be unobtrusively dated to guide future research and treatment.

**Replacing in kind** an entire built feature from the restoration period that is too deteriorated to repair — if the overall form, material and detailing are still evident — using the physical evidence as a model to reproduce the feature. The new work should be unobtrusively dated to guide future research and treatment.

### Not Recommended

Failing to evaluate the overall condition of built features in order to determine the proper method of conservation.

Replacing an entire structure, furnishing or object from the restoration period when repair of materials and limited replacement of deteriorated or missing components are appropriate; or using destructive repair methods, thus causing further damage to fragile historic material.

Using a substitute material for the replacement part that neither conveys the same appearance as the surviving parts of the structure, furnishing or object from the restoration period, nor is physically or environmentally compatible.

Removing a deteriorated built feature from the restoration period that is irreparable and not replacing it; or replacing it with a new feature that does not convey the same appearance; or failing to document the new work.

The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing built features from periods other than the accepted restoration period; and the replacement of missing built features from the restoration period with all new materials. This work should only be considered after the *Preservation* and *Restoration* concerns listed above have been addressed.

## Recommended

## Not Recommended

### Removing Existing Features from Other Periods

Removing or altering built features dating from other periods.

Failing to remove built features from another period, thus confusing the depiction of the landscape during the restoration period.

Documenting built features from other periods prior to their alteration or removal. If possible, selected examples of these materials or features should be stored to facilitate future research.

Failing to document built features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing or altering them.

### Recreating Missing Features from the Restoration Period

Recreating a missing built feature that existed during the restoration period, based on physical, documentary and oral evidence, such as duplicating a corn crib from an existing prototype.

Constructing a built feature that was part of the original design but was never executed, thus creating a false historic appearance; or constructing a built feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.





## Guidelines for Buildings

Buildings in the context of these Guidelines include structures created in the past to shelter activities related to habitation, business or social functions, including houses, apartment buildings, hotels and other residential buildings; stores, offices, warehouses and other commercial buildings; auditoriums, stadiums, town halls, court houses, schools, places of worship; and other recreational and institutional buildings. These structures are not limited by size, material, occupancy or construction type.

These Guidelines, which address buildings, including their separate components, should not be used in isolation. There may be heritage value in the relationships between buildings and archaeological sites, landscapes or engineering works, and therefore, those sections of the Guidelines should also be consulted when undertaking a project. The intention is to protect ALL heritage values associated with the historic place.



- 1- Aberdeen Pavilion, Ottawa, Ontario, © Monique Trépanier, Parks Canada, 1995
- 2- Vancouver, British Columbia, © Guy Masson, PWGSC, 2000
- 3- Port Edward, British Columbia, © Jean-Pierre Jérôme, Parks Canada, 1997
- 4- Manitoulin Island, Ontario, © Gordon Fulton, 1998

# Exterior Wood

Clapboard, weatherboard, shingles, logs and other wooden elements

## Recommended

**PRESERVING** exterior wood features — such as siding, corner boards, brackets, columns, window and door surrounds or architraves, cornices, pediments and balustrades; and their paints, finishes and colours — that are important in defining the overall heritage value of the building.

**Documenting** the form, type and colour of coatings such as paint; and the condition of exterior wood features prior to beginning project work.

**Protecting and maintaining** exterior wood elements by preventing water penetration and by maintaining proper drainage so that water or organic matter is not allowed to stand on flat, horizontal surfaces or accumulate in decorative features.

Inspecting painted exterior wood surfaces to determine whether repainting is necessary or if cleaning is all that is required.

Retaining coatings such as paint that help protect the exterior wood from moisture and ultraviolet light. Paint removal should be considered only where there is paint surface deterioration and as part of an overall maintenance program that involves repainting or applying other protective coatings in kind.

Removing damaged or deteriorated paint to the next sound layer using the gentlest method possible (scraping and sanding by hand), then repainting in kind.

## Not Recommended

Removing or radically changing exterior wood elements that are important in defining the overall heritage value of the building.

Undertaking project work that will have an impact on character-defining exterior wood elements without first documenting their existing character and condition.

Failing to identify, evaluate and treat the causes of exterior wood deterioration, including faulty flashing, leaking gutters, cracks and holes in siding, deteriorated caulking in joints and seams, plant material growing too close to wood surfaces, or insect or fungus infestation.

Removing paint that is firmly adhering to and thus protecting exterior wood surfaces.

Stripping paint or other coatings to reveal bare wood, thus exposing historically coated surfaces to the effects of accelerated weathering.

Using destructive paint removal methods such as propane or butane torches, sandblasting or water-blasting. These methods can irreversibly damage exterior woodwork or cause catastrophic fires.



Maximizing the retention of character-defining materials and features is the primary goal of *Preservation*, as demonstrated in this photograph. Work on this wooden warehouse consisted primarily of minor repairs to the foundation skirting and limited replacement of deteriorated material. The new wood will be left to weather to the same appearance as the old.

## Recommended

Using electric hot-air guns carefully on decorative wood elements and electric heat plates on flat wood surfaces when paint is so deteriorated or so thick that total removal is necessary prior to repainting.

Using chemical strippers primarily to supplement other methods such as hand scraping, hand sanding and the thermal devices recommended above. Detachable wooden elements such as shutters, doors and columns may be chemically dip-stripped if proper safeguards are taken.

Creating conditions that are unfavourable to the growth of fungus, such as eliminating unintentional entry points for water, drying out the structure by opening vents, removing piled up earth resting against the building and applying a chemical preservative treatment using recognized preservation methods.

Applying compatible paint coating systems following proper surface preparation, such as washing with trisodium phosphate.

Repainting with colours that are appropriate to the building and district.

Applying chemical preservatives to exterior wood elements such as beam ends or outriggers that are exposed to decay hazards and are traditionally unpainted.

Inspecting buildings to determine the reason(s) for any damage or degradation, such as abrasion, animal gnawing (e.g., rodents), fungal decay or insect infestation (e.g., beetles, horntails, wood borers, carpenter ants, carpenter bees, wasps, termites and weevils).

Treating the deterioration of log buildings from abrasion or animals by isolating, insofar as possible, the building from the source of deterioration, such as blocking wind-borne sand and grit with a windbreak, or putting a wire mesh screen over floor joists in a crawlspace to thwart rodents.

Treating active infestations of insects by first identifying the type of insect and then implementing a program of elimination appropriate to that insect. If using pesticides, confirm that the chemical is registered for the intended purpose with Agriculture and Agri-Food Canada and follow the manufacturer's product and application instructions. Fumigation should be done only by a licensed applicator.

## Not Recommended

Using thermal devices improperly so that the woodwork is scorched.

Failing to have a fire extinguisher nearby when using thermal devices.

Failing to neutralize the wood thoroughly after using chemicals so that new paint does not adhere.

Allowing detachable wood elements to soak too long in a caustic solution so that the wood grain is raised and the surface roughened.

Stripping character-defining painted exterior wood surfaces to bare wood, then applying clear finishes or stains in order to create a "natural" look.

Stripping paint or varnish to bare wood rather than repairing or reapplying the same finish (e.g., a grained finish) to an exterior wood element such as a front door.

Failing to follow the manufacturer's product and application instructions when repainting exterior woodwork.

Using new colours that are inappropriate to the building or district.

Using chemical preservatives such as creosote or copper naphthanate, because if they have not been used historically, they can change the appearance of exterior wood elements.

Undertaking remedial project work on log buildings without first identifying the actual cause(s) of damage or degradation.

Neglecting to treat known conditions that threaten buildings, such as abrasion, animal gnawing, fungal decay or insect infestation, thus putting them at risk of further deterioration.



## Recommended

Taking into account the settlement rate of a building when augmenting or reinforcing its structural components, so that the new components settle at the same rate.

**Retaining** sound exterior wood or deteriorated exterior wood that can be repaired.

**Repairing and stabilizing** deteriorated exterior wood elements by structural reinforcement, weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

**Replacing in kind** extensively deteriorated or missing parts of exterior wood elements where there are surviving prototypes. The new work should match the old in form and detailing.

Evaluating the overall condition of the exterior wood to determine whether more than protection, maintenance and limited repair or replacement in kind are required; in other words, if more extensive repairs to wood elements will be necessary.

## Not Recommended

Structurally augmenting or reinforcing a building with components that do not have a similar rate of settlement.

Replacing wood elements that can be repaired.

Removing deteriorated exterior wood elements that could be stabilized, repaired and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile elements.

Replacing an entire wood element such as a cornice when limited replacement of deteriorated and missing components is appropriate.

Using replacement material that does not match the historic wood element.

Failing to undertake adequate measures to protect exterior wood elements.

## Additional Guidelines for Rehabilitation Projects

### Recommended

**REHABILITATING** an exterior wood element, if an evaluation of its overall condition determines that more than preservation is required.

**Repairing** exterior wood elements by patching, piecing-in, consolidating or otherwise reinforcing the wood using recognized preservation methods. Repair may also include the limited replacement in kind — or with a compatible substitute material — of those extensively deteriorated or missing parts of elements where there are surviving prototypes such as brackets, moulding or sections of siding.

**Replacing in kind** an entire exterior wood element that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model to reproduce the element. Examples of wood elements include a cornice, entablature, or balustrade. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

### Not Recommended

Failing to evaluate the overall condition of an exterior wood element in order to determine the appropriate method of conservation.

Replacing an entire wood element such as a cornice or wall when repair of the wood and limited replacement of deteriorated or missing parts are appropriate.

Using a substitute material for the replacement part that neither conveys the same appearance as the surviving parts of the wood element nor is physically or chemically compatible.

Removing an entire exterior wood element that is irreparable and not replacing it; or replacing it with a new element that does not convey the same appearance.



It is important to identify the cause of any damage to a wooden building element before beginning a *Preservation* treatment. In the case of the former machine shop of the North Pacific Cannery, exposure to marine conditions led to deterioration of the exterior wood cladding.

The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the *Preservation* and *Rehabilitation* concerns listed above have been addressed.

### **Recommended**

#### **Designing for the Replacement of Missing Historic Features**

Designing and installing a new exterior wood feature such as a cornice or doorway when the historic feature is completely missing. It may be a new design that is compatible with the style, era and character of the historic place; or a replica based on physical and documentary evidence.

### **Not Recommended**

Introducing a new exterior wood feature that is incompatible in size, scale, material, style and colour.

Creating a false historical appearance because the replaced wood feature is based on insufficient physical and documentary evidence.

## Additional Guidelines for Restoration Projects

### Recommended

**RESTORING** an exterior wood element, if an evaluation of its overall condition determines that more than preservation is required; in other words, if repairs to wood features from the restoration period will be necessary.

**Repairing, stabilizing and conserving** fragile wood from the restoration period using well-tested consolidants, when appropriate. Repairs should be physically and visually compatible and identifiable upon close inspection for future research.

Repairing exterior wood elements from the restoration period by patching, piecing-in or otherwise reinforcing the wood using recognized preservation methods. Repair may also include the limited replacement — preferably in kind — of those extensively deteriorated or missing parts of elements from the restoration period where there are surviving prototypes such as brackets, moulding or sections of siding. The new work should be unobtrusively dated to guide future research and treatment.

**Replacing in kind** an entire exterior wood element from the restoration period that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model to reproduce the element. Examples of exterior wood elements include a cornice, entablature or balustrade. The new work should be unobtrusively dated to guide future research and treatment.

### Not Recommended

Failing to evaluate the overall condition of an exterior wood element in order to determine the appropriate method of conservation.

Removing wood from the restoration period that could be stabilized and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile historic materials.

Replacing an entire exterior wood element from the restoration period such as a cornice or wall when repair of the wood and limited replacement of deteriorated or missing parts are appropriate.

Using substitute material for the replacement part, which neither conveys the same appearance as the surviving parts of the wood element, nor is physically or chemically compatible.

Removing an entire exterior wood element from the restoration period that is irreparable and not replacing it.

The extensively deteriorated wood siding on the exposed side of this building was replaced in kind. The new wood siding matches the surviving siding in form and detailing.



The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing wood features from periods other than the accepted restoration period; and the replacement of missing wood features from the restoration period with all new materials. This work should only be considered after the *Preservation* and *Restoration* concerns listed above have been addressed.

## Recommended

### Removing Existing Features from Other Periods

Removing or altering wood features, such as a later doorway, porch or steps, dating from other periods.

Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.

### Recreating Missing Features from the Restoration Period

Recreating a missing wood feature that existed during the restoration period based on physical or documentary evidence; for example, duplicating a roof dormer or porch.

## Not Recommended

Failing to remove a wood feature from another period, thus confusing the depiction of the building's significance.

Failing to document wood features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing them from the building.

Constructing a wood feature that was part of the original design of the building, but was never actually built; or constructing a feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.

# Exterior Masonry

Brick, stone, terra cotta, concrete, stucco and mortar

## Recommended

**PRESERVING** masonry elements such as walls, brackets, railings, steps, columns, window and door surrounds or architraves, cornices, pediments, balustrades; and details such as jointing, tooling and bonding patterns, coatings and colour that are important in defining the overall heritage value of the building.

**Documenting** the form, materials and condition of masonry elements prior to beginning project work.

**Protecting and maintaining** masonry by preventing water penetration and by maintaining proper drainage so that water or organic matter does not stand on flat, horizontal surfaces or accumulate in curved decorative features.

## Not Recommended

Removing or radically changing masonry elements that are important in defining the overall heritage value of the building.

Undertaking project work that will have an impact on character-defining masonry elements without first documenting their existing character and condition.

Failing to evaluate and treat the various causes of mortar joint deterioration such as leaking roofs or gutters, differential settlement of the building, capillary action, failed flashings or extreme weather exposure.

Applying water-repellent coatings to stop moisture penetration when the problem could be solved by repairing failed flashings, deteriorated mortar joints or other mechanical defects.



Preserving the exterior of the British Columbia Legislative Building (its rear façade is shown here), including its masonry walls, steps, columns, pilasters, window surrounds, decorative details and cornices, began with documenting the material, form, jointing, tooling, bonding patterns, coatings, colour, and conditions of these elements prior to beginning project work.

## Recommended

Cleaning masonry using recognized preservation methods and only when necessary to halt deterioration or remove heavy soiling or graffiti.

Carrying out masonry surface cleaning tests after it has been determined that such cleaning is appropriate. If acceptable, carrying out cleaning tests which should be observed over a sufficient period of time so that both the immediate and the long-range effects are known, the gentlest method possible is selected and appropriate level of cleanliness achieved.

Cleaning masonry surfaces using the gentlest method possible, such as low-pressure water and detergents, using natural bristle brushes.

Protecting adjacent materials during cleaning to avoid damage by abrasion or water infiltration.

Inspecting painted masonry surfaces to determine whether repainting is necessary.

Removing damaged or deteriorated paint only to the next sound layer using the gentlest method possible (e.g., hand scraping) prior to repainting.

Applying compatible paint or stucco following proper surface preparation.

## Not Recommended

Cleaning masonry surfaces when they are not heavily soiled in order to create a new appearance, thus needlessly introducing chemicals or moisture into the materials.

Cleaning masonry surfaces without testing or without sufficient time for the testing results to be of value.

Blasting brick or stone surfaces using dry or wet grit sand or other abrasives that permanently erode the surface of the material and accelerate deterioration.

Using a cleaning method that involves water or liquid chemical solutions when there is any possibility of freezing temperatures.

Cleaning with chemical products that will damage masonry or mortar such as using acid on limestone or marble; or leaving chemicals on masonry surfaces.

Applying high-pressure water cleaning methods that will damage the masonry and the mortar joints.

Removing paint that is firmly adhering to, and thus protecting, masonry surfaces.

Using methods of removing paint that are destructive to masonry, such as sandblasting, application of caustic solutions or high-pressure water-blasting.

Failing to follow manufacturers' product and application instructions when repainting masonry.

Applying paint or stucco to masonry that has been historically unpainted or uncoated.

Removing paint from historically painted masonry, unless it is causing damage to the underlying masonry.

Removing stucco from masonry that was historically never exposed.

Radically changing the type of paint or coating or its colour.



The harsh climate in many parts of Canada can seriously damage masonry elements. This wall in Quebec City has suffered irreversible damage from water penetrating the brick façade and freezing, causing the faces of many bricks to pop off. To avoid damage such as this, it is recommended that moisture penetration be stopped by repairing failed flashings, deteriorated mortar joints or other mechanical defects, not by applying water-repellent coatings, which can trap moisture inside the masonry.

### Recommended

Repainting or re-stuccoing with colours that are historically appropriate to the building and district.

**Retaining** sound exterior masonry or deteriorated exterior masonry that can be repaired.

**Repairing and stabilizing** deteriorated masonry elements by structural reinforcement, weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

**Replacing in kind** extensively deteriorated or missing parts of masonry elements where there are surviving prototypes. The new work should match the old in form and detailing.

### Not Recommended

Using new paint or stucco colours that are inappropriate to the building and district.

Replacing or rebuilding masonry that can be repaired.

Removing deteriorated masonry elements that could be stabilized, repaired and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile elements.

Replacing an entire masonry element such as a column when limited replacement of deteriorated and missing components is appropriate.

Using replacement material that does not match the historic masonry element.

## Recommended

**Repairing** masonry walls and other masonry elements by repointing the mortar joints where there is evidence of deterioration such as disintegrating mortar, cracks in mortar joints, loose bricks, damp walls or damaged plaster work.

Removing deteriorated or inappropriate mortar by carefully raking the joints using hand tools or appropriate mechanical means to avoid damaging the masonry.

Using mortars that will ensure the long-term preservation of the masonry assembly. Mortar should be compatible in strength, porosity, absorption and vapor permeability with the existing masonry units. Bedding and pointing mortars should be less durable than the masonry units. Bedding mortars should meet structural requirements. Colour, texture, width and joint profile should be physically and visually compatible with the masonry.

Duplicating original mortar joints in colour, texture, width and joint profile, if the mortar joints are a character-defining element.

Evaluating the overall condition of the exterior masonry to determine whether more than protection, maintenance and limited repair or replacement in kind are required; i.e., if more extensive repairs to masonry elements will be necessary.

## Not Recommended

Removing non-deteriorated or acceptable mortar from sound joints, then repointing the entire building to achieve a uniform appearance.

Using rotary grinders on thin joints or vertical joints, or electric saws to remove mortar from joints prior to repointing.

Repointing with mortar of high Portland cement content (unless it is the content of character-defining mortar). This can often create a bond that is stronger than the historic material (brick or stone) and can cause damage as a result of the differing coefficients of expansion and the differing porosity of the materials.

Repointing with a synthetic caulking compound.

Using a “scrub” coating technique to repoint instead of traditional repointing methods.

Failing to evaluate the overall condition of an exterior masonry element in order to determine the appropriate method of conservation.

Failing to undertake adequate measures to protect masonry elements.



Deteriorated mortar joints in masonry walls should be repaired by repointing. The deteriorated mortar should be removed by carefully hand-raking the joints to avoid damaging the masonry, and the new mortar should duplicate the period mortar in strength, composition, colour, texture, width and joint profile. Repointing with mortar of high Portland cement content is not recommended, unless this was the historic mortar.



## Additional Guidelines for Rehabilitation Projects

### Recommended

**REHABILITATING** an exterior masonry element, if an evaluation of its overall condition determines that more than preservation is required.

Repairing stucco by removing the damaged material and patching with new stucco that duplicates the old in strength, composition, colour, porosity and texture.

Cutting damaged character-defining concrete back to remove and correct the source of deterioration (often corrosion on metal reinforcement bars). The new patch must be applied carefully so it will bond satisfactorily with and match the character-defining concrete.

Repairing character-defining masonry elements by patching, piecing-in or consolidating the masonry using appropriate conservation methods. Repair may also include the limited replacement in kind — or with a compatible substitute material — of those extensively deteriorated or missing parts of masonry elements such as terra cotta brackets or stone balusters when there are surviving prototypes.

Applying new or non-historic surface treatments such as proven water-repellent coatings to masonry only after repointing and only if masonry repairs, alternative design solutions or flashings have failed to arrest water penetration problems.

**Replacing in kind** an entire character-defining masonry element that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model to reproduce the element. Examples can include large sections of a wall, a cornice, balustrade, column or stairway. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

### Not Recommended

Failing to evaluate the overall condition of an exterior masonry element in order to determine the appropriate method of conservation.

Removing sound stucco or repairing with new stucco that is stronger than the character-defining material or does not convey the same appearance.

Patching concrete without removing the source of deterioration, or patching with a concrete that is incompatible with the existing.

Replacing an entire character-defining masonry element such as a cornice when repair of the masonry and limited replacement of deteriorated or missing parts are feasible.

Using a substitute material (in place of the replacement part) which neither conveys the appearance of the surviving parts of the masonry element, nor is physically or chemically compatible.

Applying waterproof, water repellent or non-historic coatings such as stucco to masonry as a substitute for repointing and masonry repairs. Coatings are frequently unnecessary and expensive and may change the appearance of character-defining masonry as well as accelerate its deterioration.

Removing a character-defining masonry element that is irreparable and not replacing it; or replacing it with a new element that does not convey the same appearance.

The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the *Preservation* and *Rehabilitation* concerns listed above have been addressed.

### Recommended

#### Designing for the Replacement of Missing Historic Features

Designing and installing a new masonry feature such as steps or a door pediment when the historic feature is completely missing. It may be a new design that is compatible with the style, era and character of the historic place; or a replica based on physical and documentary evidence.

### Not Recommended

Introducing a new masonry feature that is incompatible in size, scale, material, style and colour.

Creating a false historical appearance because the replaced masonry feature is based on insufficient physical and documentary evidence.



Cleaning masonry should be undertaken only when necessary to halt deterioration or remove heavy soiling. If surface cleaning is appropriate, tests using recognized preservation methods should be first be made in order to select the gentlest cleaning method possible, and be observed over time to determine the immediate and the long-term effects. The test-cleaning of the left portion of this brick and stone wall (using low pressure water and detergents, when there was no chance of freezing) created an acceptably clean wall.

## Additional Guidelines for Restoration Projects

### Recommended

**RESTORING** an exterior masonry element, if an evaluation of its overall condition determines that more than preservation is required; i.e., if repairs to masonry features from the restoration period will be necessary.

**Repairing, stabilizing and conserving** fragile masonry from the restoration period by well-tested consolidants, when appropriate. Repairs should be physically and visually compatible and identifiable upon close inspection for future research.

Repairing stucco by removing the damaged material and patching with new stucco that duplicates stucco of the restoration period in strength, composition, colour and texture.

Cutting damaged concrete back to remove the source of deterioration (often corrosion on metal reinforcement bars). The new patch must be applied carefully so it will bond satisfactorily with and match the historic concrete.

Repairing masonry features from the restoration period by patching, piecing-in or otherwise reinforcing the masonry using recognized preservation methods. Repair may also include the limited replacement — preferably in kind — of those extensively deteriorated or missing parts of masonry features from the restoration period when there are surviving prototypes such as terra cotta brackets or stone balusters. The new work should be unobtrusively dated to guide future research and treatment.

Applying new or non-historic surface treatments such as proven water-repellent coatings to masonry only after repointing and only if masonry repairs have failed to arrest water penetration problems.

**Replacing in kind** an entire masonry feature from the restoration period that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model to reproduce the feature. Examples can include large sections of a wall, a cornice, balustrade, column or stairway. The new work should be unobtrusively dated to guide future research and treatment.

### Not Recommended

Failing to evaluate the overall condition of an exterior masonry element in order to determine the appropriate method of conservation.

Removing masonry from the restoration period that could be stabilized, repaired and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile historic materials.

Removing sound stucco; or repairing with new stucco that is stronger than the historic material or does not convey the same appearance.

Patching concrete without removing the source of deterioration, or patching with a concrete that is incompatible with the existing.

Replacing an entire masonry feature from the restoration period such as a cornice or balustrade when repair of the masonry and limited replacement of deteriorated or missing parts are appropriate.

Using a substitute material for the replacement part that neither conveys the appearance of the surviving parts of the masonry feature, nor is physically or chemically compatible.

Applying waterproof, water repellent or non-historic coatings such as stucco to masonry as a substitute for repointing and masonry repairs. Coatings are frequently unnecessary and expensive, and may change the appearance of historic masonry as well as accelerate its deterioration.

Removing a masonry feature from the restoration period that is irreparable and not replacing it.

The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing masonry features from periods other than the accepted restoration period; and the replacement of missing masonry features from the restoration period with all new materials. This work should only be considered after the *Preservation* and *Restoration* concerns listed above have been addressed.

## Recommended

### Removing Existing Features from Other Periods

Removing or altering masonry features, such as a later doorway, porch or steps, dating from other periods.

Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.

### Recreating Missing Features from the Restoration Period

Recreating a missing masonry feature that existed during the restoration period based on physical or documentary evidence; for example, duplicating a terra cotta bracket or stone balustrade.

## Not Recommended

Failing to remove a masonry feature from another period, thus confusing the depiction of the building's significance.

Failing to document masonry features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing them from the building.

Constructing a masonry feature that was part of the original design of the building but was never actually built; or constructing a feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.



One of the primary causes of deterioration of glazed architectural terra cotta is water. Water-related damage to the glazed units, mortar, metal anchors or masonry backfill can be repaired only when the sources of that water have been eliminated. This typically means repairing flashing, repointing deteriorated mortar with a mortar that has a compressive strength lower than the adjacent masonry unit, and coating or sealing blistered spots to prevent further entry of water. Repointing with waterproof caulking compounds or the wholesale coating of the wall with waterproof materials will impede the normal outward migration of moisture through the masonry joints and likely cause spalling of the glaze or mortar.

# Architectural Metals

Cast iron, steel, pressed metal, copper, aluminum and zinc elements

## Recommended

**PRESERVING** architectural metal elements — such as cladding, columns, capitals, brackets, window hoods, cornices, balustrades or stairways; and their finishes and colours — that are important in defining the overall heritage value of the building. (See also **ROOFS** for gutters and downspouts.)

**Documenting** the form, materials and condition of architectural metal elements prior to beginning project work. It is critical to differentiate between metals prior to project work, since each metal has unique properties and thus requires a different treatment.

**Protecting and maintaining** architectural metals from corrosion by preventing water penetration and by maintaining proper drainage so that water or organic matter does not stand on flat, horizontal surfaces or accumulate in curved, decorative features.



The first step in *Preserving* architectural metals is to identify the type of metal. Before cleaning, determine that cleaning is appropriate for the particular metal: removing the patina from the bronze door shown above would not be appropriate if the patina is a character-defining finish of the metal, or if it provides a protective coating. If cleaning is appropriate, testing is recommended to ensure that the gentlest cleaning method possible is used.

## Not Recommended

Removing or radically changing architectural metal elements that are important in defining the overall heritage value of the building.

Undertaking project work that will have an impact on character-defining architectural metal elements without undertaking a survey of existing conditions.

Failing to identify, evaluate and treat the causes of corrosion such as moisture from leaking roofs or gutters.

Placing incompatible metals together without providing a reliable separation material. Such incompatibility can result in galvanic corrosion of the less noble metal, e.g., copper will corrode cast iron, steel, tin and aluminum.



A regular programme of cleaning and re-applying appropriate paint has preserved to a remarkable degree the metal entrance canopy of Winnipeg's Union Station, which was completed in 1911. Protection from corrosion should be considered the first line of defence in preserving architectural metals.

## Recommended

Identifying the particular type of metal prior to any cleaning procedure and then testing to ensure that the gentlest cleaning method possible and the appropriate level of cleanliness are selected, or determining that cleaning is inappropriate for the particular metal.

Cleaning architectural metals, when appropriate, to remove corrosion prior to repainting or applying other appropriate protective coatings.

Cleaning soft metals such as lead, tin, copper, terneplate and zinc with appropriate chemical methods because their finishes can be easily abraded by blasting methods.

Using the gentlest cleaning methods for cast iron, wrought iron and steel — hard metals — in order to remove excessive paint build-up and corrosion. If hand scraping and wire brushing prove ineffective, low-pressure grit blasting may be used as long as it does not abrade or damage the surface.

Protecting adjacent materials during cleaning so as to avoid damage by abrasion or chemical reaction.

Applying an appropriate protective coating such as lacquer or wax to an architectural metal element such as a bronze door that is subject to heavy pedestrian use.

Re-applying appropriate paint or other coating systems after cleaning in order to decrease the corrosion rate of metals or alloys.

Repainting, if warranted, with colours that are appropriate to the building or district.

**Retaining** sound architectural metal elements or deteriorated architectural metal elements that can be repaired.

**Repairing and stabilizing** deteriorated architectural metal elements by structural reinforcement, weather protection or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

## Not Recommended

Using cleaning methods that alter or damage the character-defining colour, texture and finish of the metal; or cleaning when it is inappropriate for the metal.

Removing the character-defining patina of metal. The patina may be a protective coating on some metals, such as bronze or copper, as well as a significant character-defining finish.

Exposing metals that were intended to be protected from the environment.

Applying paint or other coatings to metals such as copper, bronze or stainless steel that were meant to be exposed.

Cleaning soft metals such as lead, tin, copper, terneplate and zinc with grit blasting or other abrasive methods or tools such as wire brushing, which will abrade the surface of the metal.

Failing to employ gentler methods prior to abrasively cleaning cast iron, wrought iron or steel; or using high pressure grit blasting.

Failing to mask or otherwise protect adjacent masonry, wood or glass surfaces.

Failing to assess pedestrian use or new access patterns so that architectural metal elements are subject to damage by use or inappropriate maintenance such as salting adjacent sidewalks.

Failing to re-apply protective coating systems to metals or alloys that require them after cleaning so that accelerated corrosion occurs.

Using new colours that are inappropriate to the building or district.

Radically changing a character-defining type of finish or character-defining colour or accent scheme, which detracts from the character of the building.

Replacing architectural metal elements that can be repaired.

Removing deteriorated architectural metal elements that could be stabilized, repaired and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile elements.

## Recommended

**Replacing in kind** extensively deteriorated or missing parts of architectural metal elements where there are surviving prototypes. The new work should match the old in form and detailing.

Evaluating the overall condition of architectural metals to determine whether more than protection, maintenance and limited repair or replacement in kind are required; i.e., if more extensive repairs to architectural metal elements will be necessary.

## Not Recommended

Replacing an entire architectural metal element such as a pressed metal ceiling when limited replacement of deteriorated and missing components is appropriate.

Using replacement material that does not match the historic architectural metal elements in appearance or in physical or chemical properties.

Failing to undertake adequate measures to protect architectural metal elements.

## Additional Guidelines for Rehabilitation Projects

### Recommended

**REHABILITATING** an architectural metal element, if an evaluation of its overall condition determines that more than preservation is required.

**Repairing** an architectural metal element by welding, soldering, patching, splicing, or otherwise reinforcing the metal following recognized conservation methods. Repairs may also include the limited replacement in kind — or with a compatible substitute material — of those extensively deteriorated or missing parts of elements when there are surviving prototypes such as porch balusters, column capitals or bases; or roof cresting.

**Replacing in kind** an entire architectural metal element that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model to reproduce the element. Examples could include cast iron porch steps or steel sash windows. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

### Not Recommended

Failing to evaluate the overall condition of an architectural metal element in order to determine the appropriate method of conservation.

Replacing an entire architectural metal element such as a column or a balustrade when repair of the metal and limited replacement of deteriorated or missing parts are feasible.

Using a substitute material for the replacement part that neither conveys the appearance of the surviving parts of the architectural metal element, nor is physically or chemically compatible.

Removing an architectural metal element that is irreparable and not replacing it; or replacing it with a new architectural metal element that does not convey the same appearance.

The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the *Preservation* and *Rehabilitation* concerns listed above have been addressed.

### Recommended

#### Designing for the Replacement of Missing Historic Features

Designing and installing a new architectural metal feature such as a metal cornice or cast iron capital when the historic feature is completely missing. It may be a new design that is compatible with the style, era and character of the historic place; or a replica based on physical and documentary evidence.

### Not Recommended

Introducing a new architectural metal feature that is incompatible in size, scale, material, style and colour.

Creating a false historical appearance because the replaced architectural metal feature is based on insufficient physical and documentary evidence.

## Additional Guidelines for Restoration Projects

### Recommended

**RESTORING** an architectural metal element, if an evaluation of its overall condition determines that more than preservation is required; i.e., if repairs to metal features from the restoration period will be necessary.

**Repairing, stabilizing and conserving** fragile architectural metal from the restoration period using well-tested consolidants, when appropriate. Repairs should be physically and visually compatible and identifiable upon close inspection for future research.

### Not Recommended

Failing to evaluate the overall condition of an architectural metal element in order to determine the appropriate method of conservation.

Removing architectural metal from the restoration period that could be stabilized and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile historic materials.



In *Rehabilitation*, replacing in kind an entire architectural metal element that is too deteriorated to repair is recommended, if the overall form and detailing are still evident. Missing metal roof cresting on the Shaughnessy House in Montreal was replaced by using existing physical evidence as a model to reproduce the element.



## Recommended

Repairing architectural metal features from the restoration period by patching, splicing or otherwise reinforcing the metal using recognized preservation methods. Repairs may also include the limited replacement — preferably in kind — of those extensively deteriorated or missing parts of features from the restoration period when there are surviving prototypes such as porch balusters, column capitals or bases; or porch cresting. The new work should be unobtrusively dated to guide future research and treatment.

**Replacing in kind** an entire architectural metal feature from the restoration period that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model to reproduce the feature. Examples could include cast iron porch steps or roof cresting. The new work should be unobtrusively dated to guide future research and treatment.

## Not Recommended

Replacing an entire architectural metal feature from the restoration period such as a column or a balustrade when repair of the metal and limited replacement of deteriorated or missing parts are appropriate.

Using a substitute material for the replacement part that neither conveys the appearance of the surviving parts of the architectural metal feature, nor is physically or chemically compatible.

Removing an architectural metal feature from the restoration period that is irreparable and not replacing it.

The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing architectural metal features from periods other than the accepted restoration period; and the replacement of missing architectural metal features from the restoration period with all new materials. This work should only be considered after the *Preservation* and *Restoration* concerns listed above have been addressed.

## Recommended

### Removing Existing Features from Other Periods

Removing or altering architectural metal features, such as a later cast iron porch railing, or aluminum windows, dating from other periods.

Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.

### Recreating Missing Features from the Restoration Period

Recreating a missing architectural metal feature that existed during the restoration period based on physical or documentary evidence; for example, duplicating a cast iron storefront or porch.

## Not Recommended

Failing to remove an architectural metal feature from another period, thus confusing the depiction of the building's significance.

Failing to document architectural metal features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing them from the building.

Constructing an architectural metal feature that was part of the original design of the building but was never actually built; or constructing a feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.

# Roofs

## Recommended

**PRESERVING** roofs — and their functional and decorative elements — that are important in defining the overall heritage value of the building.

**Documenting** the form, materials and condition of roofs and roof elements prior to beginning project work. This includes the roof's pitch; shape, such as hipped, gambrel and mansard; decorative elements such as cupolas, cresting, chimneys and weathervanes; and roofing material such as slate, wood, clay tile and metal, as well as its size, colour and patterning.

**Stabilizing** and protecting a leaking roof with plywood and building paper until it can be properly repaired.

**Protecting and maintaining** a roof by cleaning and maintaining the gutters and downspouts and replacing deteriorated flashing in kind. Roof sheathing should also be checked for proper venting to prevent moisture condensation and water penetration; and to ensure that materials are free from insect infestation.

Providing adequate anchorage for roofing material to guard against wind damage and moisture penetration.

**Retaining** sound roofs or roof elements, or deteriorated roofs or roof elements that can be repaired.

**Repairing and stabilizing** deteriorated roofs and roof elements by structural reinforcement, weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

**Replacing in kind** extensively deteriorated or missing parts of roofs where there are surviving prototypes. The new work should match the existing elements in form and detailing.

## Not Recommended

Damaging or destroying roofs that are important in defining the overall heritage value of the building so that, as a result, the heritage value is diminished.

Changing the configuration of a roof by adding new elements such as dormer windows, vents or skylights so that the character is diminished.

Undertaking project work that will have an impact on character-defining roofs and roof elements without first documenting their existing character and condition.

Permitting a leaking roof to remain unprotected so that accelerated deterioration of its building materials (such as masonry, wood, plaster, paint and structural members) occurs.

Failing to replace deteriorated flashing or to clean and maintain gutters and downspouts properly so that water and debris collect and cause damage to roof fasteners, sheathing and the underlying structure.

Allowing roof fasteners such as nails and clips to corrode so that roofing material is subject to accelerated deterioration.

Replacing or rebuilding roofs that can be repaired.

Stripping the roof of sound character-defining material such as slate, clay tile, wood and architectural metal.

Applying paint, stain or other coatings to roofing material that historically has been uncoated.

Removing deteriorated roof elements that could be stabilized, repaired and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile elements.

Replacing an entire roof element such as a dormer when limited replacement of deteriorated and missing components is appropriate.

Using replacement material that does not match the historic roof or roof element.

### Recommended

Evaluating the overall condition of roofs and roof elements to determine whether more than protection, maintenance and limited repair or replacement in kind are required; i.e., if more extensive repairs to roofs will be necessary.

### Not Recommended

Failing to undertake adequate measures to protect roofs.

## Additional Guidelines for Rehabilitation Projects

### Recommended

**REHABILITATING** a roof, if an evaluation of its overall condition determines that more than preservation is required.

**Repairing** a roof by reinforcing the character-defining materials that comprise roof elements. Repairs will also generally include the limited replacement in kind — or with a compatible substitute material — of those extensively deteriorated or missing parts of elements when there are surviving prototypes such as cupola louvers, dentils, dormer roofing; or slates, tiles or wood shingles on a main roof.

**Replacing in kind** an entire element of the roof that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model to reproduce the element. Examples can include a large section of roofing or a dormer or chimney. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

### Not Recommended

Failing to evaluate the overall condition of a roof in order to determine the appropriate method of conservation.

Replacing an entire roof element such as a cupola, dormer or lightning protection when repair of the character-defining materials and limited replacement of deteriorated or missing parts is feasible.

Failing to reuse intact slate or tile when only the roofing substrate needs replacement.

Using a substitute material for the replacement part that neither conveys the appearance of the surviving parts of the roof, nor is physically or chemically compatible.

Removing an element of the roof that is irreparable, such as a chimney or dormer and not replacing it; or replacing it with a new element that does not convey the same appearance.

The *Rehabilitation* of the Truro Federal Building, in Truro, Nova Scotia included restoring its distinctive slate roof. In *Rehabilitation*, the replacement of missing historic features with a replica based on physical and documentary evidence, as in this project, is acceptable, as is a new design that is compatible with the character of the historic place.



The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the *Preservation* and *Rehabilitation* concerns listed above have been addressed.

### Recommended

#### Designing for the Replacement of Missing Historic Features

Designing and constructing a new feature when the historic feature is completely missing, such as chimney or cupola. It may be a new design that is compatible with the style, era and character of the historic place; or a replica based on physical and documentary evidence.

#### Alterations/Additions for the New Use

Installing mechanical and service equipment on the roof such as air conditioning, transformers or solar collectors when required for the new use so that they are inconspicuous from the public right-of-way and do not damage or obscure character-defining elements, or undermine the heritage value.

Designing additions to roofs such as residential, office or storage spaces; elevator housing; decks and terraces; or dormers or skylights when required by the new use so that they are inconspicuous from the public right-of-way and do not damage or obscure character-defining elements, or undermine the heritage value.

### Not Recommended

Introducing a new roof feature that is incompatible in size, scale, material, style and colour.

Creating a false historical appearance because the replaced feature is based on insufficient physical and documentary evidence.

Installing mechanical or service equipment which damages or obscures character-defining elements; or is conspicuous from the public right-of-way.

Radically changing a character-defining roof shape or damaging or destroying character-defining roofing material as a result of incompatible design or improper installation techniques.

## Additional Guidelines for Restoration Projects

### Recommended

**RESTORING** a roof, if an evaluation of its overall condition determines that more than preservation is required; i.e., if repairs to a roof from the restoration period will be necessary.

**Repairing** a roof from the restoration period by reinforcing the materials that comprise roof features. Repairs will also generally include the limited replacement — preferably in kind — of those extensively deteriorated or missing parts of features such as cupola louvers, dentils, dormer roofs or slates, tiles or wood shingles when there are surviving prototypes. The new work should be unobtrusively dated to guide future research and treatment.

### Not Recommended

Failing to evaluate the overall condition of a roof in order to determine the appropriate method of conservation.

Replacing an entire roof feature from the restoration period such as a cupola or dormer when the repair of materials and limited replacement of deteriorated or missing parts are appropriate.

Failing to reuse intact slate or tile when only the roofing substrate needs replacement.

Using a substitute material for the replacement part that neither conveys the appearance of the surviving parts of the roof, nor is physically or chemically compatible.

During the *Restoration* of the former post office in Dawson, Yukon, the metal roofing surface, which was too deteriorated to repair, was replaced “in kind” (using the same form, materials, and detailing). Physical evidence from the *Restoration* period was used as a model to reproduce the characteristic standing seam detail.

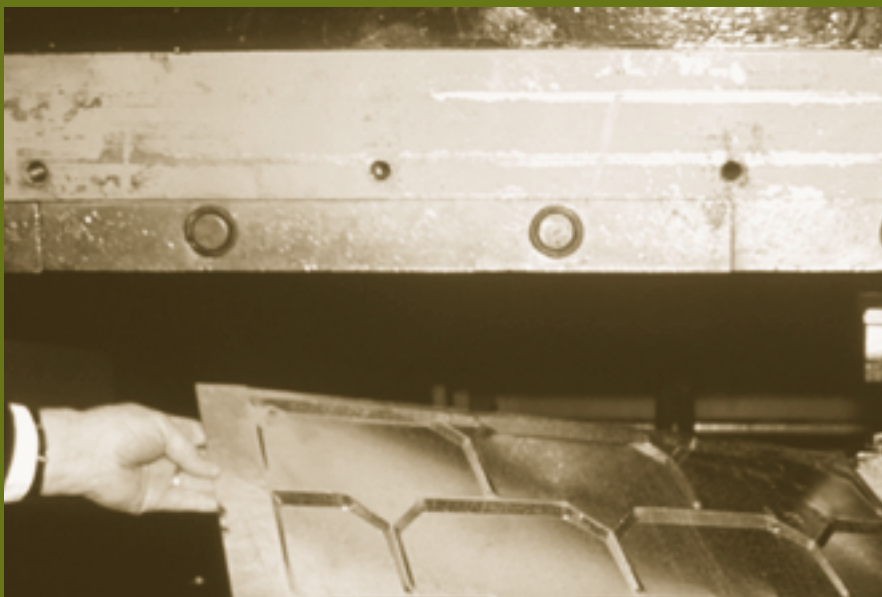


### Recommended

**Replacing in kind** an entire roof feature from the restoration period that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model to reproduce the feature. The new work should be unobtrusively dated to guide future research and treatment.

### Not Recommended

Removing a roof feature from the restoration period that is irreparable and not replacing it; or failing to document the new work.



A surviving pressed metal shingle was used as a prototype for manufacturing replacement shingles for the *Restoration* of the main house at the Motherwell Homestead near Abernathy, Saskatchewan. As a rule, in *Restoration*, repairs or replacements of extensively deteriorated or missing parts of features are done in kind, and are based on physical, documentary and oral evidence.

The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing roofs and roof features from periods other than the accepted restoration period; and the replacement of missing roof features from the restoration period with all new materials. This work should only be considered after the *Preservation* and *Restoration* concerns listed above have been addressed.

## **Recommended**

## **Not Recommended**

### **Removing Existing Features from Other Periods**

Removing or altering roofs or roof features, such as a later dormer or asphalt roofing, dating from other periods.

Failing to remove a roof feature from another period, thus confusing the depiction of the building's significance.

Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.

Failing to document roofing materials and roof features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing them from the building.

### **Recreating Missing Features from the Restoration Period**

Recreating missing roofing material or a roof feature that existed during the restoration period based on physical or documentary evidence; for example, duplicating a dormer or cupola.

Constructing a roof feature that was part of the original design of the building, but was never actually built; or constructing a feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.

# Windows

## Recommended

**PRESERVING** windows and their functional and decorative components — such as frames, sashes, muntins, glazing, sills, heads, hoodmoulds, panelled or decorated jambs and mouldings, interior and exterior shutters and blinds — that are important in defining the overall heritage value of the building.

**Documenting** the location, form, style, materials and method of operation of windows and their elements prior to beginning project work.

## Not Recommended

Removing or radically changing windows that are important in defining the heritage value of the building.

Changing the number, location, size or glazing pattern of windows by cutting new openings, blocking in windows and installing replacement sashes that do not fit the character-defining window opening.

Changing the character-defining appearance of windows through the use of inappropriate designs, materials, finishes or colours that noticeably change the sash, depth of reveal and muntin configuration; the reflectivity and colour of the glazing; or the appearance of the frame.

Obscuring character-defining window trim with metal or other materials.



Preserving a building's character-defining windows generally involves scraping, sanding, re-puttying and repainting. While some limited repair and replacement work was undertaken within the scope of work on the Aberdeen Pavilion in Ottawa (photo on left: before, photo below: after), almost all of the windows were retained, including the glass. Wholesale replacement of window units is not an appropriate *Preservation* treatment.



## Recommended

Conducting an in-depth survey of the condition of windows early in the planning process so that repair and upgrading methods and possible replacement options can be fully explored.

**Protecting and maintaining** the wood and architectural metals that comprise the window frames, sashes, muntins and surrounds through appropriate surface treatments such as cleaning, rust removal, limited paint removal and re-application of protective coating systems in kind.

Making windows weathertight by re-puttying and replacing or installing weatherstripping. These actions also improve thermal efficiency (see also section 4 ENERGY EFFICIENCY CONSIDERATIONS, BUILDINGS: WINDOWS).

**Retaining** sound windows and window elements or deteriorated windows and window elements that can be repaired.

**Repairing and stabilizing** deteriorated windows and window elements by structural reinforcement, weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

**Replacing in kind** extensively deteriorated or missing parts of windows where there are surviving prototypes. The new work should match the old in form and detailing.

Evaluating the overall condition of windows and window elements to determine whether more than protection, maintenance and limited repair or replacement in kind are required; i.e., if more extensive repairs to windows will be necessary.

## Not Recommended

Undertaking project work that will have an impact on character-defining windows without first documenting their existing character and condition.

Failing to provide adequate protection of materials on a cyclical basis, which results in deterioration of the window.

Retrofitting or replacing windows rather than maintaining the sash, frame and glazing.

Replacing windows that can be repaired. Peeling paint, broken glass, stuck sashes or high air infiltration are NOT, in themselves, indications that windows are beyond repair.

Removing deteriorated materials such as wood, cast iron or bronze from windows that could be stabilized, repaired and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile elements.

Replacing an entire window element such as a shutter when limited replacement of deteriorated and missing components is appropriate.

Using replacement material that does not match the historic window or window element.

Failing to undertake adequate measures such as cyclical maintenance to protect windows.





The replacement of an entire character-defining element is recommended in *Rehabilitation* if the element is extensively deteriorated and cannot reasonably be repaired. The replacement should accurately replicate the original, as shown in the project on the left, or be compatible with the character of the historic place.

## Additional Guidelines for Rehabilitation Projects

### Recommended

**REHABILITATING** a window, if an evaluation of its overall condition determines that more than preservation is required.

**Repairing** window frames and sashes by patching, splicing, consolidating or otherwise reinforcing. Such repair may also include replacement in kind — or with a compatible substitute material — of those parts that are either extensively deteriorated or are missing, when there are surviving prototypes such as architraves, hoodmolds, sashes, sills and interior or exterior shutters and blinds.

**Replacing in kind** an entire window that is too deteriorated to repair using the same sash and pane configuration and other design details. If using the same kind of material is not technically or economically feasible when replacing windows deteriorated beyond repair, then a compatible substitute material may be considered.

### Not Recommended

Failing to evaluate the overall condition of a window, in order to determine the appropriate method of conservation.

Replacing an entire window when repair of materials and limited replacement of deteriorated or missing parts is feasible.

Failing to reuse serviceable window hardware such as sash lifts and sash locks.

Using substitute material for the replacement part, that neither conveys the same appearance as the surviving parts of the window, nor is physically or chemically compatible.

Removing a character-defining window that is irreparable and blocking it in; or replacing it with a new window that does not convey the same appearance.

The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the *Preservation* and *Rehabilitation* concerns listed above have been addressed.

### Recommended

#### Designing for the Replacement of Missing Historic Features

Designing and installing new windows when the historic windows (frames, sashes and glazing) are completely missing. It may be a new design that is compatible with the style, era and character of the historic place; or a replica based on physical and documentary evidence.

#### Alterations/Additions for the New Use

Designing and installing additional windows on non-character-defining elevations if required by the new use. Such designs should be compatible with the overall style, era and character of the building, but not necessarily duplicate the fenestration pattern and detailing of a character-defining elevation.

Providing a setback in the design of dropped ceilings when they are required for the new use to allow for the full height of the window openings.

### Not Recommended

Introducing a new design that is inconsistent with the style, era and overall historic character of the building.

Creating a false historical appearance because the replaced window is based on insufficient physical and documentary evidence.

Installing new windows, including frames, sashes and muntins, that are incompatible with the building's historic appearance or obscure, damage or destroy character-defining elements.

Inserting new floors or furred-down ceilings that cut across the glazed areas of windows so that the exterior form and appearance of the windows are changed.

## Additional Guidelines for Restoration Projects

### Recommended

**RESTORING** a window, if an evaluation of its overall condition determines that more than preservation is required; i.e., if repairs to wood features from the restoration period will be necessary.

**Repairing** window frames and sashes from the restoration period by patching, splicing, consolidating or otherwise reinforcing. Such repair may also include limited replacement — preferably in kind — of extensively deteriorated or missing parts such as architraves, hoodmoulds, sash, sills and interior or exterior shutters and blinds when there are surviving prototypes. The new work should be unobtrusively dated to guide future research and treatment.

### Not Recommended

Failing to evaluate the overall condition of a window in order to determine the appropriate method of conservation.

Replacing an entire window from the restoration period when repair of materials and limited replacement of deteriorated or missing parts are appropriate.

Failing to reuse serviceable window hardware such as brass sash lifts and sash locks.

Using a substitute material for the replacement part that neither conveys the appearance of the surviving parts of the window, nor is physically or chemically compatible.

**Recommended**

**Replacing in kind** a window feature from the restoration period that is too deteriorated to repair using the same sash and pane configuration and other design details. The new work should be unobtrusively dated to guide future research and treatment.

**Not Recommended**

Removing a window feature from the restoration period that is irreparable and not replacing it; or failing to document the new work.

The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing windows and window features from periods other than the accepted restoration period; and the replacement of missing window features from the restoration period with all new materials. This work should only be considered after the *Preservation* and *Restoration* concerns listed above have been addressed.

**Recommended****Removing Existing Features from Other Periods**

Removing or altering windows or window features, such as later single-pane glazing or inappropriate shutters, dating from other periods.

Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.

**Recreating Missing Features from the Restoration Period**

Recreating a missing window or window feature that existed during the restoration period based on physical or documentary evidence; for example, duplicating a hoodmould or shutter.

**Not Recommended**

Failing to remove a window feature from another period, thus confusing the depiction of the building's significance.

Failing to document window features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing them from the building.

Constructing a window feature that was part of the original design of the building, but was never actually built; or constructing a feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.

## Entrances and Porches

### Recommended

**PRESERVING** entrances and porches — and their functional and decorative features such as doors, fanlights, sidelights, pilasters, entablatures, columns, balustrades and stairs — which are important in defining the overall heritage value of the building.

**Documenting** the form, materials and condition of entrances and porches prior to beginning project work.

**Protecting and maintaining** the masonry, wood and architectural metals that comprise entrances and porches through appropriate surface treatments such as cleaning, rust removal, limited paint removal and re-application of protective coating systems in kind.

**Retaining** sound entrance and porch elements or deteriorated entrance and porch elements that can be repaired (see also section 4: ACCESSIBILITY CONSIDERATIONS).

**Repairing and stabilizing** deteriorated entrance and porch elements by structural reinforcement, weather protection; or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

**Replacing in kind** extensively deteriorated or missing parts of entrance and porch elements where there are surviving prototypes. The new work should match the existing elements in form and detailing.

Evaluating the overall condition of materials to determine whether more than protection, maintenance and limited repair or replacement in kind are required; i.e., if more extensive repairs to entrance and porch elements will be necessary.

### Not Recommended

Removing or radically changing entrances and porches that are important in defining the overall heritage value of the building so that, as a result, the heritage value is diminished.

Undertaking project work that will have an impact on character-defining entrances and porches without first documenting their existing character and condition.

Failing to provide adequate protection of materials on a cyclical basis, which results in deterioration of entrances and porches.

Removing sound or repairable material such as wood, cast iron, terra cotta tile and brick from entrances and porches.

Removing an entrance or porch because the building has been re-oriented to accommodate a new use.

Creating new entrances on a character-defining elevation.

Altering utilitarian or service entrances so they appear to be formal entrances by adding panelled doors, fanlights and sidelights.

Removing deteriorated entrance and porch elements that could be stabilized, repaired and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile elements.

Replacing an entire entrance or porch element when limited replacement of deteriorated and missing components is appropriate.

Using a replacement material that does not match the historic entrance or porch element.

Failing to undertake adequate measures to protect entrances and porches.

## Additional Guidelines for Rehabilitation Projects

### Recommended

**REHABILITATING** an entrance or a porch, if an evaluation of its overall condition determines that more than preservation is required.

**Repairing** an entrance or porch by reinforcing the character-defining materials. Repair will also generally include the limited replacement in kind — or with a compatible substitute material — of those extensively deteriorated or missing parts of repeated elements where there are surviving prototypes such as balustrades, cornices, entablatures, columns, sidelights and stairs, or where there is clear evidence such as old paint traces on adjacent surfaces.

**Replacing in kind** an entire entrance or porch that is too deteriorated to repair — if the form and detailing are still evident — using the physical evidence as a model to reproduce the element. If using the same kind of material is not technically or economically feasible, then compatible substitute materials may be considered.

### Not Recommended

Failing to evaluate the overall condition of an entrance or a porch in order to determine the appropriate method of conservation.

Replacing an entire entrance or porch when the repair of materials and limited replacement of parts are feasible.

Using a substitute material for replacement parts that neither conveys the appearance of the surviving parts of the entrance and porch, nor is physically or chemically compatible.

Removing an entrance or porch that is irreparable and not replacing it; or replacing it with a new entrance or porch that does not convey the same appearance.

Porches, such as this portico on the old Bonsecours Market in Montreal (built 1844-47) with its striking Greek Doric cast iron columns, can play a very significant role in defining the character of a building. Maximizing the retention of character-defining elements, including the portico, was the primary conservation objective when the building was rehabilitated for use as a Municipal office.



The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the *Preservation* and *Rehabilitation* concerns listed above have been addressed.

### Recommended

#### Designing for the Replacement of Missing Historic Features

Designing and constructing a new entrance or porch when the historic entrance or porch is completely missing. It may be a new design that is compatible with the style, era and character of the historic place; or a replica based on physical and documentary evidence.

#### Alterations/Additions for the New Use

Designing enclosures or screening for character-defining porches on secondary elevations when required by the new use in a manner that preserves the character of the building. This can include using large sheets of glass and recessing the enclosure wall behind existing scrollwork, posts or balustrades.

Designing and installing additional entrances or porches on non-character-defining elevations when required for the new use in a manner that preserves the character of the building, i.e., limiting such alteration to non-character-defining elevations.

### Not Recommended

Introducing a new entrance or porch that is incompatible in size, scale, material, style or colour.

Creating a false historical appearance because the replaced entrance or porch is based on insufficient physical and documentary evidence.

Enclosing porches in a manner that detracts from or results in a loss of character by using materials such as wood, stucco or masonry.

Installing secondary entrances and porches on non-character-defining elevations that are incompatible in size or scale with the historic building or obscure, damage or destroy character-defining elements.



In *Rehabilitation*, deteriorated features should be repaired, whenever possible, and replaced when the severity of the damage makes it necessary. Here, the character-defining stone steps of the entrance to a house in Saint John, New Brunswick were cracked. Appropriate work on the entrance included repairs to the stone steps and walls, and the installation of a metal handrail to meet building code requirements.

## Additional Guidelines for Restoration Projects

### Recommended

**RESTORING** an entrance or a porch, if an evaluation of its overall condition determines that more than preservation is required; i.e., if repairs to features from the restoration period will be necessary.

**Repairing** entrances and porches from the restoration period by reinforcing the historic materials. Repairs will also generally include the limited replacement — preferably in kind — of those extensively deteriorated or missing parts of repeated features such as balustrades, cornices, entablatures, columns, sidelights and stairs where there are surviving prototypes, or where there is clear evidence such as old paint traces on adjacent surfaces. The new work should be unobtrusively dated to guide future research and treatment.

**Replacing in kind** an entire entrance or porch from the restoration period that is too deteriorated to repair — if the form and detailing are still evident — using the physical evidence as a model to reproduce the feature. The new work should be unobtrusively dated to guide future research and treatment.

### Not Recommended

Failing to evaluate the overall condition of an entrance or a porch in order to determine the appropriate method of conservation.

Replacing an entire entrance or porch feature from the restoration period when the repair of materials and limited replacement of parts are appropriate.

Using a substitute material for the replacement part that neither conveys the appearance of the surviving parts of the entrance and porch, nor is physically or chemically compatible.

Removing an entrance or porch feature from the restoration period that is irreparable and not replacing it; or failing to document the new work.



In *Restoration*, reinstating the historic paint colours from the restoration period should be based on physical or documentary evidence, such as on-site paint analysis and colour photographs.

The following Restoration work has been highlighted to indicate that it involves the removal or alteration of existing entrance and porch features from periods other than the accepted restoration period; and the replacement of missing entrance and porch features from the restoration period with all new materials. This work should only be considered after the *Preservation* and *Restoration* concerns listed above have been addressed.

## **Recommended**

### **Removing Existing Features from Other Periods**

Removing or altering entrances and porches and their features, such as a later porch railing or balustrade, dating from other periods.

Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.

### **Recreating Missing Features from the Restoration Period**

Recreating a missing entrance or porch or its features that existed during the restoration period based on physical or documentary evidence; for example, duplicating a fanlight or porch column.

## **Not Recommended**

Failing to remove an entrance or porch feature from another period, thus confusing the depiction of the building's significance.

Failing to document entrance or porch features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing them from the building.

Constructing an entrance or porch feature that was part of the original design of the building but was never actually built; or constructing a feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.



# Storefronts

## Recommended

**PRESERVING** storefronts — and their functional and decorative features such as display windows, doors, transoms, cornices, corner posts, awnings and signs — that are important in defining the overall heritage value of the building.

**Documenting** the form, materials and condition of storefronts prior to beginning project work. The careful removal of non-character-defining cladding, false mansard roofs and other cover-ups may reveal an earlier storefront beneath.

**Stabilizing** and protecting storefronts against arson and vandalism before work begins by boarding up windows and installing alarm systems that are keyed into local protection agencies.

**Protecting and maintaining** wood, masonry and architectural metals that comprise storefronts through appropriate treatments such as cleaning, rust removal, limited paint removal and re-application of protective coating systems in kind.

## Not Recommended

Removing or radically changing storefronts — and their features — that are important in defining the overall heritage value of the building.

Undertaking project work that will have an impact on character-defining storefronts and storefront elements without first documenting their existing character and condition.

Permitting entry into the building through unsecured or broken windows and doors so that interior elements and finishes are damaged by exposure to weather or vandalism.

Failing to provide adequate protection of materials on a cyclical basis, which results in the deterioration of storefronts.



The character-defining form and features of 1880s storefronts in Vancouver, including their large plate-glass display windows with multi-pane transom windows above and recessed central doorways, have been retained through *Preservation*.

## Recommended

**Retaining** sound storefronts and storefront elements, or deteriorated storefronts and storefront elements that can be repaired.

Retaining character-defining signs and awnings that are sound or could be repaired.

**Repairing and stabilizing** deteriorated storefront elements by structural reinforcement, weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

**Replacing in kind** extensively deteriorated or missing parts of storefronts where there are surviving prototypes. The new work should match the old in form and detailing.

Evaluating the overall condition of storefronts to determine whether more than protection, maintenance and limited repair or replacement in kind is required; i.e., if more extensive repairs to storefronts will be necessary.

## Not Recommended

Stripping storefronts of character-defining material such as wood, brick, metal, structural glass (e.g., Carrara Glass or Vitrolite), terra cotta and cast iron; or covering over character-defining material.

Changing the storefront so that it appears residential rather than commercial in character.

Changing the proportions of display windows.

Changing the location of a storefront's main entrance.

Removing material from the storefront to create a recessed arcade.

Introducing coach lanterns, false mansard roofs, wood shakes, non-operable shutters and small-paned windows if they cannot be documented historically.

Replacing sound character-defining signs and awnings, or signs and awnings that could be repaired.

Removing deteriorated storefront elements that could be stabilized, repaired and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile elements.

Replacing an entire storefront element such as a cornice when limited replacement of deteriorated and missing components is appropriate.

Using replacement material that does not match the historic storefront element.

Failing to undertake adequate measures to protect storefronts.



Creating a false sense of history, such as adding features based on 18<sup>th</sup> century American architecture to a 19<sup>th</sup> century Canadian building, is not recommended.

## Additional Guidelines for Rehabilitation Projects

### Recommended

**REHABILITATING** a storefront, if an evaluation of its overall condition determines that more than preservation is required.

**Repairing** storefronts by reinforcing the character-defining materials. Repairs will also generally include the limited replacement in kind — or with compatible substitute materials — of those extensively deteriorated or missing parts of storefronts where there are surviving prototypes such as transoms, cornices, pilasters or signs.

**Replacing in kind** an entire storefront that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model. If using the same material is not technically or economically feasible, then compatible substitute materials may be considered.

### Not Recommended

Failing to evaluate the overall condition of a storefront in order to determine the appropriate method of conservation.

Replacing an entire storefront when repair of materials and limited replacement of its parts are feasible.

Using a substitute material for replacement parts, which neither conveys the same appearance as the surviving parts of the storefront, nor is physically or chemically compatible.

Removing a storefront that is irreparable and not replacing it; or replacing it with a new storefront that does not convey the same appearance.



The *Rehabilitation* of the exterior of this building in Nelson, British Columbia involved carefully removing panels that covered the storefront and stripping the paint from the second storey to reveal the underlying brick and stone façade, and installing traditional-style fabric awnings. Many older commercial buildings were re-clad in an attempt to give them a modern face. Beneath these cover-ups may be a well-designed and well-built façade. Removing such cover-ups, if they are not character-defining elements, is recommended.

The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the *Preservation* and *Rehabilitation* concerns listed above have been addressed.

## Recommended

### Designing for the Replacement of Missing Historic Features

Designing and constructing a new storefront when the historic storefront is completely missing. It may be a new design that is compatible with the style, era and character of the historic place; or a replica based on physical and documentary evidence.

## Not Recommended

Introducing a new design that is incompatible in size, scale, material, style and colour.

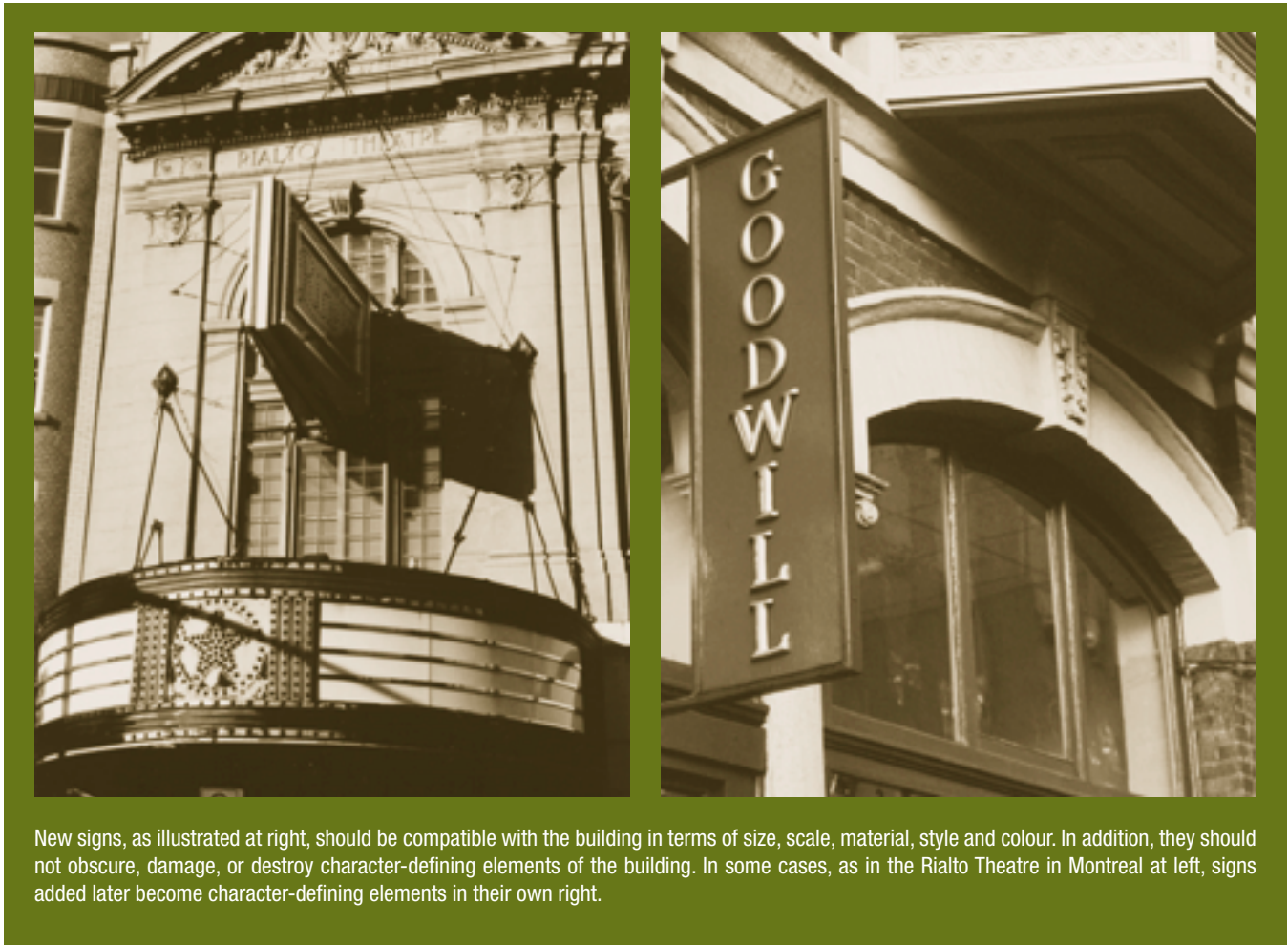
Creating a false historical appearance because the replaced storefront is based on insufficient physical and documentary evidence.

Using inappropriately scaled signs and logos or other types of signs that are incompatible in size, scale, material, style, colour or illumination; or obscure, damage, or destroy character-defining elements of the building, or undermine its heritage value.

Using awnings, canopies or marquees that are incompatible in size, scale, material, style, colour or illumination; or obscure, damage, or destroy character-defining elements of the building, or undermine its heritage value.



A new storefront was constructed to replace the extensively altered storefront of this bank in Perth, Ontario when the building was *Rehabilitated*. The new storefront could have been a replica of the historic storefront, if there had been sufficient evidence. An acceptable alternative in *Rehabilitation*, as shown in the photo to the right, is a new design that is compatible in form, material and detailing with the style, era and character of the building.



New signs, as illustrated at right, should be compatible with the building in terms of size, scale, material, style and colour. In addition, they should not obscure, damage, or destroy character-defining elements of the building. In some cases, as in the Rialto Theatre in Montreal at left, signs added later become character-defining elements in their own right.

## Additional Guidelines for Restoration Projects

### Recommended

**RESTORING** a storefront, if an evaluation of its overall condition determines that more than preservation is required; i.e., if repairs to storefront features from the restoration period will be necessary.

**Repairing** storefronts from the restoration period by reinforcing the historic materials. Repairs will also generally include the limited replacement — preferably in kind — of those extensively deteriorated or missing parts of storefronts such as transoms, cornices, pilasters or signs where there are surviving prototypes. The new work should be unobtrusively dated to guide future research and treatment.

**Replacing in kind** a storefront from the restoration period that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model. The new work should be unobtrusively dated to guide future research and treatment.

### Not Recommended

Failing to evaluate the overall condition of a storefront in order to determine the appropriate method of conservation.

Replacing an entire storefront feature from the restoration period when repair of materials and limited replacement of its parts are appropriate.

Using a substitute material for the replacement part, which neither conveys the same appearance as the surviving parts of the storefront, nor is physically or chemically compatible.

Removing a storefront feature from the restoration period that is irreparable and not replacing it; or failing to document the new work.

The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing storefront features from periods other than the accepted restoration period; and the replacement of missing storefront features from the restoration period with all new materials. This work should only be considered after the *Preservation* and *Restoration* concerns listed above have been addressed.

## Recommended

### Removing Existing Features from Other Periods

Removing or altering storefronts and their features, such as inappropriate cladding or signage, dating from other periods.

Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.

### Recreating Missing Features from the Restoration Period

Recreating a missing storefront or storefront feature that existed during the restoration period based on physical or documentary evidence; for example, duplicating a display window or transom.

## Not Recommended

Failing to remove a storefront feature from another period, thus confusing the depiction of the building's significance.

Failing to document storefront features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing them from the building.

Constructing a storefront feature that was part of the original design of the building but was never actually built; or constructing a feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.

Installing signs, awnings, canopies or marquees for which there is insufficient physical or documentary evidence; or that are inappropriate to the building and the restoration period.



*Restoration of a storefront may involve removing inappropriate cladding dating from a later period. Recreating a missing feature, such as the awnings on this storefront in New Brunswick, should be based on physical or documentary evidence.*

# Interior Spaces, Features and Finishes

## Recommended

### Interior Spaces

**PRESERVING** circulation patterns or interior spaces — such as lobbies, reception halls, entrance halls, double parlours, theatres, auditoriums and industrial or commercial spaces — that are important in defining the overall heritage value of the building.

**Documenting** the form, materials and condition of circulation patterns or interior spaces prior to beginning project work. This includes the size, configuration, proportion and relationship of rooms and corridors; and the relationship of features to spaces.

**Retaining** sound circulation patterns or interior spaces, or deteriorated circulation patterns or interior spaces that can be repaired (see also section 4: ACCESSIBILITY CONSIDERATIONS).

## Not Recommended

Radically changing circulation patterns or interior spaces — including individual rooms — that are important in defining the overall heritage value of the building.

Undertaking project work that will have an impact on character-defining circulation patterns or interior spaces without first documenting their existing character and condition.

Altering the floor plan by demolishing principal walls and partitions in order to create a new appearance.

Altering or destroying interior spaces by inserting floors, cutting through floors, lowering ceilings, or adding or removing walls.

Relocating an interior feature such as a staircase, thereby altering the relationship between features and spaces.



Restoring theatre interiors includes preserving the proportion and form of spaces and furnishings, as well as other features and finishes that are important in defining the overall character of the building. The *Restoration* of the interior of the Imperial Theatre in Saint John, New Brunswick included rehabilitation of the seating and circulation according to code requirements, and restoration of the ornamental plaster ceilings and light fixtures.

## Recommended

### Interior Features and Finishes

**PRESERVING** interior features and finishes that are important in defining the character of the building, including columns, cornices, baseboards, fireplaces and mantels, panelling, light fixtures, hardware and flooring; wall-paper, plaster, paint and finishes such as stencilling, marbling and graining; and other character-defining decorative materials that accent interior features and provide colour, texture and patterning to walls, floors and ceilings.

**Documenting** the form, materials and condition of interior features and finishes prior to beginning project work.

**Stabilizing** and protecting interior features and finishes against arson and vandalism before project work begins, in a non-damaging, reversible manner, such as erecting protective fencing, boarding up windows and installing fire alarm systems that are keyed to local protection agencies.

## Not Recommended

Removing or radically changing features and finishes that are important in defining the overall character of the building.

Undertaking project work that will have an impact on character-defining interior features and finishes without first documenting their existing character and condition.

Permitting unauthorized entry into historic buildings through unsecured or broken windows and doors, exposing the interior features and finishes to damage caused by weather or vandalism.

Stripping interiors of decorative materials and features such as woodwork, doors, windows, light fixtures, copper piping, radiators.



An example of “limited replacement in kind” points out an appropriate scope of work within the treatment *Preservation*. Only the damaged corner of a stair’s newel post has been replaced- (it will be stained to match). Targeting repairs to the deteriorated elements meant that most of the character-defining elements were retained.



## Recommended

**Protecting and maintaining** masonry, wood and architectural metals, as well as wall treatments that comprise interior features through appropriate surface treatments such as cleaning, rust removal, limited paint removal and re-application in kind of protective coating systems.

Protecting interior features such as a staircase, mantel or decorative finishes and wall coverings against damage during project work by covering them with heavy canvas or plastic sheets, for example.

Installing protective coverings in areas of heavy pedestrian traffic to protect elements such as wall coverings, parquet flooring and panelling.

Removing damaged or deteriorated paints and finishes to the next sound layer using the gentlest method possible, then repainting or refinishing using compatible paint or other coating systems.

Using proven cleaning methods that do not damage interior features and finishes. Abrasive cleaning should only be considered when it is necessary to halt deterioration or remove heavy soiling and only after other, gentler methods have been proven in tests to be ineffective and the desired level of cleanliness has been established.

Repainting with colours that are appropriate to the historic building.

**Retaining** sound interior features and finishes, or deteriorated interior features and finishes that can be repaired.

**Repairing and stabilizing** deteriorated interior features and finishes by addressing the root causes of the damage, opting for structural reinforcement or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

## Not Recommended

Failing to provide adequate protection of materials on a cyclical basis, which results in the deterioration of interior features.

Failing to provide proper protection of interior features and finishes during work so that they are gouged, scratched, dented or otherwise mechanically damaged.

Failing to take new patterns of use and circulation into consideration, resulting in damage to interior features and finishes.

Using destructive methods such as propane or butane torches or sandblasting to remove paint, whitewash or other coatings. These methods can irreversibly damage the materials that comprise interior features.

Changing the texture and patina of interior features and finishes through sandblasting or use of abrasive methods to remove paint, discolouration or plaster. This includes both exposed wood (including structural members) and masonry.

Using new finishes or paint colours that are inappropriate to the historic building.

Removing paint, plaster or other finishes from historically finished surfaces in order to create a new appearance (e.g., removing plaster to expose masonry surfaces such as brick walls or a chimney piece).

Stripping paint to bare wood rather than repairing or reapplying grained or marbled finishes to features such as doors and panelling.

Radically changing the type of finish or its colour, such as painting a previously varnished wood feature.

Installing new decorative material that obscures or damages interior features or finishes, or undermines the heritage value of the space.

Applying paint, plaster or other finishes to surfaces that have been historically unfinished in order to create a new appearance.

Removing deteriorated interior features and finishes that could be stabilized, repaired and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile elements.

## Recommended

**Replacing in kind** extensively deteriorated or missing parts of interior features and finishes where there are surviving prototypes. The new work should match the old in form and detailing.

Evaluating the overall condition of interior features and finishes to determine whether more than protection, maintenance and limited repair or replacement in kind is required; i.e., if more extensive repairs to interior features and finishes will be necessary.

## Not Recommended

Replacing an entire interior feature or finish when limited replacement of deteriorated and missing components is appropriate.

Using replacement material that does not match the historic interior feature or finish.

Failing to undertake adequate measures to protect interior features and finishes.

## Additional Guidelines for Rehabilitation Projects

### Recommended

**REHABILITATING** interior spaces, features and finishes, if an evaluation of their overall condition determines that more than preservation is required.

**Repairing** interior features and finishes by reinforcing the character-defining materials. Repair will also generally include the limited replacement in kind — or with a compatible substitute material — of those extensively deteriorated or missing parts of repeated features when there are surviving prototypes such as stairs, balustrades, wood panelling, columns; or decorative wall coverings or ornamental tin or plaster ceilings.

### Not Recommended

Failing to evaluate the overall condition of interior spaces, features and finishes in order to determine their proper conservation.

Replacing an entire interior feature such as a staircase, panelled wall, parquet floor or cornice; or finish such as a decorative wall covering or ceiling, when repair of materials and limited replacement of such parts is feasible.

Using a substitute material for the replacement part that neither conveys the appearance of the surviving parts or portions of the interior feature or finish, nor is physically or chemically compatible.

When the Birkett Castle in Ottawa was first converted from residential to office use, its plaster ceiling was covered in acoustic tiles and fluorescent lighting was installed throughout. Some years later the building was sensitively rehabilitated by its new owner: in addition to removing the ceiling tiles and fluorescent light fixtures and carefully patching the damage they created, the sound character-defining interior features and finishes were retained and restored, and the deteriorated ones were repaired or replaced in kind.



## Recommended

**Replacing in kind** an entire interior feature or finish that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model for reproduction. Examples could include wainscoting, a pressed-metal ceiling, or interior stairs. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

## Not Recommended

Removing a character-defining feature or finish that is irreparable and not replacing it; or replacing it with a new feature or finish that does not convey the same appearance.

The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the *Preservation* and *Rehabilitation* concerns listed above have been addressed.

### Recommended

#### Designing for the Replacement of Missing Historic Features

Designing and installing a new interior feature or finish if the historic feature or finish is completely missing. This could include missing partitions, stairs, elevators, lighting fixtures and wall coverings; or even entire rooms if all historic spaces, features and finishes are missing or have been destroyed by inappropriate “renovations.” It may be a new design that is compatible with the character of the historic place; or a replica based on physical and documentary evidence.

#### Alterations/Additions for the New Use

Accommodating service functions such as bathrooms, mechanical equipment and office machines required by the building’s new use in secondary spaces such as first floor service areas or on upper floors.

Reusing decorative material or features that have had to be removed during the rehabilitation work including wall and baseboard trim, door moulding, panelled doors and simple wainscoting; and relocating such material or features to areas appropriate to their historic placement.

Installing permanent partitions in secondary spaces; removable partitions that do not destroy the sense of space should be installed when the new use requires the subdivision of character-defining interior space.

### Not Recommended

Introducing a new interior feature or finish that is incompatible with the scale, design, materials, colour and texture of the surviving interior features and finishes.

Creating a false historical appearance because the replaced feature is based on insufficient physical, historical and pictorial documentation or on information derived from another building.

Dividing rooms, lowering ceilings and damaging or obscuring character-defining elements such as fireplaces, niches, stairways or alcoves, so that a new use can be accommodated in the building.

Discarding character-defining material when it can be reused within the rehabilitation project or relocating it to historically inappropriate areas.

Installing permanent partitions that damage or obscure character-defining spaces, features or finishes.

### Recommended

Enclosing an interior stairway where required by code so that its character is retained. In many cases, glazed fire-rated walls may be used.

Placing new code-required stairways or elevators in secondary and service areas of the historic building.

Creating an atrium or a light well to provide natural light when required for the new use in a manner that ensures the preservation of the structural system as well as character-defining interior spaces, features and finishes.

Adding a new floor if required for the new use in a manner that preserves character-defining interior spaces, features and finishes.

### Not Recommended

Enclosing an interior stairway with fire-rated construction so that the stairwell space or any character-defining elements are destroyed.

Radically changing, damaging, or destroying character-defining spaces, features or finishes when adding new code-required stairways and elevators.

Destroying character-defining interior spaces, features or finishes; or damaging the structural system, in order to create an atrium or light well.

Inserting a new floor within a building that radically changes a character-defining interior space; obscures, damages, or destroys decorative detailing; or alters or destroys the arrangement of windows in a building.

## Additional Guidelines for Restoration Projects

### Recommended

**RESTORING** interior features and finishes, if an evaluation of their overall condition determines that more than preservation is required; i.e., if repairs to interior features and finishes from the restoration period will be necessary.

**Repairing** interior features and finishes from the restoration period by reinforcing the historic materials. Repair will also generally include the limited replacement — preferably in kind — of extensively deteriorated or missing parts of repeated features such as stairs, balustrades, wood panelling, columns, or decorative wall coverings or ornamental metal or plaster ceilings when there are surviving prototypes. The new work should be unobtrusively dated to guide future research and treatment.

**Replacing in kind** an entire interior feature or finish from the restoration period that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model for reproduction. Examples could include wainscoting, a pressed-metal ceiling or interior stairs. The new work should be unobtrusively dated to guide future research and treatment.

### Not Recommended

Failing to evaluate the overall condition of interior features and finishes in order to determine their proper conservation.

Replacing an interior feature from the restoration period such as a staircase, panelled wall, parquet floor or cornice; or finish such as a decorative wall covering or ceiling when repair of materials and limited replacement of such parts are appropriate.

Using a substitute material for the replacement part, which neither conveys the same appearance as the surviving parts or portions of the interior feature or finish, nor is physically or chemically compatible.

Removing a feature or finish from the restoration period that is irreparable and not replacing it; or failing to document the new work.

The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing interior spaces, features and finishes from periods other than the accepted restoration period; and the replacement of missing interior spaces, features and finishes from the restoration period with all new materials. This work should only be considered after the *Preservation and Restoration* concerns listed above have been addressed.

## Recommended

### Removing Existing Features from Other Periods

Removing or altering interior spaces, features and finishes, such as a later suspended ceiling or wood panelling, dating from other periods.

Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.

### Recreating Missing Features from the Restoration Period

Recreating an interior space, or a missing feature or finish, from the restoration period based on physical or documentary evidence; for example, duplicating a marbled mantel or a staircase.

## Not Recommended

Failing to remove or alter an interior space, feature or finish from another period, thus confusing the depiction of the building's significance.

Failing to document interior spaces, features and finishes from other periods (which results in the loss of a valuable portion of the historic record) prior to removing them from the building.

Constructing an interior space, feature or finish that was part of the original design of the building but was never actually built; or constructing a feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.

When adding any new features to meet functional requirements, it is recommended that adjacent character-defining elements be conserved. A new glass wall in this Halifax office building was carefully designed to complement the quality of the lobby's materials and finishes, and installed in a way that avoided damaging the adjacent character-defining plasterwork and stone-wainscoting. Its contemporary design is sympathetic to the style of the mid-1930s building.



# Structural Systems

(See also **ENGINEERING WORKS**)

## Recommended

**PRESERVING** structural systems and individual features of systems — such as load-bearing wood, brick, or stone walls, trusses, post-and-beam systems, summer beams, cast iron columns or above-grade stone foundation walls — that are important in defining the overall heritage value of the building.

**Documenting** the form, materials, function and condition of structural systems prior to beginning project work.

**Stabilizing** deteriorated structural systems by structural reinforcement or weather protection, or ensuring that unsafe conditions are corrected, as required, until any additional work is undertaken.

**Protecting and maintaining** the structural system by cleaning and maintaining the roof gutters and downspouts; replacing roof flashing in kind; keeping masonry, wood and architectural metals in a sound condition; and ensuring that structural members are free of fungal decay and insect infestation.

Examining and evaluating the physical condition of the structural system and its individual features using minimally destructive techniques such as radiographic, ultrasonic, electromagnetic or acoustic testing.

**Retaining** sound structural systems or deteriorated structural systems that can be repaired.

**Repairing** deteriorated structural systems in such a way that repairs are physically and visually compatible.

## Not Recommended

Removing, covering or radically changing visible features of structural systems that are important in defining the overall heritage value of the building.

Leaving known structural problems untreated such as deflection of beams, cracking and bowing of walls, or racking of structural members.

Utilizing treatments or products that accelerate the deterioration of structural material such as introducing urea formaldehyde foam insulation into frame walls.

Putting the building to a new use, which could overload the existing structural system; or installing equipment or mechanical systems that could damage the structure.

Undertaking project work that will have an impact on character-defining structural systems without first documenting their existing character and condition.

Failing to stabilize deteriorated structural systems, thus putting them at risk of further deterioration.

Failing to obtain advice from qualified personnel such as professional engineers for any structural systems that may be unsafe.

Failing to provide proper building maintenance, resulting in the deterioration of the structural system. Causes of deterioration include subsurface ground movement, rising damp, vegetation growing too close to foundation walls, improper grading, fungal rot and poor interior ventilation that results in condensation.

Utilizing destructive probing or sampling techniques that will damage or destroy structural material.

Replacing or rebuilding structural systems that can be repaired; e.g., demolishing a load-bearing masonry wall that could be augmented and retained and replacing it with a new wall, using the masonry only as an exterior veneer.

Removing deteriorated structural system elements that could be stabilized, repaired and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile elements.

## Recommended

**Replacing in kind** extensively deteriorated or missing parts of structural systems where there are surviving prototypes. The new work should match the old in form and detailing and have adequate strength.

Evaluating the overall condition of structural systems to determine whether more than protection, maintenance and limited repair or replacement in kind is required; i.e., if more extensive repairs to structural systems will be necessary.

## Not Recommended

Replacing an entire structural system element such as a summer beam when limited replacement of deteriorated and missing components is appropriate.

Using a replacement material that does not match the historic structural system element.

Failing to undertake adequate measures to protect structural systems.

## Additional Guidelines for Rehabilitation Projects

### Recommended

**REHABILITATING** a structural system and its individual features, if an evaluation of its overall condition determines that more than preservation is required.

**Repairing** the structural system by augmenting or upgrading individual parts or features. For example, weakened structural members such as floor framing can be paired with a new member, braced or otherwise supplemented and reinforced.

### Not Recommended

Failing to evaluate the overall condition of a structural system and its individual features in order to determine the appropriate method of conservation.

Upgrading the building structurally in a manner that diminishes the character of the exterior (such as installing strapping or channels, or removing a decorative cornice) or that damages interior features or spaces.

Replacing a structural member or other feature of the structural system when it could be augmented and retained.

Preserving structural systems includes stabilizing deteriorated systems by structural reinforcement until any additional work is undertaken, as illustrated here in the temporary bracing of the E.B. Eddy factory in Gatineau, Quebec.



## Recommended

**Replacing in kind** — or with a substitute material — those portions or features of the structural system that are either extensively deteriorated or are missing when there are surviving prototypes such as cast iron columns, roof rafters or trusses, or sections of load-bearing walls. Substitute material should convey the same form, design and overall appearance as the character-defining element; and at least be equal to its load-bearing capabilities.

## Not Recommended

Installing a visible replacement feature that does not convey the same appearance, e.g., replacing an exposed wooden beam with a steel beam.

Using substitute material that does not equal the load-bearing capabilities of the character-defining material and design or is otherwise physically or chemically incompatible.

The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the *Preservation* and *Rehabilitation* concerns listed above have been addressed.

## Recommended

### Alterations/Additions for the New Use

Limiting any new excavations adjacent to character-defining foundations to avoid undermining the structural stability of the building or adjacent historic buildings. Studies should be done to ascertain potential damage to archaeological and landscape resources.

Correcting structural deficiencies in preparation for the new use in a manner that preserves the structural system and individual character-defining elements.

Designing and installing new mechanical or electrical systems when required for the new use that minimize the number of cutouts or holes in structural members.

Adding a new floor when required for the new use if such an alteration does not damage or destroy the structural system or obscure, damage or destroy character-defining spaces, features or finishes.

Creating an atrium or a light well to provide natural light when required for the new use in a manner that ensures the preservation of the structural system as well as character-defining interior spaces, features and finishes.

## Not Recommended

Carrying out excavations or regrading adjacent to or within a historic building that could cause the character-defining foundation to settle, shift or fail. This could have a similar effect on adjacent historic buildings or destroy significant archaeological or landscape resources.

Radically changing interior spaces or damaging or destroying features or finishes that are character-defining, while trying to correct structural deficiencies in preparation for the new use.

Installing new mechanical and electrical systems or equipment in a manner that results in numerous cuts, splices or alterations to the structural members.

Inserting a new floor when such a radical change damages a structural system or obscures or destroys interior spaces, features or finishes.

Inserting new floors or furred-down ceilings that cut across the glazed areas of windows so that the exterior form and appearance of the windows are radically changed.

Damaging the structural system or individual features; or radically changing, damaging or destroying character-defining interior spaces, features or finishes in order to create an atrium or a light well.



In *Preservation*, visible structural systems that are important in defining the overall character of a building should not be removed or obscured. If an evaluation of the physical condition of the structural system (using minimally destructive techniques) indicates that repairs of deteriorated parts are required, they should match the old in form and detailing and have adequate strength.



## Additional Guidelines for Restoration Projects

### Recommended

**RESTORING** a structural system and its individual features, if an evaluation of their overall condition determines that more than preservation is required; i.e., if repairs to structural features from the restoration period will be necessary.

**Repairing** the structural system by augmenting or upgrading individual parts or features in a manner that is consistent with the restoration period. For example, weakened structural members such as floor framing can be paired with a new member, braced or otherwise supplemented and reinforced. The new work should be unobtrusively dated to guide future research and treatment.

**Replacing in kind** — or with a substitute material — those portions or features of the structural system that are either extensively deteriorated or are missing when there are surviving prototypes such as cast iron columns, roof rafters or trusses, or sections of load-bearing walls. Substitute material should convey the same form, design and overall appearance as the historic feature; and, at a minimum, be equal to its load-bearing capabilities. The new work should be unobtrusively dated to guide future research and treatment.

### Not Recommended

Failing to evaluate the overall condition of a structural system and its individual features in order to determine the appropriate method of conservation.

Upgrading the building structurally in a manner that diminishes the historic character of the exterior (such as installing strapping channels or removing a decorative cornice) or that damages interior features or spaces.

Replacing a structural member or other feature of the structural system when it could be augmented and retained.

Installing a visible replacement feature that does not convey the same appearance, e.g., replacing an exposed wood summer beam with a steel beam; or failing to document the new work.

Using substitute material that does not equal the load-bearing capabilities of the historic material and design or is otherwise physically or chemically incompatible.

The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing structural systems and features from periods other than the accepted restoration period; and the replacement of missing structural system features from the restoration period with all new materials. This work should only be considered after the *Preservation* and *Restoration* concerns listed above have been addressed.

## Recommended

### Removing Existing Features from Other Periods

Removing or altering visually intrusive structural features such as a non-matching column or exposed ceiling beams, dating from other periods.

Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.

### Recreating Missing Features from the Restoration Period

Recreating a missing structural feature that existed during the restoration period based on physical or documentary evidence; for example, duplicating a cast iron column.

## Not Recommended

Failing to remove or alter a visually intrusive structural feature from another period, thus confusing the depiction of the building's significance.

Failing to document structural features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing them from the building.

Constructing a structural feature that was part of the original design of the building but was never actually built; or constructing a feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.

Evaluating the physical condition of the elements of a wood structure should be carried out using non-destructive testing methods. The testing of wood columns in Gatineau, Quebec was carried out with a Densitomat micro-drill. The principle of measurement is based on the power required to advance the drill bit at a constant rate through the material. This can provide information about wood density variations indicative of decay or insect damage, and is a preferred method for testing because of the small diameter of the bit involved. The resulting borehole is generally invisible to the eye, essentially closing itself with the sawdust generated by the procedure.



# Mechanical Systems

Heating, air conditioning, electrical and plumbing

## Recommended

**PRESERVING** elements of mechanical systems — such as heating plants, radiators, vents, fans, grilles, plumbing fixtures, switch plates and lights — that are important in defining the overall heritage value of the building.

**Documenting** the form, materials, function and condition of mechanical systems prior to beginning project work.

**Protecting and maintaining** mechanical, plumbing and electrical systems and their elements through cyclical cleaning and other appropriate measures.

Preventing accelerated deterioration of mechanical systems by providing adequate ventilation of attics, crawlspaces and cellars so that moisture problems are avoided, and by providing access for servicing.

Improving the energy efficiency of existing mechanical systems to help reduce the need for elaborate new equipment. Consideration should be given to installing storm windows, insulating attic crawl spaces, or adding awnings, if appropriate.

**Retaining** sound mechanical systems or deteriorated mechanical systems that can be repaired.

**Repairing and stabilizing** deteriorated mechanical systems until any additional work is undertaken. Repairs should be physically and visually compatible.

**Replacing in kind** extensively deteriorated or missing parts of mechanical systems where there are surviving prototypes. The new work should match the old in form and detailing and have adequate capacity.

Evaluating the overall condition of mechanical systems to determine whether more than protection, maintenance and limited repair or replacement in kind are required; i.e., if more extensive repairs to mechanical systems will be necessary.

## Not Recommended

Removing or radically changing elements of mechanical systems that are important in defining the overall heritage value of the building.

Undertaking project work that will have an impact on character-defining mechanical systems without first documenting their existing character and condition.

Failing to provide adequate protection of materials on a cyclical basis, which results in deterioration of mechanical systems and their visible elements.

Enclosing mechanical systems in areas that are not adequately ventilated so that deterioration of the systems results, or in areas that cannot be accessed easily for servicing or maintenance.

Installing unnecessary climate control systems that can add excessive moisture to the building. This additional moisture can either condense inside, damaging interior surfaces, or pass through interior walls to the exterior, potentially damaging adjacent materials as it migrates.

Replacing mechanical systems that can be repaired.

Removing deteriorated mechanical systems that could be stabilized, repaired and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile elements.

Replacing an entire mechanical system when limited replacement of deteriorated and missing components is appropriate.

Using a replacement material that does not match the historic mechanical system element.

Failing to undertake adequate measures to protect mechanical systems.

## Additional Guidelines for Rehabilitation Projects

### Recommended

**REHABILITATING** a mechanical system, if an evaluation of its overall condition determines that more than preservation is required.

**Repairing** mechanical systems by augmenting or upgrading system parts, such as installing new pipes and ducts, rewiring or adding new compressors or boilers.

**Replacing in kind** — or with a compatible substitute material — those visible character-defining elements of mechanical systems such as ceiling fans, switch plates, radiators, grilles or plumbing fixtures that are extensively deteriorated.

### Not Recommended

Failing to evaluate the overall condition of a mechanical system in order to determine the appropriate method of conservation.

Replacing a mechanical system or its functional parts when it could be upgraded and retained.

Installing a visible replacement element that does not convey the same appearance.

The following REHABILITATION work is highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the *Preservation* and *Rehabilitation* concerns listed above have been addressed.

### Recommended

#### Alterations/Additions for the New Use

Installing a completely new mechanical system, if required, for the new use, while ensuring that it causes the least alteration possible to the building's floor plan and the exterior elevations, and the least damage to the character-defining building materials.

Providing adequate structural support and vibration isolation for new mechanical equipment.

Installing the vertical runs of ducts, pipes and cables in non-character-defining areas (e.g., closets, service rooms and wall cavities).

Installing heating/air conditioning units if required by the new use in such a manner that character-defining elements are not damaged or obscured and excessive moisture, which will accelerate deterioration of character-defining materials, is not generated.

### Not Recommended

Installing a new mechanical system so that character-defining structural or interior elements are radically changed, damaged or destroyed.

Failing to consider the weight and design of new mechanical equipment, resulting in a weakening or cracking of character-defining structural members or finished surfaces.

Installing vertical runs of ducts, pipes and cables in places where they will obscure character-defining elements.

Concealing mechanical equipment in walls or ceilings in a manner that requires the removal of character-defining building material.

Installing a "dropped" acoustical ceiling to hide mechanical equipment when it destroys the proportions of character-defining interior spaces.

Cutting through elements such as masonry walls in order to install heating/air conditioning units.

**Recommended**

Installing heating/air conditioning units in window frames in such a manner that sashes and frames are protected. Window installations should be considered only when all other viable heating/cooling systems would result in significant damage to character-defining materials.

**Not Recommended**

Radically changing the appearance of the historic building or damaging or destroying windows by installing heating/air conditioning units in character-defining window frames.

**Additional Guidelines for Restoration Projects****Recommended**

**RESTORING** a mechanical system, if an evaluation of its overall condition determines that more than preservation is required; i.e., if repairs to mechanical features from the restoration period will be necessary.

**Repairing** mechanical systems from the restoration period by augmenting or upgrading system parts, such as installing new pipes and ducts, rewiring or adding new compressors or boilers.

**Replacing in kind** — or with a compatible substitute material — those visible features of restoration period mechanical systems that are either extensively deteriorated or are prototypes such as ceiling fans, switch plates, radiators, grilles or plumbing fixtures.

Installing a new mechanical system, if required, in a way that results in the least alteration possible to the building.

Providing adequate structural support for new mechanical equipment.

Installing the vertical runs of ducts, pipes and cables in closets, service rooms and wall cavities.

Installing heating/air conditioning units in such a manner that features are not damaged or obscured and excessive moisture, which will accelerate the deterioration of historic materials, is not generated.

**Not Recommended**

Failing to evaluate the overall condition of a mechanical system in order to determine the appropriate method of conservation.

Replacing a mechanical system from the restoration period or its functional parts when it could be upgraded and retained.

Installing a visible replacement feature that does not convey the same appearance.

Installing a new mechanical system that alters the structural or interior features of the restoration period.

Failing to consider the weight and design of new mechanical equipment, resulting in a weakening or cracking of character-defining structural members or finished surfaces.

Installing vertical runs of ducts, pipes and cables in places where they will obscure features from the restoration period.

Concealing mechanical equipment in walls or ceilings in a manner that requires the removal of building material from the restoration period.

Cutting through features such as masonry walls in order to install heating/air conditioning units.

The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing mechanical systems and features from periods other than the accepted restoration period; and the replacement of missing mechanical systems and features from the restoration period with all new materials. This work should only be considered after the *Preservation and Restoration* concerns listed above have been addressed.

## Recommended

### Removing Existing Features from Other Periods

Removing or altering mechanical systems and features, such as an elevator or plumbing fixture, dating from other periods.

Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.

### Recreating Missing Features from the Restoration Period

Recreating a missing feature of the mechanical system that existed during the restoration period based on physical or documentary evidence; for example, duplicating a heating vent or gaslight fixture.

## Not Recommended

Failing to remove a mechanical system or feature from another period, thus confusing the depiction of the building's significance.

Failing to document mechanical systems and features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing them from the building.

Installing a mechanical system or feature that was part of the original design of the building but was never actually built; or constructing a feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.



New mechanical systems should be installed in a way that results in the least alteration possible to the building. In the *Restoration* of St. George's Anglican Church, Halifax after a devastating fire, care was taken to ensure that the character-defining structural system and interior features from the restoration period were not altered or obscured when a new fire-suppression sprinkler system was installed in the attic.



## Guidelines for Engineering Works

Engineering works in the context of these Guidelines include the structures created by people in the past, primarily for purposes other than habitation. This includes transportation (i.e., bridges, roads, railways, canals, lighthouses and airports); energy development (i.e., dams and generating plants); communications (i.e., telegram, telephone and radio installations); industry (i.e., mills and factories); resource extraction and processing (i.e., mines and refineries); flood control and irrigation (i.e., weirs); and defence (i.e., fortifications). Also included are human-engineered landscapes such as canal corridors, mining districts, industrial complexes and flood control systems, where engineering works have transformed and defined the landscape.

These Guidelines, which address engineering works, including their separate components, should not be used in isolation. There may be heritage value in the relationships between engineering works and archaeological sites, landscapes or buildings, and therefore, those sections of the Guidelines should also be consulted when undertaking a project. The intention is to protect ALL heritage values associated with the historic place.



1- Chaudière Bridge, Gatineau, Quebec, © Susan Ross, 2003  
2- Rideau Canal, Ottawa, Ontario, © Guy Masson, PWGSC, 1999  
3- Claybank, Saskatchewan, © Guy Masson, PWGSC, 1994  
4- Percy Covered Bridge, Quebec, © Gerard Van Rijn, Parks Canada, 2003



# Engineering Works

Engineering works are structures created primarily for purposes other than habitation, such as industry, transportation, communications, energy development, resource extraction and processing, flood control and irrigation, and defence. These works may also include associated landscapes that have been transformed and defined by engineering works such as flood control systems.

## Engineering and the Law

Engineering is a regulated profession in Canada. This means that, by law, no one can practice the profession of engineering without a licence. Licences are issued by twelve provincial and territorial engineering associations (Nunavut is represented by the Northwest Territories' association), which set standards and regulate the profession. These associations are mandated to ensure public safety and serve the public interest on behalf of their provincial or territorial government.

Provincial and territorial laws on the practice of engineering vary considerably, and as a result, the information presented here is very general in nature. More complete information can be obtained from the engineering association of your province or territory.

## The Practice of Professional Engineering

By law, only licenced engineers can approve engineering drawings or reports or in any way offer engineering services to the public. Most other technical work (i.e., work not considered part of the practice of professional engineering) may be performed by non-licenced persons without restriction. However, such work may be governed by other legislation, including acts governing architects or land surveyors. Buildings under a certain size or projects of less than a certain value may be exempted from the provisions of the relevant provincial or territorial act.

The definition of professional engineering varies from province to province to territory. The Ontario definition, for example, has three parts, or tests: "(1) any act of designing, composing, evaluating, advising, reporting, directing or supervising, (2) wherein the safeguarding of life, health, property or the public welfare is concerned, and (3) that requires the application of engineering principles, but does not include practising as a natural scientist." If the proposed project work meets *all three* tests, it must be carried out under the supervision and control of a licenced engineer.



The Hamilton Waterworks, built in 1857-59, is the only intact mid-19<sup>th</sup> century waterworks in North America. The character-defining compound-beam steam pumping engines were restored to working condition in 1998.

Alberta, on the other hand, defines the practice of engineering as reporting on, advising on, evaluating, designing, preparing plans and specifications for, or directing the construction, technical inspection, maintenance, or operation of any structure, work, or process that (1) is aimed at the discovery, development or utilization of matter, materials, or energy or in any other way designed for the use and convenience of man, and (2) requires the professional application of the principles of mathematics, chemistry, physics, or any related applied subject.

Where there is any doubt as to whether a project involves the practice of professional engineering, it is best to obtain expert advice.

## Public Safety

One of the responsibilities of licenced engineers is to ensure the health and safety of people who may be affected by their work. Engineers may be held liable for injuries resulting

**Note: Since the practice of professional engineering is regulated by provincial and territorial laws, it is strongly recommended that qualified engineering advice be obtained from a licensed professional engineer.**

from their failure to perform to a reasonable level of competence. The public safety responsibilities of engineering, therefore, require engineers to be aware of both the applicable standards for health and safety, and the laws relevant to practice. Knowing and complying with health and safety requirements is an essential component of any project.

## Recognized Engineering Works

A number of historic places in Canada are recognized engineering works, or include an engineering component that is a character-defining element of the recognized historic place. General guidelines for such engineering works are provided in this document on the following pages.



The Brilliant Suspension Bridge was built over the Kootenay River near Castlegar, British Columbia in 1913. Ensuring public safety is one of the primary concerns of professional engineers.

# Guidelines for Engineering Works

## Recommended

**PRESERVING** engineering works that are important in defining the overall heritage value of the historic place.

**Documenting** the form, materials and condition of engineering works prior to beginning project work.

Analyzing and evaluating the engineering work in sufficient detail to fully understand its structural complexity and behaviour. This can include determining its load history, applied loads and load paths; measuring the actual strength of its materials and any deflections; monitoring its movements and rate of deterioration over time to understand the actual behaviour of the engineering work; and undertaking mathematical modelling that replicates the actual characteristics of and thus the potential risk to the engineering work.

## Not Recommended

Removing or radically changing engineering works that are important in defining the overall heritage value of the historic place.

Undertaking work that will have an impact on character-defining engineering works without (a) first documenting their existing character and condition; (b) understanding their complexity and behaviour; and (c) being able to mathematically replicate what is observed in real life.



Prior to beginning project work, the form, materials and condition of engineering works should be documented. Heritage recording of the Percy covered bridge, National Historic Site of Canada in Powerscourt, Quebec, the only surviving bridge that uses the McCallum inflexible arch construction, included detailed measurements and a photographic record.

## Recommended

Testing engineering works or their components in place in order to determine their actual rather than theoretical characteristics, provided the appropriate precautions are taken to avoid their failure or destruction.

Examining and evaluating the physical condition of engineering works and their components using minimally or non-destructive techniques such as flat jacks or radiographic, ultrasonic, electromagnetic or acoustic testing.

Taking into account the past performance of engineering works when determining their present or future capacity.

**Stabilizing** deteriorated engineering works on an interim basis by structural reinforcement, weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken.

**Protecting and maintaining** engineering works through appropriate and regular treatments such as cleaning, removing injurious oxidization, maintaining protective coating systems, keeping materials and mechanical components in sound condition, lubricating working components and avoiding moisture problems.

## Not Recommended

Undertaking testing in place without taking appropriate precautions against the failure or destruction of the engineering works being tested or their components.

Utilizing highly destructive probing techniques that damage or destroy engineering works or their components.

Making assumptions about the present or future capacity of engineering works without taking into account their past performance.

Failing to stabilize deteriorated engineering works, thus putting them at risk of further deterioration.

Neglecting to treat known conditions that threaten engineering works, such as deflection of beams, cracking and bowing of walls, or racking of structural members.

Failing to provide adequate maintenance of engineering works on a cyclical basis, causing the materials and mechanical components to deteriorate.

Failing to identify, evaluate and treat the causes of surface or structural deterioration, including corrosion caused by moisture.

Utilizing treatments or products that accelerate the deterioration of engineering works, pollute the environment or create a health hazard.

A regular program of inspection and maintenance is recommended for the *Preservation* of engineering works. This is particularly true for structures in exposed, damp locations, such as bridges. Regular cleaning, removal of oxidization and re-application of protective paint coatings can help to minimize the deterioration of materials and mechanical components, and thus reduce the need for extensive interventions in the future.



The cracks and checks in these wooden trusses were filled with epoxy in a questionable attempt to consolidate them. The result is not only visually disturbing, it has significantly altered the performance characteristics of the building's structural systems.



### Recommended

Protecting engineering works against unauthorized activity before project work begins by, for example erecting protective fencing or installing alarm systems that are keyed into local protection agencies.

Protecting ecological features that are part of or associated with engineering works, such as wetlands in a canal corridor.

Imposing limits on the acceptable use and loading capacity of engineering works to protect them from damage. There is a need to balance present and anticipated usage demands with its historic character, and to avoid, if possible, any use that would damage or destroy the engineering work.

**Retaining** sound engineering works, or deteriorated engineering works that can be repaired.

Retaining the relationship between an engineering work and its location, when this relationship is part of its heritage value. In the case of an engineering work that is designed for a particular application rather than a particular location, and where its present location is not a character-defining element, it may be moved and re-established at another comparable location if the move is necessary to ensure its conservation, and if its character-defining elements can be maintained unimpaired at the new location.

**Repairing and stabilizing** deteriorated engineering works by structural reinforcement, weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

### Not Recommended

Failing to undertake adequate measures to protect engineering works against unauthorized activity before project work begins.

Failing to protect ecological features that are part of or associated with engineering works.

Subjecting engineering works to uses that could overload the existing structural systems; or installing equipment or mechanical systems that damage or destroy the historic character of the engineering works.

Replacing or rebuilding an engineering work that can be repaired.

Removing or relocating an engineering work when its heritage value is related to its location, thus destroying the relationship between the engineering work and its historic place.

Removing deteriorated engineering works that could be safely stabilized, repaired and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile elements.

## Recommended

**Replacing in kind** extensively deteriorated or missing parts of engineering works where there are surviving prototypes. The new work should match the old in form and detailing, and have adequate strength.

Evaluating the overall condition of engineering works to determine whether more than protection, maintenance, and limited repair or replacement in kind is required; that is, if more extensive repairs to engineering works will be necessary.

## Not Recommended

Replacing an entire element of an engineering work when limited replacement of deteriorated and missing components is appropriate.

Using a replacement material that does not match the historic engineering work.

Failing to undertake adequate measures to protect engineering works.

## Additional Guidelines for Rehabilitation Projects

### Recommended

**REHABILITATING** an engineering work, if an evaluation of its overall condition determines that more than preservation is required.

**Repairing** engineering works or their components by patching, piecing-in, splicing, consolidating or otherwise augmenting them using recognized preservation methods. For example, weakened structural members in a truss could be paired with new members, braced, spliced or otherwise consolidated. Repairs may also include the limited replacement in kind — or with a compatible substitute material — of those extensively deteriorated or missing parts of elements when there are surviving prototypes.

**Replacing in kind** an entire component of an engineering work that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model to reproduce the component. Examples could include cast iron columns or sections of load-bearing walls. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered. Substitute materials should have the same form and overall appearance; and material properties similar to a sound version of the replaced component and adequate strength or load-bearing capabilities.

### Not Recommended

Failing to evaluate the overall condition of an engineering work in order to determine its proper method of conservation.

Replacing an entire component of an engineering work such as a truss when repair and limited replacement of deteriorated or missing parts are feasible.

Using a substitute material for the replacement part that does not convey the appearance of the surviving parts of the engineering work or that is physically or chemically incompatible.

Removing an engineering work component that is irreparable and not replacing it; or replacing it with a new component that does not convey the same appearance.

Using a substitute material that does not have adequate strength or load-bearing capabilities, or is otherwise physically or chemically incompatible.

The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the *Preservation* and *Rehabilitation* concerns listed above have been addressed.

## Recommended

### Designing for the Replacement of Missing Historic Features

Designing and constructing a new feature of an engineering work when the historic feature is completely missing, such as a country grain elevator man-lift, a mill wheel, or a fortification rampart. It may be a new design that is compatible with the era and character of the historic place; or a replica based on physical and documentary evidence.

### Alterations/Additions for the New Use

When required by the new use, designing new additions such as onsite parking, ancillary structures or roadways that are compatible with the character of the historic place and that preserve engineering works.

Undertaking soil mechanics studies and limiting new excavations adjacent to engineering works to avoid undermining the structural stability of the engineering work or adjacent historic structures. Archaeological investigations should be undertaken prior to any excavation to avoid damage to archaeological sites.

Correcting structural deficiencies in preparation for the new use in a manner that preserves the engineering work and its character-defining elements.

Designing and installing new mechanical or electrical systems or equipment when required for the new use so as to minimize both the number and the adverse effects of changes made to the engineering work.

Adding a new structural system when required for the new use if such an alteration does not obscure, damage or destroy character-defining elements.

Creating a habitable space when required for the new use in a manner that assures the preservation of the character-defining elements.

## Not Recommended

Introducing a new feature that is incompatible in size, scale, material, style or colour.

Creating a false historical appearance because the replaced feature is based on insufficient physical and documentary evidence.

Introducing additions or new construction that (a) are incompatible with the character of the historic place in terms of size, scale, design, materials, colour or texture; (b) destroy the historic relationships of the historic place; or (c) damage or destroy engineering works.

Carrying out excavations or regrading adjacent to or within engineering works that could cause them to settle, shift or fail; have a similar effect on adjacent historic structures; or damage archaeological sites.

Damaging or destroying character-defining elements such as interior spaces while trying to correct structural deficiencies in preparation for the new use.

Installing new mechanical or electrical systems or equipment in a manner which results in numerous or harmful changes to the engineering work.

Inserting a new structural system when such a radical change obscures, damages or destroys character-defining elements.

Radically changing, damaging or destroying character-defining elements in order to create a habitable space, such as removing the historic lighting apparatus from a lighthouse.

## Additional Guidelines for Restoration Projects

### Recommended

**RESTORING** an engineering work, if an evaluation of its overall condition determines that more than preservation is required; that is, if repairs to engineering works from the restoration period will be necessary.

**Repairing** engineering works or their components from the restoration period by patching, piecing-in, splicing, consolidating or otherwise augmenting them using recognized preservation methods. Repairs may also include the limited replacement — preferably in kind — of those extensively deteriorated or missing parts of features when there are surviving prototypes. The new work should be physically and visually compatible, and be unobtrusively dated, if possible, to guide future research and treatment.

**Replacing in kind** an entire component of an engineering work from the restoration period that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model to reproduce the component. The replacement should have the same form and overall appearance and material properties similar to a sound version of the replaced component; and have adequate strength or load-bearing capabilities. Replacement mechanisms should function in the same way as the historic mechanism and operate using the same motive power, e.g., hand-operated or automated. The new work should be unobtrusively dated, if possible, to guide future research and treatment.

### Not Recommended

Failing to evaluate the overall condition of an engineering work in order to determine the proper method of conservation.

Replacing an entire component of an engineering work from the restoration period when the repair of materials and limited replacement of deteriorated or missing parts are appropriate.

Using a substitute material for the replacement part which neither conveys the appearance of the surviving parts of the engineering work, nor is physically or chemically compatible.

Removing an engineering work component from the restoration period that is irreparable, and not replacing it; or failing to document the new work.

Using a substitute material that does not have adequate strength or load-bearing capabilities, or is otherwise physically or chemically incompatible.

The *Rehabilitation* of the Rideau Canal Waterway, Ottawa involved replacing deteriorated portions of the canal's stone walls and lock gates "in kind" with new stone blocks and wooden members, using the physical evidence of the existing walls and gates to replicate their form and detailing. Nearby circulation paths and roadways were rehabilitated using compatible substitute materials, including modern asphalt. Replacement "in kind" and replacement with compatible substitute materials forms and detailing are both acceptable approaches in *Rehabilitation*.





The *Restoration* program for this early 20th-century brick plant near Claybank, Saskatchewan, included a monitoring program and analysis of the various components such as the kilns and stacks in order to thoroughly understand their structural properties and deficiencies; testing the structural components in place using minimally destructive techniques to determine their actual rather than theoretical characteristics; stabilizing and repairing the deteriorated elements by structural reinforcement; and replacing “in kind” extensively deteriorated or missing parts, such as roofs that had failed due to overloading. This is an appropriate scope of work within the treatment *Restoration*.



The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing features from engineering works from periods other than the accepted restoration period; and the replacement of missing features from engineering works from the restoration period with all new materials. This work should only be considered after the *Preservation* and *Restoration* concerns listed above have been addressed.

## Recommended

### Removing Existing Features from Other Periods

Removing or altering visually intrusive features, such as a non-matching column or exposed ceiling beams, dating from other periods.

Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.

### Recreating a Missing Feature from the Restoration Period

Recreating a missing feature of an engineering work that existed during the restoration period based on physical or documentary evidence; for example, duplicating a metal catwalk.

## Not Recommended

Failing to remove or alter a visually intrusive feature from another period, thus confusing the depicted significance of the engineering works.

Failing to document features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing them from the engineering work.

Constructing a structural feature that was part of the original design for the engineering work but was never actually built; or constructing a feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.





## 4 Other Considerations

Health and safety, accessibility, energy efficiency, environmental considerations and new additions to historic places can be extremely important aspects of conservation projects. While they are usually not part of the overall process of conserving heritage value (*Preservation, Rehabilitation or Restoration*), it is important that such considerations be assessed for any potential adverse impact on the heritage values of the historic place. In particular, care must be taken not to obscure, damage or destroy character-defining elements.





- 1- St. George's Anglican Church, Halifax, Nova Scotia, © Bill Hockey, Parks Canada, 1995
- 2- Arlington Apartments, Edmonton, Alberta, © Larry Pearson, Alberta Community Development, 2002
- 3- E.B. Eddy, Gatineau, Quebec, © Susan Ross, 2003
- 4- Province House, Charlottetown, © Bill Hockey, PWGSC, 2002

# Health and Safety Considerations

## Recommended

Identifying the historic place's heritage value and character-defining elements, i.e., materials, forms, location, spatial configurations, uses and cultural associations or meanings in order to avoid damaging or destroying them while making modifications to comply with health and safety requirements.

Complying with health and safety requirements such as seismic standards or the use of chemicals in such a manner that character-defining elements are conserved and heritage value is maintained.

Removing toxic materials only after thorough testing has been conducted and only after less invasive abatement methods have been shown to be inadequate.

Working with code officials to investigate systems, methods or devices of equivalent or superior effectiveness and safety to those prescribed by code so that unnecessary interventions can be avoided.

Upgrading character-defining elements to meet health and safety requirements in a manner that assures their conservation (e.g., upgrading a stairway without destroying its character-defining handrails and balustrades).

## Not Recommended

Undertaking health and safety-required modifications before identifying the heritage value and those elements that are important in defining the overall character of the historic place.

Radically changing, damaging or destroying character-defining elements or undermining the heritage value while making modifications to a historic place in order to comply with health and safety requirements.

Damaging or destroying a historic place's character-defining elements or heritage value when removing toxic materials by neglecting to conduct thorough testing first and not considering less invasive abatement methods.

Making changes to historic places without first exploring equivalent health and safety systems, methods or devices that may be less damaging to character-defining elements and to the heritage value.

Damaging or obscuring character-defining elements or adjacent areas, or undermining the heritage value while doing work to meet health and safety requirements.

An exit stair added to meet fire code requirements was sensitively designed and installed in a secondary area of the Bank of Montreal in Ottawa, Ontario. This reversible intervention minimized the visual and physical impact on the materials, forms and finishes of this character-defining interior by careful placement, choice of materials and details.



## Recommended

Installing sensitively designed fire-suppression systems such as sprinklers, which retain character-defining elements and respect the heritage value.

Applying the necessary materials to add protection to character-defining elements. An example could include applying fire-retardant intumescent paint coatings to a deck to add protection to its steel.

Limiting public access to fragile character-defining elements when, for technical, economic or environmental reasons, these elements cannot be protected immediately using recognized preservation methods.

Adding new features to meet health and safety requirements in a manner that conserves adjacent character-defining elements and respects the overall heritage value.

Placing a code-required stairway or elevator in a new exterior addition if it cannot be accommodated within the historic place. Such an addition should be on an inconspicuous, non-character-defining elevation.

## Not Recommended

Covering flammable character-defining elements with fire-resistant sheathing that alters their appearance.

Using materials intended to provide additional protection, such as fire-retardant coatings, if they damage or obscure character-defining elements.

Replacing or reconstructing fragile character-defining elements when, for technical, economic or environmental reasons, they cannot be immediately protected.

Damaging or destroying adjacent character-defining elements or undermining the heritage value when adding new health and safety-required features.

Constructing a new addition to accommodate code-required stairs or elevators on highly visible, character-defining elevations; or in a location where it obscures, damages or destroys character-defining elements.

# Accessibility Considerations

## Recommended

Identifying the heritage value of the historic place and character-defining elements — materials, forms, location, spatial configurations, uses and cultural associations or meanings — so that required accessibility modifications will not damage or destroy them.

Complying with accessibility requirements in such a way that character-defining elements are conserved and heritage value maintained.

Working with accessibility and conservation specialists and affected users to determine the most appropriate solution to access problems that will have the least impact on character-defining elements and overall heritage value.

Providing accessibility that promotes independence for the disabled person to the highest degree practicable, while conserving the heritage value and character-defining elements.

Adapting the intervention to its anticipated lifespan, so that short-term improvements remain as reversible as possible.

Finding solutions to meet accessibility requirements that minimize the impact on the historic place and its environment.

## Not Recommended

Undertaking required accessibility modifications before identifying those elements that are important in defining the overall character of the historic place.

Damaging or destroying character-defining elements or undermining the heritage value in attempting to comply with accessibility requirements.

Altering character-defining elements without consulting with the appropriate experts.

Making accessibility modifications that do not strike a reasonable balance between independent, safe access and conservation of character-defining elements and heritage value.

Intervening without taking into consideration the anticipated lifespan of the modification, so that a short-term improvement has an irreversible impact on the heritage value of the place.

Making accessibility-related modifications without considering the impact on the historic place and its environment.

This new ramp was discretely integrated into one side of an existing entrance porch, in order to minimize the impact on the historic building.



# Energy Efficiency Considerations

## Recommended

Identifying the historic place's heritage value and character-defining elements — materials, forms, location, spatial configurations, uses and cultural associations or meanings — so that energy efficiency modifications will not damage or eliminate them.

Complying with energy efficiency objectives in such a manner that character-defining elements are conserved and the heritage value maintained.

Working with energy efficiency and conservation specialists to determine the most appropriate solution to energy conservation problems that will have the least impact on character-defining elements and the overall heritage value.

Weighing the total environmental cost of energy saving measures against the overall environmental costs of retaining the existing features or fabric, when deciding whether to proceed with energy saving measures.

## Landscapes

Retaining and maintaining character-defining landscape elements such as deciduous trees, windbreaks and lakes or ponds that perform passive energy conserving functions and moderate the effects of climate on the historic place.

Improving the energy efficiency of existing character-defining landscape elements through non-destructive means, such as utilizing a recirculating system in a fountain rather than uncontrolled discharge to a storm system.

## Buildings: Insulation

Exercising caution and foreseeing the potential effects of insulating the building on the envelope system so as to avoid damaging changes such as displacing the dew point and creating thermal bridges.

Installing thermal insulation in attics and in unheated cellars and crawl spaces to increase the efficiency of the existing mechanical systems unless this could adversely affect the building envelope.

## Not Recommended

Undertaking energy efficiency modifications before identifying those elements that are important in defining the overall heritage value of the historic place.

Damaging or destroying character-defining elements or undermining the heritage value while making modifications to a historic place to comply with energy efficiency objectives.

Making changes to historic places without first exploring equivalent energy efficiency systems, methods or devices that may be less damaging to character-defining elements and heritage value.

Removing or altering those character-defining landscape elements or parts of elements that serve an energy conservation purpose, creating a situation where the effects of wind, rain and sun result in accelerated deterioration of the historic place.

Replacing energy inefficient character-defining landscape elements rather than improving their energy conservation potential, such as replacing an entire historic light standard rather than retrofitting the fixture to be more efficient.

Installing insulation without anticipating its potential impact on the building envelope.

Inserting thermal insulation with a high moisture content in wall cavities that might damage character-defining elements.



## Recommended

Installing insulating material on the inside of masonry walls to increase energy efficiency where there is no character-defining interior moulding around the windows or other character-defining interior architectural detailing.

### Buildings: Windows

Utilizing the inherent energy conserving features of a building by maintaining character-defining windows and/or louvered blinds in good operating condition for natural ventilation.

Improving thermal efficiency with weatherstripping, storm windows, interior shades and, if historically appropriate, blinds and awnings.

Installing interior storm windows with air-tight gaskets, ventilating holes and/or removable clips to ensure proper maintenance and to avoid condensation damage to character-defining windows.

Installing exterior storm windows that do not damage or obscure character-defining windows and frames.

### Buildings: Entrances and Porches

Maintaining character-defining porches and double vestibule entrances so that they can retain heat or block the sun and provide natural ventilation.

### Buildings: Interior Features

Retaining character-defining interior shutters and transoms for their inherent energy conserving features.

### Buildings: Mechanical Systems

Improving the energy efficiency of existing mechanical systems by installing insulation in attics and basements, unless this could adversely affect the building envelope.

### New Additions to Historic Places

Putting on a new addition that may be necessary to increase energy efficiency on non-character-defining elevations.

## Not Recommended

Installing wall insulation without considering its effect on character-defining interior moulding or other character-defining architectural detailing.

Removing character-defining shading devices rather than keeping them in an operable condition.

Replacing character-defining multi-paned sashes with new thermal sashes utilizing false muntins.

Installing interior storm windows that allow moisture to accumulate and damage character-defining windows.

Installing new exterior storm windows that are inappropriate in size, design or colour and therefore damage or obscure character-defining windows and frames.

Replacing character-defining operable windows or transoms with fixed thermal glazing, or allowing operable windows and transoms to remain inoperable rather than utilizing them for their energy conserving potential.

Altering character-defining porches or double vestibule entrances that serve an energy-conserving function so that they no longer retain heat or block the sun and provide natural ventilation.

Removing character-defining interior elements that play an energy conserving role.

Replacing existing mechanical systems that could be repaired for continued energy efficient use.

Designing a new addition which obscures, damages or destroys character-defining elements.

According to the Standards for Conservation, existing historic materials should be protected, maintained and repaired. In an exemplary project, the character-defining multi-pane windows and associated trim in this historic residence were carefully preserved.



# Environmental Considerations

## Recommended

Identifying the heritage value of a historic place and character-defining elements — materials, forms, location, spatial configurations, uses and cultural associations or meanings — so that environmentally motivated modifications will not damage or eliminate them.

Complying with environmental objectives in such a manner that character-defining elements are conserved and heritage value maintained. This could include protecting character-defining vegetation in which rare or endangered species nest.

Working with environment officials to investigate systems, methods, devices or technologies that are just as or even more effective than those prescribed by regulation so that unnecessary interventions can be avoided.

Reclaiming or re-establishing natural resources in a manner that promotes environmental protection, while conserving character-defining elements and maintaining the heritage value. An example could include reclaiming a character-defining wetland to meet ecological objectives, while re-establishing the feature as it appeared historically.

## Not Recommended

Undertaking environmentally motivated modifications before identifying those elements that are important in defining the overall character of the historic place.

Altering, damaging or destroying character-defining elements, or otherwise undermining the heritage value while making modifications to a historic place to comply with environmental objectives.

Making changes to historic places without first exploring equivalent environmental protection systems, methods, devices or technologies that may be less damaging to character-defining elements and heritage value.

Making environmental modifications that do not provide a reasonable balance between improved environmental conditions and the conservation of character-defining elements and heritage value.

# New Additions to Historic Places

## Recommended

Placing functions and services required for the proposed use in existing non-character-defining spaces rather than constructing a new addition.

Constructing a new addition to retain as many of the historic materials as possible and to ensure that the character-defining features are not obscured, damaged, or destroyed, or the heritage value undermined.

Designing a new addition in a manner that draws a clear distinction between what is historic and what is new.

Considering the design for an attached exterior addition in terms of its relationship to the historic place as well as the historic district or neighbourhood. Design for the new work may be contemporary or may reference design motifs from the historic place. In either case, it should be compatible in terms of mass, materials, relationship of solids to voids, and colour, yet be distinguishable from the historic place.

Placing a new addition on a non-character-defining portion and limiting its size and scale in relationship to the historic place.

When required for a new use of a building, designing a rooftop addition that is set back from the wall plane such that it is as inconspicuous as possible when viewed from the public realm.

## Not Recommended

Constructing a new addition when the proposed use could be met by altering existing non-character-defining spaces.

Constructing a new addition so that the character-defining features of the historic resource are obscured, damaged or destroyed, or the heritage value is otherwise undermined.

Duplicating the exact form, material, style and detailing of the historic resource in a new addition so that the new work appears to be part of the historic place.

Replicating a historic style or period in a new addition.

Designing and constructing new additions that diminish or eliminate the historic character of the resource, including its design, materials, workmanship, location or setting.

Designing a new addition that obscures, damages or destroys character-defining features of the historic place or undermines its heritage value.

Constructing a rooftop addition to a building so that the historic appearance of the building is radically changed.



This addition to a bank in Calgary, Alberta was built as a greenhouse type rooftop structure set back from the wall plane. The existing high parapet, making it as inconspicuous as possible from the street, largely conceals it. While distinguishable from the elaborate sandstone exterior of the original building, it is physically and visually compatible, and subordinate to, the historic building.



## 5 References





- 1- Saint John, New Brunswick, © Jim Bezanson, City of Saint John, 1989
- 2- Ottawa, Ontario, © Natalie Bull, 1991
- 3- Gatineau, Quebec, © Michel Filion, PWGSC, 2001
- 4- Riding Mountain National Park, Manitoba, © Guy Masson, PWGSC, 1993



# Glossary

A number of definitions in this glossary are from *A History of Canadian Architecture* by Harold Kalman. Copyright © Oxford University Press Canada 1994. Reprinted by permission of Oxford University Press Canada.

- Arch:** (*arche*) mechanical arrangement of building elements which are put together, generally along a curved line, in such a way that, supported by piers, abutments or walls, they carry the weight and resist the pressure.
- Architrave:** (*chambranle*) mouldings around openings such as doors, windows and chimneys and certain other locations to conceal joints or for decorative purposes.
- Ashlar:** (*pierre de parement*) stone that has been cut square and *dressed*.
- Atrium:** (*atrium*) an interior courtyard that is open to the weather; or a significant interior space, often skylighted.
- Attic:** (*combles*) the top floor of a building, often reduced in height and unfinished.
- Awning:** (*auvent*) a moveable, fabric-covered, sloped surface that projects from a wall — usually over a door, window or storefront — to provide shelter from the weather. See also *canopy* and *marquee*.
- Balustrade:** (*balustrade*) a railing composed of *posts* (balusters) and a handrail.
- Bargeboard:** (*bordure de pignon*) boards or other decorative woodwork fixed to the edges or projecting rafters of a *gabled roof*, sometimes called gingerbread.
- Batten:** (*tasseau*) a narrow vertical strip of wood, placed over joints of wider boards to protect the joints from the weather; the combination is called board-and-batten construction. See also *siding*.
- Beam:** (*poutre*) a principal horizontal structural member; also see *joist*.
- Berm:** (*talus*) an embankment or ridge of earth, usually created to serve as a protective barrier.
- Bracket:** (*console*) a member, often triangular in form, that projects from a wall or other vertical surface and supports another component, such as an *eave*.
- Bunker:** (*casemate*) part of a fortification defence system built partly or entirely below ground.
- Canopy:** (*auvent fixe*) a fixed horizontal, sloped or arched surface that projects from a wall — usually over a door — to provide shelter from the weather. See also *awning* and *marquee*.
- Capital:** (*chapiteau*) the decorative head of a *column*, *pilaster*, *pier* or other vertical support.
- Casement:** (*fenêtre à battants*) a window that opens by being hinged on one side.
- Chamfer:** (*chanfrein*) a sloping or bevelled edge.
- Character-defining elements:** (*éléments caractéristiques*) the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to the *heritage value* of a *historic place*, and which must be retained in order to preserve its *heritage value*.
- Cladding:** (*recouvrement*) the external, non-structural material that protects the structural wall or frame from the weather.
- Clapboard:** (*planche à gorge*) a *siding* or *cladding* of bevelled boards laid horizontally and overlapping at the top and bottom, applied to the outside of a wood-framed building to make it weatherproof; the face of each board is oblique to the wall (also called bevelled siding).
- Column:** (*colonne*) an upright support *post* of circular section; a steel or iron member used vertically is also called a column.
- Concrete:** (*béton*) a mixture of cement, aggregate (usually sand and gravel) and water that hardens and attains great compressive strength. When used structurally it is usually reinforced with embedded steel rods or mesh to give it tensile strength as well.
- Conservation:** (*conservation*) all actions or processes that are aimed at safeguarding the *character-defining elements* of a cultural resource so as to retain its *heritage value* and extend its physical life. This may involve “*Preservation*,” “*Rehabilitation*,” “*Restoration*,” or a combination of these actions or processes.

**Corner board:** (*boiserie cornière*) narrow vertical components used to encase the corner of a wall; most often used on buildings clad in *shiplap* or similar horizontal siding.

**Cornice:** (*corniche*) projecting horizontal element (to shed water and for decoration) at the top of a building or the top of a storefront, or a similar feature (often in plaster) at the top of a wall of a room.

**Course:** (*assise*) a single horizontal row of brick, stone or other walling material.

**Crépi:** (*crépi*) a lime plaster used as a coating on stone buildings, particularly in New France, to protect the wall and the mortar joints from the weather.

**Cresting:** (*crête*) a decorative rail, a row of *finials* or another feature at the top of a building, often along the *ridge* of a sloped roof.

**Cupola:** (*coupole*) a feature at the top of a roof, usually cylindrical with louvred openings and a dome-shaped roof on top.

**Curtain wall:** (*mur-rideau*) an exterior wall that is fastened to a frame and protects the building from the weather; it has no structural function and supports only its own weight.

**Dentil:** (*denticule*) a small, tooth-like square block, used in a row as a decorative feature in a *cornice*.

**Dormer:** (*lucarne*) a window that projects from a sloping roof, with a small roof of its own.

**Dressed:** (*taillé*) a stone cut square on all sides and smoothed on the face.

**Earthworks:** (*remblai*) in military architecture, a defensive structure constructed of earth.

**Eave:** (*débord de toit*) the projecting edge of a roof.

**Ecosystem:** (*écosystème*) the system formed by the interaction of all the living things of a particular environment with one another and with their habitat.

**Entablature:** (*entablement*) the horizontal component, usually decorated, that lies directly above a *column* or other support; in Classical architecture, the entablature is composed of an *architrave*, a *frieze* and a *cornice*.

**Fascia:** (*bordure de toit*) a finish element covering the face of eaves and roof projections.

**Finial:** (*fleuron*) an ornamental projection at the top of a *gable*, roof or other high component.

**Frame:** (*charpente*) the structural skeleton of a building.

**Frieze:** (*frise*) the middle portion of an *entablature*; or any decorated horizontal band.

**Gable:** (*pignon*) the triangular portion of a wall beneath the end of a *gabled roof*.

**Gabled roof:** (*toit à pignon*) a roof that slopes on two sides.

**Guidelines:** (*lignes directrices*) statements that provide practical guidance in applying the *Standards* for the conservation of historic places. They are presented here in a format that provides recommended and non-recommended actions.

**Herbaceous plants:** (*plantes herbacées*) plants with stems that are soft and not woody.

**Heritage value:** (*valeur patrimoniale*) the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations. The *heritage value* of a *historic place* is embodied in its character-defining materials, forms, location, spatial configurations, uses and cultural associations or meanings.

**Hipped roof:** (*toit en croupe*) a roof that slopes on four sides.

**Historic place:** (*lieu patrimonial*) a structure, building, group of buildings, district, landscape, archaeological site or other place in Canada that has been formally recognized for its *heritage value*.

**In kind:** (*à l'identique*) with the same form, material and detailing as the existing element.

**Intervention:** (*intervention*) any action, other than demolition or destruction, that results in a physical change to an element of a *historic place*.

**Inukshuk:** (*inukshuk*) an Inuit stone cairn having the rough outline of a human figure.



**Joist:** (*solive*) a secondary horizontal structural member, usually supported by a *beam* at each end, and itself supporting a floor, ceiling, or roof.

**Lantern:** (*lanternon*) a windowed superstructure at the top of a roof or dome; a small *cupola*.

**Lintel:** (*linteau*) the horizontal supporting member at the top of a door or window.

**Mansard roof:** (*toit en mansarde*) a roof that has a double slope, with the lower part steeper than the upper one; also called a gambrel roof, especially for barns.

**Marquee:** (*marquise*) a fixed horizontal structure that projects from a wall — usually over a theatre's entrance — to provide shelter from the weather. See also *awning* and *canopy*.

**Masonry:** (*maçonnerie*) stone, brick, concrete, tile, or any other earthen products used in construction.

**Maintenance:** (*entretien*) the routine, cyclical, non-destructive actions necessary to slow the deterioration of a *historic place*. It normally entails routine, periodic inspection; routine, cyclical, non-destructive cleaning associated with housekeeping; minor repair and refinishing operations; replacement of damaged, broken or deteriorated materials that are impractical to save (e.g., broken window glass); rust removal; cyclical pruning; top-dressing; and cleaning of drainage inlets or outlets.

**Minimal intervention:** (*intervention minimale*) the approach which allows functional goals to be met with the least physical intervention.

**Moulding:** (*moulure*) a shaped decorative element, usually a horizontal band, that projects slightly from the surface of a wall.

**Mullion:** (*meneau*) a thin upright member within a window or between adjacent windows.

**Old-field successional species:** (*espèce de succession des champs*) plant species that naturally establish themselves in abandoned fields as a precursor to forest cover.

**Parapet:** (*parapet*) in a building, a portion of a wall that projects above a roof; in a fortification, a low wall or mound, usually of stone or earth, created to protect soldiers.

**Patching :** (*ragréage*) the action of making defects disappear from a wood, stone or concrete surface.

**Piecing-in:** (*rapiécage*) the action of inserting a replacement piece as a substitute to a missing or irreparable portion of material.

**Pediment:** (*fronton*) the triangular end of a gable, or a triangular ornamental element resembling it, defined by a *moulding* (or series of mouldings) along its three edges.

**Pier:** (*pilier*) an upright support *post* of square or rectangular section, usually of *masonry*.

**Pilaster:** (*pilastr*) an upright shallow rectangular upright support *post* set into a wall and used mainly as decoration.

**Post:** (*Poteau*) a generic word for any upright support: a **pier** is a post of square or rectangular section, usually of *masonry*; a **column** is a post of circular section; a steel or iron member used vertically is also called a column; a **pilaster** is a shallow rectangular upright support set into a wall and used mainly as decoration.

**Preservation:** (*préservation*) the action or process of protecting, maintaining and/or stabilizing the existing materials, form and integrity of a *historic place*, or of an individual component, while protecting its heritage value.

**Rafter:** (*chevron*) in timber roof construction, a principal sloping component that runs from the top of the wall to the *ridge*.

**Rampart:** (*rempart*) a wide bank of earth, usually with a parapet on top, built around a fort to help defend it.

**Rehabilitation:** (*réhabilitation*) the action or process of making possible a continuing or compatible contemporary use for a *historic place*, or of an individual component, through repair, alterations and/or additions, while protecting its *heritage value*.

**Restoration:** (*restauration*) the action or process of accurately revealing, recovering or representing the state of a *historic place*, or of an individual component, as it appeared at a particular period in its history, while protecting its *heritage value*.

**Ridge:** (*faîte*) the uppermost part of a roof, usually horizontal; or the structural component at the top of a roof.

**Sash:** (*châssis*) in a window, the wood or metal frame that holds the glass.

**Shed roof:** (*toit en appentis*) a roof with only one slope; also used to describe the roof of a *dormer* window if it has only one slope.

**Shiplap:** (*planche à feuillure*) a *siding* or *cladding* of horizontally laid boards with notched edges that make an overlapping joint, applied to the outside of a wood-framed building, or a stone wall, to make it weatherproof; the face of each board is parallel to the plane of the wall (also called drop siding).

**Sidelight:** (*fenêtre latérale*) a window beside a door, forming part of the door unit.

**Siding:** (*bardage*) a facing material, or *cladding*, applied to the outside of a wood-framed building to make it weatherproof, sometimes called weatherboarding; **shiplap** (or drop siding) consists of horizontally laid boards with notched edges that make an overlapping joint; the face of each board is parallel to the plane of the wall; **clapboard** (or bevelled siding) consists of bevelled boards laid horizontally and overlapping at the top and bottom; the face of each board is oblique to the wall; **board-and-batten** siding is composed of vertically applied boards whose joints are covered by narrow strips (battens); shingles may also be used as a siding, as may composite materials such as asphalt, asbestos or synthetic materials, often imitating brick or shingle; metal and vinyl siding are also used.

**Sill:** (*seuil*) a horizontal member at the bottom of a window, or of a wall (sometimes called a sill plate).

**Soffit:** (*soffite*) the underside of an *eave*, *beam*, or other component.

**Spandrel:** (*tympan*) the portion of a wall between the top of one window and the window *sill* above it; or the roughly triangular surface between two adjacent arches.

**Splicing:** (*épissage*) the action of joining an existing element with a new element in order to compensate for the weakness of a damaged edge. The splicing of structural members for reinforcement is a typical example.

**Stratigraphy:** (*stratigraphie*) the composition and arrangement of geographic strata or layers of earth in a particular area.

**Standards:** (*normes*) Norms for the respectful conservation of historic places.

**Stud:** (*poteau*) in timber construction, one of a series of vertical supports.

**Terra cotta:** (*terre cuite*) fired clay commonly shaped in a mould and frequently glazed after firing.

**Terrace:** (*terrasse*) a flat level of land, often a component of a series of step-like flat levels on a slope.

**Transom:** (*imposte*) a small window over a door or another window, often hinged for opening.

**Truss:** (*ferme*) a structural framework, made of either timber or metal, that is composed of individual members fastened together in a triangular arrangement.

**Windbreak:** (*brise-vent*) a row of trees or bushes planted to provide protection from the wind and, often, to prevent soil erosion.

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**GRAND PRÉ WORLD HERITAGE SITE STEWARDSHIP BOARD**

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# **STRATEGIC PLAN**

JANUARY 2011







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## INTRODUCTION

Grand Pré is on Canada's Tentative List for potential World Heritage inscription by UNESCO since 2004. The Nomination Grand Pré Advisory Board has been actively working since 2007 at developing a nomination dossier for submission to UNESCO. The Board has been conducting research, public engagement activities and management planning exercises to prepare a solid proposal. The support of the local area communities and stakeholders and that of government departments and agencies at the federal, provincial and municipal levels has been instrumental in the completion of the nomination proposal.

The Board aims to submit a nomination proposal to the Canadian Delegation to the World Heritage Committee and then to UNESCO by February 2011. A potential decision by the World Heritage Committee is envisioned at the earliest in July 2012.

The mandate of the Nomination Grand Pré Advisory Board remains essentially the same up until a decision by World Heritage Committee. Upon successful inscription of Grand Pré, the Nomination Grand Pré Advisory Board will be replaced by the Grand Pré and Area Stewardship Board (the Stewardship Board) whose mandate will be to serve as site manager for the World Heritage Site in accordance with the requirements spelled out in the *Operational Guidelines for the Implementation of the World Heritage Convention*.

This strategic plan outlines the vision, mandate, key strategies, and objectives that will guide the work of the Stewardship Board for 10 years following a successful inscription and ensure a sustainable management of the nominated property.

## EXECUTIVE SUMMARY

- This strategic plan articulates the vision, mandate, guiding principles, key strategies, and objectives of the Grand Pré and Area World Heritage Site Stewardship Board (Stewardship Board) over a 10 (ten) year period following a successful inscription of Grand Pré and area on the World Heritage List.
- The purpose of the Stewardship Board is to be the site manager of the nominated property in accordance with the *Operational Guidelines for the Implementation of the World Heritage Convention*, maintain partnerships for the benefit of the communities involved, and to capitalize on the economic opportunities stemming from a successful inscription.
- The Stewardship Board is composed of ten voting members and is co-chaired by a representative from the Société nationale de l'Acadie and one from the local community. The responsibilities include primarily acting as the steward of the World Heritage Site, implement the management plan through a coordinated management approach between all jurisdictions, engage the stakeholders in the stewardship of the WHS, promote the property's outstanding universal value, report on the condition of the property, and obtain the support of the relevant authorities.
- The vision of the Stewardship Board is that *"The Landscape of Grand Pré will be maintained as an outstanding and sustainable living heritage landscape, a shared legacy connecting the communities that care for it for the world to appreciate."*
- The mission of the Stewardship Board is *"On behalf of people of the world and of the communities that care for the Landscape of Grand Pré, the Stewardship Board will work cooperatively with each government authority and engage the communities to protect, promote, interpret, and foster the sustainable development of this outstanding area for present and future generations."*
- The five key strategies focus on reaching the goals of:
  1. providing for the protection, continuing community and agricultural use and appreciation of the nominated property.
  2. enriching the existing tourism destination by promoting wide recognition, understanding and appreciation of the educational and cultural values represented by the nominated property.
  3. instilling a strong sense of shared community pride and stewardship in the protection, interpretation and promotion of the nominated property.
  4. fostering increased economic, tourism and agricultural opportunities through partnerships at the nominated property.
  5. ensuring the long-term sustainability of the nominated property's governance
- To carry out its mandate and reach its goals, the Stewardship Board will need to build its capacity with regards to communication, stakeholder engagement, interpretation, promotion, governance, and sustainability of the governance structure through fundraising.
- In addition, the operations of the site relate to protection, research, interpretation, promotion, stakeholder engagement, partnerships, reporting, monitoring, administration, and accountability.
- In the first decade following a successful inscription, public funds and partnerships allow the Stewardship Board to implement its mandate. Those are outlined in the proposed implementation plan and budget outlines in the appendices.

## **PURPOSE OF A STEWARDSHIP BOARD**

### *Identifying a site manager*

The UNESCO World Heritage Committee document *Operational Guidelines for the Implementation of the World Heritage Convention* indicates that a nomination proposal will identify a site manager, in other words an entity whose responsibility will be to manage the property being nominated for World Heritage inscription.

In the case of Grand Pré, there are numerous authorities with responsibilities over the protection of heritage, agriculture, environmental issues, and development activities. In that context, the need for a single entity whose mandate was to coordinate the different authorities and stakeholders became apparent. In addition, a World Heritage inscription generates interest from business, researchers, media, and others to seek opportunities to achieve their goals. The Stewardship Board will take on that responsibility and advise the authorities on the best course of action.

### *Maintaining partnerships for the benefit of the communities*

Beyond the need to fulfill the nomination proposal requirement, the stakeholders and authorities recognize that the process of preparing the nomination has led to new partnerships, an increase awareness of interests and resources from each individual partner, and sharing of resources. The process was an opportunity for organizations and individuals with very different interests –farmers, tourism industry, heritage associations, Mi'kmaq, Acadians, Planters, academic institutions, private enterprise, and government – to meet and work together to benefit the Grand Pré area, its residents, and the Acadian community. This resulted in the leveraging of financial and human resources from the three levels of government and private enterprise including the generation of thousands of hours of volunteer work from dozens of individuals.

The partners aim to continue these relationships and seek new ones through the work of the Stewardship Board for the protection, promotion, and interpretation of the nominated property and to contribute to the sustainable economic development of the local and Acadian communities.

### *Capitalizing on economic opportunities*

Between 2002 and 2008, the Grand-Pré National Historic Site of Canada had an average number of visitors of 45,000 per year. The average annual total visitor spending during this period at Grand-Pré was \$2.7 million per year. This information serves as a benchmark to assess the number of visitors and their economic impact in the Grand Pré area. Visitation and visitor spending have decreased by about 5% within Kings County, including the National Historic Site, since 2002.

The *2009 Economic Impact Assessment of a UNESCO World Heritage Designation*, a study completed by Dr. Van Blarcom and team from Acadia University, indicates that the Grand-Pré National Historic Site of Canada and the surrounding area would receive a 6.2% increase in visitation, or between 1000 and 4000 additional visitors per year. An increase in visitation would have a positive economic impact for the historic site and the community. Incremental spending from the additional visitors would be between \$50,000 and \$300,000 per year.

The *Tourism Study and Interpretation Framework* completed in 2010 by Hockin Cronin and Associates, highlighted that the Van Blarcom study only includes non-resident visitors- visitors from outside Nova Scotia. Consequently, the total increase in visitation to the World Heritage Site, if successfully inscribed, could be greater than the predicted 6.2% increase if visitors from within Nova Scotia are accounted for. The study also does not account for any increase in length of stay by resident or non-resident visitors. Such increase in length of stay in the area could have an additional positive impact on visitor spending. Should Grand Pré receive World Heritage status, a positive economic impact will be felt within the community, the County and the Province of Nova Scotia.

While these studies focus primarily on the economic opportunities tied to tourism, a successful World Heritage inscription and the attention that accompanies it will undoubtedly enhance economic opportunities tied to other sectors, such as the agricultural sector.

The structure, membership, and governance approach of the Stewardship Board will allow the different stakeholders to harness those opportunities by leveraging each other's resources, strengthening partnerships, and having a coordinated strategy that will enhance the economic benefits for the county and the region.

Financial resources are required in order to support both the need for a site manager and the aims of the partners. The following strategic plan outlines the guiding principles, vision, mission, key strategies, and resources needed to achieve effective support.

## **VISION AND MISSION**

### **VISION**

*The Landscape of Grand Pré is maintained as an outstanding and sustainable living heritage landscape, a shared legacy connecting the communities that care for it for the world to appreciate.*

### **MISSION**

*On behalf of people of the world and of the communities that care for the Landscape of Grand Pré, the Stewardship Board will work cooperatively with each government authority and engage the communities to protect, promote, interpret, and foster the sustainable development of this outstanding area for present and future generations.*

## **KEY STRATEGY 1: PROTECTING AN OUTSTANDING HERITAGE ASSET**

The nomination proposal highlights the importance of the agricultural landscape (dykes, aboiteaux, marshland, farming), the archaeological heritage, the core settlement in Grand Pré hamlet and in Hortonville, and the symbolic importance of the place for Acadians as heritage assets.

As such, this key strategy focuses on providing the resources to understand, protect, and monitor the authenticity and integrity of the heritage assets and of the nominated property as a whole. Those resources are the result of partnerships that are possible because of the presence of a stable, strong, and focused leadership provided by the Stewardship Board. Finally the protection is effective when the resources are provided to carry out legislated responsibilities, implement the management plan, and carry out the requirements linked to a World Heritage inscription, an essential condition for a credible nomination proposal. The protection of that asset is instrumental to the successful development of a sustainable tourism and agricultural asset.

**Goal: To provide for the protection, continuing community and agricultural use and appreciation of the nominated property by:**

- Objective #1: Ensuring that agriculture remains a vibrant economic activity of the community.*
- Objective #2: Dedicating resources to the monitoring and maintenance of the dykes.*
- Objective #3: Preserving and enhancing the memorials reflecting the enduring importance of the area for the Acadians.*
- Objective #4: Nurturing ongoing research and filling the gaps in knowledge about the landscape and the people that inhabited it over the years.*
- Objective #5: Ensuring that the Grand Pré Marsh Body, as long term steward of the marshland, continues to play a significant role in the maintenance, use and protection of the marshlands.*
- Objective #6: Informing visitors to the community, through signage and brochures, of the need to be mindful that they are entering an active agricultural community.*
- Objective #7: Working with the Marsh Body to ensure that visitors have access to the values of the nominated property without interfering with the ongoing agricultural use of the marshland.*



## **KEY STRATEGY 2: CREATING AN OUTSTANDING AND SUSTAINABLE EXPERIENCE**

Grand Pré and area, as a candidate for World Heritage inscription, is in a position to become one of Nova Scotia's star attractions, a signature destination that will attract visitors from Canada and the world to the province. While the inscription will enhance the area's visibility and interest, a long-term sustainable tourism strategy is dependent on the development of an outstanding and sustainable experience in Grand Pré and area. This relies on high quality, unique, and authentic experiences being offered that reflect the values of the outstanding heritage asset expressed by the World Heritage Committee at the time of a successful inscription. Grand Pré and area will be a gateway to the countless other attractions of Nova Scotia, in particular in the County of Kings. A successful sustainable tourism complements the agricultural identity of the local communities and supports the strong connection of various communities to the heritage place.

This strategy focuses on developing and implementing the tools to explore and create opportunities for visitors to understand the values of, discover, and enjoy the Grand Pré area. This includes such actions as partnerships, promotion, branding, product development, and interpretation.

**Goal: To enrich the existing tourism destination by promoting wide recognition, understanding and appreciation of the educational and cultural values represented by the nominated property by:**

- Objective #1: Developing programs, activities, tools, and interpretation that raise awareness of the importance of the landscape for the different communities, including the Mi'kmaq, the Acadians, and the descendents of the New England Planters.*
- Objective #2: Promoting visitation through regional, national and international media.*
- Objective #3: Ensuring that promotion of the site is managed responsibly in all aspects of publicity in relation to the nominated property in accordance with UNESCO guidelines.*
- Objective #4: Developing tools and interpretation on the history and importance of agriculture.*
- Objective #5: Continuing to raise awareness about the Acadian people and the way they overcame their forced migrations of the 18<sup>th</sup> century.*
- Objective #6: Developing partnerships with existing World Heritage sites.*

## **KEY STRATEGY 3: ENGAGING THE COMMUNITIES TO BUILD STRONG STEWARDSHIP**

The ongoing connection and involvement in management of key stakeholder communities is essential to maintaining the values of the nominated property, protecting it, and developing an authentic experience for visitors. This has been the reality of the Grand Pré area for centuries where the Marsh Body has taken care of the marsh, the Acadian community has been involved at the park, and the farmers have worked the land.

This strategy focuses on developing the tools to continuously engage the different communities in the management, interpretation, and promotion of Grand Pré and area. This includes such actions as a functioning governance structure, community liaison, reporting, public education, and public participation.

**Goal: To instill a strong sense of shared community pride and stewardship in the protection, interpretation and promotion of the nominated property by:**

- Objective #1: Providing for community input and encouraging community participation.*
- Objective #2: Engaging Acadian, local and other stakeholder communities in activities that celebrate the importance of the Grand Pré landscape.*
- Objective #3: Employing a governance model to ensure that the interests and concerns of local residents and the Acadian community are heard, discussed and reflected in the advice to the different regulatory authorities.*
- Objective #4: Ensuring the local and Acadian schools are provided sufficient information and opportunities to incorporate the experience at Grand Pré into their curriculum.*

## **KEY STRATEGY 4: FACILITATING ECONOMIC OPPORTUNITIES FOR STAKEHOLDER COMMUNITIES**

As previous studies have demonstrated, a World Heritage Site represents a positive economic opportunity for the stakeholder communities. In the case of Grand Pré and area, benefits are expected for the business and farming communities of Grand Pré, Hortonville, North Grand Pré and Lower Wolfville, the Acadian community, the Mi'kmaq community of Glooscap, and other neighboring communities.

These economic opportunities will be more effectively harnessed through the leadership provided by the Stewardship Board whose mandate brings together the different communities who would otherwise not have a common platform to discuss areas of common interest.

This key strategy focuses on articulating the role of the Stewardship Board in harnessing the economic opportunities stemming from a successful inscription for the benefit of the stakeholder communities.

**Goal: To foster increased economic, tourism and agricultural opportunities through partnerships at the nominated property by:**

- Objective #1: Creating a gateway to the Acadian cultural heritage of Nova Scotia.*
- Objective #2: Creating a gateway to cultural tourism in the County of Kings and Nova Scotia.*
- Objective #3: Providing a forum for the discussion of economic, tourism, and agricultural opportunities affected the Grand Pré and area.*
- Objective #4: Facilitating opportunities to raise awareness, stimulate discussion, and educate about the importance and future of agriculture in Grand Pré and area.*
- Objective #5: Working with the Mi'kmaq to develop opportunities related to heritage.*
- Objective #6: Participating actively in economic, development, and tourism initiatives affecting Grand Pré and area.*

## **KEY STRATEGY 5: SUSTAINING THE MANAGEMENT OF THE NOMINATED PROPERTY**

The protection and proper management of a World Heritage Site is a commitment in perpetuity. This is a commitment made by all three levels of government and stakeholders. While public funds are essential to the stability of the management and governance structure, other sources of funding are required to enhance the Stewardship Board's ability to deliver on its mandate.

This key strategy focuses articulating the means pursued by the Stewardship Board to attract private funding.

**Goal: To ensure the long-term sustainability of the nominated property's governance by:**

*Objective #1: Exploring financial strategies to leverage public funding.*

*Objective #2: Developing and implementing a private fundraising strategy.*

*Objective #3: Developing and adopting a financial model for the long-term sustainability of the governance model following the first decade of operations.*

*Objective #4: Exploring revenue streams from managing the brand.*

## **IMPLEMENTATION TIMELINE**

This strategic plan aims to reach its goals within ten (10) years following inscription. Since the World Heritage Committee meets annually in July, the start date of implementation is August of the year of a successful inscription on the World Heritage List.

Year 1 begins in August and ends at the end of March of the following year, in parallel with the end of fiscal year. Subsequent years follow the fiscal calendar cycle.

A first phase of ‘capacity building’ begins in the first year and is expected to last three years. During that period the critical components of operations are put in place. Following that phase, a transition phase allows for the implementation of these components towards full operation in year 7.

## SUMMARY

<b>Vision</b>				
The Landscape of Grand Pré will be maintained as an outstanding and sustainable living heritage landscape, a shared legacy connecting the communities that care for it for the world to appreciate.				
<b>Mission</b>				
On behalf of people of the world and of the communities that care for the Landscape of Grand Pré, the Stewardship Board will work cooperatively with each government authority and engage the communities to protect, promote, interpret, and foster the sustainable development of this outstanding area for present and future generations.				
<b>Key Strategies</b>				
<b>Protecting an outstanding heritage asset</b>	<b>Creating an outstanding and sustainable experience</b>	<b>Engaging the communities to build strong stewardship</b>	<b>Facilitating economic opportunities for stakeholder communities</b>	<b>Sustaining the management of the nominated property</b>
<b>Goals</b>				
To provide for the protection, continuing community and agricultural use and appreciation of the Nominated Property	To enrich the existing tourism destination by promoting wide recognition, understanding and appreciation of the educational and cultural values represented by the Nominated Property	To instill a strong sense of shared community pride and stewardship in the protection, interpretation and promotion of the Nominated Property.	To foster increased economic, tourism and agricultural opportunities through partnerships at the Nominated Property	To ensure the long-term sustainability of the nominated property's governance
<b>Activities</b>				
<b>Phase 1: years 1 – 3: Development and Capacity Building</b>				
<ul style="list-style-type: none"> <li>Hire Site Management Coordinator</li> <li>Organize forum on research priorities and partnerships</li> <li>Implement outcome of the forum on research priorities</li> <li>Set up the Technical and Advisory Committee</li> <li>Prepare training</li> <li>Respond to requests for information</li> <li>Monitor condition</li> <li>Conserve key attributes</li> </ul>	<ul style="list-style-type: none"> <li>Set up the Education and Promotion Committee</li> <li>Prepare and implement website</li> <li>Prepare and implement promotion and branding strategy</li> <li>Prepare and implement interpretation strategy</li> <li>Organize forum on creating an outstanding and sustainable experience with key stakeholders based on the Tourism Management Study</li> <li>Establish institutional and tourism partnerships</li> <li>Provide an opportunity to experience the World Heritage Site</li> </ul>	<ul style="list-style-type: none"> <li>Establish the Stewardship Board</li> <li>Prepare and implement communications and engagement strategy</li> <li>Prepare and implement Board policies</li> <li>Prepare residents' kit</li> <li>Organize annual events around heritage and community values</li> <li>Prepare outreach and communication materials</li> <li>Administer and prepare the Board, committee, and public meetings</li> <li>Support media relations</li> <li>Liaise with key stakeholders</li> <li>Engage the communities</li> <li>Prepare business plans</li> </ul>	<ul style="list-style-type: none"> <li>Incorporate the nominated property into the brand for Eastern Kings County</li> <li>Participate in the Commission du tourisme acadien du Canada Atlantique</li> <li>Develop cross marketing strategy with the 2 other World Heritage sites in Nova Scotia</li> <li>Organize a forum on agricultural issues relevant to the sustainability of the nominated property</li> <li>Work with the CDENE to articulate economic opportunities for the Acadian community of Nova Scotia</li> <li>Prepare a paper on agrotourism in Nova Scotia</li> </ul>	<ul style="list-style-type: none"> <li>Explore fundraising strategies for the long term management of the nominated property</li> <li>Identify resources to develop and implement the preferred fundraising strategy</li> <li>Develop options for financial model</li> <li>Submit funding applications to provincial and federal agencies for specific projects</li> </ul>
<b>Phase 2: years 4 – 6: Transition</b>				
<ul style="list-style-type: none"> <li>Coordinate output of the research units</li> <li>Manage resources and stakeholder relations for the survey and conservation of the property's values</li> <li>Review management plan and other management related documents</li> <li>Coordinate the information for preparing the report to the World Heritage Committee</li> <li>Respond to requests for information</li> <li>Monitor condition</li> <li>Conserve key attributes</li> </ul>	<ul style="list-style-type: none"> <li>Maintain website</li> <li>Maintain the Education and Promotion Committee</li> <li>Develop tourism products in partnership</li> <li>Sustain institutional and tourism partnerships</li> <li>Provide an opportunity to experience the World Heritage Site</li> </ul>	<ul style="list-style-type: none"> <li>Maintain presence in the communities</li> <li>Support local initiatives</li> <li>Maintain community engagement</li> <li>Support media relations</li> <li>Liaise with key stakeholders</li> <li>Engage the communities</li> <li>Prepare business plans</li> </ul>	<ul style="list-style-type: none"> <li>Contribute to the implementation of the local, regional branding strategies</li> <li>Contribute to the development of a World Heritage tourism package with World Heritage Sites in Atlantic Canada</li> <li>Implement the outcome of the forum on agricultural issues as they are relevant to the sustainability of the nominated property</li> <li>Identify opportunities for leadership from the nominated property in agrotourism in Atlantic Canada</li> </ul>	<ul style="list-style-type: none"> <li>Implement the fundraising strategy</li> </ul>
<b>Phase 3: years 7 – 10 : Full operations</b>				
<ul style="list-style-type: none"> <li>Maintain the Technical Advisory Committee</li> <li>Monitor research activities, development pressures, policy development</li> <li>Work with partners to ensure the protection of the nominated property.</li> <li>Respond to requests for information</li> <li>Monitor condition</li> <li>Conserve key attributes</li> </ul>	<ul style="list-style-type: none"> <li>Maintain the Education and Promotion Committee</li> <li>Review website</li> <li>Maintain website</li> <li>Reviewing products and interpretation</li> <li>Work with partners to promote and interpret the nominated property.</li> <li>Provide an opportunity to experience the World Heritage Site</li> </ul>	<ul style="list-style-type: none"> <li>Review communications strategy</li> <li>Update communication materials</li> <li>Work with stakeholders and other partners to manage the property effectively in a sustainable manner.</li> <li>Support media relations</li> <li>Liaise with key stakeholders</li> <li>Engage the communities</li> <li>Prepare business plans</li> </ul>	<ul style="list-style-type: none"> <li>Carry out regular events regarding agricultural issues</li> <li>Nurture partnerships with World Heritage sites in Atlantic Canada and abroad</li> </ul>	<ul style="list-style-type: none"> <li>Carry out fundraising activities</li> <li>Implement financial model</li> </ul>

## IMPLEMENTATION BY KEY STRATEGY

PROTECTING AN OUTSTANDING HERITAGE ASSET		
Goal	Objectives	Activities and timeline
To provide for the protection, continuing community and agricultural use and appreciation of the Nominated Property	<ul style="list-style-type: none"> <li>Ensuring that agriculture remains a vibrant economic activity of the community.</li> <li>Dedicating resources to the monitoring and maintenance of the dykes.</li> <li>Preserving and enhancing the memorials reflecting the enduring importance of the area for the Acadians.</li> <li>Nurturing ongoing research and filling the gaps in knowledge about the landscape and the people that inhabited it over the years.</li> <li>Ensuring that the Grand Pré Marsh Body, as long term steward of the marshland, continues to play a significant role in the maintenance, use and protection of the marshlands.</li> <li>Informing visitors to the community, through signage and brochures, of the need to be mindful that they are entering an active agricultural community.</li> <li>Working with the Marsh Body to ensure that visitors have access to the values of the nominated property without interfering with the ongoing agricultural use of the marshland.</li> </ul>	<p><b>Phase 1: Years 1-3: Development and Capacity Building</b></p> <ul style="list-style-type: none"> <li>Hire Site Management Coordinator</li> <li>Organize forum on research priorities and partnerships</li> <li>Implement outcome of the forum on research priorities</li> <li>Set up the Technical and Advisory Committee</li> <li>Prepare training</li> <li>Respond to requests for information</li> <li>Monitor condition</li> <li>Conserve key attributes</li> </ul>
		<p><b>Phase 2: years 4-6: Transition</b></p> <ul style="list-style-type: none"> <li>Coordinate output of the research units</li> <li>Manage resources and stakeholder relations for the survey and conservation of the property's values</li> <li>Review management plan and other management related documents</li> <li>Coordinate the information for preparing the report to the World Heritage Committee</li> <li>Respond to requests for information</li> <li>Monitor condition</li> <li>Conserve key attributes</li> </ul>
		<p><b>Phase 3: years 7-10: Full operations</b></p> <ul style="list-style-type: none"> <li>Maintain the Technical Advisory Committee</li> <li>Monitor research activities, development pressures, policy development</li> <li>Work with partners to ensure the protection of the nominated property.</li> <li>Respond to requests for information</li> <li>Monitor condition</li> <li>Conserve key attributes</li> </ul>

<b>CREATING AN OUTSTANDING AND SUSTAINABLE EXPERIENCE</b>		
<b>Goal</b>	<b>Objectives</b>	<b>Activities and timeline</b>
To enrich the existing tourism destination by promoting wide recognition, understanding and appreciation of the educational and cultural values represented by the Nominated Property	<ul style="list-style-type: none"> <li>Developing programs, activities, tools, and interpretation that raise awareness of the importance of the landscape for the different communities, including the Mi'kmaq, the Acadians, and the descendents of the New England Planters.</li> <li>Promoting visitation through regional, national and international media.</li> <li>Ensuring that promotion of the site is managed responsibly in all aspects of publicity in relation to the nominated property in accordance with UNESCO guidelines.</li> <li>Developing tools and interpretation on the history and importance of agriculture.</li> <li>Continuing to raise awareness about the Acadian people and the way they overcame their forced migrations of the 18<sup>th</sup> century.</li> <li>Developing partnerships with existing World Heritage sites.</li> </ul>	<p><b>Phase 1: Years 1-3: Development and Capacity Building</b></p> <ul style="list-style-type: none"> <li>Set up the Education and Promotion Committee</li> <li>Prepare and implement website</li> <li>Prepare and implement promotion and branding strategy</li> <li>Prepare and implement interpretation strategy</li> <li>Organize forum on creating an outstanding and sustainable experience with key stakeholders based on the Tourism Management Study</li> <li>Establish institutional and tourism partnerships</li> <li>Provide an opportunity to experience the World Heritage Site</li> </ul>
		<p><b>Phase 2: years 4-6: Transition</b></p> <ul style="list-style-type: none"> <li>Maintain website</li> <li>Maintain the Education and Promotion Committee</li> <li>Develop tourism products in partnership</li> <li>Sustain institutional and tourism partnerships</li> <li>Provide an opportunity to experience the World Heritage Site</li> </ul>
		<p><b>Phase 3: years 7-10: Full operations</b></p> <ul style="list-style-type: none"> <li>Maintain the Education and Promotion Committee</li> <li>Review website</li> <li>Maintain website</li> <li>Reviewing products and interpretation</li> <li>Work with partners to promote and interpret the nominated property.</li> <li>Provide an opportunity to experience the World Heritage Site</li> </ul>



ENGAGING THE COMMUNITIES TO BUILD STRONG STEWARDSHIP		
Goal	Objectives	Activities and timeline
To instill a strong sense of shared community pride and stewardship in the protection, interpretation and promotion of the Nominated Property	<ul style="list-style-type: none"> <li>• Providing for community input and encouraging community participation.</li> <li>• Engaging Acadian, local and other stakeholder communities in activities that celebrate the importance of the Grand Pré landscape.</li> <li>• Employing a governance model to ensure that the interests and concerns of local residents and the Acadian community are heard, discussed and reflected in the advice to the different regulatory authorities.</li> <li>• Ensuring the local and Acadian schools are provided sufficient information and opportunities to incorporate the experience at Grand Pré into their curriculum.</li> </ul>	<b>Phase 1: Years 1-3: Development and Capacity Building</b>
		<ul style="list-style-type: none"> <li>• Establish the Stewardship Board</li> <li>• Prepare and implement communications and engagement strategy</li> <li>• Prepare and implement Board policies</li> <li>• Prepare residents' kit</li> <li>• Organize annual events around heritage and community values</li> <li>• Prepare outreach and communication materials</li> <li>• Administer and prepare the Board, committee, and public meetings</li> <li>• Support media relations</li> <li>• Liaise with key stakeholders</li> <li>• Engage the communities</li> <li>• Prepare business plans</li> </ul>
		<b>Phase 2: years 4-6: Transition</b>
		<ul style="list-style-type: none"> <li>• Maintain presence in the communities</li> <li>• Support local initiatives</li> <li>• Maintain community engagement</li> <li>• Support media relations</li> <li>• Liaise with key stakeholders</li> <li>• Engage the communities</li> <li>• Prepare business plans</li> </ul>
		<b>Phase 3: years 7-10: Full operations</b>
		<ul style="list-style-type: none"> <li>• Review communications strategy</li> <li>• Update communication materials</li> <li>• Work with stakeholders and other partners to manage the property effectively in a sustainable manner.</li> <li>• Support media relations</li> <li>• Liaise with key stakeholders</li> <li>• Engage the communities</li> <li>• Prepare business plans</li> </ul>

<b>FACILITATING ECONOMIC OPPORTUNITIES FOR STAKEHOLDER COMMUNITIES</b>		
<b>Goal</b>	<b>Objectives</b>	<b>Activities and timeline</b>
To foster increased economic, tourism and agricultural opportunities through partnerships at the Nominated Property	<ul style="list-style-type: none"> <li>• Creating a gateway to the Acadian cultural heritage of Nova Scotia.</li> <li>• Creating a gateway to cultural tourism in the County of Kings and Nova Scotia.</li> <li>• Providing a forum for the discussion of economic, tourism, and agricultural opportunities affected the Grand Pré and area.</li> <li>• Facilitating opportunities to raise awareness, stimulate discussion, and educate about the importance and future of agriculture in Grand Pré and area.</li> <li>• Working with the Mi'kmaq to develop opportunities related to heritage.</li> <li>• Participating actively in economic, development, and tourism initiatives affecting Grand Pré and area.</li> </ul>	<p><b>Phase 1: Years 1-3: Development and Capacity Building</b></p> <ul style="list-style-type: none"> <li>• Incorporate the nominated property into the brand for Eastern Kings County</li> <li>• Participate in the Commission du tourisme acadien du Canada Atlantique</li> <li>• Develop cross marketing strategy with the 2 other World Heritage sites in Nova Scotia</li> <li>• Organize a forum on agricultural issues relevant to the sustainability of the nominated property</li> <li>• Work with the CDENE to articulate economic opportunities for the Acadian community of Nova Scotia</li> <li>• Prepare a paper on agrotourism in Nova Scotia</li> </ul>
		<p><b>Phase 2: years 4-6: Transition</b></p> <ul style="list-style-type: none"> <li>• Contribute to the implementation of the local, regional branding strategies</li> <li>• Contribute to the development of a World Heritage tourism package with World Heritage Sites in Atlantic Canada</li> <li>• Implement the outcome of the forum on agricultural issues as they are relevant to the sustainability of the nominated property</li> <li>• Identify opportunities for leadership from the nominated property in agrotourism in Atlantic Canada</li> </ul>
		<p><b>Phase 3: years 7-10: Full operations</b></p> <ul style="list-style-type: none"> <li>• Carry out regular events regarding agricultural issues</li> <li>• Nurture partnerships with World Heritage sites in Atlantic Canada and abroad</li> </ul>

<b>SUSTAINING THE MANAGEMENT OF THE NOMINATED PROPERTY</b>		
<b>Goal</b>	<b>Objectives</b>	<b>Activities and timeline</b>
To ensure the long-term sustainability of the nominated property's governance	<ul style="list-style-type: none"> <li>• Exploring financial strategies to leverage public funding.</li> <li>• Developing and implementing a private fundraising strategy.</li> <li>• Developing and adopting a financial model for the long-term sustainability of the governance model following the first decade of operations.</li> <li>• Exploring revenue streams from managing the brand.</li> </ul>	<b>Phase 1: Years 1-3: Development and Capacity Building</b>
		<ul style="list-style-type: none"> <li>• Explore fundraising strategies for the long term management of the nominated property</li> <li>• Identify resources to develop and implement the preferred fundraising strategy</li> <li>• Develop options for financial model</li> <li>• Identify sources of revenue from managing the brand</li> <li>• Submit funding applications to provincial and federal agencies for specific projects</li> </ul>
		<b>Phase 2: years 4-6: Transition</b>
		<ul style="list-style-type: none"> <li>• Implement the fundraising strategy</li> <li>• Manage the revenues from partnerships and brand management</li> </ul>
		<b>Phase 3: years 7-10: Full operations</b>
		<ul style="list-style-type: none"> <li>• Carry out fundraising activities</li> <li>• Implement financial model</li> <li>• Manage revenues</li> </ul>

## OPERATIONS

The operations of a site such as the Landscape of Grand Pré focus on protection, research, interpretation, promotion, stakeholder engagement, monitoring, and reporting. In essence it is about the protection of the site and about operating an outstanding and sustainable experience. While this is different from a museum type site, which includes infrastructure maintenance, there are basic operational requirements that stem from the creation of a World Heritage Site. At Grand Pré and area these requirements are fulfilled through the jurisdictional responsibilities as well as through the resources provided to the Stewardship Board to address jurisdictional gaps and gaps in resources. These operational aspects are guided by the four key strategies of this plan. **Appendix 4 identifies the budget related to operations.**

These gaps in resources include:

- limited operational budget (including staff) for survey, conservation, and monitoring of key heritage assets outside Parks Canada property;
- no funding for the conservation of specific types of heritage assets;
- limited budget (including staff) for data collection concerning pressures on the nominated property, and information for interpretation and tourism products; and,
- no coordinated approach to promotion of Grand Pré and area's attractions.

### *Protection and Research*

Protection aims to focus on maintaining the authenticity and the integrity of the tangible attributes of value, including the dykes, the roads, the archaeological sites, the agricultural system, and the memorials.

This aspect of operations will be supported through:

- *Funds and resources from individual departments*: ongoing departmental operational budgets invested in the Landscape of Grand Pré.
- *Funds provided to the Stewardship Board for assistance to conserve specific heritage assets*: managed by the Stewardship Board, under the direction of the regulatory authorities, to help protect heritage assets on private property.
- *Funds and expertise provided to the Stewardship Board to commission studies in reaction to request for input or pressing threats to the integrity of the nominated property*: this includes the expert resources provided through the Stewardship Board's Technical Advisory Committee.

Research is an essential part of the protection and promotion of the nominated property. It allows for the gathering of essential data to monitor the condition of the property, identification of heritage assets, and collection of data to respond to pressures and threats to the nominated property. In addition, it allows the nominated property to play its role as a key attraction to raise awareness, educate, and stimulate public discussion about elements of the outstanding universal value.

Organizational partners, government institutions, and local facilities provide the backbone for the research. Research would be carried out by partner institutions. Funds provided by the Stewardship Board would allow it to be involved in the research agenda to focus on priorities for protection, promotion, and interpretation of the nominated property.

Research is supported through:

- *Privileged partnerships with universities and other research institutions*;
- *Funds provided to the Stewardship Board to allocate annually as per priorities to leverage funds and resources provided by universities*: universities provide access to other grants; and,
- *Funds by private donations*: as the Board gains maturity and a fundraising strategy is developed, fundraising may be targeted to complement the funds that are provided to the Stewardship Board.

### ***Interpretation Products and Activities***

Current heritage interpretation in the area focuses on the reasons for national significance of the Grand-Pré National Historic Site. Following a successful inscription, an interpretation strategy will be a priority to create an outstanding and sustainable experience for visitors. The World Heritage Site will play a crucial role in the definition of the Valley as a destination. Investments in research and the support of the Education and Promotion Committee allow the Stewardship Board the ability to provide accurate guidance regarding interpretation that is respectful of the nominated property's values.

The Stewardship Board will work with business partners and government departments to implement the interpretation strategy.

### ***Promotion and Stakeholder Engagement***

The promotion of the nominated property will focus on the outstanding universal value and other key values. It provides an opportunity to leverage existing promotional efforts for the Annapolis Valley, Kings County and Nova Scotia.

While there is no province wide strategy for World Heritage and only specific initiatives regarding the promotion of Grand Pré and area's values, the promotion of the area and of its attractions will be developed in partnerships with the Stewardship Board taking a leadership role to promote the outstanding universal value of the area.

In addition, the proposed governance model relies on stakeholder engagement to sustain the long term management of the nominated property. This requires funds to communicate, promote, and facilitate the participation of stakeholders, including communicating in both French and English.

Partnerships and an operational budget will sustain promotional and stakeholders engagement activities. The development of products and partnerships may lead to revenues for the Stewardship Board from the management of the nominated property's brand.

### ***Reporting and Monitoring***

Annual reporting on activities and condition of the property is part of the Stewardship Board's duties. In addition, every 6 years, starting 5 years following inscription, a report on condition needs to be prepared for the Canadian Delegation to the World Heritage Committee for their periodic report to the World Heritage Committee.

The reporting and monitoring activities will be sustained through:

- *Funds and resources provided to the Stewardship Board to support the acquisition of data;*
- *Funds and resources provided to the Stewardship Board to support the production of reports.*

### ***Administration and Accountability***

Operations of the nominated property are managed by a secretariat and a site management coordinator. The purpose of the secretariat and of the site management coordinator is to support the Stewardship Board, ensure the decisions are followed up, coordinate the partners, lead projects related to the management of the nominated property, ensure accountability, prepare reports, and engage stakeholders.

Reporting and monitoring activities will be sustained through:

- *Funds and resources provided to the Stewardship Board to hire a site management coordinator;*
- *Funds and resources provided to the Stewardship Board and organizations to support the operations of the Board.*

## **BUILDING CAPACITY FOR THE STEWARDSHIP BOARD**

The first years following a successful inscription of the nominated property will focus on acquiring the tools and information necessary for the Stewardship Board to carry out its mandate. This in effect builds capacity for the Stewardship Board to operate including with regards to communication, stakeholder engagement, interpretation, promotion, and governance. These building blocks are reflected in all four key strategies.

The Stewardship Board's work relies on in-kind resources provided by the three levels of government as well as funds to build capacity to carry out its mandate. Partnerships with business, organizations, and academic institutions are an important part of the strategy to build capacity. **Appendix 3 identifies the resources and budget required to build capacity.**

### *Communication and stakeholder engagement*

A communication strategy needs to be developed in support of the promotion of the World Heritage Site. This includes developing a logo, a brand, messages tailored for key audiences, a website, a local resident kit, and other tools. Communication on World Heritage matters and the Grand Pré site is a shared responsibility between the Stewardship Board, Parks Canada, and Nova Scotia.

The tools and strategies for stakeholder engagement are intertwined with communication and are essential to support the stewardship of the Grand Pré site.

### *Interpretation and promotion*

There is currently no single opportunity and location for the interpretation of the values of the nominated property. In the event of a successful inscription, the World Heritage Committee will articulate the outstanding universal value that will guide the interpretation. An interpretation strategy will be required to identify the messages, the location for interpretation, the gaps in interpretation, and a framework to facilitate visitor experiences.

In addition, as there is currently no strategy for the promotion of World Heritage in Nova Scotia, a strategy and tools for the promotion of the Grand Pré site will be essential to support the development of economic opportunities for the stakeholder communities.

### *Governance*

The Stewardship Board aims to carry out its mandate with the highest standards of accountability, transparency, and efficiency. In order to build that capacity and reach those goals, it will require developing policies to guide its work, training of the Stewardship Board in governance, and providing the Site Management Coordinator with the necessary tools.

### *Sustainability of the governance structure*

The Stewardship Board has the responsibility, with the regulatory authorities, to manage the nominated property into the future. As such, one of its prime concerns is to secure the resources to implement its mandate. While public funds are essential in the first years to allow it to operate, the Stewardship Board will require resources to develop and implement a fundraising strategy as part of its commitment for the long term sustainability of the nominated property.

## **PARTNERSHIPS**

Partnerships were core to the development of the nomination proposal and are indispensable to the future management of the nominated property. The financial and expert resources available to the Nomination Grand Pré Advisory Board during the process were essential to leverage resources from other sources. The same strategy is envisioned for the Stewardship Board and the long term management.

The Grand Pré World Heritage Site Stewardship Board has representatives from the following partner organizations:

- Municipality of the County of Kings;
- Kings Regional Development Agency (Kings RDA);
- Grand Pré Marsh Body;
- Société nationale de l'Acadie;
- Société Promotion Grand-Pré;
- Glooscap First Nation;
- Grand-Pré and Area Community Association;
- Destination Southwest Nova; and,
- Parks Canada.

In addition to these voting members, a number of organizations participate as non-voting members. Finally, its committees on technical advice and on promotion will open the Board to new partnerships.

Future partnerships will be sought to address research, protection, interpretation, and promotion.

## **IN KIND EXPERTISE AND RESOURCES**

Partnerships that lead to the provision of in kind expertise are crucial to the long term management of the nominated property. The in-kind contribution from federal, provincial, and municipal government departments are essential to the methodical collection of reliable information and to the professional technical advice about the nominated property. These are factored in the operations of the Stewardship Board. Their value is not budgeted for.

In addition to these contributions and in keeping with the approach applied in the preparation of the nomination proposal, the Stewardship Board will rely on in kind contributions from volunteers to carry out its mandate successfully.

## **Appendix 1: Summary of the structure, responsibilities, and guiding principles of the Stewardship Board**

### *Structure of the Stewardship Board*

The Stewardship Board is composed of ten voting members and a number of non-voting members, co-chaired by a representative of the Société nationale de l'Acadie and a representative of the Grand Pré and area community association.

The Stewardship Board is supported in its work by the Technical Advisory Committee and the Promotion and Education Committee. The Site Management Coordinator and the Secretariat provide the resources to implement the direction from the Stewardship Board.

### *Responsibilities*

The Grand Pré and Area World Heritage Site Stewardship Board is responsible for the following activities:

- Act as the manager of the WHS;
- Implement the Management Plan through a coordinated management approach between all Regulatory Authorities;
- Engage the stakeholders in the stewardship of the WHS;
- Consult its members on key issues;
- Promote the WHS's Outstanding Universal Value;
- Foster and facilitate research and information sharing for the benefit of the WHS;
- Report on the condition of the property, including, as necessary, to the World Heritage Centre through the Canadian Delegation to the World Heritage Committee;
- Appoint a Site Management Coordinator;
- Obtain the support of relevant authorities;
- Oversee the management of the finances of the WHS, including adopting business plans, receiving financial reports, and approve spending; and,

### *Guiding principles*

The following principles will guide the actions of the Stewardship Board and throughout the implementation of the management plan for the nominated property:

- **Principle 1:** Management of the property will meet or exceed World Heritage standards regardless of inscription;
- **Principle 2:** The primary focus of the management plan is to address issues directly related to the management and conservation of the World Heritage Site's outstanding universal value and attributes by providing a framework for advice from the Grand Pré World Heritage Site Stewardship Board and for decision-making for the regulatory authorities;
- **Principle 3:** The Management Plan recognizes that the nominated property is set within an active agricultural community where people continue to live and work. People have created, lived and worked on this land for generations and have been responsible stewards of the land. The Management Plan also recognizes that this is an area of great importance for the Acadians who have a strong emotional attachment to it;



- **Principle 4:** Management of the nominated property in relation to World Heritage guidelines will be a shared responsibility between the different owners, communities, and government entities with regulatory responsibilities for the nominated property. The management plan recognizes that actions undertaken by an owner, community, or government entity with regulatory responsibilities may have a detrimental impact and that communication, coordination, and collaboration are essential to the long-term protection of the property;
- **Principle 5:** Management and protection will be delivered through existing boards, bodies, and government authorities, supplemented by technical advice, interpretation, and education from the Grand Pré World Heritage Site Stewardship Board and procedures developed to accommodate a designated World Heritage site.

**Additional information is available in the Terms of Reference of the Stewardship Board.**

## Appendix 2: Descriptions of budget categories (proposed)

Budget category/ line	Description
<b>Communications, Public Relations, Promotion</b>	<b>Objective: Develop and implement programmes related to communication, public relations, and promotion of the proposed World Heritage Site</b>
<i>Communications &amp; PR</i>	<ul style="list-style-type: none"> <li>Implement the communication strategy to promote the site and raise awareness about its values.</li> <li>Prepare communication material, coordinate communication between the Stewardship Board, the Canadian delegation, Parks Canada, the Province of Nova Scotia, the Municipality of the County of Kings and other stakeholders.</li> <li>Raise awareness about the site and its values.</li> </ul>
<i>Communication Strategy</i>	<ul style="list-style-type: none"> <li>Develop a communication strategy</li> </ul>
<i>Website and new media</i>	<ul style="list-style-type: none"> <li>Create the website of the World Heritage Site.</li> <li>Implement the communication strategy with regards to social and other web-based media.</li> </ul>
<i>Web Administration</i>	<ul style="list-style-type: none"> <li>Costs of maintaining the URL, the servers, and services of webmaster.</li> </ul>
<i>Communication-Related Materials</i>	<ul style="list-style-type: none"> <li>Implement the communication strategy;</li> <li>Prepare and print materials to promote the site and raise awareness about its values.</li> </ul>
<i>Promotional material</i>	<ul style="list-style-type: none"> <li>Products that promote the site.</li> <li>Potential for revenue.</li> </ul>
<i>Document translation</i>	<ul style="list-style-type: none"> <li>Translation and editing of all material in French.</li> </ul>
<b>Management - Research, Expertise, Interpretation</b>	<b>Objective: Protect, manage, and interpret the proposed World Heritage Site</b>
<i>Archaeologists and surveys</i>	<ul style="list-style-type: none"> <li>Monitor condition of existing sites.</li> <li>Respond to accidental discoveries.</li> <li>Enhance the archaeological inventory.</li> </ul>
<i>Cartography</i>	<ul style="list-style-type: none"> <li>Prepare/ design maps for meetings, reports, and management.</li> </ul>
<i>GIS</i>	<ul style="list-style-type: none"> <li>Generate geographic information of data collected.</li> <li>Generate layers of information and maps for decision-makers and reports regarding aspects such as archaeology, landscape features, zoning, changes to the integrity of the landscape.</li> </ul>
<i>Historians</i>	<ul style="list-style-type: none"> <li>Research archives and prepare reports.</li> </ul>
<i>Research support</i>	<ul style="list-style-type: none"> <li>Outside expertise as needed to advise on technical issues relating to protection.</li> </ul>
<i>Site conservation</i>	<ul style="list-style-type: none"> <li>Conservation of dykes, aboiteaux, drainage</li> <li>Conservation of archaeological sites</li> <li>Conservation of archaeological artefacts.</li> </ul>
<i>Interpretation study</i>	<ul style="list-style-type: none"> <li>Contracting of interpretation study.</li> </ul>
<i>Interpretation and visitor services</i>	<ul style="list-style-type: none"> <li>Contribution to the implementation of the interpretation study.</li> </ul>
<i>Information acquisition</i>	<ul style="list-style-type: none"> <li>Archival, data, video, audio, and other data related to the protection, promotion, management, or interpretation of the nominated property.</li> </ul>
<i>Technical Expertise</i>	<ul style="list-style-type: none"> <li>Support for the Technical Advisory Committee, the Education and Promotion Committee, and other committees as needed.</li> <li>Aboiteau superintendent</li> <li>Technical monitoring of the condition of the nominated property.</li> </ul>

<i>LIDAR</i>	<ul style="list-style-type: none"> <li>Contribution to LIDAR analysis of the entire nominated area for monitoring purposes.</li> </ul>
<i>Site management studies</i>	<ul style="list-style-type: none"> <li>Contracting of studies regarding specific protection and management issues as needed in support of the Technical Advisory Committee's work.</li> </ul>
<i>Review of the management plan</i>	<ul style="list-style-type: none"> <li>Five year review of the management plan, the archaeological heritage strategy, the monitoring programme, and other management related documents.</li> </ul>
<b>Consultation &amp; Stakeholder Relations</b>	<b>Objective: Engage stakeholders in the management of the proposed World Heritage Site.</b>
<i>Stakeholder Relations - Travel</i>	<ul style="list-style-type: none"> <li>Support for the site management coordinator travel.</li> </ul>
<i>Travel booth</i>	<ul style="list-style-type: none"> <li>Travel booth and other information support on the site's value and key aspects.</li> </ul>
<i>Meetings</i>	<ul style="list-style-type: none"> <li>Support for organizing meetings, including annual and quarterly meetings.</li> </ul>
<i>Meeting Documents</i>	<ul style="list-style-type: none"> <li>Printing of documents, including for annual, quarterly, and stakeholder meetings.</li> </ul>
<i>Simultaneous translation Services</i>	<ul style="list-style-type: none"> <li>Simultaneous translation.</li> </ul>
<b>Administration and Management</b>	<b>Objective: Provide administrative support to the Stewardship Board and implement the management plan.</b>
<i>Site Management Coordinator</i>	<ul style="list-style-type: none"> <li>Full-time employee reporting to the Stewardship Board.</li> </ul>
<i>MERC (13%)</i>	<ul style="list-style-type: none"> <li>For Site Management Coordinator</li> </ul>
<i>Research Assistant</i>	<ul style="list-style-type: none"> <li>Seasonal support to the site management coordinator to implement components of the management plan, through programs such as Young Canada Works.</li> </ul>
<i>Data - Administrative File Management</i>	<ul style="list-style-type: none"> <li>Administrative support and cost to administer files, correspondence, and other information.</li> </ul>
<i>Office Supplies</i>	<ul style="list-style-type: none"> <li>Traditional office supplies to carry out work.</li> </ul>
<i>Office equipment</i>	<ul style="list-style-type: none"> <li>Computer, phone, and other basic working tools.</li> </ul>
<i>Financial management</i>	<ul style="list-style-type: none"> <li>Management of Stewardship Board's finances.</li> <li>Production of financial reports.</li> </ul>
<i>Board Operations</i>	<ul style="list-style-type: none"> <li>Meals and other minor expenses to support meetings of the Stewardship Board.</li> </ul>
<i>Training</i>	<ul style="list-style-type: none"> <li>Training of the Site Management Coordinator in issues, services, and expertise related to the management of a World Heritage Site.</li> </ul>
<b>Annual and periodic report and other published material</b>	<b>Objective: Report on condition and activities every 6 years to UNESCO and on an annual basis to stakeholders.</b>
<i>Graphic Design</i>	<ul style="list-style-type: none"> <li>Design of reports.</li> <li>Design of promotional and informational material.</li> </ul>
<i>Editing</i>	<ul style="list-style-type: none"> <li>Editing of reports.</li> <li>Editing of promotional and informational material.</li> </ul>
<i>Printing</i>	<ul style="list-style-type: none"> <li>Printing of reports.</li> </ul>
<i>Maps Production</i>	<ul style="list-style-type: none"> <li>Preparation and printing of maps.</li> </ul>

### Appendix 3: Budget for building capacity (proposed)

Budget category / line	Cash	Comments
<b>Communications, Marketing, Promotion</b>		
Communications & PR		
Communications Strategy	\$60 000,00	
Website and new media	\$15 000,00	
Web Administration		
Communication-Related Materials	\$30 000,00	
Promotional material	\$10 000,00	
Document translation		
<b>TOTAL</b>	<b>\$115 000,00</b>	
<b>Management - Research, Expertise, Interpretation</b>		
Archaeologists and surveys		
Cartography		
GIS		
Historians		
Research support		
Site conservation		
Interpretation study	\$60 000,00	
Interpretation and visitor services	\$30 000,00	
Information acquisition		
Technical Expertise		
LIDAR		
Site management studies		
Review of the management plan		
<b>TOTAL</b>	<b>\$90 000,00</b>	
<b>Consultation &amp; Stakeholder Relations</b>		
Stakeholder Relations - Travel		
Travel booth	\$5 000,00	
Meetings		
Meeting Documents		
Simultaneous translation Services		
<b>TOTAL</b>	<b>\$5 000,00</b>	
<b>Administration and Management</b>		
Site Management Coordinator		
Salary increase		
MERC (13%)		
Fundraising	\$200 000,00	
Research Assistant		

Data - Administrative File Management		
Office Supplies		
Office equipment	\$2 000,00	
Financial management		
Board Operations		
Training		
<b>TOTAL</b>	<b>\$202 000,00</b>	
<b>Annual and periodic report and other published material</b>		
Graphic Design		
Editing		
Printing		
Maps Production		
<b>TOTAL</b>	<b>\$0,00</b>	
<b>GRAND TOTAL</b>	<b>\$412 000,00</b>	

## Appendix 4: Budget for operations (average annual)(proposed)

Budget category / line	Cash	Comments
<b>Communications, Marketing, Promotion</b>		
Communications & PR	\$ 50 000	
Salary increase	\$1 400,00	
MERC (13%)	\$5 500,00	
Communications Strategy		
Website and new media		
Web Administration	\$500,00	
Communication-Related Materials	\$1 500,00	
Promotional material	\$1 000,00	
Document translation	\$10 000,00	
<b>TOTAL</b>	<b>\$69 900,00</b>	
<b>Management - Research, Expertise, Interpretation</b>		
Archaeologists and surveys	\$25 000,00	
Cartography		
GIS		
Historians		
Research support	\$5 000,00	
Site conservation	\$40 000,00	
Interpretation study		
Interpretation and visitor services	\$3 000,00	
Information acquisition	\$2 500,00	
Technical Expertise	\$1 500,00	
LIDAR	\$1 000,00	
Site management studies	\$5 000,00	
Review of the management plan	\$1 000,00	
<b>TOTAL</b>	<b>\$79 000,00</b>	
<b>Consultation &amp; Stakeholder Relations</b>		
Stakeholder Relations - Travel	\$1 500,00	
Travel booth		
Meetings	\$1 000,00	
Meeting Documents	\$500,00	

Simultaneous translation Services	\$20 000,00	
<b>TOTAL</b>	<b>\$23 000,00</b>	
<b>Administration and Management</b>		
Site Management Coordinator	\$50 000,00	
Salary increase	\$1 400,00	
MERC (13%)	\$5 500,00	
Research Assistant	\$12 000,00	
Data - Administrative File Management		
Office Supplies	\$1 200,00	
Office equipment	\$500,00	
Financial management		
Board Operations	\$500,00	
Training	\$2 500,00	
<b>TOTAL</b>	<b>\$73 600,00</b>	
<b>Annual and periodic report and other published material</b>		
Graphic Design	\$5 000,00	
Editing	\$4 200,00	
Printing	\$1 500,00	
Maps Production	\$1 250,00	
<b>TOTAL</b>	<b>\$11 950,00</b>	
<b>Sub TOTAL</b>	<b>\$257 450,00</b>	
Miscellaneous (5%)	\$12 872,50	
<b>Annual Grand Total</b>	<b>\$275 322,50</b>	

## Appendix 5: Annual budget implementation (forecast)

	YEAR											
	1		2		3		4		5		6 to 10	
	capacity	operations	capacity	operations	capacity	operations	capacity	operations	capacity	operations	capacity	operations
<b>Communications, Marketing, Promotion</b>												
Communications & PR		\$29 166,67		\$50 000,00		\$50 000,00		\$50 000,00		\$50 000,00		\$50 000,00
Salary increase				\$1 400,00		\$1 400,00		\$1 400,00		\$1 400,00		\$1 400,00
MERC (13%)		\$5 500,00		\$5 500,00		\$5 500,00		\$5 500,00		\$5 500,00		\$5 500,00
Communications Strategy	\$60 000,00											
Website and new media			\$15 000,00									
Web Administration		\$500,00		\$500,00		\$500,00		\$500,00		\$500,00		\$500,00
Communication-Related Materials		\$1 500,00	\$15 000,00	\$1 500,00	\$15 000,00	\$1 500,00	\$1 500,00	\$1 500,00	\$1 500,00	\$1 500,00	\$1 500,00	\$1 500,00
Promotional material		\$1 000,00	\$10 000,00	\$1 000,00		\$1 000,00		\$1 000,00		\$1 000,00		\$1 000,00
Document translation		\$5 000,00		\$10 000,00		\$10 000,00		\$10 000,00		\$10 000,00		\$10 000,00
<b>TOTAL</b>	<b>\$60 000,00</b>	<b>\$42 666,67</b>	<b>\$40 000,00</b>	<b>\$69 900,00</b>	<b>\$15 000,00</b>	<b>\$69 900,00</b>		<b>\$69 900,00</b>		<b>\$69 900,00</b>		<b>\$69 900,00</b>
<b>Management - Research, Expertise, Interpretation</b>												
Archaeologists and surveys		\$16 666,67		\$25 000,00		\$25 000,00		\$25 000,00		\$25 000,00		\$25 000,00
Cartography												
GIS												
Historians												
Research support				\$3 000,00		\$5 000,00		\$5 000,00		\$5 000,00		\$5 000,00





Office Equipment	\$2 000,00	\$500,00		\$500,00		\$500,00		\$500,00		\$500,00		\$500,00
Financial management												
Board Operations		\$500,00		\$500,00		\$500,00		\$500,00		\$500,00		\$500,00
Training				\$2 500,00		\$1 500,00		\$1 500,00		\$2 500,00		\$1 500,00
<b>TOTAL</b>	<b>\$2 000,00</b>	<b>\$36 866,67</b>	<b>\$100 000,00</b>	<b>\$73 600,00</b>	<b>\$100 000,00</b>	<b>\$72 600,00</b>		<b>\$72 600,00</b>		<b>\$73 600,00</b>		<b>\$72 600,00</b>
<b>Annual and periodic report and other published material</b>												
Graphic Design		\$2 500,00		\$5 000,00		\$5 000,00		\$5 000,00		\$5 000,00		\$5 000,00
Editing		\$2 000,00		\$4 200,00		\$4 200,00		\$4 200,00		\$4 200,00		\$4 200,00
Printing		\$500,00		\$1 500,00		\$1 500,00		\$1 500,00		\$1 500,00		\$1 500,00
Maps Production		\$500,00		\$1 250,00		\$1 250,00		\$1 250,00		\$1 250,00		\$1 250,00
<b>TOTAL</b>	<b>\$0,00</b>	<b>\$5 500,00</b>		<b>\$11 950,00</b>		<b>\$11 950,00</b>		<b>\$11 950,00</b>		<b>\$11 950,00</b>		<b>\$11 950,00</b>
<b>SUB TOTAL</b>	<b>\$67 000,00</b>	<b>\$155 866,67</b>	<b>\$220 000,00</b>	<b>\$259 450,00</b>	<b>\$125 000,00</b>	<b>\$260 450,00</b>		<b>\$260 450,00</b>		<b>\$266 450,00</b>		<b>\$260 450,00</b>
Miscellaneous (5%)		\$7 793,33		\$12 972,50		\$13 022,50		\$13 022,50		\$13 322,50		\$13 022,50
<b>GRAND TOTAL</b>	<b>\$67 000,00</b>	<b>\$163 660,00</b>	<b>\$220 000,00</b>	<b>\$272 422,50</b>	<b>\$125 000,00</b>	<b>\$273 472,50</b>		<b>\$273 472,50</b>		<b>\$279 772,50</b>		<b>\$273 472,50</b>
<b>ANNUAL (capacity + operations)</b>		<b>\$230 660,00</b>		<b>\$492 422,50</b>		<b>\$398 472,50</b>		<b>\$273 472,50</b>		<b>\$279 772,50</b>		<b>\$273 472,50</b>

\*Year 1 begins in August of the year of inscription since the World Heritage Committee makes reviews proposals in July of every year.

**NORTHERN NEW BRUNSWICK  
FIELD UNIT  
BUSINESS PLAN  
2010/11 - 2014/15**

## **Management Unit Overview**

Northern New Brunswick Field Unit  
186 Route 117  
Kouchibouguac National Park, N.B.  
E4X 2P1  
E-mail: kouch.info@pc.gc.ca  
FAX: 506-876-4802  
Phone: 506-876-2445

### **Introduction**

The Field Unit manages: one (1) national park, nine (9) national historic sites; twenty-three (23) national historic sites commemorated by HSMBC plaques and monuments; fifteen (15) persons of national historic significance commemorated of whom five (5) are Fathers of Confederation and have grave markers; six (6) events commemorated by plaques and/or exhibits.

The Field Unit manages Parks Canada's relations with the Acadian community in Atlantic Canada. It also provides a leadership role for the commemoration of two Aboriginal national historic sites: Augustine Mound and Oxbow. An underlying theme for the Field Unit is Acadian culture and heritage. Two of the most important Acadian-themed National Historic Sites (Grand-Pré and Monument Lefebvre) are managed by the Field Unit. Acadian culture and history are important or predominant themes at the other national historic sites managed by the Field Unit, and even the difficulties surrounding the establishment of Kouchibouguac National Park have been viewed by many as a predominantly Acadian issue.

### **Kouchibouguac National Park of Canada (KNP);**

Kouchibouguac National Park is located in New Brunswick, approximately 100 kilometres north of Moncton; Parklands are included in the Counties of Kent and Northumberland.

#### **General Information:**

Square Kilometres: 238  
Permanent employees: 26  
Seasonal employees: 78  
Volunteers donating 1660 hours of service  
Total visitation: 161,007 in 2009 a decrease of 25% since peak year 2006 (214,223 person-visits)  
Total annual budget \$4.46M (Historic Sites maintenance support)  
Annual revenue \$746.7K

#### **Infrastructure:**

Kilometres of paved roads: 53.7km  
Route 117- 23.7 km- 100% in very poor condition  
Parkway – 14.3 km - 10% in very poor condition, 90% in fair condition  
North Kouchibouguac Rd – 1.3 km– 100% in very poor condition

Cap St. Louis Road – 3.0 km in poor condition, 300 m. threatened by erosion  
Loggicroft Road – 4.3 km-10% very poor and 90% fair  
Other Roads – 20% in very poor condition  
Kilometres of unpaved throughway / trails: 1km  
Campgrounds / campsites: 364 (including 46 with electricity)  
One group-tenting Site  
Four primitive camping areas  
Contemporary structures (including VRC): 63 M

Economic impact:

In 2004, expenditures by Kouchibouguac National Park totalled \$4.9 million, while visitor spending associated with the park was \$18.1 million. This contributed \$9.3 million towards the New Brunswick Gross Domestic Product, provided \$7.2 million in Labour Income (direct and indirect) and generated 272 person years of employment in the province of New Brunswick.

Cultural Resources:

Mi'kmaq burial ground, Saint Vincent de Paul Cemetery (active), Williams Cemetery and Archaeological Sites. Former residential foundations and cultural resources relating to the communities and businesses (i.e. lobster canneries).

Natural Resources:

Four ecosystems: Terrestrial (Forest and Bogs), Estuarine, Freshwater, and Coastal (Dunes and Saltmarshes) Ecosystems  
Species at risk: Piping Plover, Short-Eared Owl, and Barrow's Goldeneye (eastern population), Wood Turtle, Leatherback Sea Turtle, Striped Bass, American Eel, the St. Lawrence aster and the Eastern Cougar.

**Fort Beauséjour – Fort Cumberland National Historic Site of Canada;**

Commemorates the role of Fort Beauséjour in two major struggles: between the French and British during the Seven Year War and between the British and the American colonies at the time of the War for Independence. This site is located at the southwestern end of the Cumberland Ridge, near Aulac, New Brunswick.

General Information:

Hectares of land: 181.3  
Permanent employees: 0  
Seasonal employees: 6  
Volunteers donating 371 hours of service  
Total visitation: 14,916  
Total annual budget: \$223.1K  
Annual revenue: \$34.0K

Infrastructure:

Kilometres of paved throughway: .5km

Contemporary structures (including VRC): 673.0K

Economic impact:

In 2004, expenditures by Fort Beauséjour National Historic Site totalled \$161,852 while visitor spending associated with the historic site was \$583,772. This contributed \$337,728 towards the New Brunswick Gross Domestic Product provided \$261,707 in Labour Income (direct and indirect) and generated 9 person-years of employment in the province of New Brunswick.

**Grand-Pré National Historic Site of Canada (Nova Scotia)**

Located in the Annapolis Valley of Nova Scotia, Grand-Pré NHSC was designated nationally significant in 1955 to commemorate the Deportation of the Acadians. The site also commemorates the national significance of this centre of Acadian activity from 1682 to 1755 and the strong attachment that remains to this day among Acadians to this area, the heart of their ancestral homeland and symbol of the ties that unite them.

General Information:

Hectares of land: 24.06 ha

Permanent PCA employees: 1 (maintenance)

Seasonal PCA employees: 4 (maintenance)

The site's visitor and learning opportunities services are provided by a cooperating association under a service contract (\$220.0K in 2009) with Parks Canada. In 2009/2010 the not for profit group is contributing an additional \$125K to the site's operations and special projects.

Total visitation: 27,655

Total annual budget: \$512.3K

Annual revenue: \$ 117.0K

Infrastructure:

Contemporary structures (including VRC): 6.0M

Economic impact:

In 2004, expenditures by Grand-Pré National Historic Site totalled \$596,578, while visitor spending associated with the historic site was \$2,182,248. This contributed \$1,059,628 towards the Nova Scotia Gross Domestic Product provided \$770,036 in Labour Income (direct and indirect) and generated 33 person-years of employment in the province of Nova Scotia.

**Monument-Lefebvre National Historic Site of Canada**

The Monument-Lefebvre, located in Memramcook, New Brunswick, was designated a site of national significance in June 1994 because the building, a memorial to Father Camille Lefebvre who had contributed so much to the rebirth of the Acadian culture, occupies a special place in the hearts and minds of the Acadian people.

General Information:

Hectares of land: .38ha

Permanent employees 0

Seasonal employees: KNP provide asset management/maintenance services

Visitor and learning opportunity services are provided by a cooperating association under contract (75.0K) with Parks Canada. The not for profit group contributes at least an additional 20.0K annually to the site's operations.

Volunteers donating hours of service in MU: No formal Parks Canada Volunteer

Agreements, however a formal co-operative association with a volunteer board is very active i.e. special events and accessing third party funding.

Total visitation: 3,095

Total annual budget: \$ 113.3K

Annual revenue: \$ 1.8 K

Infrastructure:

Contemporary structures: 50.0 K

Economic impact:

In 2004, expenditures by Monument Lefebvre National Historic Site totalled \$115,504, while visitor spending associated with the site was \$71,923. This contributed \$79,852 towards the New Brunswick Gross Domestic Product provided \$54,055 in Labour Income (direct and indirect) and generated two (2) person- years of employment in the province of New Brunswick.

***Boishébert and Beaubears Island Shipbuilding National Historic Sites of Canada***

General Information:

Hectares of land: 70ha

Permanent employees: 0

Seasonal employees: KNP employees provide asset management/maintenance services

Total visitation: 2,492

Total annual budget: \$ 20.7 (Maintenance costs in Kouchibouguac NP budget)

Annual revenue: No entrance fees

Infrastructure:

Contemporary structures: 50.0 K

Economic impact: Not available at this time

Natural Resources: Bald Eagle Nest, rare forest ecosystem – the last pine climax forest in New Brunswick

***Fort Gaspareaux National Historic Site of Canada***

Was built by French troops in 1751 by order of the Governor General of Canada, and taken by British troops in 1755. The site is located in New Brunswick, adjacent to the community of Port Elgin.

General Information:

Hectares of land: 1.23

Permanent Employees: 0

Seasonal Employees: 0

Total visitation: N/A

Total annual budget: Included in Fort Beauséjour NHS

Annual revenue: No entrance fee

Infrastructure:

Contemporary structures: 215.0K

No learning opportunities at this site

Economic impact: Not available at this time

**Beaubassin National Historic Site of Canada (Nova Scotia)**

Located in a high-traffic corridor at the border between the Province of New Brunswick and Nova Scotia

Beaubassin National Historic Site commemorates a major Acadian settlement on the Isthmus of Chignecto, a pivotal place in the 17th and 18th century North American geopolitical struggle between the British and French empires. The site's archaeological features, deposits, and artefacts attest to the Acadian way of life at Beaubassin and speak of the destruction of the village, a prelude to the final clash of the two empires in Acadia for the control of North America.

General Information:

Hectares of land: 43.3

Permanent Employees: 0

Seasonal Employees: 0

Total visitation: N/A

Total annual budget: annual budget not yet defined

Annual revenue: No entrance fees

Economic impact: Not available at this time



**Fort Lawrence National Historic Site of Canada (Nova Scotia)**

Erected on the site of the former Acadian Village of Beaubassin by Major Charles Lawrence in 1750, Fort Lawrence was built for the defence of the Isthmus of Chignecto and garrisoned by British troops until after the capture of Fort Beauséjour in 1755, when it was abandoned.

General Information:

Hectares of land: Approximately 1 hectare

Permanent Employees: 0

Seasonal Employees: 0

Total visitation: N/A

Total annual budget: Under development, annual budget not yet defined

Annual revenue: No entrance fees

Economic impact: Not available at this time

**La Coupe Drydock National Historic Site of Canada**

La Coupe Drydock, located near Aulac, New Brunswick, and commemorates what was thought to be an 18th century Acadian shipyard.

General Information:

Hectares of land: Approximately 1 hectare

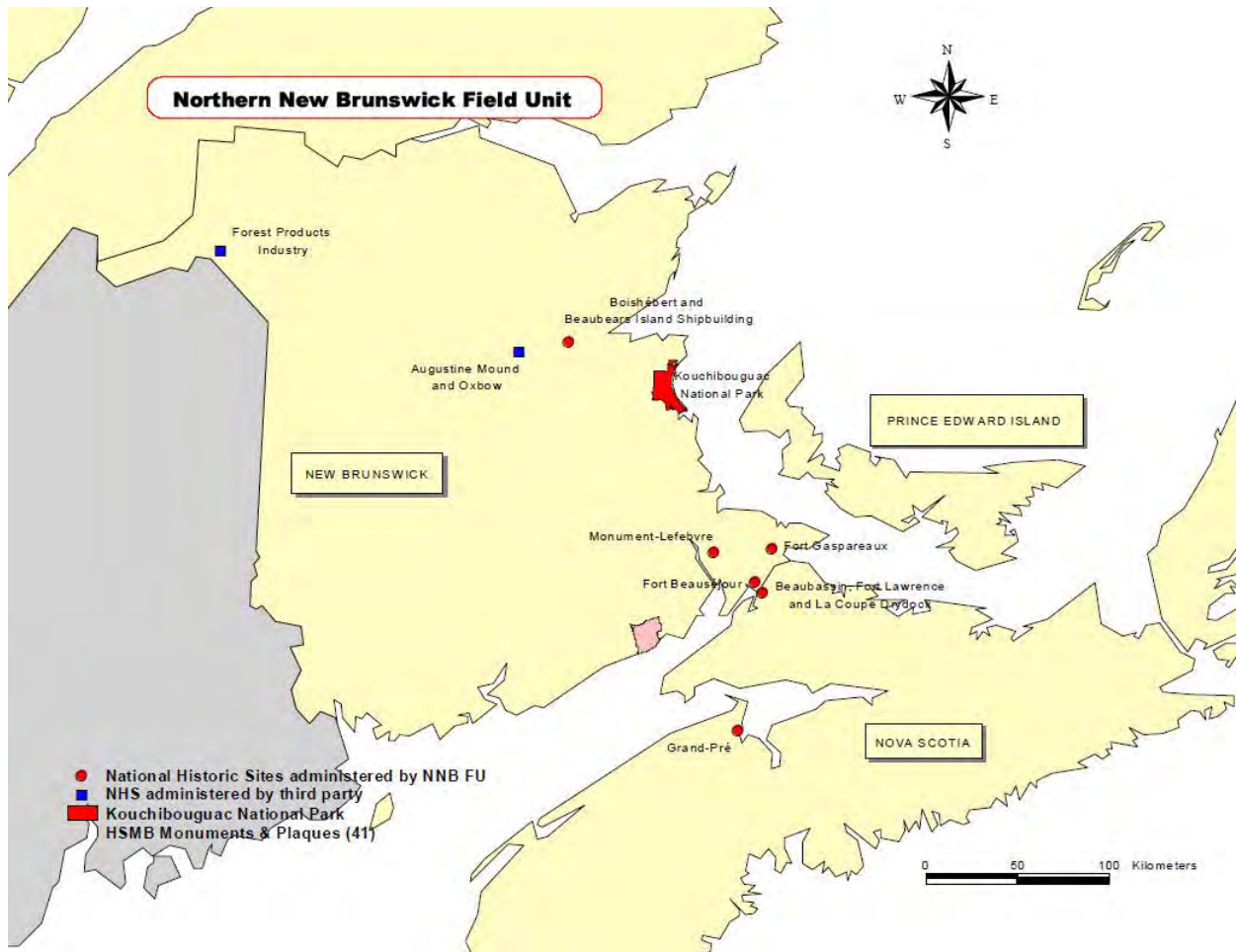
Permanent Employees: 0

Seasonal Employees: 0

Total visitation: N/A

**Augustine Mound and Oxbow National Historic Sites of Canada (owned and managed by First Nation)**

These sites are of national significance because of their exceptional and enduring expression of Mi'kmaq way of life and spirituality, exhibiting burial rituals and artefacts directly connected to Adena traditions in eastern North America. Parks Canada is providing a contribution of \$150K per year for a 10-year period to support the operation of Metepenagiag Heritage Park Inc which commemorates the two NHSC.




## *Issues and Opportunities*

- 1) The single biggest issue for the Northern New Brunswick Field Unit is long-term financial sustainability. In the 2008-2013 Business Plan, a capital budget of \$ 0 was forecast for the five years of the plan. Although the situation has improved somewhat with the upcoming repayment of several loans from the DG East's office, and with strategic investment of funding from the Accelerated Infrastructure Program, there remains a significant challenge in re-establishing a capital budget that will conform with Agency standards and expectations.
- 2) There is an opportunity linked to the issue of financial sustainability, which lies in the demographics of the Field Unit workforce. There will be a significant number of retirements over the next 2-5 years. This will provide a considerable opportunity to reallocate resources in support of Agency priorities, while having a minimum impact on indeterminate employees. While this bodes well for the Field Unit being able to adjust to accommodate the ERVE realignment and the Resource Conservation renewal, it is unlikely that the issue of appropriate long term capital funding can be resolved through transfers from the existing salary budget.
- 3) The potential inscription of Grand-Pré National Historic Site of Canada on the UNESCO World Heritage List is a significant opportunity for the Field Unit and for the Parks Canada Agency. Significant time and resources are being dedicated to the project, both from the Field Unit and the Atlantic Service Centre. Once inscribed, World Heritage Status will allow Parks Canada to showcase a high profile and high potential National Historic Site. This will fit well with the Agency priority of National Historic Sites renewal. There will also be opportunities for thematic promotion of the site with other UNESCO World Heritage Sites in the province (Lunenburg and Joggins) and region (Gros Morne, L'Anse aux Meadows, and potentially Red Bay).

**To be completed for National Historic Sites only**

**Template A2 – National Historic Site 2010-11 Performance Expectations Worksheet**



**Grand-Pré NHSC**


Program Activity	Corporate Performance Expectations (PE)	Instructions to Field Unit	Target(s) and Date(s)
<b>Strategic Outcome</b>	Improve the overall average commemorative integrity rating from 6.0/10 in March 2008 to 6.6/10 in March 2013.	<p>Identify the commemorative integrity rating in your historic site in 2008.</p> <p>Identify the expected commemorative integrity rating in your historic site in 2013.</p> <p>Identify the date of your next CI evaluation which will be done as part as your next SOSite report.</p>	<p>Commemorative integrity rating in 2008 : <u>7</u> (baseline)</p> <p>Identify your target for 2013: <u>8</u> (or equal)</p> <p>Next CI evaluation <u>2012 or 2013</u></p>
<b>PA2 Heritage Resources Conservation</b>	<b>70% of the condition of cultural resources and management practice elements of commemorative integrity rated as poor are improved within five years.*</b>	<p>Identify if the condition of cultural resources and selected management practice elements of commemorative integrity are rated as poor.</p> <p>If yes, identify the date of your last and next assessment.</p> <p>Please note that even if at PCA level the target is 70%, every NHS has to improve cultural resources and management practice elements when rated as poor within 5 years of the original assessment.</p> <p><i>Note: Please refer to the hyperlink below to have a complete list of the sites requiring red rating reassessments over the five years of the BP.</i></p> <div style="text-align: center;">                       Red Rating Re-Assessments                 </div>	<p>Is the condition of cultural resources element rated as poor, yes or no? <u>No</u></p> <p>Is the selected management practice element rated as poor, yes or no? <u>No</u></p> <p>Date of your last assessment <u>2007</u></p> <p>Date of your next assessment <u>2012 or 2013.</u></p>
<b>National Historic Sites Conservation</b>	Maintain 90% of historic objects in good or fair condition by March 2013.	<p>Identify the # of historic objects that are in good or fair condition in your last assessment date.</p> <p>Identify your target for 2010-11 and next assessment date.</p>	<p># of historic objects that are in good or fair condition <u>506</u> (baseline) in <u>2007</u> (last assessment date)</p> <p># of historic objects that are in good or fair condition in March 31, 2011</p>

\* Please ensure that your planning highlights cover this performance expectation.

Program Activity	Corporate Performance Expectations (PE)	Instructions to Field Unit	Target(s) and Date(s)
	<p>AND</p> <p>Improve the condition of 60% historic buildings and structures administered by Parks Canada that are in poor condition by March 2013.</p>	<p>Identify the # of historic buildings and structures that are in poor condition as well as the last assessment date.</p> <p>Identify your target for 2010-11 and next assessment date.</p>	<p><u>506</u></p> <p>Date of your next assessment <u>2012</u></p> <p># of historic buildings and structures that are in poor condition <u>0</u> (baseline) in <u>2007</u> (last assessment date)</p> <p>% of historic buildings and structures administered by Parks Canada in poor condition that are improved by March 31, 2011 <u>N/A</u></p> <p>Date of your next assessment <u>2012</u></p>
<p><b>PA4</b> <b>Visitor Experience</b></p>	<p>On average, 85% of visitors at surveyed locations consider the place meaningful for them.*</p>	<p>For the 78 NHS surveyed</p> <p>Identify the date of your last and next VIP survey.</p> <p>Identify the % of visitors at the NHS who considered the place meaningful to them in your last VIP survey and the target for your next.</p> <p><i>Note: Alignment of VIP to State of Report and Management Plan cycle is the mid-term vision. In the meanwhile, a VIP schedule should be designed to ensure reporting results for all the mandatory (120) location within the 2008-09 to March 2013 timeframe. (Each of the locations to be surveyed once every 5 years).</i></p>	<p>Date of last VIP survey <b>2007</b></p> <p>Date of next VIP survey <b>2012</b></p> <p>% of visitors at the NHS who considered the place meaningful to them in your last VIP survey <u><b>Not Evaluated In 2007</b></u> (baseline)</p> <p>Identify your target for your next VIP survey <u><b>85%</b></u> (should be at least 85%)</p>

\* Please ensure that your planning highlights cover this performance expectation.

Program Activity	Corporate Performance Expectations (PE)	Instructions to Field Unit	Target(s) and Date(s)
	On average, 90% of visitors at surveyed locations are satisfied with their visit and on average, 50% of visitors at surveyed locations are very satisfied with their visit.	For the 78 NHS surveyed  Identify the % of visitors at the NHS who were satisfied and are very satisfied with their visit in your last VIP survey and the target for your next.	% of visitors at the NHS who were satisfied with their visit in your last VIP survey <u>98%</u> (baseline)  Identify your target for your next VIP survey <u>98%</u> (should be at least 90%)  % of visitors at the NHS who were very satisfied with their visit in your last VIP survey <u>78%</u> (baseline)  Identify your target for your next VIP survey <u>80%</u> (should be at least 50%)
Market Research and Promotion	22.4 Million visits to Parks Canada administered places by 2012.*	Identify the last reported number of visits and annual targets as provided by ERVE Directorate.  <i>Note: Please refer to the hyperlinks below for rational and yearly targets provided by ERVE Directorate.</i>   Visitation Instructions   Attendance by FUS	Last reported # of visits <b>30065</b> in <u>2008-09</u> (date)  Target for 2009-10 <b>33072</b> Target for 2010-11 <b>36379</b> Target for 2011-12 <b>40017</b>
National Historic Sites Service Offer	On average, 90% of visitors at surveyed locations enjoyed their visit.	Identify the % of visitors NHS who enjoyed their visit in your last VIP survey and the target for your next one.	% of visitors at the NHS who enjoyed their visit in your last VIP survey <b>Not Evaluated in 2007</b>  Identify your target for your next VIP survey <u>90%</u> (should be at least 90%)
National Historic Sites Interpretation	On average, 85% of visitors at surveyed locations consider that they learned about the cultural heritage of the place.	Identify the % of visitors at NHS who considered that they learned about the heritage of the location in your last VIP survey and the target for your next one.	% of visitors at the NHS who considered that they learned about the heritage of the location in your last VIP survey <b>Not Evaluated in 2007</b>  Identify your target for your next VIP survey <u>85%</u> (should be at least 60%)

Program Activity	Corporate Performance Expectations (PE)	Instructions to Field Unit	Target(s) and Date(s)
	75% of the communication element of commemorative integrity rated as poor is improved within 5 of years of the original assessment.	<p>Identify the date of your last CI evaluation and if the communication element was rated as poor.</p> <p>Please note that even if at PCA level the target is 75% every NHS has to improve the communication element when rated as poor within 5 years of the original assessment.</p> <p><i>Note: Please refer to the hyperlink below to have a complete list of the sites requiring red rating reassessments over the five years of the BP.</i></p> <p style="text-align: center;"> Red Rating Re-Assessments</p>	<p>Date of last CI evaluation <u>2007</u></p> <p>Is the communication element rated as poor, yes or no? <u>No</u></p>
PA5 Townsite and Throughway infrastructure	The condition of 75% waterway contemporary assets is maintained, and the condition of 25% of assets rated as poor or fair is improved by March 2013.	<p>For <b>Rideau Canal, Trent Severn, La Chine, Chambly, St-Peters, Sault-Ste-Marie, Saint-Ours, Ste-Anne-de-Bellevue, Carillon.</b></p> <p>Identify the % of waterway contemporary assets maintained and improved.</p>	<p>% of waterway contemporary assets maintained will be</p> <p>% of waterway contemporary assets rated as poor or fair improved will be</p>
	No closure of through highways due to asset condition.	For l'Anse aux Meadows only.	0 day of closure of through highways due to asset condition.
Through Waterway Management	90% of water level gauge measurements are within the prescribed range established to meet legal and/or operational obligations.	For <b>Rideau Canal, Trent Severn, La Chine, Chambly</b> only.	90% of water level gauge measurements are within the prescribed range established to meet legal and/or operational obligations.



**NOVA SCOTIA**  
Agriculture



**BUSINESS PLAN 2009–2010**



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## **Message from the Minister**

It is my pleasure to present the 2009-2010 business plan for the Department of Agriculture. We are committed to providing the support needed to meet the priorities set out in this plan.

Agriculture is an important contributor to the economic and social fabric of Nova Scotia. In 2008, farm cash receipts in Nova Scotia were \$474 million. The industry reaches well beyond our provincial borders, with many of our products exported throughout the world.

The Department of Agriculture is committed to helping Nova Scotia's agricultural industry become sustainable and profitable for the long term. In 2009-2010, the department is committed to implementing a Competitive Transition Framework to transition the agriculture industry toward self-sufficiency and independence. The new federal / provincial / territorial Growing Forward agreement came into effect and the department will implement the programs and initiatives identified. As well, we will continue to move forward with the revised governance structure at the Nova Scotia Agricultural College which will benefit the province's agricultural industry for years to come. Work this year will also begin on a ten-year agriculture strategy for long-term prosperity in the industry.

I encourage everyone to visit the department's website at [www.gov.ns.ca/agri](http://www.gov.ns.ca/agri) for more information on the full range of programs and services.

Sincerely,

Honourable John MacDonell  
Minister of Agriculture

## **Mission**

To foster prosperous and sustainable agriculture and food industries through the delivery of quality public services for the betterment of rural communities and all Nova Scotians.

## **Organizational Structure**

The Department of Agriculture has a legislated mandate to promote, support and develop the agriculture and food industries. The department also delivers services to Nova Scotia's fisheries and aquaculture industries on behalf of the Department of Fisheries and Aquaculture. The Department of Agriculture is organized according to the following units:

**Agriculture Services** provides regional extension services, land protection, environmental management, 4-H and support for rural organizations, agricultural awareness, industry development programs, business risk management and crop and livestock insurance. The branch also oversees the administration of the Competitive Transition Framework.

**Legislation and Compliance Services** licenses retail food outlets and restaurants, meat processing and food and game farms, and oversees activities related to food and consumer safety, farm animal welfare, animal health and laboratory services, and on-farm quality evaluation. The branch supports the orderly production and supply of major farm products and the Nova Scotia harness horse racing industry. The branch is also responsible for monitoring and enforcing compliance with regulations under the *Fisheries and Coastal Resources Act*.

**Industry Development and Business Services** integrates marketing, product and quality development, and business development and economic services. These services are provided to both the Department of Agriculture and the Department of Fisheries and Aquaculture. The branch also oversees the operations of the Farm Loan Board.

**Policy and Planning** provides corporate support for policy and planning activities, including legislative and regulatory development. The division is also responsible for the administration of the *Freedom of Information and the Protection of Privacy Act*, and Occupational Health and Safety services. Divisional services are provided to both the Department of Agriculture and the Department of Fisheries and Aquaculture.

**Communications** provides government partners, industry clients and the general public with up-to-date, timely information on issues involving the department. These services are provided to both the Department of Agriculture and the Department of Fisheries and Aquaculture.

**Nova Scotia Agricultural College (NSAC)** provides education and training related to agriculture, aquaculture, and the agri-food industries. NSAC works in cooperation with industry and government, and is the centre of agricultural expertise for Atlantic Canada.

The Atlantic BioVenture Centre at NSAC supports value-chain development, research commercialization, and technology transfer. NSAC assumed ownership of AgraPoint International in 2009 to better integrate applied training, research and development and extension services.

## **Planning Context**

Farm cash receipts in Nova Scotia amounted to \$474<sup>1</sup> million in 2007. Together, Nova Scotia's supply managed sectors<sup>2</sup> – dairy, poultry and eggs – accounted for close to half of all production in the province. Dairy is the single biggest sector, at roughly a quarter of the overall industry. Horticulture – covering a wide range of products including apples, wild and high bush blueberries, cranberries, greenhouse and nursery products, potatoes, vegetables, and honey – combines to make up a significant part of the industry as well. Fur, mainly from mink farming, is one of the fastest growing agricultural sectors in Nova Scotia, and currently represents approximately \$64 million in farm cash receipts.

Agriculture is undergoing major shifts worldwide, characterized by an opening up of markets, increasing linkages between producers and consumers, and new demands for food safety and environmental protection, among other factors. Nova Scotia's farm community – and farmers throughout the world – need to respond to these challenges and seize opportunities for long-term sustainable prosperity.

## ***Globalization***

Globalization in food has fundamentally impacted the domestic arena as borders open wider and competition intensifies. On the one hand, farmers throughout the world have new export markets for their products. On the other hand, producers – even those who do not export – face increased competition. Nova Scotia's supply managed sectors have seen Canadian tariff rates weaken in recent years, and these tariffs could fall even further. If this happens, these sectors could face more direct competition from foreign producers.

The department continues to work with federal and provincial government partners to maximize access to trade markets without disrupting Nova Scotia's supply-managed systems. The department will implement year two of a three-year trade plan in 2009 focusing on market development and diversification, product branding, strategic alliances, core markets, and targeted market research and information. The German market will also be a focus for value-added opportunities, functional foods and nutraceuticals, mirroring the successful Japanese market development project from recent years.

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<sup>1</sup> Source: Statistics Canada, Catalogue Number 21-011-X. Accessed September 2009.

<sup>2</sup> Supply-managed systems use quotas to match domestic supply with domestic market demand.

### ***Economic trends***

The worldwide trend in agriculture is towards consolidation, meaning fewer but larger farms. The department recognizes the need for greater strategic partnerships and innovative thinking to deal with the increasingly complex challenges in the global economy. This includes strategic planning encompassing supply-chain linkages. A greater focus on product differentiation and value-adding will also help soften the impacts of global currency fluctuations. Improved business risk management options as a part of the new federal / provincial / territorial Growing Forward agreement will help farmers respond to sudden economic downturns and become more competitive.

### ***Consumer trends***

In today's global environment, consumers have an extraordinary amount of choice and are willing to pay price premiums for products that fit their unique needs. Nova Scotia's farm community is focusing on being in tune with shifting consumer demands and tastes. This means not only identifying potential markets, but also identifying the right products at the right prices, and using the right distribution channels and promotion methods. These business models need to be flexible enough to cater to today's market demands while preparing and adapting to meet future needs.

Many farmers in Nova Scotia who are not competing in a protected market or without price input advantages are transitioning away from a production and commodity-centered orientation toward a customer and product-centered one. Improved competitiveness will stem from developing strategies and implementing plans that identify and address consumer needs and wants, and that attract and develop highly skilled people, better information, more efficient government processes, improved infrastructure and production methods, better suppliers, more advanced research institutions, and more intensive competitive pressure.

### ***Food safety and animal health***

Food safety issues have received considerable attention in recent years, particularly with several reported cases of food borne illness in the United States and the listeria outbreak in Ontario during the summer of 2008. A single food-borne illness can have serious impacts on producers whose products are recalled, causing disruptions and problems throughout the value chain. Even the threat of illness can be enough to cause serious disruptions to the system. The discovery of bovine spongiform encephalopathy in a limited event in western Canada in 2003 demonstrated the extent to which a single incident can affect farmers throughout Canada.

The department continues to expand food safety programming by working with federal, provincial and municipal government partners. This includes working with the Canadian Food Inspection Agency (CFIA) to implement national programs to provide traceability for farm products and expanded animal health surveillance services. CFIA's investigation into the causes of the 2008 listeria outbreak could also lead to new

compliance measures nationally. The department also continues to work with the Departments of Health Promotion and Protection and Environment around education, recruitment and regulatory reform to improve overall environmental public health in Nova Scotia.

The department hired two additional inspectors in 2008 to help Nova Scotia's food service industry, including the processing, retail and restaurant sectors comply with provisions of the new *Health Act*. Emphasis in 2009 will be on increasing regulatory compliance through education, such as partnering with the Nova Scotia Community College for food handler training. In addition, the new online food safety database creates efficiencies both for staff and for consumers accessing reports. Ensuring reliability, credibility and adherence to the highest food quality standards also remains a focus, requiring ongoing effort and investment to maintain laboratory accreditations.

The department will seek proclamation of the new *Animal Protection Act* in 2009, which gives government a greater role in responding to allegations of mistreatment or abuse of farm animals. Recruiting and retaining large animal veterinarians remains a challenge throughout Canada.

### ***Climate change***

Climate change could have several implications for agriculture in Nova Scotia. It could lead to longer and warmer growing seasons. It could also lead to an increase in the number of incidents of invasive species and rising sea levels. Rising sea levels are a particular concern for Nova Scotia as a coastal province. Much of the province's most productive agricultural land is low-lying, protected by a tradition of dyke maintenance stretching back 400 years. The department will work with government partners in 2009 to examine opportunities for Maritime-wide cooperation on a long-term dyke and coastal flooding strategy.

The *Environmental Goals and Sustainable Prosperity Act* commits the province to having one of the cleanest and most sustainable environments in the world by 2020. The act recognizes energy use, particularly electricity from coal, as one of the key challenges in addressing climate change. The department continues to work with industry and government partners to encourage farmers to reduce greenhouse gases through on-farm energy conservation. Beginning in 2009 farmers will be able to access an energy audit process tailored specifically to their sector, and incentives to implement energy saving initiatives. The department also continues to support the development of alternate and renewable energy technologies. The focus on alternative fuels may offer opportunities for agriculture-based energy suppliers.

### ***Job creation and youth***

Nova Scotia's farm population is one of the oldest in Canada. In 2006, more than 45 percent of Nova Scotia's agricultural labour force was over the age of 55, compared to roughly 40 percent for Canada overall. Nova Scotia's farmers were the second oldest in

the country, with an average age of 53.2 years, compared to the national average of 52 years. Only British Columbia's farmers were older.

The next 10 to 15 years could provide significant restructuring opportunities in agriculture, and room for new entrants to bring new perspectives. The department continues to encourage and recruit new entrants to the industry through outreach and education, business development supports and financial assistance, and will develop a committee this year to improve the delivery of programs and services to new entrants.

### ***Environmental management***

Healthy soil is a fundamental building block for sustainable agriculture, with plants and animals relying on it for productivity. The department continues to invest in the Environmental Farm Planning Program. This program identifies and prioritizes beneficial management practices, such as support for natural protective barriers to soil erosion, utilization of cover crops and nutrient management planning to help ensure soil remains healthy for future generations.

There are increased pressures in Nova Scotia for non-farm development in agricultural areas, particularly from residential, industrial and commercial uses, which can be more profitable than agriculture in the short-term. An agricultural land review committee has been established to advise the minister on issues surrounding the use of prime agricultural land. The department will also continue to lead a review of land use planning and development initiatives in 2009, develop a tool to help planners evaluate the importance of agricultural land, and support the work of the agricultural land review committee.

The agriculture industry has a role to play in water management. As a natural buffer and filter, agriculture plays a major role in providing high quality water recharge for provincial aquifers. Quality water is a key factor in agricultural productivity, and farmers have a vested interest in ensuring it is protected in the long term. The department continues to work with industry and government partners to improve access to high-quality water resources, namely through the Nova Scotia Farm Stewardship Program.

### ***Technology and innovation***

The Nova Scotia Agricultural College (NSAC) is the centre for agricultural research and innovation in Atlantic Canada, and in recent years has positioned itself to play a lead role in the development of Atlantic Canada's bio-economy. Agriculture has the potential to provide the economic basis for a bio-economy that reinvigorates rural communities and helps reverse trends in rural population decline. To do this, the industry needs to attract qualified people from around the world to ensure the diversity of training, perspective, intellectual capacity and entrepreneurial confidence needed for vigorous economic growth.

The Atlantic BioVenture Centre (ABVC) at NSAC has been highly successful in attracting research funding, securing nearly \$9.5 million in industry-led initiatives since

its inception in 2005. The ABVC focuses on the development and commercialization of value-added products including food and feed supplements, nutraceuticals and functional foods. The department also continues to provide support and services to encourage an increase in the production of new, value-added and higher quality products.

## **Policy Initiatives**

The department continues to work with industry and government partners to help Nova Scotia's farm community seize new opportunities and move forward. Programs and services focus on four core business areas: sustainable resource management; industry growth and development; responsible governance; and education and life-long learning. Several department initiatives will help meet the objectives of these core business areas.

The new federal / provincial / territorial Growing Forward<sup>3</sup> agreement came into effect in April 2009, committing \$14.74 million in federal funding and \$9.83 million in provincial funding to Nova Scotia's agriculture industry throughout the next five years. The agreement outlines three overarching strategic outcomes: a competitive and innovative agriculture and agri-food sector; a sector that contributes to society's priorities; and a sector that is proactive in managing risk.

The department is committed to working with the Nova Scotia Federation of Agriculture to implement a Competitive Transition Framework to transition the agriculture industry towards self-sufficiency, independence and sustainability. The guiding principles of the framework are: transitional support; strategic public investment; and public goods and services. Nova Scotia's Growing Forward programs and initiatives are aligned with and complement the three guiding economic principles of competitive transition. Work will also begin on a ten year agriculture strategy for long-term prosperity.

The department is also active in the government's Better Regulation Initiative to reduce unnecessary administrative burdens, and the service standards commitment to meet a level of excellence in responding to licence and permit approvals.

## **Core Business One: Sustainable Resource Management**

### **Programs and Services**

- Agriculture resource management and land protection

**Goal:** Environmentally and socially responsible development of the agriculture and food industries.

### **What it means**

The department is committed to achieving a balance between long-term agricultural growth and environmental responsibility, and provides leadership to help the industry realize the benefits of good environmental stewardship.

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<sup>3</sup> Growing Forward is the next generation agreement to the Agricultural Policy Framework.



***Priority # 1 – Implement strategic environmental programming to support competitive transition in the agriculture industry.***

**Strategies & Actions**

- Initiate an on-farm energy conservation program and work with industry to explore opportunities in alternative energy.
- Conduct farm energy assessments and recommend energy conservation options for farmers.
- Collaborate in assessing the merits of an ecological goods and services program to protect natural capital.

**Performance Measure:**

<b>Outcome</b>	<b>Measure</b>	<b>Data</b>	<b>Target 2009-10</b>	<b>Ultimate Target</b>	<b>Strategic Actions to Achieve Target</b>
Environmental sustainability	Percentage of registered farms with an Environmental Farm Plan (EFP)	27% (2004-05) 35% (2005-06) 40% (2006-07) 50% (2007-08) 60% (2008-09)	Increase the number of registered farms participating in the EFP	Continued increase in the number of registered farms participating in the EFP	Expand the EFP to include energy audits and a farm safety component  Continue to deliver the National Farm Stewardship Program

***Priority # 2 – Improve agricultural land use planning in the province.***

**Strategies & Actions**

- Increase the profile of dykeland maintenance and explore community partnership opportunities.
- Explore land-use planning and preservation options for farmland.
- Produce a risk assessment model handbook to aid municipal planners and provincial policy makers with agricultural land use planning.

**Core Business Two: Industry Growth and Development**

**Programs and Services**

- Business risk management
- Agricultural lending services
- Business development and economics
- Product and quality development
- Market services
- Agriculture development, research, regional and extension services

**Goal:** Competitive agriculture and food businesses that create economic growth and employment in rural communities.

**What it means**

The agriculture and agri-product industries are the economic engines of many of Nova Scotia’s rural communities. Strategic initiatives such as Growing Forward and the Competitive Transition Framework, together with ongoing market development activities, will better position the industry towards long-term prosperity.

**Priority # 3 – Promote transition in the agriculture industry towards improved competitiveness and self-sufficiency.**

**Strategies & Actions**

- Renew existing programs to meet client needs and better align with the three principles of competitive transition: transitional support; strategic public investment; and public goods and services.
- Develop a ten-year strategy for improved prosperity in the agriculture industry.
- Develop and implement a strategic initiative to support innovation and encourage the assessment, adoption and transfer of on-farm technologies.
- Develop and implement a strategy to support innovation and commercialization of new opportunities to increase industry competitiveness.
- Promote greater understanding and participation in business risk management programs.
- Include production insurance as part of the AgriInsurance initiative under Growing Forward.
- Strengthen provincial production insurance products and develop new plans for maple, horticulture acreage loss, and stone fruit.

**Performance Measures:**

Outcome	Measure	Data	Target 2009-10	Ultimate Target	Strategic Actions to Achieve Target
Competitive agricultural economy	Number of farms with reference margin protected by AgriStability <sup>4</sup>	810 (2007-08)	900	A majority of farms participating in AgriStability	Promotion and awareness
Competitive agricultural economy	Number of farms with allowable net sales covered by AgriInvest <sup>5</sup>	1225 (2007-08)	1300	A majority of farms participating in AgriInvest	Promotion and awareness

<sup>4</sup> This replaces the previous measure, ‘Percentage of provincial farm reference margin covered by AgriStability’.

<sup>5</sup> This replaces the previous measure, ‘Percentage of provincial farm allowable net sales protected by AgriInvest’.

Outcome	Measure	Data	Target 2009-10	Ultimate Target	Strategic Actions to Achieve Target
Competitive agricultural economy	Total Production Insurance coverage (millions)	\$52.5 (2004-05) \$51.3 (2005-06) \$56.4 (2006-07) \$71.0 (2007-08) \$120 (2008-09)	\$122 million	Increase the number of participants and the associated value of production protected by Production Insurance	Expand insurance product line  Provide new features on existing products

***Priority # 4 – Expand and re-align service capacity to better meet client needs and facilitate competitive transition in the agriculture industry.***

**Strategies & Actions**

- Finalize the integration of AgraPoint with the applied research and training activities of the Nova Scotia Agricultural College.
- Develop and implement an enhanced customer service approach, such as single-window access, online applications, and new entrants’ needs surveys.
- Develop a regional approach to the delivery of extension services.
- Establish a minister’s advisory committee on extension services.

***Priority # 5 – Attract new entrants to the agriculture and agri-product industries.***

**Strategies & Actions**

- Work with producers, educators, and volunteers in rural and urban areas to promote careers in the agriculture and agri-product industry.
- Formalize a working committee to develop and implement a strategy for new entrants and coordinate new entrant activities within the department.
- Enhance investment attraction and immigration outreach activities.
- Continue to administer the New Entrants to Agriculture Program through the Farm Loan Board.

***Priority # 6 – Expand investment in the agriculture and agri-product industries to capture growth opportunities.***

**Strategies & Actions**

- Promote value-adding and quality development, with a focus on innovative products, services and technologies, including health and wellness products.
- Implement year two of a three-year trade plan focusing on market development and diversification, product branding, strategic alliances, maintaining core markets, and targeted market research and information.
- Develop tools and tactics to encourage entrepreneurship and business skills development.
- Encourage industry diversification through new investment in the grape, wine, tree fruit and organic sectors.

**Performance Measures<sup>6</sup>:**

<b>Outcome</b>	<b>Measure</b>	<b>Data</b>	<b>Target 2009-10</b>	<b>Ultimate Target</b>	<b>Strategic Actions to Achieve Target</b>
Competitive agricultural economy	Ratio of Product and Quality Development (PQD) Program funding invested to total R&D invested through PQD projects <sup>7*</sup>	43% (2004-05) 32% (2005-06) 19% (2006-07) 17% (2007-08) 11% (2008-09)	Increase funding from other sources	Increase funding from other sources	Develop new partnerships  Expand support to industry-wide and individual business initiatives
Competitive agricultural economy	Value of new investment in the agri-food and seafood sectors directly attributable to investment recruitment efforts (millions)*	\$1.5 (2006-07) \$1.5 (2007-08) \$1.1 (2008-09)	Increase new investment over time	Increase new investment over time	Operationalize the investment plan
Competitive agricultural economy	Percentage of Farm Loan Board principal in arrears <sup>8</sup>	3.6% (2007-08) 4.4% (2008-09)	4.4% or less	4.4% or less	Monitor the status of accounts  Contact clients in arrears and refer to industry resources where appropriate
Competitive agricultural economy	Dollar value of total capital and repair expenditures in crop and animal agriculture (millions) <sup>9</sup>	\$86.0 (2005) \$80.7 (2006) \$88.4 (2007)	Increase in capital expenditures	Continued increase in capital expenditures	Focused lending through the Farm Loan Board  Support industry growth
Integrity and security of the food system	Percentage of commercial livestock facilities identified for premise identification	10% (2007-08) 20% (2008-09)	35%	100% of all commercial livestock sites	Partner with commodity groups

<sup>6</sup> Measures identified with an asterisk (\*) refer to activities on behalf of the agriculture, fisheries and aquaculture industries.

<sup>7</sup> Increased participation and funding from other sources results in a decrease in the overall percentage invested by the department.

<sup>8</sup> This measure has been revised slightly from previous years to include all loans in arrears, including those classified as 'in default'.

<sup>9</sup> Source: Statistics Canada, CANSIM Table 029-0005

***Priority # 7 – Increase the international competitiveness of Nova Scotia’s agriculture and agri-product industries.***

**Strategies & Actions**

- Partner with the Atlantic BioVenture Centre to explore new opportunities for business development through science and innovation.
- Work with industry and government partners to improve transportation and distribution efficiencies.
- Identify additional market diversification tools and strategies, focusing in particular on the German market.
- Pursue international competitiveness capacity-building in horticulture.
- Build the department’s statistical, analytical and information capacity to support industry development.
- Finalize the development of a strategic plan to grow Nova Scotia’s beef sector.
- Deliver entrepreneurial and business skills development training.

**Performance Measure:**

<b>Outcome</b>	<b>Measure</b>	<b>Data</b>	<b>Target 2009-10</b>	<b>Ultimate Target</b>	<b>Strategic Actions to Achieve Target</b>
Competitive agricultural economy	Total agri-food exports (less seafood products and fishing, millions) <sup>10</sup>	\$272.2 (2004) \$273.7 (2005) \$263.9 (2006) \$255.0 (2007) \$215.8 (2008)	Increase in exports	Continued increase in exports	Focused market development activities

***Priority # 8 – Increase the value of Nova Scotia’s agriculture sector.***

**Strategies & Actions**

- Participate on the Council of Atlantic Premier’s Agri-Food Action Team to address distribution and retail challenges facing small and medium sized food businesses.
- Organize Meet Your Match events to bring together food sellers, food buyers and chefs to create value-chain linkages in Nova Scotia’s food chain.
- Continue working with Taste of Nova Scotia to expand culinary and agri-tourism opportunities in the province and in the export arena.
- Continue implementing the Select Nova Scotia buy local campaign to increase awareness and purchases of Nova Scotia agri-food products in the province.

<sup>10</sup> Source: Industry Canada Trade Data Online, Accessed March 17, 2009

**Performance Measures:**

<b>Outcome</b>	<b>Measure</b>	<b>Data</b>	<b>Target 2009-10</b>	<b>Ultimate Target</b>	<b>Strategic Actions to Achieve Target</b>
Competitive agricultural economy	Value of agricultural production (farm cash receipts, millions) <sup>11</sup>	\$456.7 (2004) \$467.5 (2005) \$473.5 (2006) \$457.8 (2007) \$474.2 (2008)	Growth in the agriculture sector	Continued growth in the agriculture sector	Provide business risk management and development programs, and product development support  Focused market and business development activities  Deliver Growing Forward programming
Competitive agricultural economy	Value of sales resulting from market development projects and tactics (millions)*	\$4.5 (2004-05) \$5.5 (2005-06) \$9.4 (2006-07) \$16 (2008-09)	Increase sales	Increase industry sales	Focus market development activities on priority markets
Competitive agricultural economy	Consumer awareness of Select Nova Scotia campaign*	6% (2007-08)	Increase consumer awareness	15% by 2012	Recruit additional industry partners  Ongoing promotions

**Core Business Three: Responsible Governance**

**Programs and Services**

- Food safety
- Animal health
- Laboratory services
- Enabling / guiding legislation and regulations
- Licensing and enforcement

**Goal:** Orderly development of the agriculture and agri-product industries.

**What it means**

Nova Scotia’s regulatory framework for agriculture and agri-products establishes standards for food safety and animal health and welfare, quality control and evaluation, and the orderly production and supply of major farm products. This helps to safeguard public health and maintain a level playing field for industry, while supporting a competitive business climate.

<sup>11</sup> Source: Statistics Canada, Catalogue Number 21-011-X. Accessed September 20, 2009.

***Priority # 9 – Enter into the new federal / provincial / territorial Growing Forward framework agreement.***

**Strategies & Actions**

- Implement the Canada-Nova Scotia Bilateral Agreement and Consolidated Contribution Agreement under Growing Forward.
- Maximize federal contributions, national coordination and development initiatives under the Growing Forward agreement.

***Priority # 10 – Increase regulatory compliance.***

**Strategies & Actions**

- Sign a Memorandum of Agreement with the Nova Scotia Community College to provide food handler training courses to for-profit food services businesses.
- Deliver a new in-depth meat processing course to industry.
- Work with the Departments of Health Promotion and Protection and Environment to address overarching environmental public health issues.
- Maximize the effectiveness and utilization of the food safety data base and online reporting system.

**Performance Measures:**

<b>Outcome</b>	<b>Measure</b>	<b>Data</b>	<b>Target 2009-10</b>	<b>Ultimate Target</b>	<b>Strategic Actions to Achieve Target</b>
Public health protection Integrity and security of the food system	Volunteer food handlers trained in safe food handling*	469 (2004) 394 (2005) 1,192 (2006) 646 (2007) 940 (2008)	700 <sup>12</sup>	All volunteers involved in food preparation trained in safe food handling techniques	Contact volunteer groups  Continue to offer food handling courses
Public health protection Integrity and security of the food system	Number of food safety concerns reported*	324 (2004) 278 (2005) 325 (2006) 275 (2007) 336 (2008)	400 <sup>13</sup>	No repeat public complaints about the same facility	Investigate public complaints
Public health protection Integrity and security of the food system	Number of suspected food poisoning cases reported*	66 (2004) 69 (2005) 75 (2006) 47 (2007) 68 (2008)	75	No confirmed food-borne illnesses from Nova Scotia eating establishments	Increase food handling training  Enhance enforcement

<sup>12</sup> This measure refers to the number of food handlers trained in a given year. The anticipated decrease is a result of having already trained a large number of food handlers.

<sup>13</sup> An increase in the number of food safety concerns reported and suspected food poisoning cases reported is anticipated as a result of a larger number of reporting mechanisms being made available to the public.

***Priority # 11 – Maintain and improve legislative authority for industry supply and development.***

**Strategies & Actions**

- Enhance resource capacity for timely regulatory and policy development.
- Review and improve legislation that supports the orderly production and supply of major farm products in Nova Scotia.
- Integrate Natural Products Marketing Council oversight and services into the department's Legislation and Compliance branch.
- Integrate strategic planning and policy-based legislative and regulatory development.

***Priority # 12 – Enhance animal health and welfare services.***

**Strategies & Actions**

- Examine the Livestock Health Services and Herd Health Programs and develop strategies to ensure farm animal veterinarian service will be available long-term throughout the province.
- Implement the *Animal Protection Act*, investigate allegations of farm animal neglect or abuse, and assist in capacity-building at the Society for the Prevention of Cruelty.
- Evaluate first-response services in support of the *Animal Protection Act* and the Nova Scotia Society for the Prevention of Cruelty to assess whether services need to be expanded or improved.

***Priority # 13 – Develop new legislation and regulations to address emerging issues.***

**Strategies & Actions**

- Work with industry to explore options for legislation to develop the fur industry.
- Work with industry to explore legislative approaches and options for traceability of farm products.

***Priority # 14 – Implement a new governance structure at the Nova Scotia Agricultural College.***

**Strategies & Actions**

- Work with the transitional Board of Governors to develop and implement the requirements for establishing the Nova Scotia Agricultural College as a board-governed Crown corporation.



***Priority # 15 – Reduce the administrative paperwork burden on industry and turn-around times for permits and approvals.***

**Strategies & Actions**

- Continue to participate in the government’s Better Regulation Initiative to track the number of business days required to process permits and approvals, and set targets to reduce the number of days, if required.
- Work with the Emergency Management Office and other provincial partners to develop a crisis management strategy focused on natural disasters and disease outbreaks.

**Core Business Four: Education and Life-Long Learning**

**Programs and services**

- Agriculture outreach and youth
- Continuing and post-secondary education and research

**Goal:** Increased expertise and excellence in Nova Scotia’s agriculture and agri-product industries through teaching, research, community services and youth development.

**What it means**

Education and life-long learning are important for agricultural renewal and long-term viability, helping to foster new ideas and technologies, and developing future leaders for the industry.

***Priority # 16 – Increase student enrollment at the Nova Scotia Agricultural College (NSAC).***

**Strategies & Actions**

- Adapt and develop new academic and post-baccalaureate programs that respond to and target NSAC’s priority markets and address industry needs.
- Work collaboratively with other faculties of agriculture to address common recruitment issues at the market research level.
- Increase activity for targeted international student recruitment and student exchange.
- Develop and implement a comprehensive plan for student residence renewal to bring NSAC’s residence accommodation up to modern standards.
- Increase the number of partnership agreements and articulation arrangements with other universities and colleges to improve the flexibility of student learning experiences.
- Review student service programs and structure to ensure services are coordinated, optimized and appropriate to student cohort requirements.

**Priority # 17 – Increase NSAC research capacity.**

**Strategies & Actions**

- Seek external approvals for and implement the Ph.D. program in agriculture and recruit several new doctoral candidates.
- Recruit a Vice President, Research, Extension and Outreach to lead and coordinate research, development and commercialization and outreach efforts.
- Establish new faculty positions and parallel research programs in bioproducts development, farm energy conservation, fruit horticulture, management of landscapes, as well as agricultural resource and watershed management.
- Create a collaboration framework for enhanced cooperation between NSAC and Agriculture and Agri-Food Canada scientists located at NSAC.
- Strengthen ties to AgraPoint International at both administrative and operational levels to facilitate integration of research and extension where appropriate.

**Priority # 18 – Increase NSAC technology transfer and commercialization capability.**

**Strategies & Actions**

- Support the expansion of the Atlantic BioVenture Centre as the regional innovation centre for new product development from agri-based and marine-based resources.
- Enhance communication of research results to the industry by leveraging AgraPoint resources.
- Develop a comprehensive strategy to employ research results across Nova Scotia and the wider Atlantic region to foster economic development.

**Performance Measures:**

Outcome	Measure	Data	Target 2009-10	Ultimate Target	Strategic Actions to Achieve Target
High quality agricultural research and education	Total value of research and infrastructure grants awarded to NSAC researchers (millions)	\$5.74 (2004-05) \$5.79 (2005-06) \$6.49 (2006-07) \$8.50 (2007-08) \$9.50 (2008-09)	\$9.3 million	\$10 million by 2011	Facilitate professional proposal development  Recruit new faculty
Skilled agricultural workforce	Number of students enrolled at NSAC	753 (2004-05) 758 (2005-06) 793 (2006-07) 789 (2007-08) 832 (2008-09)	855	1000 students by 2013	Recruitment drives  Improve campus facilities
Skilled agricultural workforce	Number of international students enrolled at NSAC	26 (2004-05) 26 (2005-06) 47 (2006-07) 57 (2007-08) 79 (2008-09)	85	100 international students by 2013	International recruitment drives  Improve campus facilities

## Corporate Services

### Programs and services

- Business planning and accountability
- Legislative and policy services
- Communications
- Employee safety, wellness and health
- Information management
- Human resources
- Information technology

**Goal:** To ensure the effective delivery of a suite of corporate and administrative services for the benefit of the executive offices, operational units and the Government of Nova Scotia.

### What it means

Corporate services are delivered through the offices of the Minister and Deputy Minister, the Policy and Planning and Communications divisions, and Resources Corporate Service Units<sup>14</sup>.

### Human Resource Strategy

*Priority # 19 – Address priority areas identified in the Corporate Human Resource Strategy<sup>15</sup>.*

### Strategies & Actions

- Host an orientation day to welcome new staff to the department, including an overview of departmental functions, an introduction to senior management, and information on employee services, GoverNEXT, Occupational Health and Safety, and ethics in government.
- Hold a two-day staff conference focusing on issues of work / life balance, stress in the workplace, career development, personal financial management in difficult times, and intergenerational diversity.
- Provide career coaching training to help managers guide employees interested in making decisions about their work / life future.

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<sup>14</sup> Resources Corporate Service Units provide financial, human resources, and information technology services to the department.

<sup>15</sup> The Government of Nova Scotia's Corporate Human Resources Plan 2005-2010 identifies five goals to guide development of the provincial public sector workforce: To make a difference, through a skilled, committed, and accountable public service; To be a preferred employer; To be a safe and supportive workplace; To be a diverse workforce; To be a learning organization.

## Budget Context

<b>Agriculture</b>			
	<b>2008-2009 Estimate</b>	<b>2008-2009 Actual</b>	<b>2009-2010 Estimate</b>
Program & Service Area	(\$thousands)	(\$thousands)	(\$thousands)
<b>Total Department Expenses:</b>			
Senior Management	828	960	710
Policy, Planning, Comm.	815	670	811
Agricultural Services	23,750	24,907	24,577
Legislation and Compliance	8,846	9,085	9,468
Industry Development and Business	5,890	11,333	7,093
N. S. Agricultural College	19,434	19,029	19,027
<b>Total Departmental Expenses</b>	<b>59,563</b>	<b>65,984</b>	<b>61,686</b>
<b>TCA Purchase Requirements</b>	<b>360</b>	<b>338</b>	<b>350</b>
<b>Provincial Funded Staff (FTEs)</b>	<b>467</b>	<b>466</b>	<b>477</b>

### *Rounding*

**Estimates/Forecasts:**

**Departments/PSV's**

- All estimates/forecasts should be rounded to the nearest thousand.

**FTE's:**

**FTE's for departments**

- Rounding should follow what appears in 1.17 of the Estimates book.

**FTE's for Public Service Entities (PSV's)**

- In accordance with what appears in the Nova Scotia Estimates Supplementary Detail all FTE information should be rounded to the nearest tenth.

# PLAN D'ACTION 2011-2012



## Objectif 1 : Créer des partenariats

### 1.1 Maintenir et/ou créer des partenariats

**État de la situation :** La Société Promotion Grand-Pré a créé plusieurs partenariats depuis sa fondation en 1998 : la Société Nationale de l'Acadie; la Fédération de la Nouvelle-Écosse; Parcs Canada; les Amis de Grand-Pré; Kings RDA; la CTACA; DSWNS; les ministères provinciaux du Développement économique et du Tourisme, Culture et Patrimoine; les ministères fédéraux de l'APÉCA et du Patrimoine canadien; les commerçants locaux; les communautés de la diaspora acadienne; la coopérative d'artistes Évangéline; les lieux historiques nationaux du Monument Lefebvre et de Fort Anne/Port Royal; le comité consultatif Inscription Grand-Pré; Congrès mondial acadien.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Partenariat avec Parcs Canada pour la mise en valeur du lieu historique - HPA	La mise en valeur du lieu historique comprend la programmation, l'interprétation et la livraison des programmes et services aux clientèles (visiteurs, groupes, écoles, etc.).	Tout au long de l'année	DG avec PM3 de PC et experts de PC	En nature	Une programmation pertinente et des services d'interprétation expérientiels aux clientèles Une bonne collaboration avec les experts de Parcs Canada	<ul style="list-style-type: none"> <li>• Les clientèles sont satisfaites</li> <li>• Les ressources pour la livraison des programmes et services</li> </ul>	En cours
2. Partenariat avec les associations d'artistes de la diaspora acadienne - HPA	En partenariat avec les associations d'artistes de la diaspora acadienne (AADA) et la Coopérative d'artistes Évangéline (CAE), choisir par juré 2 ou 3 artistes pour faire une résidence de trois semaines chacun l'été, et 5 artistes émergents qui montrent leurs œuvres dans la galerie d'art pour une période de 5 semaines à l'automne.	Artistes en résidence : 1 <sup>er</sup> juillet au 1 <sup>er</sup> septembre; artistes émergents : 2 septembre au 15 octobre	DG	(1 000 à 1 500 \$)	2 ou 3 artistes en résidence 5 artistes émergents	<ul style="list-style-type: none"> <li>• Nombre d'artistes en résidence</li> <li>• Nombre d'artiste émergents</li> <li>• Qualité des œuvres,</li> <li>• Réactions du public</li> </ul>	En cours
3. Partenariat avec les associations de la diaspora acadienne - HPA	Vente de DVDs comme prélèvement de fonds.	Tout au long de l'année 2011-2012	DG	(2 000 \$)	Création de nouveaux partenariats	<ul style="list-style-type: none"> <li>• Nombre de partenariats</li> </ul>	En cours

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<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
4. Villes/villages à l'honneur à Grand-Pré - HPA	Inviter les citoyens de St-Isidore N-B et de la Baie Sainte Marie à venir à Grand-Pré pendant les Journées acadiennes; ils apportent un artiste local et la Société leur offre chacun trois tentes 10 x 20 sans frais, et promeut leur présence à Grand-Pré (Voir aussi 1.2.1.).	Le 24 juillet 2011	DG; AC	(3 000 \$ en nature pour les artistes)	Les citoyens de St-Isidore et de la Baie Sainte Marie sont présents à Grand-Pré le 24 juillet 2011	<ul style="list-style-type: none"> <li>• Nombre de citoyens de St-Isidore et de la Baie Sainte Marie présents à Grand-Pré le 24 juillet 2011</li> </ul>	En cours
5. Partenariat avec la SNA et la FANE - HPA	Depuis 2010, la Société Promotion Grand-Pré, la SNA et la FANE organisent la cérémonie de dépôt de fleurs à la Croix de la Déportation pour marquer la journée commémorative de la Proclamation royale de la Déportation, en collaboration avec des représentants des diverses communautés.	Le 28 juillet 2011	P; V-P; DG	Inclus dans le budget  Déplacements du P et du V-P; bouquet de fleurs	Un rapprochement de la communauté acadienne avec les autres communautés	<ul style="list-style-type: none"> <li>• Le nombre de représentants des communautés à la cérémonie</li> <li>• Couverture médiatique</li> </ul>	En cours
6. Représentation - Visites promotionnelles - HPA	Selon la vision de la Société Promotion Grand-Pré, le lieu historique national du Canada de Grand-Pré doit être reconnu comme le centre mondial de la commémoration des déportations du peuple acadien. Pour ce faire, il est essentiel que la Société soit présente dans les communautés acadiennes.	Tout au long de l'année	P; DG	10 000 \$	Un plus grand nombre d'Acadiens de la grande diaspora visitent Grand-Pré	<ul style="list-style-type: none"> <li>• Le nombre accru d'Acadiens de la grande diaspora qui visitent Grand-Pré</li> </ul>	En cours
7. Représentation - Participer au Grand-Réveil acadien en Louisiane - HP	La présidence et la direction générale participent au Grand Réveil acadien pour célébrer et préserver la culture acadienne en Louisiane - l'objectif est de créer des partenariats avec les organismes cajuns.	7 au 16 octobre 2011	P; DG	7 000 \$  3e année du plan triennal	Partenariats avec les organismes cajuns	<ul style="list-style-type: none"> <li>• Nombre de partenariats</li> </ul>	À faire

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<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
8. Partenariat avec le Congrès mondial acadien - MP	Il est essentiel que la Société Promotion Grand-Pré soit impliquée étroitement avec le CMA, et ce sur une base continue; la direction générale a été invitée à siéger sur le comité organisateur du CMA 2014.	Tout au long de l'année	DG	1 500 \$  3 <sup>e</sup> année du Plan triennal	La Société Promotion Grand-Pré participe aux réunions du comité organisateur du Congrès mondial acadien 2014	<ul style="list-style-type: none"> <li>Le nombre de partenariats avec les organismes acadiens</li> <li>Nombre accru de visiteurs en 2014</li> </ul>	À faire
9. Partenariat avec la Citadelle d'Halifax - BP	Le lieu historique national de la Citadelle d'Halifax reçoit chaque année des milliers de visiteurs et se trouve à une heure de voyage de Grand-Pré; monter un kiosque à la Citadelle pour faire la promotion de Grand-Pré.	Printemps 2011	DG	2 000 \$  3 <sup>e</sup> année du Plan triennal	Des visiteurs qui se rendent à Grand-Pré après avoir visité la Citadelle d'Halifax	<ul style="list-style-type: none"> <li>Le nombre de visiteurs qui se rendent à Grand-Pré après avoir visité la Citadelle d'Halifax</li> </ul>	À faire
10. Partenariat avec le Pays de la Sagouine - BP	Échange de produits acadiens uniques.	Saison de vente 2011	DG	0 \$ Échange de produits	Produit unique de chaque partenaire - vente en croisé	<ul style="list-style-type: none"> <li>Valeur équitable pour le produit acheté et le produit vendu</li> </ul>	En cours

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## 1.2 Explorer l'utilité des jumelages

**État de la situation :** Avant la création de la Société Promotion Grand-Pré, le Parc du chêne Évangéline à Saint-Martinville (Louisiane) et le lieu historique national de Grand-Pré se sont jumelés, avec un document fait et signé en l'église souvenir de Grand-Pré le douzième jour de septembre 1996. Une plaque a été présentée à la Société Promotion Grand-Pré à l'occasion du Congrès mondial acadien 2004.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Jumelage avec St-Isidore - HP	En avril 2010, la direction générale s'est rendue à St-Isidore dans la Péninsule acadienne et a rencontré la maire Mme Cécile Renaud qui lui a proposé de faire un jumelage avec Grand-Pré; Madame Renaud aimerait venir planter un arbre à Grand-Pré et invite la présidence à venir planter un arbre dans le parc de St-Isidore. La direction générale fera les recherches nécessaires pour développer un protocole de jumelage pour l'occasion. (Voir aussi 1.1.4.).	Été 2011	P; DG	1 500 \$  3 <sup>e</sup> année du Plan triennal	Protocole de jumelage signé	<ul style="list-style-type: none"> <li>• Avantages de promotion aux deux parties</li> <li>• Visibilité de Grand-Pré</li> <li>• Nombre accru de visiteurs de la Péninsule acadienne</li> </ul>	En cours

## Objectif 2 : Développer des ententes avec bailleurs de fonds

### 2.1 Développer des ententes avec des bailleurs de fonds

**État de la situation :** La Société Promotion Grand-Pré a créé plusieurs partenariats avec des bailleurs de fonds depuis sa fondation en 1998 : la Fondation Tauck; l'Assomption Vie; le ministère de Développement économique de la N.-É.; le ministère du Tourisme, Culture et Patrimoine de la N.-É.; Patrimoine canadien; l'APÉCA.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Maintien de la pièce de théâtre - création d'une deuxième pièce - HPA	Identifier et convaincre un bailleur de fonds de faire un don pour la pièce de théâtre; un panneau publicitaire pour remercier le bienfaiteur est placé à un endroit stratégique. Création d'une deuxième pièce, près de la forge.	Juillet et août 2011	DG	(25 000 \$)	La pièce de théâtre est présentée à Grand-Pré	<ul style="list-style-type: none"> <li>• Le nombre de visiteurs qui voient la pièce; réactions du public</li> </ul>	A faire

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<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
2. Création d'un programme public de fouilles archéologiques - HP	Identifier et convaincre un bailleur de fonds de faire un don pour le programme public de fouilles archéologiques. Un panneau publicitaire pour remercier le bienfaiteur est placé près des fouilles (Voir 5.4.1.).	Juillet 2011	P; DG	(20 000 \$)	Un programme permanent de fouilles archéologiques à Grand-Pré pour le public appuyé par Parcs Canada	<ul style="list-style-type: none"> <li>• Nombre de participants; commentaires des participants sur la feuille d'évaluation</li> </ul>	A faire
3. Identifier d'autres sources de financement à l'intérieur de Parcs Canada pour la promotion et le Marketing - HP	Inciter Parcs Canada à trouver de nouvelles sources de financement à l'interne pour appuyer la Société dans ses activités de promotion et de marketing de Grand-Pré	Tout au long de l'année	CA; BD; DG	À déterminer	Des ressources financières additionnelles provenant de Parcs Canada pour faire la promotion et le marketing du lieu historique national de Grand-Pré	<ul style="list-style-type: none"> <li>• Le montant des ressources financières additionnelles provenant de Parcs Canada pour faire la promotion et le marketing du lieu historique national de Grand-Pré</li> </ul>	À faire
4. Ajouter un deuxième présentoir d'artefacts trouvés à Grand-Pré - HP	Acheter un deuxième présentoir. Le premier présentoir acheté en 2008 montre des artefacts découverts entre 2001 et 2009. Le deuxième présentoir est pour exposer des artefacts découverts par le public au cours du programme de fouilles archéologiques publiques.	Septembre 2011	DG	2 000 \$  3e année du plan triennal	Les artefacts découverts par le public au cours du programme de fouilles archéologiques publiques sont exposés dans la salle d'exposition du centre d'accueil	<ul style="list-style-type: none"> <li>• Réactions du public</li> <li>• Qualité de la sélection des artefacts exposés</li> </ul>	À faire
5. Créer une campagne de financement en vue d'une fondation - HP	Former un comité ad hoc pour explorer des options pour la mise sur pied d'une campagne de financement en vue d'une fondation pour ramasser 10 000 000 \$. Puisqu'il y a déjà confusion dans l'esprit des gens par rapport à Grand-Pré et le projet UNESCO, unissons nos forces. Ce projet peut être fait conjointement avec le projet UNESCO.	Dates cibles : Le lancement de la campagne le 15 août 2011; la campagne se termine le 15 août 2015	CA; BD; DG; Comité ad hoc	10 millions	Un fonds permanent qui assure la pérennité de la Société et du projet UNESCO	<ul style="list-style-type: none"> <li>• Un fonds de 10 000 000 \$ en 2015</li> </ul>	À faire

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
6. Développer un site archéologique à partir des fondations des deux habitations acadiennes dans la propriété triangulaire - BP	Il existe des vestiges de deux habitations acadiennes dans la propriété triangulaire. Le souhait est d'exposer les fondations de la première près du potager et de reconstruire la seconde au complet, avec sa ferme, et de monter un programme d'interprétation de la vie au dix-huitième siècle dans la Grande Prée. Identifier et convaincre un ou plusieurs bailleurs de fonds de faire un don envers ce projet. Un panneau publicitaire pour remercier le(s) bienfaiteur(s) est placé près des habitations.	À venir					À venir

### Objectif 3 : Élaborer un système de gouvernance

#### 3.1 Évaluer le système de gouvernance avec Parcs Canada

**État de la situation :** Travailler en collaboration avec Parcs Canada pour mettre en vigueur les clauses de l'entente de gestion partagée à partir du 1<sup>er</sup> avril 2011.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Réalisation de notre mission - HPA	À la fin de cette première année de collaboration avec Parcs Canada pour la gestion partagée du lieu historique, le Conseil d'administration réfléchit sur la réalisation la mission de la Société Promotion Grand-Pré	Janvier-mars 2012	CA; BD; DG	Inclus dans le budget  Coûts associés à une réunion du CA	Évaluation de la situation et partage avec Parcs Canada des résultats	<ul style="list-style-type: none"> <li>• Une session de réflexion a eu lieu</li> <li>• Les résultats sont partagés avec Parcs Canada</li> </ul>	À faire

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<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
2. Atteinte de nos objectifs - HPA	À la fin de cette première année de collaboration avec Parcs Canada pour la gestion partagée du lieu historique, le Conseil d'administration réfléchit sur l'atteinte des objectifs de la Société Promotion Grand-Pré	Janvier-mars 2012	CA; BD; DG	Inclus dans le budget  Coûts associés à une réunion du CA	Évaluation de la situation et partage avec Parcs Canada des résultats	<ul style="list-style-type: none"> <li>• Une session de réflexion a eu lieu</li> <li>• Les résultats sont partagés avec Parcs Canada</li> </ul>	À faire

## Objectif 4 : Contribuer à l'inscription de l'UNESCO

### 4.1 Contribuer à l'inscription de Grand-Pré comme site du patrimoine mondial avec l'UNESCO

**État de la situation :** La Société Promotion Grand-Pré est représentée sur le Conseil consultatif pour l'inscription de Grand-Pré par la présidence, et la vice-présidence a été nommée par la SNA pour représenter la communauté acadienne.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Promotion du projet de nomination UNESCO auprès des Acadiens - HP	Maintenir le momentum pour le projet d'inscription. Le président, le vice-président et la direction générale continuent à participer aux réunions du projet de nomination.	Tout au long de l'année	P; V-P; DG	En nature	Les Acadiens se sentent interpelés par le projet de nomination UNESCO	<ul style="list-style-type: none"> <li>• Le nombre de réunions auxquelles ont assisté le président, le vice-président et la direction générale</li> <li>• Le nombre d'événements dans la communauté acadienne où la nomination est mentionnée</li> <li>• Le nombre de fois que les médias parlent du projet de</li> </ul>	En cours

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						nomination	
2. Appuyer la préparation de la visite du comité d'évaluation de l'UNESCO - HP	La visite des évaluateurs. Le président, le vice-président et la direction générale rencontrent les évaluateurs de l'UNESCO.	Automne 2011	P; V-P; DG	En nature	Les évaluateurs sont impressionnés par leur visite, et convaincus de la Valeur universelle exceptionnelle de Grand-Pré	<ul style="list-style-type: none"> <li>Les réactions et commentaires des évaluateurs</li> </ul>	À faire

## Objectif 5 : Créer des activités médiatiques promotionnelles et des modes expérientiels

### 5.1 Concentrer nos efforts sur le marketing et la promotion

**État de la situation :** La Société Promotion Grand-Pré souhaite continuer à augmenter la notoriété et la promotion de Grand-Pré, mais surtout sa fréquentation par divers publics en étant présent dans les médias francophones et anglophones. Les marchés prioritaires sont ceux de la grande région de Halifax, de la Vallée et des Acadiens du Nouveau-Brunswick. Depuis deux ans, grâce au financement reçu de Parcs Canada et d'autre de bailleurs de fonds dans le cadre du Plan triennal, la Société embauche à contrat une relationniste auprès des médias qui est directement impliquée dans la promotion et la mise en marché en diffusant l'information auprès des médias. Les médias sont écrits, électroniques et Internet, publics, privés et communautaires, généraux et spécialisés.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Partenariat avec Radio-Canada - HP	Clips promotionnels audio (radio) et vidéo (télé). Promotion en croisé entre la Société et Radio Canada - des pubs de Grand-Pré à Radio Canada d'une part, et la Société fait jouer Radio Canada dans la boutique pendant les émissions de musique acadienne d'autre part.	Du 15 juin au 15 août 2011	DG	10 000 \$  3e année du Plan triennal	Un clip audio et un clip vidéo jouent sur les ondes et à l'antenne de RDI quotidiennement	<ul style="list-style-type: none"> <li>Nombre de fois que les clips passent en ondes</li> <li>Qualité des clips</li> <li>Réactions du public</li> </ul>	À faire
2. Partenariats avec les radios communautaires de la N-É et du N-B - HP	Pubs et annonces publiques.	Printemps et été 2011	DG	??? \$  3e année du Plan triennal	Des pubs par mois à travers les Provinces Maritimes pendant les mois de juin, juillet et août	<ul style="list-style-type: none"> <li>Nombre de pubs</li> <li>Qualité des pubs</li> <li>Réactions du public</li> </ul>	À faire

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<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
3. Achat de publicité - HP	Annonces dans les guides touristiques (Du rêve à la réalité, Doers & Dreamers; Atlantic Travel Planner; Destination Southwest Nova Scotia; Bay of Fundy; Travel Guide Canada) et dans les hebdomadaires et quotidiens des Maritimes (Le Courrier de la Nouvelle-Écosse, Kentville Advertiser, Chronicle Herald, La Voix acadienne, Acadie Nouvelle).	Printemps et été 2011	DG	12 000 \$  3e année du Plan triennal	Une pub dans les 6 guides touristiques les mieux cotés dans les Maritimes et au Canada; des annonces dans les hebdomos et les quotidiens à travers les Provinces Maritimes pendant les mois de juin, juillet et août	<ul style="list-style-type: none"> <li>• Nombre de pubs et annonces</li> <li>• Qualité des pubs et annonces</li> <li>• Réactions du public</li> </ul>	À faire
4. Contrat avec agent de communication - HP	Embaucher à contrat un agent de communication : Responsabilités - travailler en collaboration avec le ministère du Tourisme pour organiser les Fam Tours; rédiger des communiqués de presse et des idées d'histoires sur tout ce qui se passe à Grand-Pré et davantage axé sur les activités et la programmation afin de susciter un intérêt pour la visite et augmenter la fréquentation; solliciter des entrevues (radio ou télé), à stimuler l'intérêt des journalistes et des pigistes à écrire sur Grand-Pré.	Printemps et été 2011	DG	12 500 \$  3e année du Plan triennal	Des tournées de familiarization organisées; des communiqués de presse; des entrevues à la radio et à la television pour parler de la programmation et des événements spéciaux à Grand-Pré	<ul style="list-style-type: none"> <li>• Nombre de visites de familiarisation</li> <li>• Nombre de communiqués de presse</li> <li>• Nombres d'articles dans les journaux</li> <li>• Nombre d'entrevues</li> <li>• Augmentation de la fréquentation</li> </ul>	À faire

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## 5.2 Piloter des nouveaux tours

**État de la situation :** La Société a reçu du financement en 2009-2010 pour la création de panneaux d'interprétation du paysage culturel de Grand-Pré, projet qu'elle a réalisé en partenariat avec Parcs Canada. La Société a également reçu du financement pour rétablir la forge. Parcs Canada et la Société ont collaboré pour la création de la pièce La p'tite vie d'autrefois à Grand-Pré en 2009 et en 2010. La Société a contribué en faisant des demandes de bourses pour les étudiants et la demande d'une subvention dans le cadre du Plan triennal.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Collaborer à l'interprétation du paysage de Grand-Pré par l'entremise du sentier - HP	La construction de panneaux d'interprétation pour interpréter le paysage le long du sentier qui relie l'église, la propriété triangulaire et les nouveaux champs.	Été et automne 2011	DG	20 000 \$  3e année du Plan triennal	Un plus grand nombre de visiteurs au lieu historique que l'année précédente	<ul style="list-style-type: none"> <li>• Satisfaction des visiteurs qui empruntent le sentier</li> <li>• Réactions du public</li> </ul>	À faire
2. Création d'au moins 5 nouveaux modules pour le guide auditif pour interpréter le lieu historique par GPS - HP	Les visiteurs peuvent louer (?) un guide auditif qui interprète le lieu historique par GPS. Lorsque le visiteur arrive à un endroit donné, le guide auditif s'active et présente des textes, des photos et des vidéos clips pour interpréter l'endroit.	Avant le 1 <sup>er</sup> mars 2012	DG	5 000 \$  3e année du Plan triennal	Au moins 5 nouveaux modules d'interprétation du lieu historique pour le guide auditif par GPS sont créés; les visiteurs louent (?) les guides auditifs pour faire une visite du lieu	<ul style="list-style-type: none"> <li>• Le nombre de modules créés</li> <li>• Qualité des modules</li> <li>• Réactions du public</li> </ul>	À faire

## 5.3 Créer 5 modes de tourisme expérientiel/sensuel

**État de la situation :** En 2010-2011, la Société a reçu du financement dans le Plan triennal pour la création d'un guide auditif pour interpréter le lieu historique par GPS et pour la production de 5 modules; le guide auditif sera disponible pour la saison 2011.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Les goûts (vignobles, restaurants) - BP	À explorer.	À venir					À venir

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<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
2. Les touchers (sentiers, aboiteaux) - BP	À explorer.	À venir					À venir
3. La vue (Baie de Fundy, ses oiseaux, son écologie; les Arts visuels) - BP	À explorer.	À venir					À venir
4. L'ouïe (festival, musique, théâtre) - BP	À explorer.	À venir					À venir
5. L'odorat (pain de la ferme Acadienne, forge) - BP	À explorer.	À venir					À venir

#### 5.4 Développer un site archéologique

**État de la situation :** Les fouilles archéologiques à Grand-Pré ont permis de découvrir des vestiges de deux habitations acadiennes dans la propriété triangulaire.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Développer un site archéologique à partir des fondations des deux habitations acadiennes dans la propriété triangulaire - BP	Il existe des vestiges de deux habitations acadiennes dans la propriété triangulaire. Le souhait est d'exposer les fondations de la première près du potager et de reconstruire la seconde au complet, avec sa ferme, et de monter un programme d'interprétation de la vie au dix-huitième siècle dans la Grande Prée (Voir 2.1.2.)	À venir					À venir

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## 5.5 Maintenir le site web à jour/Créer des nouveaux portails au besoin

**État de la situation :** Depuis novembre 2009, la Société a un nouveau site Web, grâce à une subvention des bailleurs de fonds du Développement économique Nouvelle-Écosse et de l'APÉCA.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Créer une nouvelle catégorie sur le site Web de la Société pour mettre en valeur l'art à Grand-Pré - HP	Le nouveau portail sur le site Web mettra en valeur l'art à Grand-Pré et attirera l'attention sur les programmes d'artistes en résidence et d'artistes émergents.	Novembre 2011 à mars 2012	DG	Inclus dans le budget	Le lieu historique est mieux connu par le public	<ul style="list-style-type: none"> <li>Nombre de frappes</li> </ul>	À faire

## Objectif 6 : Identifier et réaliser d'autres aspirations au nom de la communauté acadienne

### 6.1 Équipe d'archéologues avec laboratoire d'archéologie

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Équipe d'archéologues avec laboratoire d'archéologie - BP	À explorer.	À venir					À venir

### 6.2 Salle d'exposition avec les vestiges acadiens reliés à l'histoire

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Salle d'exposition avec les vestiges acadiens reliés à l'histoire - BP	À explorer.	À venir					À venir

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### 6.3 Herbes médicinales

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Herbes médicinales - BP	À explorer.	À venir					À venir

### 6.4 Mets acadiens (casse-croûte)

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Mets acadiens (casse-croûte) - BP	À explorer.	À venir					À venir

## Objectif 7 : Annuellement, évaluer la programmation et mettre à jour le plan stratégique

### 7.1 Évaluer la programmation

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Annuellement, évaluer la programmation - HPA	Le comité de la Programmation des activités spéciales (PAS) se rencontre par téléconférence pour examiner et évaluer les activités de la saison et identifient les améliorations à apporter à la programmation pour l'année suivante.	Avant le 31 octobre 2011	DG avec comité de la PAS	Inclus dans le budget  Coûts de la téléconf.	Une croissance du nombre d'Acadiens et autres visiteurs à Grand-Pré; une gouvernance efficace et une programmation intéressante	<ul style="list-style-type: none"> <li>• Statistiques</li> <li>• Compte-rendu de la réunion du comité de la PAS</li> </ul>	À faire

7.2 Mettre à jour le document de planification stratégique

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Identifier des nouveaux projets et de nouvelles activités - HPA	Le Conseil d'administration reprend le document de planification stratégique et le refait pour les trois prochaines années, ce qui inclut le plan d'action pour la première année du plan triennal.	Automne 2011	CA; BD; DG	Inclus dans le budget  Coûts associés à une réunion du CA	Les objectifs de la Société sont reflétés dans le document de planification stratégique	<ul style="list-style-type: none"> <li>• Nombre d'objectifs réalisés</li> <li>• Qualité de satisfaction des membres du CA</li> </ul>	À faire

**(Revenus anticipés)/Dépenses anticipées des activités - Sommaire**

<b>Activités</b>	<b>(REVENUS)</b>	<b>Plan Triennal</b>	<b>- Autre -</b>
1.1.1. Partenariat avec Parcs Canada pour la mise en valeur du lieu historique - HPA			En nature
1.1.2. Partenariat avec les associations d'artistes de la diaspora acadienne - HPA	(1 500 \$)		
1.1.3. Partenariat avec les associations de la diaspora acadienne (DVD) - HPA	(2 000 \$)		
1.1.4. Villes/villages à l'honneur à Grand-Pré - HPA			En nature
1.1.5. Partenariat avec la SNA et la FANE - HPA		1 000 \$	
1.1.6. Représentation - Visites promotionnelles des communautés acadiennes - HPA		10 000 \$	
1.1.7. Participer au Grand-Réveil acadien en Louisiane - HP		7 000 \$	
1.1.8. Partenariat avec le Congrès mondial acadien - MP		3 000 \$	
1.1.9. Partenariat avec la Citadelle d'Halifax - MP		2 000 \$	
1.1.10. Partenariat avec le Pays de la Sagouine (échange de produits) - BP	(500 \$)	500 \$	
1.2.1. Jumelage avec St-Isidore - HP		1 500 \$	
2.1.1. Maintien de la pièce de théâtre - création d'une deuxième pièce - HP	(25 000 \$)	12 000 \$	
2.1.2. Création d'un programme public de fouilles archéologiques - HP	(20 000 \$)		
2.1.3. Identifier d'autres sources de financement à l'intérieur de Parcs Canada pour promotion et marketing - HP	(À déterminer)		
2.1.4. Ajouter un deuxième présentoir d'artefacts trouvés à Grand-Pré - HP		2 000 \$	
2.1.5. Créer une campagne de financement en vue d'une fondation de 10 000 000 \$ - HP	À venir en 2015		
2.1.6 Développer un site archéologique à partir des fondations des deux habitations acadiennes - BP			À venir
3.1.1. Réalisation de notre mission - HPA			Inclus dans le budget
3.1.2. Atteinte de nos objectifs - HPA			Inclus dans le budget
4.1.1. Promotion du projet de nomination UNESCO auprès des Acadiens - HP			En nature
4.1.2 Appuyer la préparation de la visite du comité d'évaluation de l'UNESCO - HP			En nature
5.1.1. Partenariat avec Radio-Canada - HP		10 000 \$	Promotion en croisé
5.1.2 Partenariats avec les radios communautaires de la N-É et du N-B - HP		À déterminer	
5.1.3 Achat de publicité - HP		12 000 \$	
5.1.4. Contrat avec agent de communication - HP		12 500 \$	
5.2.1. Collaborer à l'interprétation du paysage de Grand-Pré par l'entremise du sentier - HP		20 000 \$	
5.2.2 Licence et création de 5 modules pour le guide auditif pour interpréter le lieu historique par GPS - HP	Location (1 500 \$)	8 400 \$	
5.4.1 Développer un site archéologique à partir des fondations des deux habitations acadiennes - BP			À venir
5.5.1. Créer une nouvelle catégorie sur le site Web de la Société pour mettre en valeur l'art à Grand-Pré - HP			Inclus dans le budget
7.1.1 Annuellement, évaluer la programmation - HPA			Inclus dans le budget
7.2.1 Identifier des nouveaux projets et de nouvelles activités - HPA			Inclus dans le budget
<b>TOTAL :</b>	<b>(50 500 \$)</b>	<b>101 900 \$ +</b>	

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# PLAN D'ACTION 2012-2013



## Objectif 1 : Créer des partenariats

### 1.1 Maintenir et/ou créer des partenariats

**État de la situation :** La Société Promotion Grand-Pré a créé plusieurs partenariats depuis sa fondation en 1998 : la Société Nationale de l'Acadie; la Fédération de la Nouvelle-Écosse; Parcs Canada; les Amis de Grand-Pré; Kings RDA; la CTACA; DSWNS; les ministères provinciaux du Développement économique et du Tourisme, Culture et Patrimoine; les ministères fédéraux de l'APÉCA et du Patrimoine canadien; les commerçants locaux; les communautés de la diaspora acadienne; la coopérative d'artistes Évangéline; les lieux historiques nationaux du Monument Lefebvre et de Fort Anne/Port Royal; le comité consultatif Inscription Grand-Pré; Congrès mondial acadien.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Partenariat avec Parcs Canada pour la mise en valeur du lieu historique - HPA	La mise en valeur du lieu historique comprend la programmation, l'interprétation et la livraison des programmes et services aux clientèles (visiteurs, groupes, écoles, etc.).	Tout au long de l'année	DG avec PM3 de PC et experts de PC	En nature	Une programmation pertinente et des services d'interprétation expérientiels aux clientèles Une bonne collaboration avec les experts de Parcs Canada	<ul style="list-style-type: none"> <li>• Les clientèles sont satisfaites</li> <li>• Les ressources pour la livraison des programmes et services</li> </ul>	À faire
2. Partenariat avec les associations d'artistes Acadiens des provinces atlantiques - HPA	En partenariat avec les associations d'artistes de la diaspora acadienne (AADA) et la Coopérative d'artistes Évangéline (CAE), choisir par juré 2 ou 3 artistes pour faire une résidence de trois semaines chacun l'été, et 5 artistes émergents qui montrent leurs œuvres dans la galerie d'art pour une période de 5 semaines à l'automne.	Artistes en résidence : 1 <sup>er</sup> juillet au 1 <sup>er</sup> septembre; artistes émergents : 2 septembre au 15 octobre	DG	(1 000 à 1 500 \$)	2 ou 3 artistes en résidence 5 artistes émergents	<ul style="list-style-type: none"> <li>• Nombre d'artistes en résidence</li> <li>• Nombre d'artiste émergents</li> <li>• Qualité des œuvres</li> <li>• Réactions du public</li> </ul>	À faire
3. Partenariat avec les associations de la diaspora acadienne - HPA	Vente de DVDs comme prélèvement de fonds.	Tout au long de l'année 2012-2013	DG	(2 000 \$)	Création de nouveaux partenariats	<ul style="list-style-type: none"> <li>• Nombre de partenariats</li> </ul>	À faire

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<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
4. Villes/villages à l'honneur à Grand-Pré - HPA	Inviter les citoyens de _____ et de _____ pour venir à Grand-Pré pendant les Journées acadiennes; ils apportent un artiste local et la Société leur offre chacun trois tentes 10 x 20 sans frais, et promeut leur présence à Grand-Pré.	Le 22 juillet 2012	DG; AC	(2 000 \$)  en nature pour l'artiste	Les citoyens de _____ et de _____ sont présents à Grand-Pré le 22 juillet 2012	<ul style="list-style-type: none"> <li>• Nombre de citoyens de _____ et de _____ présents à Grand-Pré le 22 juillet 2012</li> </ul>	À faire
5. Partenariat avec la SNA et la FANE - HPA	Depuis 2010, la Société Promotion Grand-Pré, la SNA et la FANE organisent la cérémonie de dépôt de fleurs à la Croix de la Déportation pour marquer la journée commémorative de la Proclamation royale de la Déportation, en collaboration avec des représentants des diverses communautés.	Le 28 juillet 2012	P; DG	Inclus dans le budget  Déplacements du P et du V-P; bouquet de fleurs	Un rapprochement de la communauté acadienne avec les autres communautés	<ul style="list-style-type: none"> <li>• Le nombre de représentants des communautés à la cérémonie</li> <li>• Couverture médiatique</li> </ul>	En cours
6. Représentation - Visites promotionnelles - HPA	Selon la vision de la Société Promotion Grand-Pré, le lieu historique national du Canada de Grand-Pré doit être reconnu comme le centre mondial de la commémoration des déportations du peuple acadien. Pour ce faire, il est essentiel que la Société soit présente dans les communautés acadiennes.	Tout au long de l'année	P; DG	12 000 \$	Un plus grand nombre d'Acadiens de la grande diaspora visitent Grand-Pré	<ul style="list-style-type: none"> <li>• Le nombre accru d'Acadiens de la grande diaspora qui visitent Grand-Pré</li> </ul>	En cours
7. Partenariat avec le Congrès mondial acadien - HP	Il est essentiel que la Société Promotion Grand-Pré soit impliquée étroitement avec le CMA, et ce sur une base continue; la direction générale a été invitée à siéger sur le comité organisateur du CMA 2014.	Tout au long de l'année	DG	4 000 \$	La Société Promotion Grand-Pré participe aux réunions du comité organisateur du Congrès mondial acadien 2014	<ul style="list-style-type: none"> <li>• Le nombre de réunions</li> <li>• Le nombre de partenariats avec les organismes acadiens</li> </ul>	À faire

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## Objectif 2 : Développer des ententes avec bailleurs de fonds

### 2.1 Développer des ententes avec des bailleurs de fonds

**État de la situation :** La Société Promotion Grand-Pré a créé plusieurs partenariats avec des bailleurs de fonds depuis sa fondation en 1998 : la Fondation Tauck; l'Assomption Vie; le ministère de Développement économique de la N.-É.; le ministère du Tourisme, Culture et Patrimoine de la N.-É.; Patrimoine canadien; l'APÉCA.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Maintien de la pièce de théâtre - HPA	Identifier et convaincre un bailleur de fonds de faire un don pour la pièce de théâtre; un panneau publicitaire pour remercier le bienfaiteur est placé à un endroit stratégique.	Juillet et août 2012	DG	(20 000 \$)	La pièce de théâtre est présentée à Grand-Pré	<ul style="list-style-type: none"> <li>Le nombre de visiteurs qui voient a pièce</li> <li>Réactions du public</li> </ul>	A faire
2. Maintien du programme public de fouilles archéologiques - HP	Identifier et convaincre un bailleur de fonds de faire un don pour le programme public de fouilles archéologiques. Un panneau publicitaire pour remercier le bienfaiteur est placé près des fouilles.	Juillet 2012	P; DG	(20 000 \$)	Un programme permanent de fouilles archéologiques à Grand-Pré pour le public appuyé par Parcs Canada	<ul style="list-style-type: none"> <li>Nombre de participants; commentaires des participants sur la feuille d'évaluation</li> </ul>	A faire
3. Identifier d'autres sources de financement à l'intérieur de Parcs Canada pour la promotion et le Marketing - HP	Inciter Parcs Canada à trouver de nouvelles sources de financement à l'interne pour appuyer la Société dans ses activités de promotion et de marketing de Grand-Pré.	Tout au long de l'année	CA; BD; DG	À déterminer	Des ressources financières additionnelles provenant de Parcs Canada pour faire la promotion et le marketing du lieu historique national de Grand-Pré	<ul style="list-style-type: none"> <li>Le montant des ressources financières additionnelles provenant de Parcs Canada pour faire la promotion et le marketing du lieu historique national de Grand-Pré</li> </ul>	À faire
4. Campagne de financement en vue d'une fondation pour assurer la pérennité de la Société et du projet UNESCO - HP	Le comité poursuit son travail.	La campagne se termine le 15 août 2015	CA; BD; DG; Comité ad hoc	10 millions	Un fonds permanent qui assure la pérennité de la Société et du projet UNESCO	<ul style="list-style-type: none"> <li>Un fonds de 10 000 000 \$ en 2015</li> </ul>	À faire

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<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
5. Développer un site archéologique à partir des fondations des deux habitations acadiennes dans la propriété triangulaire - BP	Il existe des vestiges de deux habitations acadiennes dans la propriété triangulaire. Le souhait est d'exposer les fondations de la première près du potager et de reconstruire la seconde au complet, avec sa ferme, et de monter un programme d'interprétation de la vie au dix-huitième siècle dans la Grande Prée. Identifier et convaincre un ou plusieurs bailleurs de fonds de faire un don envers ce projet. Un panneau publicitaire pour remercier le(s) bienfaiteur(s) est placé près des habitations.	À venir					À venir

### 3 : Élaborer un système de gouvernance

#### 3.1 Identifier d'autres avenues de collaboration avec Parcs Canada

**État de la situation :** Travailler en collaboration avec Parcs Canada pour mettre en vigueur les clauses de l'entente de gestion partagée à partir du 1<sup>er</sup> avril 2011.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Réalisation de notre mission - HPA	À la fin de cette première année de collaboration avec Parcs Canada pour la gestion partagée du lieu historique, le Conseil d'administration réfléchit sur la réalisation la mission de la Société Promotion Grand-Pré.	Janvier-mars 2012	CA; BD; DG	Inclus dans le budget  Coûts associés à une réunion du CA	Évaluation de la situation et partage avec Parcs Canada des résultats	<ul style="list-style-type: none"> <li>• Une session de réflexion a eu lieu</li> <li>• Les résultats sont partagés avec Parcs Canada</li> </ul>	À faire

Légende : CA - Conseil d'administration; BD - Bureau de direction; P - présidence; V-P - Vice-présidence; DG - direction générale; PC - Parcs Canada; AC - agent de communication; PM3 – Chef guide;

HPA/HP/MP/BP - priorités : haute priorité annuelle/haute priorité/moyenne priorité/basse priorité; \$/(%) = dépenses/(revenus).

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<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
2. Atteinte de nos objectifs - HPA	À la fin de cette première année de collaboration avec Parcs Canada pour la gestion partagée du lieu historique, le Conseil d'administration réfléchit sur l'atteinte des objectifs de la Société Promotion Grand-Pré.	Janvier-mars 2012	CA; BD; DG	Inclus dans le budget  Coûts associés à une réunion du CA	Évaluation de la situation et partage avec Parcs Canada des résultats	<ul style="list-style-type: none"> <li>• Une session de réflexion a eu lieu</li> <li>• Les résultats sont partagés avec Parcs Canada</li> </ul>	À faire

#### Objectif 4 : Contribuer à l'inscription de l'UNESCO (?)

##### 4.1 Contribuer à l'inscription de Grand-Pré comme site du patrimoine mondial avec l'UNESCO

**État de la situation :** La Société Promotion Grand-Pré est représentée sur le Conseil consultatif pour l'inscription de Grand-Pré par la présidence, et la vice-présidence a été nommée par la SNA pour représenter la communauté acadienne.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Promotion du projet de nomination UNESCO auprès des Acadiens - HP	Continuer dans la mesure du besoin notre appui envers le projet.	Avril à juillet	P; V-P; DG	En nature	Les Acadiens se sentent interpellés par le projet de nomination UNESCO	<ul style="list-style-type: none"> <li>• Le nombre de réunions auxquelles ont assisté le président, le vice-président et la direction générale</li> <li>• Le nombre d'événements dans la communauté acadienne où la nomination est mentionnée</li> <li>• Le nombre de fois que les médias parlent du projet de nomination</li> </ul>	À faire

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<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
2. Contribuer à la célébration de l'inscription comme site du patrimoine mondial de l'UNESCO - HP	Lorsque l'UNESCO aura inscrit Grand-Pré sur la liste des sites du patrimoine mondial, une fête sera organisée pour célébrer l'événement l'année suivant la nomination.	Juillet 2012 à juillet 2013	P; V-P; DG	En nature	Les Acadiens viennent à la fête de célébration en grand nombre	<ul style="list-style-type: none"> <li>Le nombre d'Acadiens présents à la fête de célébration</li> </ul>	À faire

## Objectif 5 : Créer des activités médiatiques promotionnelles et des modes expérientiels

### 5.1 Concentrer nos efforts sur le marketing et la promotion

**État de la situation :** La Société Promotion Grand-Pré souhaite continuer à augmenter la notoriété et la promotion de Grand-Pré, mais surtout sa fréquentation par divers publics en étant présent dans les médias francophones et anglophones. Les marchés prioritaires sont ceux de la grande région de Halifax, de la Vallée et des Acadiens du Nouveau-Brunswick. Depuis deux ans, grâce au financement reçu de Parcs Canada et d'autre de bailleurs de fonds dans le cadre du Plan triennal, la Société embauche à contrat une relationniste auprès des médias qui est directement impliquée dans la promotion et la mise en marché en diffusant l'information auprès des médias. Les médias sont écrits, électroniques et Internet, publics, privés et communautaires, généraux et spécialisés.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Partenariat avec Radio-Canada - HP	Promotion en croisé entre la Société et Radio Canada - des pubs de Grand-Pré à Radio Canada d'une part, et la Société fait jouer Radio Canada dans la boutique pendant les émissions de musique acadienne d'autre part.	Du 15 juin au 15 août 2012	DG	0 \$	Un clip audio et un clip vidéo jouent les sur les ondes et à l'antenne de RDI quotidiennement	<ul style="list-style-type: none"> <li>Nombre de fois que les clips passent en ondes</li> <li>Qualité des clips</li> <li>Réactions du public</li> </ul>	À faire

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
2. Partenariats avec les radios communautaires de la N-É et du N-B - HP	Pubs et annonces publiques.	Printemps et été 2012	DG	En nature	Des pubs par mois à travers les Provinces Maritimes pendant les mois de juin, juillet et août	<ul style="list-style-type: none"> <li>• Nombre de pubs</li> <li>• Qualité des pubs</li> <li>• Réactions du public</li> </ul>	À faire
3. Achat de publicité - HP	Annonces dans les guides touristiques (Du rêve à la réalité, Doers & Dreamers; Atlantic Travel Planner; Destination Southwest Nova Scotia; Bay of Fundy; Travel Guide Canada) et dans les hebdomadaires et quotidiens des Maritimes (Le Courrier de la Nouvelle-Écosse, Kentville Advertiser, Chronicle Herald, La Voix acadienne, Acadie Nouvelle).	Printemps et été 2012	DG	12 000 \$	Une pub dans les 6 guides touristiques les mieux cotés dans les Maritimes et au Canada; des annonces dans les hebdomadaires et les quotidiens à travers les Provinces Maritimes pendant les mois de juin, juillet et août	<ul style="list-style-type: none"> <li>• Nombre de pubs et annonces</li> <li>• Qualité des pubs et annonces</li> <li>• Réactions du public</li> </ul>	À faire
4. Contrat avec agent de communication - HP	Embaucher à contrat un agent de communication : Responsabilités - travailler en collaboration avec le ministère du Tourisme pour organiser les Fam Tours; rédiger des communiqués de presse et des idées d'histoires sur tout ce qui se passe à Grand-Pré et davantage axé sur les activités et la programmation afin de susciter un intérêt pour la visite et augmenter la fréquentation; solliciter des entrevues (radio ou télé), à stimuler l'intérêt des journalistes et des pigistes à écrire sur Grand-Pré.	Printemps et été 2012	DG	12 500 \$	Des tournées de familiarization organisées; des communiqués de presse; des entrevues à la radio et à la télévision pour parler de la programmation et des événements spéciaux à Grand-Pré	<ul style="list-style-type: none"> <li>• Nombre de visites Fam</li> <li>• Nombre de communiqués de presse</li> <li>• Nombres d'articles dans les journaux</li> <li>• Nombre d'entrevues</li> <li>• Augmentation de la fréquentation</li> </ul>	À faire

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## 5.2 Piloter des nouveaux tours

**État de la situation :** La Société a reçu du financement en 2009-2010 pour la création de panneaux d'interprétation du paysage culturel de Grand-Pré, projet qu'elle a réalisé en partenariat avec Parcs Canada. La Société a également reçu du financement pour rétablir la forge. Parcs Canada et la Société ont collaboré pour la création de la pièce La p'tite vie d'autrefois à Grand-Pré en 2009 et en 2010. La Société a contribué en faisant des demandes de bourses pour les étudiants et la demande d'une subvention dans le cadre du Plan triennal.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Licence annuelle pour le logiciel pour le guide auditif pour interpréter le lieu historique par GPS - HP	Les visiteurs peuvent louer (?) un guide auditif qui interprète le lieu historique par GPS. Lorsque le visiteur arrive à un endroit donné, le guide auditif s'active et présente des textes, des photos et des vidéos clips pour interpréter l'endroit.	Avant le 1 <sup>er</sup> mars 2013	DG	3 400 \$	Les visiteurs louent (?) les guides auditifs pour faire une visite du lieu	<ul style="list-style-type: none"> <li>• Nombre de locations</li> <li>• Réactions du public</li> </ul>	À faire

## 5.3 Créer 5 modes de tourisme expérientiel/sensuel

**État de la situation :** En 2010-2011, la Société a reçu du financement dans le Plan triennal pour la création d'un guide auditif pour interpréter le lieu historique par GPS et pour la production de 5 modules; le guide auditif sera disponible pour la saison 2011.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Les goûts (vignobles, restaurants) - BP		À venir					À venir
2. Les touchers (sentiers, aboiteaux) - BP		À venir					À venir
3. La vue (Baie de Fundy, ses oiseaux, son écologie ; les Arts visuels) - BP		À venir					À venir

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<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
4. L'ouïe (festival, musique, théâtre) - BP		À venir					À venir
5. L'odorat (pain de la ferme Acadienne, forge) - BP		À venir					À venir

#### 5.4 Développer un site archéologique

**État de la situation :** Les fouilles archéologiques à Grand-Pré ont permis de découvrir des vestiges de deux habitations acadiennes dans la propriété triangulaire.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Développer un site archéologique à partir des fondations des deux habitations acadiennes dans la propriété triangulaire - BP	Il existe des vestiges de deux habitations acadiennes dans la propriété triangulaire. Le souhait est d'exposer les fondations de la première près du potager et de reconstruire la seconde au complet, avec sa ferme, et de monter un programme d'interprétation de la vie au dix-huitième siècle dans la Grande Pré.	À venir					À venir

5.5 Maintenir le site web à jour/Créer des nouveaux portails au besoin

**État de la situation :** Depuis novembre 2009, la Société a un nouveau site Web, grâce à une subvention des bailleurs de fonds du Développement économique Nouvelle-Écosse et de l'APÉCA.

<u>Activités</u>	Comment ou quoi?	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Créer des nouvelles pages à déterminer sur le site Web de la Société - HP		Novembre 2012 à mars 2013					À venir

**Objectif 6 : Identifier et réaliser d'autres aspirations au nom de la communauté acadienne**

6.1 Équipe d'archéologues avec laboratoire d'archéologie

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Équipe d'archéologues avec laboratoire d'archéologie - BP		À venir					À venir

6.2 Salle d'exposition avec les vestiges acadiens reliés à l'histoire

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Salle d'exposition avec les vestiges acadiens reliés à l'histoire - BP		À venir					À venir

### 6.3 Herbes médicinales

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Herbes médicinales - BP		À venir					À venir

### 6.4 Mets acadiens (casse-croûte)

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Mets acadiens (casse-croûte) - BP		À venir					À venir

## Objectif 7 : Annuellement, évaluer la programmation et mettre à jour le plan stratégique

### 7.1 Évaluer la programmation

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Annuellement, évaluer la programmation - HPA	Le comité de la Programmation des activités spéciales (PAS) se rencontre par téléconférence pour examiner et évaluer les activités de la saison et identifient les améliorations à apporter à la programmation pour l'année suivante.	Avant le 31 octobre 2012	DG avec comité de la PAS	Inclus dans le budget  Coûts de la téléconf.	Une croissance du nombre d'Acadiens et autres visiteurs à Grand-Pré; une gouvernance efficace et une programmation intéressante	<ul style="list-style-type: none"> <li>• Statistiques</li> <li>• Compte-rendu de la réunion du comité de la PAS</li> </ul>	À faire

7.2 Mettre à jour le document de planification stratégique

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Identifier des nouveaux projets et de nouvelles activités - HPA	Le Conseil d'administration reprend le document de planification stratégique et le refait pour les trois prochaines années, ce qui inclut le plan d'action pour la première année du plan triennal.	Automne 2012	CA; BD; DG	Inclus dans le budget  Coûts associés à une réunion du CA	Les objectifs de la Société sont reflétés dans le document de planification stratégique	<ul style="list-style-type: none"> <li>• Nombre d'objectifs réalisés</li> <li>• Qualité de satisfaction des membres du CA</li> </ul>	À faire

**(Revenus anticipés)/Dépenses anticipées des activités - Sommaire**

<u>Activités</u>	<b>(REVENUS)</b>	<b>???</b>	<b>- Autre -</b>
1.1.1. Partenariat avec Parcs Canada pour la mise en valeur du lieu historique - HPA			En nature
1.1.2. Partenariat avec les associations d'artistes de la diaspora acadienne - HPA	(1 500 \$)		
1.1.3. Partenariat avec les associations de la diaspora acadienne (DVD) - HPA	(2 000 \$)		
1.1.4. Villes/villages à l'honneur à Grand-Pré - HPA			En nature
1.1.5. Partenariat avec la SNA et la FANE - HPA		1 000 \$	
1.1.6. Représentation - Visites promotionnelles des communautés acadiennes- HPA		12 000 \$	
1.1.7. Partenariat avec le Congrès mondial acadien - HP		3 000 \$	
2.1.1. Maintien de la pièce de théâtre - HPA	(20 000 \$)	12 000 \$	
2.1.2. Création d'un programme public de fouilles archéologiques - HP	(20 000 \$)		
2.1.3. Identifier d'autres sources de financement à l'intérieur de Parcs Canada pour promotion et marketing - HP	(À déterminer)		
2.1.4. Maintenir la campagne de financement en vue d'une fondation de 10 000 000 \$ - HP	À venir en 2015		
2.1.5. Développer un site archéologique à partir des fondations des deux habitations acadiennes - BP			À venir
3.1.1. Réalisation de notre mission - HPA			Inclus dans le budget
3.1.2. Atteinte de nos objectifs - HPA			Inclus dans le budget
4.1.1. Promotion du projet de nomination UNESCO auprès des Acadiens - HP			En nature
4.1.2. Aider à la préparation de la célébration de l'inscription comme site du patrimoine mondial de l'UNESCO - HP			En nature
5.1.1. Partenariat avec Radio-Canada - HP			Promotion en croisé
5.1.2. Partenariats avec les radios communautaires de la N-É et du N-B - HP		À déterminer	
5.1.3. Achat de publicité - HP		12 000 \$	
5.1.4. Contrat avec agent de communication - HP		12 500 \$	
5.2.1. Licence annuelle pour le logiciel pour le guide auditif pour interpréter le lieu historique par GPS - HP	Location (1 500 \$)	3 400 \$	
5.4.1. Développer un site archéologique à partir des fondations des deux habitations acadiennes - BP			À venir
5.5.1. Créer des nouvelles pages à déterminer sur le site Web de la Société - HP			Inclus dans le budget
7.1.1. Annuellement, évaluer la programmation - HPA			Inclus dans le budget
7.2.1. Identifier des nouveaux projets et de nouvelles activités - HPA			Inclus dans le budget
<b>TOTAL :</b>	<b>(45 000 \$)</b>	<b>55 900 \$ +</b>	

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# PLAN D'ACTION 2013-2014



## Objectif 1 : Créer des partenariats

### 1.1 Maintenir et/ou créer des partenariats

**État de la situation :** La Société Promotion Grand-Pré a créé plusieurs partenariats depuis sa fondation en 1998 : la Société Nationale de l'Acadie; la Fédération de la Nouvelle-Écosse; Parcs Canada; les Amis de Grand-Pré; Kings RDA; la CTACA; DSWNS; les ministères provinciaux du Développement économique et du Tourisme, Culture et Patrimoine; les ministères fédéraux de l'APÉCA et du Patrimoine canadien; les commerçants locaux; les communautés de la diaspora acadienne; la coopérative d'artistes Évangéline; les lieux historiques nationaux du Monument Lefebvre et de Fort Anne/Port Royal; le comité consultatif Inscription Grand-Pré; Congrès mondial acadien.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Partenariat avec Parcs Canada pour la mise en valeur du lieu historique - HPA	La mise en valeur du lieu historique comprend la programmation, l'interprétation et la livraison des programmes et services aux clientèles (visiteurs, groupes, écoles, etc.).	Tout au long de l'année	DG avec PM3 de PC et experts de PC	En nature	Une programmation pertinente et des services d'interprétation expérientiels aux clientèles Une bonne collaboration avec les experts de Parcs Canada	<ul style="list-style-type: none"> <li>Les clientèles sont satisfaites</li> <li>Les ressources pour la livraison des programmes et services</li> </ul>	À venir
2. Partenariat avec les associations d'artistes Acadiens des provinces atlantiques - HPA	En partenariat avec les associations d'artistes de la diaspora acadienne (AADA) et la Coopérative d'artistes Évangéline (CAE), choisir par juré 2 ou 3 artistes pour faire une résidence de trois semaines chacun l'été, et 5 artistes émergents qui montrent leurs œuvres dans la galerie d'art pour une période de 5 semaines à l'automne.	Artistes en résidence : 1 <sup>er</sup> juillet au 1 <sup>er</sup> septembre; artistes émergents : 2 septembre au 15 octobre	DG	(1 000 à 1 500 \$)	2 ou 3 artistes en résidence 5 artistes émergents	<ul style="list-style-type: none"> <li>Nombre d'artistes en résidence</li> <li>Nombre d'artiste émergents</li> <li>Qualité des œuvres,</li> <li>Réactions du public</li> </ul>	À venir
3. Partenariat avec les associations de la diaspora acadienne - HPA	Vente de DVDs comme prélèvement de fonds.	Tout au long de l'année 2013-2014	DG	(2 000 \$)	Création de nouveaux partenariats	<ul style="list-style-type: none"> <li>Nombre de partenariats</li> </ul>	En cours

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<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
4. Villes/villages à l'honneur à Grand-Pré - HP	Inviter les citoyens de _____ et de _____ pour venir à Grand-Pré pendant les Journées acadiennes; ils apportent un artiste local et la Société leur offre chacun trois tentes 10 x 20 sans frais, et promeut leur présence à Grand-Pré.	Le 20 juillet 2013	DG; AC	(2 000 \$)  En nature pour l'artiste	Les citoyens de _____ et de _____ sont présents à Grand-Pré le 20 juillet 2013	<ul style="list-style-type: none"> <li>• Nombre de citoyens de _____ et de _____ présents à Grand-Pré le 20 juillet 2013</li> </ul>	À faire
5. Partenariat avec la SNA et la FANE - HPA	Depuis 2010, la Société Promotion Grand-Pré, la SNA et la FANE organisent la cérémonie de dépôt de fleurs à la Croix de la Déportation pour marquer la journée commémorative de la Proclamation royale de la Déportation, en collaboration avec des représentants des diverses communautés.	Le 28 juillet 2013	P; DG	Inclus dans le budget  Déplacements du P et du V-P; bouquet de fleurs	Un rapprochement de la communauté acadienne avec les autres communautés	<ul style="list-style-type: none"> <li>• Le nombre de représentants des communautés à la cérémonie</li> <li>• Couverture médiatique</li> </ul>	En cours
6. Représentation - Visites promotionnelles - HPA	Selon la vision de la Société Promotion Grand-Pré, le lieu historique national du Canada de Grand-Pré doit être reconnu comme le centre mondial de la commémoration des déportations du peuple acadien. Pour ce faire, il est essentiel que la Société soit présente dans les communautés acadiennes.	Tout au long de l'année	P; DG	12 000 \$	Un plus grand nombre d'Acadiens de la grande diaspora visitent Grand-Pré	<ul style="list-style-type: none"> <li>• Le nombre accru d'Acadiens de la grande diaspora qui visitent Grand-Pré</li> </ul>	En cours
7. Partenariat avec le Congrès mondial acadien - HP	Il est essentiel que la Société Promotion Grand-Pré soit impliquée étroitement avec le CMA, et ce sur une base continue; la direction générale a été invitée à siéger sur le comité organisateur du CMA 2014.	Tout au long de l'année	DG	4 000 \$	La Société Promotion Grand-Pré participe aux réunions du comité organisateur du Congrès mondial acadien 2014	<ul style="list-style-type: none"> <li>• Le nombre de réunions</li> <li>• Le nombre de partenariats avec les organismes acadiens</li> </ul>	En cours

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## Objectif 2 : Développer des ententes avec bailleurs de fonds

### 2.1 Développer des ententes avec des bailleurs de fonds

**État de la situation :** La Société Promotion Grand-Pré a créé plusieurs partenariats avec des bailleurs de fonds depuis sa fondation en 1998 : la Fondation Tauck; l'Assomption Vie; le ministère de Développement économique de la N.-É.; le ministère du Tourisme, Culture et Patrimoine de la N.-É.; Patrimoine canadien; l'APÉCA.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Maintien de la pièce de théâtre - HPA	Identifier et convaincre un bailleur de fonds de faire un don pour la pièce de théâtre; un panneau publicitaire pour remercier le bienfaiteur est placé à un endroit stratégique.	Juillet et août 2013	DG	(20 000 \$)	La pièce de théâtre est présentée à Grand-Pré	<ul style="list-style-type: none"> <li>Le nombre de visiteurs qui voient a pièce</li> <li>Réactions du public</li> </ul>	A faire
2. Maintien du programme public de fouilles archéologiques - HP	Identifier et convaincre un bailleur de fonds de faire un don pour le programme public de fouilles archéologiques. Un panneau publicitaire pour remercier le bienfaiteur est placé près des fouilles.	Juillet 2013	P; DG	(20 000 \$)	Un programme permanent de fouilles archéologiques à Grand-Pré pour le public appuyé par Parcs Canada	<ul style="list-style-type: none"> <li>Nombre de participants; commentaires des participants sur la feuille d'évaluation</li> </ul>	A faire
3. Identifier d'autres sources de financement à l'intérieur de Parcs Canada pour la promotion et le Marketing - HP	Inciter Parcs Canada à trouver de nouvelles sources de financement à l'interne pour appuyer la Société dans ses activités de promotion et de marketing de Grand-Pré.	Tout au long de l'année	CA; BD; DG	À déterminer	Des ressources financières additionnelles provenant de Parcs Canada pour faire la promotion et le marketing du lieu historique national de Grand-Pré	<ul style="list-style-type: none"> <li>Le montant des ressources financières additionnelles provenant de Parcs Canada pour faire la promotion et le marketing du lieu historique national de Grand-Pré</li> </ul>	À faire
4. Campagne de financement en vue d'une fondation pour assurer la pérennité de la Société et du projet UNESCO - HP	Le comité poursuit son travail.	La campagne se termine le 15 août 2015	CA; BD; DG; Comité ad hoc	10 millions	Un fonds permanent qui assure la pérennité de la Société et du projet UNESCO	<ul style="list-style-type: none"> <li>Un fonds de 10 000 000 \$ en 2015</li> </ul>	À faire

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<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
5. Développer un site archéologique à partir des fondations des deux habitations acadiennes dans la propriété triangulaire - BP	Il existe des vestiges de deux habitations acadiennes dans la propriété triangulaire. Le souhait est d'exposer les fondations de la première près du potager et de reconstruire la seconde au complet, avec sa ferme, et de monter un programme d'interprétation de la vie au dix-huitième siècle dans la Grande Prée. Identifier et convaincre un ou plusieurs bailleurs de fonds de faire un don envers ce projet. Un panneau publicitaire pour remercier le(s) bienfaiteur(s) est placé près des habitations.	À venir					À venir

### Objectif 3 : Élaborer un système de gouvernance

#### 3.1 Identifier d'autres avenues de collaboration avec Parcs Canada

**État de la situation :** Travailler en collaboration avec Parcs Canada pour mettre en vigueur les clauses de l'entente de gestion partagée à partir du 1<sup>er</sup> avril 2011.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Réalisation de notre mission - HPA	À la fin de cette deuxième année de collaboration avec Parcs Canada pour la gestion partagée du lieu historique, le Conseil d'administration réfléchit sur la réalisation la mission de la Société Promotion Grand-Pré.	Janvier-mars 2013	CA; BD; DG	Inclus dans le budget  Coûts associés à une réunion du CA	Évaluation de la situation et partage avec Parcs Canada des résultats	<ul style="list-style-type: none"> <li>• Une session de réflexion a eu lieu</li> <li>• Les résultats sont partagés avec Parcs Canada</li> </ul>	À faire

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
2. Atteinte de nos objectifs - HPA	À la fin de cette deuxième année de collaboration avec Parcs Canada pour la gestion partagée du lieu historique, le Conseil d'administration réfléchit sur l'atteinte des objectifs de la Société Promotion Grand-Pré.	Janvier-mars 2013	CA; BD; DG	Inclus dans le budget  Coûts associés à une réunion du CA	Évaluation de la situation et partage avec Parcs Canada des résultats	<ul style="list-style-type: none"> <li>• Une session de réflexion a eu lieu</li> <li>• Les résultats sont partagés avec Parcs Canada</li> </ul>	À faire

#### Objectif 4 : Contribuer à l'inscription de l'UNESCO (?)

##### 4.1 Contribuer à la désignation de Grand-Pré comme site du patrimoine mondial UNESCO

**État de la situation :** La Société Promotion Grand-Pré est représentée sur le Conseil consultatif pour l'inscription de Grand-Pré par la présidence, et la vice-présidence a été nommée par la SNA pour représenter la communauté acadienne.

Activités	Comment ou quoi?	Quand?	Qui?	Combien?	Résultats escomptés	• Critères de rendement	Statut
1. Collaborer à la préparation d'une fête pour célébrer la nomination UNESCO de Grand-Pré - HP	Collaborer avec le Comité de gérance de la nomination UNESCO, la SNA, la FANE et autres parties intéressées pour organiser une célébration de la désignation de Grand-Pré comme site du patrimoine mondial de l'UNESCO.	La date sera choisie par le Comité de gérance de la nomination UNESCO en 2013	P; V-P; BD; DG	30 000 \$	Une fête pour célébrer la nomination de Grand-Pré; les Acadiens viennent à la fête de célébration en grand nombre	<ul style="list-style-type: none"> <li>• Le nombre d'Acadiens présents à la fête de célébration</li> <li>• Le nombre total de participants à la fête de célébration</li> </ul>	À faire
2. Promotion du projet de l'UNESCO auprès des autres clientèles - HP	Faire la promotion de Grand-Pré comme site du patrimoine mondial auprès des canadiens et des citoyens d'autres pays pour les inciter à venir visiter le lieu historique.	Tout au long de l'année	P; V-P; DG	En nature	Les visiteurs de partout se sentent interpellés par une visite au lieu historique national de Grand-Pré - site du Patrimoine mondial avec l'UNESCO	<ul style="list-style-type: none"> <li>• Un plus grand nombre de visiteurs de partout visitent Grand-Pré</li> </ul>	À faire

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## Objectif 5 : Créer des activités médiatiques promotionnelles et des modes expérientiels

### 5.1 Concentrer nos efforts sur le marketing et la promotion

**État de la situation :** La Société Promotion Grand-Pré souhaite continuer à augmenter la notoriété et la promotion de Grand-Pré, mais surtout sa fréquentation par divers publics en étant présent dans les médias francophones et anglophones. Les marchés prioritaires sont ceux de la grande région de Halifax, de la Vallée et des Acadiens du Nouveau-Brunswick. Depuis deux ans, grâce au financement reçu de Parcs Canada et d'autre de bailleurs de fonds dans le cadre du Plan triennal, la Société embauche à contrat une relationniste auprès des médias qui est directement impliquée dans la promotion et la mise en marché en diffusant l'information auprès des médias. Les médias sont écrits, électroniques et Internet, publics, privés et communautaires, généraux et spécialisés.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Partenariat avec Radio-Canada - HP	Clips promotionnels audio (radio) et vidéo (télé). Promotion en croisé entre la Société et Radio Canada - des pubs de Grand-Pré à Radio Canada d'une part, et la Société fait jouer Radio Canada dans la boutique pendant les émissions de musique acadienne d'autre part.	Du 15 juin au 15 août 2011	DG	10 000 \$	Un clip audio et un clip vidéo jouent les sur les ondes et à l'antenne de RDI quotidiennement	<ul style="list-style-type: none"> <li>• Nombre de fois que les clips passent en ondes</li> <li>• Qualité des clips</li> <li>• Réactions du public</li> </ul>	À faire
2. Partenariats avec les radios communautaires de la N-É et du N-B - HP	Pubs et annonces publiques.	Printemps et été 2011	DG	??? \$	Des pubs par mois à travers les Provinces Maritimes pendant les mois de juin, juillet et août	<ul style="list-style-type: none"> <li>• Nombre de pubs</li> <li>• Qualité des pubs</li> <li>• Réactions du public</li> </ul>	À faire
3. Achat de publicité - HP	Annonces dans les guides touristiques (Du rêve à la réalité, Doers & Dreamers; Atlantic Travel Planner; Destination Southwest Nova Scotia; Bay of Fundy; Travel Guide Canada) et dans les hebdomadaires et quotidiens des Maritimes (Le Courrier de la Nouvelle-Écosse, Kentville Advertiser, Chronicle Herald, La Voix acadienne, Acadie Nouvelle).	Printemps et été 2013	DG	12 000 \$	Une pub dans les 6 guides touristiques les mieux cotés dans les Maritimes et au Canada; des annonces dans les hebdomadaires et les quotidiens à travers les Provinces Maritimes pendant les mois de juin, juillet et août	<ul style="list-style-type: none"> <li>• Nombre de pubs et annonces</li> <li>• Qualité des pubs et annonces</li> <li>• Réactions du public</li> </ul>	À faire

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<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
4. Contrat avec agent de communication - HP	Embaucher à contrat un agent de communication : Responsabilités - travailler en collaboration avec le ministère du Tourisme pour organiser les Fam Tours; rédiger des communiqués de presse et des idées d'histoires sur tout ce qui se passe à Grand-Pré et davantage axé sur les activités et la programmation afin de susciter un intérêt pour la visite et augmenter la fréquentation; solliciter des entrevues (radio ou télé), à stimuler l'intérêt des journalistes et des pigistes à écrire sur Grand-Pré.	Printemps et été 2013	DG	12 500 \$	Des tournées de familiarization organisées; des communiqués de presse; des entrevues à la radio et à la television pour parler de la programmation et des événements spéciaux à Grand-Pré	<ul style="list-style-type: none"> <li>• Nombre de visites Fam</li> <li>• Nombre de communiqués de presse</li> <li>• Nombres d'articles dans les journaux</li> <li>• Nombre d'entrevues</li> <li>• Augmentation de la fréquentation</li> </ul>	À faire

## 5.2 Piloter des nouveaux tours

**État de la situation :** La Société a reçu du financement en 2009-2010 pour la création de panneaux d'interprétation du paysage culturel de Grand-Pré, projet qu'elle a réalisé en partenariat avec Parcs Canada. La Société a également reçu du financement pour rétablir la forge. Parcs Canada et la Société ont collaboré pour la création de la pièce La p'tite vie d'autrefois à Grand-Pré en 2009 et en 2010. La Société a contribué en faisant des demandes de bourses pour les étudiants et la demande d'une subvention dans le cadre du Plan triennal.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Licence annuelle pour le logiciel pour le guide auditif pour interpréter le lieu historique par GPS - HP	Les visiteurs peuvent louer (?) un guide auditif qui interprète le lieu historique par GPS. Lorsque le visiteur arrive à un endroit donné, le guide auditif s'active et présente des textes, des photos et des vidéos clips pour interpréter l'endroit.	Avant le 1 <sup>er</sup> mars 2014	DG	3 400 \$	Les visiteurs louent (?) les guides auditifs pour faire une visite du lieu	<ul style="list-style-type: none"> <li>• Nombre de locations</li> <li>• Réactions du public</li> </ul>	À faire

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### 5.3. Créer 5 modes de tourisme expérientiel/sensuel

**État de la situation :** En 2010-2011, la Société a reçu du financement dans le Plan triennal pour la création d'un guide auditif pour interpréter le lieu historique par GPS et pour la production de 5 modules; le guide auditif sera disponible pour la saison 2011.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Les goûts (vignobles, restaurants) - BP		À venir					À venir
2. Les touchers (sentiers, aboiteaux) - BP		À venir					À venir
3. La vue (Baie de Fundy, ses oiseaux, son écologie ; les Arts visuels) - BP		À venir					À venir
4. L'ouïe (festival, musique, théâtre) - BP		À venir					À venir
5. L'odorat (pain de la ferme Acadienne, forge) - BP		À venir					À venir



5.4 Développer un site archéologique

**État de la situation :** Les fouilles archéologiques à Grand-Pré ont permis de découvrir des vestiges de deux habitations acadiennes dans la propriété triangulaire.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Développer un site archéologique à partir des fondations des deux habitations acadiennes dans la propriété triangulaire - BP	Il existe des vestiges de deux habitations acadiennes dans la propriété triangulaire. Le souhait est d'exposer les fondations de la première près du potager et de reconstruire la seconde au complet, avec sa ferme, et de monter un programme d'interprétation de la vie au dix-huitième siècle dans la Grande Prée.	À venir					À venir

5.5 Maintenir le site web à jour/Créer des nouveaux portails au besoin

**État de la situation :** Depuis novembre 2009, la Société a un nouveau site Web, grâce à une subvention des bailleurs de fonds du Développement économique Nouvelle-Écosse et de l'APÉCA.

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Créer des nouvelles pages à déterminer sur le site Web de la Société - HP		Novembre 2013 à mars 2014					À venir

## Objectif 6 : Identifier et réaliser d'autres aspirations au nom de la communauté acadienne

### 6.1 Équipe d'archéologues avec laboratoire d'archéologie

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Équipe d'archéologues avec laboratoire d'archéologie - BP		À venir					À venir

### 6.2 Salle d'exposition avec les vestiges acadiens reliés à l'histoire

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Salle d'exposition avec les vestiges acadiens reliés à l'histoire - BP		À venir					À venir

### 6.3 Herbes médicinales

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Herbes médicinales - BP		À venir					À venir

### 6.4 Mets acadiens (casse-croûte)

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Mets acadiens (casse-croûte) - BP		À venir					À venir

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## Objectif 7 : Annuellement, évaluer la programmation et mettre à jour le plan stratégique

### 7.1 Évaluer la programmation

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Annuellement, évaluer la programmation - HPA	Le comité de la Programmation des activités spéciales (PAS) se rencontre par téléconférence pour examiner et évaluer les activités de la saison et identifient les améliorations à apporter à la programmation pour l'année suivante.	Avant le 31 octobre 2013	DG avec comité de la PAS	Inclus dans le budget  Coûts de la téléconf.	Une croissance du nombre d'Acadiens et autres visiteurs à Grand-Pré; une gouvernance efficace et une programmation intéressante	<ul style="list-style-type: none"> <li>• Statistiques</li> <li>• Compte-rendu de la réunion du comité de la PAS</li> </ul>	À faire

### 7.2 Mettre à jour le document de planification stratégique

<u>Activités</u>	<u>Comment ou quoi?</u>	<u>Quand?</u>	<u>Qui?</u>	<u>Combien?</u>	<u>Résultats escomptés</u>	<u>Critères de rendement</u>	<u>Statut</u>
1. Identifier des nouveaux projets et de nouvelles activités - HPA	Le Conseil d'administration reprend le document de planification stratégique et le refait pour les trois prochaines années, ce qui inclut le plan d'action pour la première année du plan triennal.	Automne 2013	CA; BD; DG	Inclus dans le budget  Coûts associés à une réunion	Les objectifs de la Société sont reflétés dans le document de planification stratégique	<ul style="list-style-type: none"> <li>• Nombre d'objectifs réalisés</li> <li>• Qualité de satisfaction des membres du CA</li> </ul>	À faire

**(Revenus anticipés)/Dépenses anticipées des activités - Sommaire**

<u>Activités</u>	(REVENUS)	???	- Autre -
1.1.1. Partenariat avec Parcs Canada pour la mise en valeur du lieu historique - HPA			En nature
1.1.2. Partenariat avec les associations d'artistes de la diaspora acadienne - HPA	(1 500 \$)		
1.1.3. Partenariat avec les associations de la diaspora acadienne (DVD) - HPA	(2 000 \$)		
1.1.4. Villes/villages à l'honneur à Grand-Pré - HPA			En nature
1.1.5. Partenariat avec la SNA et la FANE - HPA		1 000 \$	
1.1.6. Représentation - Visites promotionnelles des communautés acadiennes- HPA		12 000 \$	
1.1.7. Partenariat avec le Congrès mondial acadien - HP		3 000 \$	
2.1.1. Maintient de la pièce de théâtre - HP	(20 000 \$)		
2.1.2. Maintien d'un programme public de fouilles archéologiques - HP	(20 000 \$)		
2.1.3. Identifier d'autres sources de financement à l'intérieur de Parcs Canada pour promotion et marketing - HP	(À déterminer)		
2.1.4. Maintenir la campagne de financement en vue d'une fondation de 10 000 000 \$ - HP	À venir en 2015		
2.1.5. Développer un site archéologique à partir des fondations des deux habitations acadiennes - BP			À venir
3.1.1. Réalisation de notre mission - HPA			Inclus dans le budget
3.1.2. Atteinte de nos objectifs - HPA			Inclus dans le budget
4.1.1. Collaborer à la préparation d'une fête pour célébrer la nomination UNESCO de Grand-Pré - HP		30 000 \$	
4.1.2. Promotion du projet de l'UNESCO auprès des autres clientèles - HP			En nature
5.1.1. Partenariat avec Radio-Canada - HP			Promotion en croisé
5.1.2. Partenariats avec les radios communautaires de la N-É et du N-B - HP		À déterminer	
5.1.3. Achat de publicité - HP		12 000 \$	
5.1.4. Contrat avec agent de communication - HP		12 500 \$	
5.2.1. Licence annuelle pour le logiciel pour le guide auditif pour interpréter le lieu historique par GPS - HP	Location (1 500 \$)	3 400 \$	
5.4.1. Développer un site archéologique à partir des fondations des deux habitations acadiennes - BP			À venir
5.5.1 Créer des nouvelles pages à déterminer sur le site Web de la Société - HP			Inclus dans le budget
7.1.1. Annuellement, évaluer la programmation - HPA			Inclus dans le budget
7.2.1. Identifier des nouveaux projets et de nouvelles activités - HPA			Inclus dans le budget
<b>TOTAL :</b>	<b>(45 000 \$)</b>	<b>73 900 \$ +</b>	

Légende : CA - Conseil d'administration; BD - Bureau de direction; P - présidence; V-P - Vice-présidence; DG - direction générale; PC - Parcs Canada; AC - agent de communication; PM3 – Chef guide;

HPA/HP/MP/BP - priorités : haute priorité annuelle/haute priorité/moyenne priorité/basse priorité; \$/(%) = dépenses/(revenus).

Ébauche : le 16 novembre 2010

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## **The Landscape of Grand Pré – Landscape Assessment**

Prepared by: Dr. A.J.B. Johnston

Final draft January 2010  
Completed January 2011

Prepared for Nomination Grand Pré in January 2010

By Dr. A.J.B. Johnston

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Updated in January 2011 by Christophe Rivet, Project Manager, Nomination Grand Pré

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## 1.0 Introduction

### 1.1 Purpose of assessment

The nomination proposal for the Landscape of Grand Pré requires an inventory of the resources that relate to the proposed statement of value as well as information on their condition for future monitoring purposes. Consequently, this assessment is a summary of the key attributes located within the boundaries of the nominated property, as well as a commentary on their value and their condition.

This assessment forms the basis of a more holistic analysis of authenticity and integrity, in line with the expectations of the *Operational Guidelines for the Implementation of the World Heritage Convention* (hereunder the *Operational Guidelines*), that appears in chapter 3 of the nomination proposal. In that chapter, authenticity and integrity are assessed for the whole landscape as much as for individual components.

### 1.2 Scope

This analysis focuses on identifying and defining the main natural and cultural resources located within the boundaries of the nominated property based on the state of knowledge in 2010.

### 1.3 Methodology

The methodology employed in this analysis combines the direction provided in the *Operational Guidelines* and the principles and practices of Parks Canada's Cultural Resource Management Policy. It is also inspired by approaches to assess the character of landscapes developed by English Heritage and the framework applied by the United States National Parks Service in the evaluation of Grant-Kohrs Ranch NHS.

The data used was collected from archaeological reports and field notes from work carried out by archaeologists from Parks Canada, the Nova Scotia Museum, St. Mary's University, and other researchers; from historical archives principally from Acadia University, Centre d'études acadiennes of Université de Moncton, deeds located in Kentville, and archives from the Nova Scotia Archives; from local knowledge; from the work of Dr. Sherman Bleakney as compiled in his book *Soils, Sods, and Spades*; from aerial photography located at the National Air Photo Library in Ottawa, and LiDAR data as analysed by the Nova Scotia Community College's Centre of Geographic Sciences (CoGS); from the Commemorative Integrity Statement for Grand-Pré National Historic Site of Canada; and from field observations by technical staff supporting Nomination Grand Pré.

This analysis begins with a commentary on the typology of the Landscape of Grand Pré based on the categories outlined in the *Operational Guidelines* (section 2). It follows with a short description of the nominated property (section 3) and the identification of the key attributes, their authenticity and integrity (section 4). A more substantial discussion of authenticity (section 5) and of integrity (section 6) provide the basis for the overall assessment of these aspects for the nominated property. Finally, a summary (section 7) provides a snapshot of the authenticity and integrity of the nominated property.

The appendix compiles more detailed data on the types of resources located within the boundaries of the nominated property. The framework used organizes natural and cultural features according to 9 categories:

- *Natural systems and features*: identifies natural elements included in the nominated property, such as watercourses, hills, and fields;
- *Vegetation*: identifies specific types of vegetation that are prevalent or distinctive;
- *Spatial organization*: identifies relationships between and patterns of features, such as location of roads, settlement distribution, and commemoration areas;
- *Land uses*: identifies uses and activities within the landscape, such as pastures, memorials, and dwellings;
- *Constructed water features*: identifies features built to manage the flow of water, such as ditches, channels, and drains;

- *Circulation*: identifies roads;
- *Views and viewsheds*: identifies areas that provide views of attributes and are attributes themselves;
- *Buildings and structures*: identifies built structures, such as churches, farm buildings, and houses; and,
- *Archaeological and missing features*: identifies located archaeological features and location of potential archaeological features based on archival information.

Attributes may appear in more than one category, for example roads will be discussed under *spatial organization*, as they are important elements of the distribution of elements in the landscape, as well as under *circulation*.

Each natural and cultural feature is assessed on whether it is contributing to the authenticity and integrity of the nominated property, not contributing, or, particularly in the case of archaeological and missing features, not determined.

## 2.0 The Landscape of Grand Pré

### 2.1 Proposed Statement of Outstanding Universal Value

The Landscape of Grand Pré is being proposed under criteria (v) and (vi) of the *Operational Guidelines*, namely as an agricultural landscape illustrating an interaction between humans and their environment, and as a symbolic landscape, illustrating the universal human aspirations of connection with one's homeland.

The following is an excerpt of the proposed Statement of Outstanding Universal Value:

#### *Brief Synthesis*

The Landscape of Grand Pré is a dynamic agricultural landscape claimed from the sea. It is also a powerful symbolic landscape for the Acadians.

The Landscape of Grand Pré is the most intact agricultural polder in the world that uses an ingenious vernacular system for transforming salt marsh into fertile agricultural farmland. This system of earthen dykes, ditches, *aboiteaux*, and community-based management was first implemented at Grand Pré in the late 17th century by French (Acadian) settlers. The location they chose was subject to the most extreme tides in the world, which presented great challenges but also great opportunities in the extraordinary fertility of the land they transformed. Today, the agricultural landscape is still protected and drained by the same system, still exhibits distinctive field patterns, and is still managed through the same community approach, a testimony to the original Acadian settlers, the New England Planters who succeeded them, and the farmers who work the land today.

Symbolically, the Landscape of Grand Pré is the single most important *lieu de mémoire* for the Acadian people. The Acadians are one of the first people of European descent to call North America their homeland. The Landscape of Grand Pré is directly associated with the emergence of their new identity in this new land, but also with their tragic forced removal from it, their subsequent migration, and their renaissance. Today, this *lieu de mémoire* embodies the cultural consciousness of a widely scattered people. It is a landscape that has been peacefully and symbolically reclaimed by the Acadians, and it is their emotional and spiritual centre. It illustrates the importance of the connection between people and places in defining collective identity.

**Criterion (v):** Grand Pré is a vibrant agricultural landscape, carved out of its harsh coastal environment three centuries ago by Acadian settlers. Working collectively, they applied an ingenious system of dyking and drainage to hold back the highest tides in the world, created extraordinarily fertile farmland, and began a tradition of collective management. This land reclamation system and this management tradition continue to ensure the livelihood of the local community today. The Landscape of Grand Pré is an outstanding example of a thriving farming community that interacts with its environment by using a successful land reclamation system and management tradition that predate the introduction of engineered drainage systems.

**Criterion (vi):** Owing to the imposing presence of the dykelands, the Memorial Church and other memorials, and its enduring use by the Acadian people, the Landscape of Grand Pré is the most important *lieu de mémoire* for the

Acadians, an evocative example of a homeland symbolically and peacefully reclaimed by a diaspora that has triumphed over hardships. The legacy of the Acadian people overcoming the tragedy of a forced removal, the *Grand Dérangement*, their renaissance, and the ongoing efforts of reconciliation are embodied in the Landscape of Grand Pré. Here, Acadians share their common heritage, reaffirm their identity, and continue to build their sense of community in a spirit of peaceful reconciliation with history. The Landscapes of Grand Pré provides a poignant and powerful living example of the universal human aspirations to belong to a community, to connect with one's homeland, and to seek reconciliation.

## 2.2 Typology of the Landscape of Grand Pré

The landscape of Grand Pré is a cultural landscape. It has significant areas or elements that fall into all three categories of cultural landscapes as defined by the *Operational Guidelines*.

### 2.2.1 *Landscape Designed and Created Intentionally*

There are two parts of the nominated area that come under this category. The first landscape designed and created for aesthetic reasons by deliberate human intervention is the Memorial Park setting within what in the mid-20th century became Grand-Pré National Historic Site of Canada. This part of the nominated property came into being in the 1920s when a landscape plan developed by Percy Nobbs was implemented, establishing monuments and memorials within a laid-out park of paths, ornamental beds and tree and bush plantings. The fundamentals of that Memorial Park remain intact eight decades later. The second landscape intentionally-created in part for aesthetic reasons – a desire for symmetry – is no longer sharply delineated, but it is still visible on the landscape as vestiges of the Town Plot grid designed by Charles Morris in 1760. It is found on a portion of the upland in what is known as Hortonville.

### 2.2.2 *Organically-Evolved Landscape*

All of the dykeland and most of the upland portion of the nominated property falls into this category. The only area excluded is the Memorial Park portion of Grand-Pré National Historic Site of Canada. On the gentle hills of the uplands there is today roughly what was there back in the late 17th and early 18th centuries: a scattered rural village with a mix of farm and residential properties along a variety of different roads and streets. Despite a dramatic and tragic politico-military change – the military removal and forced migration of the Acadians and the subsequent arrival of settlers from New England to take over the vacated lands – the way of living and working on this portion of the nominated property has changed little over more than 300 years. In the 1760s the British administration did impose a rectilinear grid on the highest ground – an intentionally-created feature – yet the Town Plot was not adopted by the settlers as their preferred settlement area. Rather, they mostly chose to spread out along the uplands as the Acadians had done before them, distributing themselves along the low ridge that led down to the highly fertile dykeland. That preferred settlement pattern gave them space for their upland agricultural pursuits and it gave them closer access to the agricultural bounty of the dykeland. There are no buildings in the nominated property with sufficient integrity from the Acadian and Planter periods to merit specific mention. Rather than standing architecture, what has value within the organically-evolved landscape in the upland portion of the nominated property is the low-density use, function and distribution of buildings and the tangible elements of a more than three century settlement pattern with its roads, streets and property boundaries. Many of those elements have retained their line, form, extent and shape since the late 17th and early 18th century.

### 2.2.3 *Associative Cultural Landscape*

There are three areas within the nominated property in this category. The area whose associative values go back the farthest in time is the dykeland itself. It is quite simply a 1000-hectare artifact located in an extremely picturesque setting that evokes for many if not most Acadians a time and a place that was taken away from their ancestors by the upheaval of the Acadian Deportation. The landscape setting by itself therefore evokes for many a paradis perdu. The second area with definite and intended associative power – cultural, religious and artistic – is the Memorial Park within Grand-Pré National Historic Site of Canada. Its park-like setting encourages reflection and serenity while its

monuments, especially the Memorial Church, Herbin Cross and Statue of Evangeline speak to the importance of the Acadians' faith, hope and perseverance. The Evangeline statue and the so-called Evangeline's well also reflect the world-wide impact of Henry Wadsworth Longfellow's mid-19th-century literary heroine, Evangeline. Since Longfellow's time, hundreds of artists, essayists, historians, novelists, photographers, playwrights, and poets have created pieces that have similarly been inspired by the fictional Evangeline, by visits to the Memorial Park / National Historic Site, and/or by learning the history of what happened at Grand Pré. The third area with strong associative value is the location where in 1755, the Acadians were led to board the ships that would disperse them around the world. That location was believed to be along Deportation Creek, near the railway. Since 2002, that location is now confirmed to be at Horton Landing. Long associated with the 1760 arrival of the New England Planters, this area acquired since then a powerful association with the Acadian Deportation. The relocation of the Deportation Cross (a 1924 creation of the Acadian community originally placed along the rail line) to Horton Landing has made this area a powerfully poignant spot for Acadians and for non-Acadians moved by the story of a people who overcame a tragedy and returned to symbolically reclaim their lost homeland. The Horton Landing setting is especially evocative for the Deportation Cross, with the vast expanse of the Acadian-created dykeland stretching westward while the Gaspereau River that led into exile flows quietly on down the mud-banked slope.

### 3.0 The Nominated Property

The nominated property consists of about two-thirds dykeland and one-third upland. The dykeland portion represents the majority of the Grand Pré Marsh while the upland portion is a section of the overall upland area that runs along both sides of the dykeland.

#### 3.1 The Dykeland

The reason for including the entirety of the dykeland is that research determined that over 1000 hectares of dykeland possess sufficient authenticity and integrity to merit World Heritage consideration. (This is discussed in more detail in section 4.1.)

#### 3.2 The Upland Portion

Though research has established that there were first Acadian and later Planter houses and working farms along the entire two kilometres of upland between the Gaspereau River and Lower Wolfville, most of that area could not meet the tests of integrity and authenticity. There is a defined area where there is sufficient tangible evidence of that bygone and ongoing settlement pattern. (This will be discussed in more detail below, in section 4.2.)

With Long Island or North Grand Pré (the upland that extends along the northern side of the dykeland), there was insufficient historical and archaeological evidence of Acadian and Planter settlement on this part of the landscape in the greater Grand Pré area. The Planters did settle in this area not long after their arrival in the 1760s, but there is no known continuity of tangible evidence from that settlement era. Hence, Long Island was excluded completely from the nominated property. As for Boot Island, which until the 1860s formed a part of Long Island, it does have the vestiges of some Acadian dykes, but they have been for the most part washed away.

Turning to the southern upland, which today contains Horton Landing, Hortonville and the village of Grand Pré, there is abundant cartographic and documentary evidence to indicate that the Acadian community had lived in a dispersed manner along the ridge for about two kilometers between the Gaspereau River and Lower Wolfville. There is also convincing evidence of the vestiges of what once would have been seigneurial land concessions dating from the late 17th and early 18th centuries. At the time of the Acadian Deportation the agricultural community living along the highly fertile dykeland consisted of about 900 men, women and children. There were about 150 houses with another 150 farm buildings, as well as orchards, grazing animals and some wood lots. It was along this southern upland that the New England Planters and successor generations came to settle in 1760 after the forced migration of the Acadians in 1755, though some did soon establish themselves on Long Island. The Planters settled in much the same dispersed manner as their Acadian predecessors had done. The only exception was the rectilinear Town Plot introduced on the highest portion of the landscape by the British administration in 1760. Yet that symmetrical grid failed to induce very many of the new settlers to live along its streets. They preferred instead to

spread out on the upland, maximizing their proximity to the highly fertile dykeland that lay below. The spread-out settlement pattern led to the continuing use of pre-existing Acadian roads and over time to the development of new roads that either ran north-south to connect with the dykeland or east-west to facilitate communication and transportation within the upland settled area.

Though the Acadian and Planter settlement pattern extended all along the upland to the south of the dykeland, there is only a relatively small area on the upland with tangible evidence possessing sufficient integrity and authenticity. That area is bounded by the Gaspereau River on the east, Miner Lane on the west, the dykeland itself on the north and the Old Post Road and Middle Street on the south. Within that circumscribed area the cartographic, historical and/or archaeological evidence confirms that some of the roads, streets and boundary lines between properties have been there since the late 17th or early 18th centuries. Thus, the upland portion of the nominated property is seen as a representative sample of what historically was a much larger Acadian and Planter upland settlement area.

### 3.3 Inspirational / Memorial Sites

Both the 1920s-era Memorial Park within Grand-Pré National Historic Site of Canada and the 1924 Deportation Cross in its new setting at Horton Landing evoke a powerful mix of artistic, cultural and religious/spiritual associations. The sentiments and feelings arise (and have long done so) not only with Acadians but also with many non-Acadians as well. The latter, the majority of visitors, are touched by the example that Grand Pré demonstrates: an example of a people whose ancestors endured a great tragedy of forced migration yet whose descendants were able to return and reclaim symbolically the most cherished of all their previously occupied locations, Grand Pré. Research shows that both locations have sufficient integrity and authenticity, including the Horton Landing setting of the Deportation Cross. Though the cross was only installed there in 2005, the new location maintains and even enhances the associations felt at its previous spot. That is because the Horton Landing location is acknowledged to be the historically appropriate last location for the Acadians of Grand Pré and because its riverside setting reinforces a strong sense of place and poignancy.

## 4.0 Key Attributes

<b>Element</b>	<b>Authenticity</b>	<b>Integrity</b>
Ransom Creek	Naturally occurring water body	Complete and intact
Great Discharge Creek	Naturally occurring water body	Complete and intact
Deportation Creek	Naturally occurring water body	Complete and intact
Small creeks (dykeland)	Naturally occurring water bodies	Complete and intact
Hills / Uplands	Minimally altered landscape	Complete and intact
Dykeland	1000-hectares creation of the Acadians, maintained, expanded, and continuously farmed by Planters and successors	Complete and intact
–French” Willows	Originals planted by Acadians in 17th or 18th c.; offshoots regenerate naturally	Trees continue to regenerate from original growth.
–Memorial Park”	Deliberate creation of the 1920s to honour previous Acadian occupation	Complete and intact
Old Post Road	17th-18th c. Acadian road	Wider and more defined but still intact in line and function.
Dirt Roads (dykeland). NB some of them can be identified by name, such as	17th-18th c. Acadian dyke tops that became roads	Wider and more defined but still intact in line and function.

Woodworth Road)		
Grand Pré Road (dyke top)	17th-18th c. Acadian dyke top that became a road	Wider and more defined but still intact in line and function
Grand Pré Road (later construction)	19th c. road constructed as a road across the dykeland	Wider and more defined but still intact in line and function
Town Plot	1760s creation of the British administration	About half still visible on the landscape; intact in form, design and use.
Old French Road	17th-18th c. road connecting community to the Gaspereau River	Intact in line and function
Horton Landing	17th-18th c. riverside use area. Location of Deportation and arrival of the New England Planters	Land and shoreline is complete and intact but no longer has function as a major transportation access point
Fields on the dykeland	17th-18th Acadian creations maintained, adapted, and continuously used by Planters and successors	Approximately 30% intact from the 18th century. 100% of field patterns follow the same principles resulting in similar organically created shape and size.
Fields on the upland	17th-18th c. areas used by the Acadians for agricultural purposes. Seigneurial pattern evidence and British townplot.	Field pattern intact.
Memorial Church	1920s construction to honour memory of the bygone Acadian era	Complete and intact
Herbin Cross	1910s construction to honour memory of the bygone Acadian era (and more specifically the Acadian cemetery).	Complete and intact
Statue of Evangeline	1920s construction to honour memory of the bygone Acadian era	Complete and intact
Deportation Cross	1920s construction to honour memory of the bygone Acadian era	Complete and intact
Dykes	Same building materials and design since Acadian times.	New dykes are complete and intact
Aboiteaux	Same design and function since Acadian times.	Complete. Remains of obsolete aboiteaux found archaeologically.
Old French dyke	17th-18th c. Acadian dyke protected by the Currie family	This is the only surface feature that is dating back to the 17th-18th c.
Wickwire dyke to which we could also add Division dyke (western part) and Toy dyke (Eastern part)	Wickwire dyke is a 19th Planter construction which lasted until the early 1930's. Division dyke is a 18th century Acadian construction that was taken over by the Planters and their successors. Toy dyke is a 18th century Acadian construction that was taken over by the Planters and their successors.	Traces still visible at the surface, but most of this dyke was washed away by the sea or tide. Division dyke is complete and intact. Toy dyke is complete and intact.
Archaeological Features	17th-18th c. building features found within Grand Pré NHSC, at Horton Landing and in some other upland areas. Archaeological remains of dykes and aboiteaux.	Inventoried and in some cases excavated by archaeologists

## 5.0 Authenticity

The nominated property is an inspirational combination of an agricultural and memorial landscape. In its agricultural dimension it remains true to what it was at its Acadian origins in the late 17th century. That is, it is a picturesque rural landscape upon which people live in a low-density well-dispersed village setting on the upland alongside the dykeland that has long been the source of agricultural bounty. The memorial dimension of the nominated property similarly remains true to its purpose as conceived and implemented during the 1920s. That was when evocative monuments and distinctive settings were established to encourage reflections on a tragic past and to foster sentiments of reconciliation about that past event. The memorial aspect of the Grand Pré landscape has two main focal points: what began as a Memorial Park and evolved to become a national historic site of Canada and the Deportation Cross setting at Horton Landing. The overall ensemble at Grand Pré has attracted numerous researchers from many disciplines in recent years so that the nominated property is well understood and well defined.

### 5.1 The Dykeland

Researchers from different disciplines came together to recommend that the majority of the 1300 hectares of the dykeland be included in the nominated property because of the many original attributes of the dykeland.

With regard to its form and design, the dyke walls continue to face the Minas Basin and they follow the same dyking line set by Acadians in the 18th century on the east side of the Grand Pré Marsh and on the west side as set in the 19th century by the successors of the New England Planters. The dykes were raised in the 20th century but the lines remain what they always were. As for the individual fields within the dykeland, they illustrate the same interrelationship with the natural drainage pattern that they have always had since their Acadian construction, carrying water off the fields out through aboiteaux into the Minas Basin. Many of those fields have exactly the same shape and size as they did in the Acadian era.

Turning to the materials and substance of the dykeland, it remains what it always was after the inter-tidal zone was transformed: it is several metres deep of compacted soil with traces of brush, logs and wooden sluices installed by Acadians and in some instances Planters from the 17th to the 20th century.

As for the use and function of the dykeland and its dykes on the eastern and western fronts, they are unchanged from their origin. The dykeland remains a richly productive agricultural land and the (modern) dykes, (modern) ditches and (modern) aboiteaux have the same function as their predecessors. They exist to protect and drain the fertile land.

Finally, the location and setting of the dykes and dykeland are unaltered from their construction in the late 17th and early 18th centuries. The 1300 hectares of transformed inter-tidal zone continues to be exposed on two faces to the tides of the Minas Basin (a part of the Bay of Fundy) and there are still many in-situ remains of some original aboiteaux and culverts and one of the surface dykes. Three wooden sluices have been accidentally uncovered and retrieved and there are likely many more buried within the dykeland in their original locations.

### 5.2 The Upland Section

An examination of the available archaeological, cartographic and documentary evidence on the upland area settled first by Acadian and subsequently by Planters and successor generations determined that there was only a portion of the overall area with sufficient authenticity and integrity to be included in the nominated property. That portion was identified as a representative sample of what in the 17th and 18th centuries had been a much larger and widely dispersed settlement area, an area that could be seen as the core of the overall village of Grand Pré because it contained its parish church, cemetery, main transportation arteries and a sample of its buildings. The tangible evidence in the area of the representative sample consists of confirmed archaeological remains of Acadian features (a cemetery, four house sites and possibly more within the boundaries of the Grand-Pré NHSC); many roads and streets that date back to the 17th and 18th centuries and most of which have been continuously used ever since; the vestiges of a Town Plot grid that reflected a desire to impose a symmetrical settlement pattern, but which was largely ignored by the agricultural community; and boundary lines between properties that the evidence suggests go back to an Acadian-era seigneurial regime.

### 5.3 Inspirational / Memorial Sites

With the exception of the Deportation Cross, which was moved to a more historically appropriate and evocative setting in 2005, all memorials to the Acadian experience at Grand Pré remain in their original locations as established in the 1920s. The Memorial Park continues to have the same form and design, the same materials and substance, and the same use and function as it did when it evolved to its full extent in the 1920s. The Deportation Cross has been moved to a new location, but that only enhanced its connection to the storylines and sentiments it represents and its overall evocative power. The cross itself is intact in its original design and form, materials and substance and use and function.

## 6.0 Integrity

The nominated property exists as an inter-connected entity with great “health”. Three questions guided this analysis. The first was the degree to which the nominated property includes all the necessary attributes to communicate its value. The second was whether or not it was of sufficient size to represent that value completely. The third was whether or not the whole and its constituent elements were under any kind of threat or pressure that might endanger or harm its attributes in the short or long term. The health of the nominated property is excellent on all three matters. This analysis begins as if the dykeland, upland portion and memorial settings were three discrete elements but at the end the integrity or health of the whole nominated property is discussed.

### 6.1 The Dykeland

The dykeland at Grand Pré contains all of the elements necessary to affirm its attributes and value. It exists in its entirety as originally created by the transformation of a vast inter-tidal zone. Steps have been taken by the Government of Nova Scotia to ensure that it is used exclusively for agriculture and that its dykes are maintained to protect it from the sea.

### 6.2 The Upland Section

The representative sample of the settlement pattern on the upland area of the nominated property possesses enough elements for it to affirm and maintain its value. It is of adequate size to ensure that its representativeness is sufficient to communicate its significance. Thanks to municipal zoning regulations, there will be no developments in the area that will lead to any of its significant attributes being adversely affected.

### 6.3 Inspirational / Memorial Sites

The memorial sites at Grand Pré – the Memorial Park setting within Grand-Pré National Historic Site of Canada and the Deportation Cross at Horton Landing – contain all of the elements necessary to affirm their attributes and value. The Memorial Park exists in its entirety as originally envisioned and created in the 1920s, as a place for reflection and inspiration. The agency now responsible for its operation and safeguarding, Parks Canada, takes steps on a regular basis to ensure the integrity of the setting. As for the Deportation Cross setting at Horton Landing, that area is also owned and administered by Parks Canada, which follows its cultural resource management policy to guide all actions.

### 6.4 The Nominated Property as a Whole

The mix of dykeland, upland and memorial setting at Grand Pré being proposed for inscription on the list of World Heritage Sites is a remarkable cultural landscape.

For millennia prior to the arrival of Acadians in the 1680s, the inter-tidal zone and adjacent uplands of the greater Grand Pré area were known to only the indigenous Mi'kmaq. They frequented the overall area, crossing back and forth across Minas Basin to harvest flora, fauna and quarry sites as required. The basin and especially Cape



Blomidon figured prominently in their stories and legends. That pre-European presence and use of the area by the Mi'kmaq is attested to by numerous archaeological sites surrounding the nominated property and by an ancient stone gouge excavated within the nominated property in 2009.

With the coming of the Acadians to the grand pré (or “great marsh”), a totally different era began. That period marked the beginning of an agricultural community whose dyking accomplishment and settlement patterns are still evident on the landscape today. Though we have discussed the inter-tidal zone transformation into a highly fertile dykeland separately from the settlement on the upland, they were inextricably inter-connected. Without a farming community on the upland, there would have been no wetland transformation or dykeland creation in the first place or no ongoing maintenance of it in the years that followed. The tangible evidence of the Acadian accomplishment in altering the local ecosystem and creating a brand-new landscape is nothing less than the existence of the 1000-hectare dykeland itself. There it is in 2010 with the same form, design, materials, substance, use and function that it had in 1710 or 1810 or 1910.

So it is as well, though more subtly, with the residential and working farm portion of the nominated property. That is the portion found on the upland to the south of the dykeland. Through archaeological evidence that dates from the Acadian era and from streets, roads and boundary lines established in a combination of Acadian and Planter periods, Grand Pré is today what it has always been since the late 17<sup>th</sup> century: a low-density rural village extending east and west along the dykeland. At no time did the adjacent agricultural community consider moving out on the dykeland to erect houses or other buildings there – a phenomenon seen all too often in other locations. The fertility of the Grand Pré dykeland was too great. To build on it; to use it for anything other than food production would be a tremendous waste and loss. So, for over 300 years, the community that lives on the upland – whether it spoke French or English or was Roman Catholic or Protestant, has safeguarded its precious adjacent resource. Thus the upland settlement and community is the *sine qua non* of the story of Grand Pré. No farmers, no dykeland, no food. As mentioned, the tangible evidence of the three and a quarter centuries of occupation along the southern limit of the dykeland at Grand Pré is subtle: lines on maps and Lidar photos that manifest themselves on the ground as roads and boundaries. And then there are the archaeological sites; some excavated, others only identified through ground penetrating radar.

The dimension of time looms large over the nominated property of Grand Pré, like the tides that come and go endlessly on its eastern and western limits, marking the onward march with a twice-daily rhythm. Features are often known by their associations with this or that era. It cannot be avoided; references to before or after the Mi'kmaq, the Acadians, the Planters, the Deportation, and so on. People and events have left their mark on the landscape yet the landscape left its mark on its people. To cite just one example: the British administration sought in 1760 to establish its incoming settlers from New England on a rectilinear grid, and so had the required streets and squares laid out on the ground. About half of the Town Plot still exists, but only half and some of it is little used. The Planters preferred instead to live where and how they wished, which turned out to be along the upland much as the Acadians had done before them, thereby maximizing their relationship with and connection to the great dykeland that spread out east to west between their upland and Long Island.

The feeling of the time's passage is inescapable in another way within the nominated property. In the two areas with the most prominent memorials to the tragedy of the Acadian Deportation – in the Memorial Park portion of Grand-Pré National Historic Site of Canada and in the Deportation Cross setting at Horton landing – one cannot help but reflect upon the forced migration that uprooted the Acadians, the agricultural community that did not just live in this area but literally created a significant portion of it. This place was theirs and now it's not. It's a history to make one pause and reflect yet, remarkably, because of the beauty and bounty of the overall nominated property and because of the vision of the people who erected its evocative memorials, the weight of that tragic past is not at all suffocating. On the contrary, one senses in the nominated property of Grand Pré, on its farmed and lived-on landscape and through its memorials, a sense of great hope, an inspiration. That's because the descendants of a people forcibly removed were later able to return, to reclaim the Grand Pré area in symbolic fashion. Here on the agricultural and memorial landscape of the nominated property, perseverance and pride were able to achieve reconciliation through commemoration, an example for the world.

## 7.0 The Landscape of Grand Pré: A Summary

The Landscape of Grand Pré brings different aspects to the fore depending on where the viewer is located and the direction he or she is looking. About two-thirds of the nominated property is a gently undulating dykeland dedicated entirely to agriculture, as it has been ever since Acadians began to transform it from a vast inter-tidal zone in the 1680s. The other one-third of the candidate consists of a low-lying upland with several small hills. This area too has not changed in its fundamental role over the past 330 years: it is where the residents of greater Grand Pré have always lived, in a dispersed settlement pattern adjacent to the rich bounty of the dykeland.

The nominated property has integrity because its clearly defined boundaries encompass all the elements relevant both to the agricultural landscape, created from the transformation of salt marsh into farmland over several centuries, and to the symbolically reclaimed landscape. These elements include earthen dykes, ditches, *aboiteaux*, and field patterns, as well as the memorials, archaeological evidence of the village, and commemorations related to the forced removal and subsequent renaissance of the Acadians. The nominated property comprehensively represents the past and present agricultural settlements as defined by dykeland farmland, upland farmland, and the heart of the community. It includes the dykeland managed collectively by the Grand Pré Marsh Body and the entire area of symbolic importance to the Acadians. The integrity is enhanced by the farmland included in the buffer zone. The nominated property's attributes are in good condition.

The nominated property has authenticity because the archaeological and historical evidence confirms the locations of the original Acadian and Planter settlements, the enduring agricultural use, and the location of the memorials. That evidence also confirms that the dykelands are maintained in the 21st century using the same principles and techniques originally implemented by the Acadians in the 17th century and that they have been managed collectively for over 300 years. The Acadians' continuing use of Grand Pré for individual and collective events attests to the profound value of this landscape to their community.

## Appendix: Contributing (C), Non-Contributing (NC) and Not Determined (ND) Resources

Category	Feature	C/ NC/ ND	Criterion to which it contributes		Date or origin	Comment
			v	vi		
<b>1 Natural Systems and Features</b>	Ransom Creek	C	x		N/A	This has been an integral and virtually unchanged part of the dyked marsh since its creation. It is one of the three main drainage arteries around which the Acadians dyked and drained the inter-tidal zone.
	Great Discharge Creek	C	x		N/A	This has been an integral and virtually unchanged part of the dyked marsh since its creation. It is one of the three main drainage arteries around which the Acadians dyked and drained the inter-tidal zone.
	Deportation Creek	C	x		N/A	This has been an integral and virtually unchanged part of the dyked marsh since its creation. It is one of the three main drainage arteries around which the Acadians dyked and drained the inter-tidal zone.
	Small creeks that lead into the three large drainage creeks	C	x		N/A	The many small creeks that drain into the three main watersheds are all part of the overall drainage system of the inter-tidal zone prior to its transformation. For the most part, the Acadians worked with the naturally occurring creeks as they carried out their dyking projects. They would dig ditches to direct the flow of water towards the creeks. The small creeks are virtually unchanged since the inter-tidal zone around them was transformed into dry, arable land.
	Gaspereau River	NC			N/A	This is the eastern boundary of the nominated property (not included). For the Mi'kmaq before and after the Acadians settled in this area in the 1680s and for the Acadians and Planters in the occupation periods that followed, the Gaspereau River was an important communication and transportation route and a source of fish. Boats came ashore at what is today known as Horton Landing, where there was one or more wharves, depending on the period. This was the water course by which Acadians, Planters and later occupants of the area often came and went, and on which imports and exports were shipped.
	Cornwallis River	NC			N/A	This is west of the nominated property (not included).
	Minas Basin	NC			N/A	For approximately 5000 years prior to the 1680s the twice-daily tides of the Minas Basin deposited the rich alluvial silts of the Bay of Fundy in the inter-tidal zone at Grand Pré. The silts, along with the micro-climate of the area, are what made this portion of the nominated

						property so exceptionally fertile once it was transformed from an inter-tidal zone into a dykeland. The “Minas” name for the basin comes from the original French, “Bassin des Mines”. “Les Mines” was the name the Acadians gave to the overall area within which Grand Pré was the largest settlement. Though the Minas Basin created the conditions for the great fertility of the nominated property, those alluvial silt deposits ended long ago and there is no longer a contributing relationship to the dykeland.
	Long Island (North Grand Pré)	NC			N/A	This is north of the nominated property (not included). The Acadian dyking projects of the 17 <sup>th</sup> and 18 <sup>th</sup> centuries benefitted from the island being there. Without its presence, they would have had to use a different strategy to transform the natural ecology of the inter-tidal zone because the island provided a partial buffer from waves and storm surges coming from the Minas Basin. Once the inter-tidal zone was fully dyked and there was land access to Long Island, its settlement became possible and attractive. The evidence indicates that there was minimal if any settlement on Long Island during the Acadian era but that began during the Planter and subsequent periods. The community on the island is known as North Grand Pré.
	Boot Island	NC			N/A	This feature (100 ha of upland) was once attached to Long Island but forces of erosion created a “guzzle” in the 1860s that has grown steadily ever since. It used to be occupied by a small number of farming families until perhaps the middle of the 20 <sup>th</sup> century. Since 1979 it has been a National Wildlife Area and part of a Ramsar site.
	Salt marshes	NC				These nearby features, outside the nominated property, are a reminder of the natural inter-tidal zone ecosystem that existed at Grand Pré prior to the transformation effected by the Acadians.
	Hills/Uplands	C	x	x		The upland landscape forms the southernmost portion of the nominated property. Its value lies in that since the late 17 <sup>th</sup> century this is where the people of Grand Pré – Acadians then Planters then their successors – have lived, close to the dykeland that is so important to the area’s agricultural economy. At no time did the Acadians, Planters or later generations choose to live on the dykeland: it was too valuable to their agriculture. Houses, barns and other buildings were always built on the rising ground and hills of the uplands.
	Dykeland (also known, especially locally, as	C	x	x	Ca. 1680s –	The clayish soil of this feature, because of its origins as an inter-tidal zone, is relatively

	dykeland)				continuing	impermeable. That has required famers – for over three centuries – to ensure that the water drains off to allow crops to grow. This has been accomplished by contouring the surfacing so the water runs down into natural creeks or man-made canals.
<b>2 Vegetation</b>	Orchards (apple, other) not within the NHSC	NC				There is no doubt that the Acadians had apple, pear, plums and cherry orchards but it is not possible to know exactly where they were located. It is possible that some of today’s orchards may be located on land where the Acadians and Planters also had orchards. The particular fruit trees change with the times according to the lifespan of the trees, shifting market conditions or other factors. It is not any particular fruit, vegetable or grain that matters at Grand Pré, but rather the ongoing, evolving agricultural use of the land.
	Vineyard	NC				Today’s vineyard dates from the latter half of the 20 <sup>th</sup> century. Its presence does underline the temperate micro-climate of the agricultural zone at Grand Pré. (outside nominated property)
	Crops (Corn, hay etc)	NC				It is not any particular fruit, vegetable or grain that matters at Grand Pré. It is the ongoing, evolving agricultural use of the land across time periods and regardless of the cultural background of the groups living there.
	–French” Willows (within Grand-Pré National Historic Site of Canada)	C		x	18 <sup>th</sup> or 19 <sup>th</sup> century	There are eleven very old willows within Grand-Pré NHSC locally known as –French” willows. These date from at least the 19 <sup>th</sup> century and more likely from the 18 <sup>th</sup> -century Acadian occupation. Four, two on each side, flank the entrance to the memorial garden area when crossing the train tracks coming from the visitor centre. The other seven are behind and to the right of the Memorial Church erected in the 1920s. The willows have long been called –French willows” because of an oral tradition that asserts that they date back to the Acadian period. There is no reason to doubt the tradition. Willows are commonly found in Acadian-settled areas of Nova Scotia and there was a long tradition of willows being planted in wet areas in France because they helped absorb some of the wetness in the soil. When landscape architect Percy Nobbs developed a concept for a memorial park for the Dominion Atlantic Railway in 1919, he made a point to retain the already old willows in his landscape plan. Their value lies in that they are a part of the legacy of the site as it developed throughout the 19 <sup>th</sup> century and they are a tangible manifestation of oral traditions about this most cherished of all Acadian historic sites.
	Willows (within Grand-Pré	C		x	1920s	These willows were planted in the memorial

	National Historic Site of Canada, consisting of 23 trees from four different families: 10 Weeping, 9 Laurel leaf, 3 Vitelina and 1 Euphrates)					garden portion of the Grand Pré site during the tenure of the Dominion Atlantic Railway [DAR], decades before it became a national historic site. The willows, like all other vegetation within Grand-Pré National Historic Site of Canada, continue to be monitored and overseen by Parks Canada. These willows were selected for planting at Grand Pré because they were judged to be a fitting complement to the existing “French” willows and because they were thought to be a symbolic “tree of remembrance”. The various willows were thought to be evocative and poignant elements in a park-like setting that aimed to pay homage to a bygone Acadian occupation of the site. Their value lies in the fact that they represent a deliberate attempt by Percy Nobbs and the DAR to encourage visitors to reflect back to an earlier era when the Acadians had lived at Grand Pré before they were forcibly removed in 1755. A cutting of one of the willows of Grand Pré was taken to Châtellerault, France in 1932 by Ernest Martin, where it was planted in the “jardin public”.
	Apple Orchard (within Grand-Pré National Historic Site of Canada, containing the following varieties: one Astrakan, three Cox Orange, 12 Gravenstein, 19 Macintosh, one Wagener, three Wealthy, one Melba, two Bishop Pippen, 14 Cortland, seven Spy, two Golden Russet, one Alexandria, one Black Macintosh, one Bow Sweet, and one unknown variety. The unknown species may be what remains of Châtellerault, France's 1932-33 gift.)	C		x	1920s	Apple trees were planted in a deliberate orchard setting as part of the memorial park created by the DAR during the 1920s. In 1932-33 Ernest Martin brought to Grand Pré from the city of Châtellerault, France, a gift of apple trees and rosebushes. Over the years most of the original trees have died and been replaced by new ones. Thus far, the particular varieties planted do not often, if at all, reflect varieties that existed in the 18 <sup>th</sup> century. Nonetheless, the value of the apple orchard to the west of the Memorial Church is that they are both a literal and a symbolic evocation of the time when the Acadians occupied Grand Pré and the area was a place of great agricultural bounty, and had their own orchards.
	Evergreen Trees (within Grand-Pré National Historic Site of Canada, according to a March 2009 inventory, consist of four red pine, 113 white spruce, eight Norway spruce, 17 Scots pine, two eastern white cedar, one eastern hemlock, one jack pine and three blue spruce.)	C		x	1920s	There were few or no evergreen trees in this part of Grand Pré during the Acadian or Planter eras. Photos from the turn of the 20 <sup>th</sup> century reveal a landscape that had almost no visual interruptions between dykeland and upland. These evergreen trees or their predecessors were planted by the DAR (or more recently by Parks Canada) to define the boundary of the original park or to contribute to the desired appearance of a memorial garden or park. The end result was that something like a visual island was created on the Grand Pré landscape, with trees providing the definition. Since 1999 the trees, like all other vegetation within the national historic site, has been monitored on an

					annual basis as part of the Parks Canada vegetation management plan. The trees are pruned or replaced as needed. The evergreens continue to play the roles for which they were planted in the first place, to demarcate the limits to an area or to contribute to the desired appearance of a memorial park.	
	Deciduous Trees (within Grand-Pré National Historic Site of Canada, according to a March 2009 inventory, consist of one gray birch, 15 white birch, 75 sugar maple, five Norway maple, five silver cut-leaf maple, six red maple, one copper beech, one Patmore ash, nine horse chestnut, three hawthorn, one cut-leaf weeping birch, one red oak, one black oak, seven Carolina poplar, six Lombardi poplar, one little leaf linden, one golden chain, three mountain ash, 41 white ash, one magnolia, two Chinese wisteria, 27 ornamental crab, and one American beech.)	C		x	1920s	As with the evergreens, there were few or no deciduous trees in this part of Grand Pré during the Acadian or Planter eras. Photos from the turn of the 20 <sup>th</sup> century reveal a landscape with few visual interruptions between dykeland and upland. These deciduous trees or their predecessors were planted by the DAR (or more recently by Parks Canada) to define the boundary of the original park or to contribute to the desired appearance of a memorial garden or park. As with the evergreens, the end result was to create something like a visual island around the national historic site (originally a memorial park) with trees providing the definition. Since 1999 the trees have been monitored on an annual basis as part of the Parks Canada vegetation management plan. The trees are pruned or replaced as needed.
	Ornamental garden features (Within Grand-Pré National Historic Site of Canada, according to the March 2009 inventory: a rose garden with 32 roses; 194 shrub beds; over 5000 linear feet of hedges; 22 annual flower beds; four perennial flower beds; 3 planters; 35 foundation plantings around the former administration building.)	C		x	1920s	None of these features existed in this location before the 1920s. They owe their establishment to the creation of a memorial park setting by the Dominion Atlantic Railway, who commissioned Percy Nobbs to come up with a landscape concept for the area. The value of the ornamental gardens is that they contribute to creating a serene park-like commemorative garden setting within which visitors find it easy to understand and reflect upon the tragic history of the Acadians at Grand Pré.
	Acadian kitchen garden / flax bed (within what is often called the “triangular property” of Grand-Pré National Historic Site of Canada.)	C		x	1970s	These are interpretive features added sometime after Parks Canada took over the site from the Dominion Atlantic Railway. While useful to give visitors an idea of what such plantings looked like during the Acadian era, they are recreations and are not tangible evidence of the prior period they represent.
	Old elm tree (Horton Landing) (LOST TO A STORM IN 2010)	NC			1800s	This is a well-known and beloved landmark at Horton Landing, painted at least twice by renowned Canadian artist Alex Colville. It is not a contributing element to the nominated property as it does not speak directly to any of the criteria. It was planted in the 1800s.
	“Memorial Park” as an ensemble	C		x	1919-1955	The different constituent elements of the memorial park-like setting created at Grand Pré during the 1920s create an overall ensemble.

					<p>That ensemble began as a series of concept drawings prepared in 1919 by the Montreal-based landscape architect Percy Nobbs, on behalf of the Dominion Atlantic Railway [DAR]. The DAR had acquired the land John Frederic Herbin. Over time the DAR introduced a layout of paths, shrubs, flower beds, tree plantings and monuments that reflected Nobbs' vision. There have been slight modifications over the years to the memorial park portion of the nominated property for a World Heritage designation, but none which have altered the original vision and intent. The value of the "Memorial Park" cultural landscape is that it continues to be an effective and evocative setting for the memorials found within it and as a serene setting for visitors to reflect upon the Acadian Deportation as an example of a people tragically uprooted by a forced migration.</p>
<b>3 Spatial Organisation</b>	Hills / Uplands	C	X		<p>The settlement pattern at Grand Pré has changed remarkably little over more than three centuries. Despite all the economic, political, military and social changes that have swept over the region, Grand Pré remains a dispersed rural village. As it was in the late 17<sup>th</sup> and early 18<sup>th</sup> centuries when Acadians lived there, so it continued to be through the Planter and later periods. People continue to live spread out on in low density across the hills and upland areas, adjacent to but never on the reclaimed dykeland. That dykeland is now and has always been reserved exclusively for agriculture. The value of this ongoing spatial organisation is that it preserves and continues the high fertility and productiveness of the dykeland and maintains a small population living alongside that draws either its livelihood or its inspiration from the dykeland.</p>
	Old Post Road	C	x	ca. 1700	<p>This is both the southernmost boundary of the candidate site and a road whose origin dates back through both the Acadian and Planter occupation periods. The road has been widened, graded and paved over time, but its trace line is one that goes back to at least the 1700s. During the Acadian period it was one of two roads running east-west across the nominated property toward the Gaspereau River. The road has integrity as to its line and role going back approximately three centuries. Its value is that it continues to play the same role for today's residents of Grand Pré as it did for their Acadian and Planter predecessors, as one of the principal east-west roads through the residential part of the agricultural community. It is not known what name the Acadians called this route; its current name derives from its</p>



						19 <sup>th</sup> -century use as a road the mail travelled on.
	Dirt roads on the Grand Pré Marsh	C	x		ca. 1680 to ongoing	Prior to the Acadians completing their various dyking projects on the inter-tidal zone there was no road that led all the way across to Long Island. That's because what lay between was still largely or partly an inter-tidal zone, depending on the period. Once the Acadians completed the various phases of their dyke construction the tops of the various dykes were used as "roads" upon which the Acadians (and later the Planters) could travel on foot, on horseback or with oxen and carts. Many of the twisting dyke-top roads still exist. Some have been widened, reinforced and perhaps altered in other ways over time as heavy equipment became available, but the trace and form of many of the old dyke-top roads remain true to the trace and form they had in the mid-18 <sup>th</sup> century. One value of these roads is that their spatial integrity is intact from when they were first created, as part of the Acadians' transformation of the inter-tidal zone into dykeland. A second value is that these roads follow the same transportation routes that farmers of the Grand Pré agricultural community have used, from Acadian times through the Planter period through to today, for more than three centuries.
	Grand Pré Road (on Acadian dyke top)	C	x		ca. 1730	A one-third portion of the paved Grand Pré Road that connects the village of Grand Pré with North Grand Pré or Long Island existed in the 18 <sup>th</sup> century, albeit as a dyke-top road. On that section, the road has the integrity of line and form from the Acadian and Planter periods. The values of that portion are identical to what was stated above about the dirt roads of the Grand Pré Marsh.
	Grand Pré Road (from mid dykeland to the upland)	C	x		1800s	This stretch of the Grand Pré Road was constructed in the 1800s and it now serves as the main way for vehicle access to and from Long Island or North Grand Pré. The road was a new creation for about two-thirds of the way out onto the marsh where it then connects with an old dyke-top road alignment from the Acadian period that has been upgraded and paved to current standards. The value of this section of the road is that it attests to the ongoing evolution of the dykeland to meet the needs of the agricultural community that lives alongside.
	Old French Road	C	x	x	ca. 1680 - ca. 1870	A portion of this north-south road of the original Acadian village of Grand Pré is still used, but only as a footpath within Grand-Pré National Historic Site of Canada. The old road ceased to be used as a road around the time of the construction of the railroad in the early

					<p>1870. Back in the 17<sup>th</sup> and 18<sup>th</sup> centuries, until 1755, this was the main north-south road in the community, linking the settled area on the uplands with the marsh and with the church of St-Charles-des-Mines and nearby cemetery. A portion of this former road became a broad garden footpath in the plan that Percy Nobbs developed for the DAR in 1919. A few years later, first the DAR commissioned a statue of Evangeline to go along the same path (former road) and then the Acadian community raised the Memorial Church. On recent Lidar photos the path of this old Acadian road can be clearly seen extending up the hill and along a property line, to where the road once connected with what today is known as the Old Post Road. The value of this vestigial road is that it is tangible evidence of what once was a transportation corridor in the heart of the Acadian community, leading down to the parish church and burial area and beyond that out to the marsh. According to Sherman Bleakney’s study of the Acadian dyking of the Grand Pré inter-tidal zone, the Acadian community began that transformation near the foot of this road. The line of this old road is intact.</p>
	Town Plot (rectilinear grid) in its entirety	C	x	1760	<p>When the New England Planters arrived in Horton Township (the new name given to the former Acadian village of Grand Pré) in 1760, the British authorities who had arranged for their migration expected and encouraged the newcomers to settle mainly on a rectilinear grid that had been designed by the surveyor Charles Morris. The grid was known as the Town Plot, and it was similar to many other such grids introduced at various British colonial settlements in the mid-18<sup>th</sup> century. Halifax (1749) and Lunenburg (1753) were but two of the locations where rectilinear grids were also introduced. The “town plot” settlement pattern appealed to the authorities in that it was militarily practical – close to Fort Montague down at Horton Landing, compact, and on elevated ground – while at the same time it satisfied the aesthetics of the Age of Reason which placed a priority on a symmetrical organization of urban spaces. The Town Plot was also close to water access for transportation and communication via the nearby Gaspereau River. About half of the Town Plot is still intact in the Hortonville area of greater Grand Pré, and is either used by vehicles or pedestrians. The other third has lost its visible presence on the landscape through disuse over the years. Individual streets of the grid are discussed separately below.</p>

					<p>The value of the portions of the Horton Town Plot that remain visible on the landscape of the Grand Pré rural landscape is that they are tangible evidence of the attempt by the British authorities to introduce a rectilinear grid at the beginning of their period of settlement in 1760. The fact that the grid has lost some elements and some of its crisp straight lines brings another value. It underlines that after the perceived military crisis of the early 1760s had passed the Planters and their descendants opted to settle mostly off the Town Plot. Their preferred settlement pattern – dispersed along the upland in a manner similar to their Acadian predecessors—is a testament to the combined impact of the rolling landscape at Grand Pré and the desire of the newly-established agricultural community to spread out and live closer to the dykeland that was the source of great productivity.</p>
	Middle Street (and footpath extending to Patterson Street)	C	x	1760	<p>This is one of the three streets running east-west in the rectilinear grid, or Town Plot, introduced at Horton Township in 1760. The name of the street is misleading because this street was not (and is not) in the middle of the grid. It is at the top of both the grid and the hill. About two-thirds of the street continues to be used by vehicles; the other third has become a footpath or farm road that runs down a slope to connect with Patterson Street. In both forms, as Middle Street and as the footpath or farm road, this feature forms the southernmost boundary of the nominated property in this part of the Grand Pré agricultural landscape.</p> <p>The value of this street has been covered above in the discussion of the Town Plot in its entirety.</p>
	King Street	C	x	1760	<p>This is another of the three streets running east-west that were established in 1760 when the British authorities introduced a rectilinear Town Plot on the rolling landscape for the New England Planters of Horton Township. This is the street that was at its origin in the middle of the Town Plot, on the east-west axis. It is intact in its entirety.</p> <p>The value of this street has been covered above in the discussion of the Town Plot in its entirety.</p>
	Railway Street	C	x	1760	<p>This is one of the three streets running east-west that were established in 1760 when the British authorities introduced a Town Plot at Horton Landing. This is the street that was at its origin in the bottom of the Town Plot, on the east-west axis. It is intact in its entire length and form but has become essentially a little-travelled farm road.</p>

						The value of this street has been covered above in the discussion of the Town Plot in its entirety.
	Patterson Street	C	x		1760	This is currently the most easterly of the streets that ran north-south on the Town Plot established in 1760 by the British authorities. It is intact in its entire length and form. The entirety of the road is included in the nominated property. The value of this street has been covered above in the discussion of the Town Plot in its entirety.
	Unnamed trace feature on the landscape	C	x		1760	This unnamed trace was once one of the streets running north-south on the Town Plot established in 1760 by the British authorities. It is no longer a road for vehicles of any sort but its prior existence can still be detected by Lidar photography. The value of this trace has been covered above in the discussion of the Town Plot in its entirety.
	Horton Cross Road	C	x		1760	This was the most westerly of the streets that ran north-south on the Town Plot established in 1760 by the British authorities. About one-third of the dirt road is still intact and true to its original 1760 indication on the Morris plan. The upper two-thirds portion, however, curves as it follows the landscape. It is possible that right from the start the settlers on the ground did not exactly follow the surveyor's straight-line rectilinear grid on this part of the land but rather constructed the road so that it curved as it followed the natural shape of the land. If so, the street is completely intact to its 1760 orientation. The value of this street has been covered above in the discussion of the Town Plot in its entirety.
	Wharf Road	C	x		17 <sup>th</sup> c.	This dirt road leads down to the Horton Landing area. At the end of the road there are the vestiges of a wharf that was used by the Grand Pré agricultural community from the 1840s until well in the 20 <sup>th</sup> century. The previous wharf – used from the 18 <sup>th</sup> century to the 1840s – was a little further inland along the Gaspereau River and one accessed it by a different road, which became closed at the time of the coming of the rail line. The earliest version of this road dated from the Acadians' arrival at Grand Pré and was subsequently used for the transport of people and goods heading to and from the wharf. It is worth noting that the area through which this Wharf Road passes was where the British erected first a fort known as Vieux Logis in 1749 and Fort Montague in 1760. It is also where in 2009 an Aboriginal

						<p>artefact dating back several thousand years was found. This road used to pass through private property to reach the wharf but there was an easement in the 20<sup>th</sup> century to make it a public road. The value of the road is that it demonstrates the evolution of the Grand Pré agricultural community and its needs from the 17<sup>th</sup> through to the 20<sup>th</sup> century to have water access for its transportation needs.</p>
	Lower Grand Pré Road	C	x		Ca. 1700 – 1730	<p>Most if not all of this long and gently curving dirt road that begins at the Old Post Road then descends to the marsh and runs all the way across the dykeland to Long Island dates back to early in the 18<sup>th</sup> century. The section on the upland area evolved in an unknown manner, but it was without doubt one of the roads Acadians and later Planters used to descend and go out on to the dykeland. The long section that extends completely across the marsh began as a dyke-top road that, as the Acadians completed additional phases of their dyking, continued until it eventually reached Long Island. At one point the dyke upon which the road rests was likely the eastern outer limit of the dyking undertaking. In more recent times the roadbed was graded and probably widened, yet it continues to follow the same line, trace and form of the original dyke-top road. One value of this road lies in its link across the centuries between the upland area where people live and the dyked dykeland that has long been the focus of agricultural activity regardless of the time period or cultural group involved. This was one of the principal access roads by which farmers travelled to undertake further construction, make repairs to damaged dykes and harvest their crops in those areas.</p>
	Old French Road	C	x	x	1680s - 1755	<p>This long road runs parallel to the Grand Pré Marsh – the transformed inter-tidal zone – along much of its east-west limit. It dates back to the very beginning of the Acadian occupation of Grand Pré in the 1680s and almost certainly grew to the east and to the west as the Acadians tackled the challenge of dyking the inter-tidal zone in a series of phases. Of course it has been widened, graded and stabilised over the years, but based on an analysis of historical maps and recent Lidar photos, the line and form appear to be identical to what it became in the late 17<sup>th</sup> century and after. It was along this road that the Acadians were forcibly marched in 1755, on their way to being placed in small boats at Horton Landing and then taken out to larger ships anchored off shore. To recall the distress and sorrow of the Acadians as they made their way along that</p>

					road makes a walk along the Marsh Road a poignant experience. On a much different note, the New England Planters would also have used this road upon their arrival in 1760 and after. There are multiple values to the road. It speaks to the Acadians' way of accessing their dyking projects out in the transformed inter-tidal zone; their need for a road leading to the Gaspereau River so they could export their surplus harvest; the tragedy of their forcible removal; the coming of the Planters; and the ongoing (still continuing) use of the very same road bed by today's farmers to access the Grand Pré Marsh.
	Miner Lane	C	x	19 <sup>th</sup> c.	This is the western boundary of the upland portion of the nominated property. The boundary is in the middle of the road. It is another of the north-south roads in the agricultural community that lead down to the dykeland, which is its value to the nominated property.
	Rail Line	NC		1860s	The coming of the railway through the Annapolis Valley in the 1860s had a huge impact on many aspects of life, including the spatial organization of the agricultural community. At least two roads were closed or ceased to have a function: notably a road leading to an old wharf that was along the Gaspereau River and the Old Acadian Road that descended from Old Post Road down to what is now the National Historic Site and beyond out to the dykeland. Two train stations were constructed in what is now the nominated property, one in Hortonville and another within what in 1961 would become Grand-Pré National Historic Site of Canada. The first train station was subsequently replaced by another. None of the train stations remain in the nominated property. The value of the rail line is that it represents a significant period of change to the Grand Pré area, both in terms of its impact on the local agricultural economy and on future tourism. It would be the Dominion Atlantic Railway (DAR) that would significantly alter the commemorative landscape when it created a Memorial Park with gardens, paths and the Statue of Evangeline in the 1920s. It would be along the rail line that the Deportation Cross was first placed.
	Horton Landing (Vieux Logis)	C	x	x	What since 1760 has been known as Horton Landing, the Acadians used to call Vieux Logis. The name (–old house”) suggests that it might have been in this area that the Acadians first established their dwellings when they arrived in small numbers in the early 1680s. In 2009, archaeologists found an Mi'kmaq artefact

						<p>dating back several thousand years in this general area, on a farmer's adjacent property, which provides a tangible link with the Mi'kmaq use of this area long before Europeans arrived here. Returning to the Acadian period, as its agricultural community grew and prospered it was from the shoreline near the Vieux Logis area that people mostly came and went, as did the export surplus of their crops and produce. That was from the location a little further along the Gaspereau River where until the 1840s there was a wharf. Travel by water from the 17<sup>th</sup> century well into the 19<sup>th</sup> century was much easier and more common than travel by land routes. Grand Pré came to be known as the "Ganary of Acadie" and the area a little to the south along the Gaspereau was in the 18<sup>th</sup> century the port of Grand Pré. On two occasions, the British erected small wooden and earthwork forts in the Horton Landing area. The first, in the late 1740s, the British called Vieux Logis; the second, in the early 1760s, was known as Fort Montague. What are believed to be the vestiges of the latter fort were uncovered by archaeologists in 2009.</p> <p>It was from Horton Landing that the Acadians were deported in 1755. In 2005, on the 250<sup>th</sup> anniversary of that forcible removal, the Acadian community moved their evocative "Crix de la Déportation" to Horton Landing. It was also at Horton Landing that the New England Planters who came to Horton Township arrived in 1760. To mark that occasion, the Historic Sites and Monuments Board of Canada placed a stone cairn with a plaque in 1960 on the bicentenary of that event. There are multiple values to the area, which speak to all two criteria of the nominated property. Horton Landing (Vieux Logis) served as the export port for the agricultural surplus generated on the Grand Pré marsh during the Acadian era; it evolved as the Acadian, Planter and successor agricultural communities developed; and it became a doubly commemorated area with the placing of evocative monuments to both the Acadian deportation and the coming of the New England Planters.</p>
	Dykeland	C	x	x	1680s-ongoing	<p>It was and is the exceptional fertility of the over 1300 hectares of the dykeland at Grand Pré that has sustained the agricultural communities that have lived alongside it for three centuries. Thanks to the nutrients deposited in the intertidal zone for five thousand years prior to dyking, and to the micro-climate at Grand Pré,</p>

					the dykeland has a fertility that is unrivalled at its level of latitude in North America. So valuable is the land that it has never been used for any purpose other than agriculture, regardless of the era or the cultural group living alongside it. Right from the start, the very name of this particular feature – the <i>Grand Pré</i> or large meadow – was also the name given to the community living on the adjacent upland. The value of the marsh to the nominated property's application for a WH designation cannot be overstated: it is of fundamental importance as a massive artefact that is intact in its form, shape and use going back to its creation in the late 17 <sup>th</sup> and early 18 <sup>th</sup> centuries, and as a place of enduring agricultural use from that same era.
	Fields on the dykeland	C	x	Ca. 1680s - Ca. 1750s	Recent research comparing historical maps with aerial photos and Lidar photography confirms that 30% of the specific fields on the dykeland are in the 21 <sup>st</sup> century identical in size, shape and form to what they were in the 1760s. Hypothetically, Acadian farmers from the early 1700s could come back to these fields and recognize them as the ones they worked by their size, shape, form and relation to the nearest water body into which the precipitation drained. The remaining 70% is indistinguishable from those dating back to the 18 <sup>th</sup> century. The value of the unchanging nature of the fields is the testimony they give to over 300-year old artefact that is the dykeland. Their shape and extent remains what they have always been, a practical response to the geo-physical realities of drainage on the dykeland.
	Fields on the uplands	C	X	Ca. 1680s - Ca. 1750s	The dispersed nature of the settlement on the uplands reflects what the settlement pattern that goes back to the late 17 <sup>th</sup> century. For instance, there are long and narrow boundary property lines that reflect what recent research suggests are the vestiges of the <i>seigneurial</i> regime that was introduced into the area at the time of the Acadian settlement. As for the open fields on the hills and uplands adjacent to the transformed inter-tidal zone, some of these also date back to the Acadian and Planter periods. Higher up on the landscape – beyond the nominated property – the Acadians had wood lots where they cut wood for burning or construction. They also allowed livestock to roam in some wooded areas. While during the Acadian era there would at times have been large numbers of sheep, cattle and goats on the open fields in the nominated property that is no longer the case. Nonetheless, the open fields in the nominated property have value both as reminders of earlier eras and as an ongoing



						feature of a dispersed rural settlement.
	Settled lots on the Uplands (Villages of Grand Pré and Hortonville)	C	x		1680s-2010	<p>This is where members of the agricultural community of Grand Pré (Acadian, Planter and successor generations) have lived since the late 17<sup>th</sup> century. No particular buildings within the zone are seen as contributing to the proposed Outstanding Universal Value but rather it is the overall dispersed settlement pattern that has great value. Some parts of some properties almost certainly contain archaeological and architectural evidence of the houses and farm buildings of the Acadian and Planter eras. The value of nominated property as a representative sample of this settlement pattern is that it contains roads, property lines and potential archaeological sites that go back to the time when the agricultural community began on the uplands and where it has lived ever since, taking advantage of the great fertility of the dyked dykeland. The Hortonville portion of the nominated property contains what remains of the original Town Plot, which was a 1760 attempt by the British administration to impose a rectilinear grid on the settlement pattern. The fact that the grid did not achieve its objective, at least not as envisioned, speaks to the cross-cultural desire of the post-Acadian agricultural community to spread out in a manner similar to the Acadians, living spread out along the uplands adjacent to the dykeland.</p> <p><i>Image: aerial photo of the nominated property portion.</i></p>
	Grand-Pré National Historic Site of Canada (G-P NHSC)	C	x	x		<p>What is now the national historic site was from the 1680s through to 1755 a part of the Acadian village of Grand Pré, which in turn was part of a larger Acadian region called Les Mines. The church of St-Charles-des-Mines was located within the area as was the parish cemetery, several roads and an unknown number of houses, barns and other farm buildings. Vestiges of several structures and the cemetery have been verified by archaeology. Following the Acadian Deportation the area of today's G-P NHSC was taken over by settlers from New England, who either re-used the Acadian buildings left standing or built their own new structures. Beginning in the latter half of the 19<sup>th</sup> century, thanks to a growing sense of nationalism and cultural pride among Acadians as part of what is known as the Acadian Renaissance and the international success of Henry Wadsworth Longfellow's 1847 poem <i>Evangeline, A Tale of Acadie</i>, whose opening section is set in an imagined Grand Pré, this part of the real Grand Pré began to attract visitors. They came to see some ruins, the old</p>

					<p>–French” willows, and to walk the fields and roads.</p> <p>In 1909 John Frederic Herbin of Wolfville, whose mother was Acadian, purchased the land with the old willows, a well and what he believed were a burial ground and the ruins of the Acadian church. The following year the Nova Scotia legislature passed an act to incorporate the Trustees of the Grand-Pré Historic Grounds. Herbin built a stone cross to mark the cemetery of the church, using stones from the remains of what he understood to be Acadian foundations. He sold the property to the Dominion Atlantic Railway (DAR) in 1917 on the condition that Acadians be involved in its preservation. In 1919 the DAR commissioned Percy Nobbs to envision a memorial park in the area and in the 1920s the DAR erected a statue of Evangeline (by Canadian sculptor Henri Hébert) on a park path that had once been an old Acadian road linking the dykeland to the upland. The DAR next deeded a piece of the land to la Société l'Assomption, an Acadian insurance company. Another organization, the Société Nationale l'Assomption, an advocacy organization, raised funds to build a commemorative church in Grand Pré. Construction took place in 1922. Two years later, the Acadians erected a commemorative cross along the railway tracks nearly two kilometres from the church, in memory of the Deportation. The cross was moved in 2005 to Horton Landing.</p> <p>With the creation of a tree-, garden- and monument-defined memorial park along a portion of the dykeland, that zone became visually separated from both the uplands and the dykeland beside it. By the mid-1920s all the major commemorative elements that mark the Acadian presence at Grand Pré between the 1680s and 1755 and their forcible removal in 1755 – the paths, trees and flower beds of a park setting, the statue of Evangeline, the Memorial Church, the Herbin Cross, the well and the Deportation Cross – were in place. They were the result of a series of actions by a few passionate individuals, a railway company promoting tourism and the Acadian community in Canada and the United States.</p> <p>The Canadian government had no involvement with what today is Grand-Pré NHSC until the memorial park was well over 30 years old. The</p>
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					<p>Canadian government acquired the memorial park portion at Grand-Pré in 1957 and designated it a national historic site in 1961. In the years that followed, Parks Canada acquired adjacent properties where there were known or suspected archaeological features as well as land for use as visitor centres and parking. The current visitor centre opened in 2003, replacing the small wooden complex that served that purpose from the 1960s onward. That complex stands on the eastern side of the Grand Pré Road, close to the railway line, looking out on the dykeland.</p> <p>One value of the land of the NHSC is that it includes the archaeological remains of numerous Acadian structures, the burial ground of the Acadian community between the 1680s and 1755, and possibly the archaeological vestiges of the church of St-Charles-des-Mines. Another value is that it contains all but one of the best-known and most iconic symbols of the Acadian commemoration of their history, that of a people who overcame a tragedy of forced migration through perseverance, hope and pride. The one evocative monument not found within the NHSC is the Deportation Cross, located at Horton Landing.</p>
	Wharf vestiges	C	x	19 <sup>th</sup> c.	<p>Dendrochronological testing was carried out on this feature in 2009. Its lowest timbers were dated to the 1840s while its upper remains were more recent. Before that there had been another wharf farther upriver along the Gaspereau River. The dating of the Horton Landing vestiges confirmed that it was used by the greater Grand Pré agricultural community for well over a century, both for the maritime export of its crops and produce and for the coming and going of residents and visitors. Its value lies in that it is tangible evidence of the long era when travel by water – from Horton Landing on to the Gaspereau River and then out into the Minas Basin and the Bay of Fundy – was the most common means of transportation, first for the Acadians and later for the New England Planters.</p>
<b>4</b> <b>Land uses</b>	Hills / Uplands (for dwellings, farm buildings and other structures and uses)	C	X	1680s - 2010	<p>The portion of the upland area within the nominated property is a representative sample of a spread-out agricultural community that dates back to the late 17<sup>th</sup> century. The portion selected for inclusion is that which has tangible evidence of the Acadian and/or Planter occupations of the 17<sup>th</sup> and/or 18<sup>th</sup> centuries. One type of evidence is made up of property lines or boundaries known to date back to the</p>

						<p>17<sup>th</sup> and 18<sup>th</sup> centuries. Archaeological sites are another type of evidence. Sites have been excavated on Parks Canada property and on several of the private properties of the nominated property. There are indications (from visual reconnaissance, oral traditions or other sources) of other sites within the nominated property that may be excavated or tested in the future. A third type of tangible evidence is the roads that have been continuously used since the 17<sup>th</sup> and 18<sup>th</sup> centuries or traces of previous roads or paths that have gone out of use. The integrity of all these features is high, which is what was used to define the limits of the nominated property.</p>
	<p>Grand-Pré National Historic Site of Canada</p>	C	x	x	1909 - 2010	<p>What became an official National Historic Site of Canada in 1961 began as an informal and unofficial historical site in 1909 when John Frederic Herbin acquired the land that contained the old French willows, what were said to be the old Acadian burial ground and the ruins of their church. In the years that followed the Dominion Atlantic Railway (DAR), the Acadian community and the Province of Nova Scotia all played roles that led to a dramatic alteration of the landscape within the original boundaries. (Those boundaries would grow significantly later on, with major extensions in the latter half of the 20<sup>th</sup> century and early in the 21<sup>st</sup> century.) By adding prominent monuments to the landscape – most significantly the Memorial Church and the Evangeline statue – and by planting hundreds of trees and shrubs and introducing numerous ornamental flower beds, the various players created a visual island on what had historically been a mostly open field setting extending down into the dykeland. The various monuments within their memorial park setting attracted a growing number of visitors from the 1920s on. Though Acadians and _Cadiens (or Cajuns from Louisiana) were the most moved by their visits to the memorial park – to describe those visits as pilgrimages is not at all an exaggeration – the greatest number of visitors were (and remain) non-Acadians. They too have always been moved by the tragic story of the Acadian Deportation, as presented by and within the Memorial Park setting with its various monuments. (People experience similar sentiments at Horton Landing where the Deportation Cross in its evocative setting beside the Gaspereau River speaks to people from all backgrounds.)</p> <p>There are many values of the Grand-Pré NHSC property to the nominated property. It is a</p>

					<p>sacred place for Acadian-descent people everywhere; it is an area where significant archaeological evidence of the Acadian era is located; it is where historically-minded individuals and groups took major steps to protect and present the story of the Acadian occupation of the area and the forcible removal of those people in 1755; it is a tourist attraction where visitors learn a host of interpretive messages about the Acadian era and its tragic ending; and it is an important green and recreational picnic space for the local community who feel a strong connection to this landmark in their midst.</p>
	Farmland	C	x	1680s – 2010	<p>This element – whether the cultivatable areas are located on the dykeland or on the uplands – is one of two aspects at the heart of Grand Pré’s nomination for a World Heritage designation. (The other aspect is its commemoration of a forced migration in a way that it is an example for people everywhere.) The value of the farmland in those two areas – dykeland and uplands – is that it is what has shaped land use at Grand Pré since the late 17<sup>th</sup> century. Expressed simply, people live exclusively on the uplands and farm somewhat where they live and to the exclusion of anything else on the dykeland.</p>
	Pastures	C	x	1680s – 2010	<p>During different periods, farmers have used the overall dykeland as a sort of commons where they pastured cattle. This was never done instead of growing crops but rather something done in the autumn after the harvest. The cattle would be branded so that each farmer would know his own herd.</p>
	Cemeteries on the uplands (in the villages of Grand Pré Lower Horton)	C	x	1747 - 2010	<p>In addition to the Acadian burial ground that is located within Grand-Pré NHSC there are three other known cemeteries within the nominated property. Two are currently unmarked and are situated on either side of the Grand Pré Road. The one to the east is where Col. Robert Noble was buried in 1747 after what is known as the battle of or attack on Grand-Pré. The unmarked burials on the west side of the road are where the ordinary enlisted men from New England who died in the 1747 attack were buried. The third cemetery is located along Old Post Road and is well marked. To the north of the road, which is within the nominated property, is a small cemetery that dates back to the 19<sup>th</sup> century. Across the road, outside the nominated property is the much larger and newer portion of the same cemetery. The value of the three burial areas – the two associated with the 1747 attack and the northern portion of the Lower Horton cemetery is that they attest to the long</p>

						and sometimes tumultuous occupation of the upland portion of the nominated property.
<b>5 Constructed water features (ditches)</b>	Drainage ditches on the dykeland	C	x		1680s - 2010	The man-made ditches on the dykeland are what allow the precipitation from rain and snow to drain off the land, into one of the three drainage networks. The soil of the dykeland is clayish, which means that it does not absorb moisture well. The value of the ditches is that they are part of an ongoing intervention by farmers – since the late 17 <sup>th</sup> century – to make sure that the soil of the dykeland is well-drained and able to grow crops.
	Ducks Unlimited Pond	NC				This small water body dates from the late 20 <sup>th</sup> century. It was introduced at the edge of the dykeland on the uplands to provide a small watering spot for ducks and other waterfowl flying through the area.
<b>6 Circulation (roads)</b>	Old Post Road	C	x		ca. 1700	Established sometime during the Acadian era, and continued to be used by the Planters and later residents of the agricultural community, the earliest version of this road would likely have been a path. Back in the Acadian period, this would have proceeded to the west to become the road to Port-Royal (after 1710, Annapolis Royal). Meanwhile, the road proceeded east to become the road to Pigiguit (Pisaquid or today's Windsor) and after 1749 toward Halifax. Widened and stabilized over time, and eventually graded and paved, the Old Post Road was for a long time the main east-west road of the dispersed village of Grand Pré. The road has integrity as to its line and role going back approximately three centuries. Its value is that it continues to play the same role for today's residents of Grand Pré as it did for their Acadian and Planter predecessors, as one of the principal east-west roads through the residential part of the agricultural community.
	Grand Pré Road (portion)	C	x		Ca. 1730	One-third of the length of the Grand Pré Road existed in the 18 <sup>th</sup> century as a dyke-top road. That section of the road has the integrity of line and form from the Acadian and Planter periods. Its value resides in its ongoing use, from Acadian times through to today, as a transportation route used by farmers of the Grand Pré agricultural community.
	Dirt roads on the Grand Pré Marsh	C	x		Ca. 1680s – 1750s	These roads began as dyke-tops, which were used by the Acadians (and later the Planters) for travelling on foot, on horseback or with oxen and carts. After enough of the marsh was dyked to reach Long Island, there were several dyke-top roads that gave transportation access to what previously had been an island. That allowed for the eventual settlement of North Grand Pré. Some dirt roads have been widened, reinforced and perhaps altered in other ways

					over time as heavy equipment became available, but the trace and form of many of the old dyke-top roads remain true to their 17 <sup>th</sup> and 18 <sup>th</sup> century origins. The value of these roads to the nominated property is that they retain their integrity in terms of line and form and they continue to be used for transportation by the farmers of the Grand Pré agricultural community, as they were in Acadian and Planter times and ever since.
	Old French Road	C	x	Ca. 1680s – 1750s	Though this road has lost its transportation function – except along part of its route where it has become a footpath within Grand-Pré National Historic Site of Canada – it once was an important north-south circulation access road in the original Acadian agricultural community of Grand Pré. The old road ceased to be used as a road around the time of the construction of the railroad in the early 1870s, which cut across the road. Notwithstanding the road's transformation into a footpath within the Grand-Pré NHSC and its total abandonment on the adjacent upland farm properties, evidence of the road can still be seen on Lidar photos, extending up the hill to intersect with the Old Post Road. The value of this road is that it is tangible evidence of what once was an important transportation path or trail in the Acadian community, leading down as it did to the parish church and burial area and beyond that out to the marsh. The line of this road is intact.
	Middle Street	C	x	1760	When established in 1760, this street was part of the Town Plot and extended all the way from Horton Cross Road to Patterson Street. It no longer goes all the way to Patterson, but becomes a footpath or farm road about two-thirds of the way along. The street and footpath have value as an ongoing circulation route in the community, much as it has since it was created in 1760.
	King Street	C	x	1760	This street was established in 1760 when the British authorities introduced a rectilinear Town Plot on the rolling landscape for the New England Planters of Horton Township. The street is intact in its entirety and continues to have the value that it had 250 years ago, as a transportation artery in the agricultural community.
	Railway Street	C	x	1760	Established in 1760 when the British authorities introduced a Town Plot at Horton, this street is intact in its entire length and form but it has become a little-travelled farm road. The value of the street as a circulation route within and for the agricultural community continues.
	Patterson Street	C	x	1760	Established in 1760 by British authorities

						wishing to have a rectilinear grid, or Town Plot, on the rolling landscape of Horton Township, this street is intact in its entire length and form. The value of this street continues to be what it has always been since 1760, a north-south circulation route between the upland of the agricultural community and the eastern end of the dykeland.
	Horton Cross Road	C	x		1760	This street was established in 1760 by the British authorities as part of the Town Plot for Horton Township and at least a portion of it has remained intact and true to its original 1760 indication on the Morris plan. If the original construction of the upper two-thirds of the street followed the curve of the land rather than the surveyor's straight-line rectilinear grid, then the street is completely intact to its 1760 orientation. The value of this street to the nominated property is that it still serves its original intended purpose, as an important circulation road within the agricultural community, giving farmers and others north-south access from the uplands toward the dykeland.
	Wharf Road	C	x		19 <sup>th</sup> c.	This road, or an earlier version, dates back to the arrival of the Acadians in the 1680s. Then as now it leads down from the upland area to Horton Landing, the area from which the Acadians were deported in 1755 and at which the New England Planters came ashore in 1760. The value of the road is that it demonstrates the evolution of the agricultural community and underlines the link that once existed between the agricultural community and the export of its surplus by boats and ships, with the loading occurring along the Gaspereau River.
	Lower Grand Pré Road	C	x	x	Ca. 1700 – 1730	Most if not all of this long and gently curving dirt road that begins at the Old Post Road then descends to the marsh and runs all the way across the dykeland to Long Island dates back to early in the 18 <sup>th</sup> century. The section on the upland area evolved in an unknown manner, but it was without doubt one of the roads Acadians and later Planters used to descend and go out on to the dykeland. The long section that extends completely across the marsh began as a dyke-top road that, as the Acadians completed additional phases of their dyking, continued until it eventually reached Long Island. In more recent times the roadbed was graded and probably widened, yet it continues to follow the same line, trace and form of the original dyke-top road. One value of this road lies in its link across the centuries between the upland area where people live(d) and the dyked dykeland that is the focus of agricultural activity. This is



						an access road by which farmers travel to work their fields and always has been since its construction.
	Old French Road	C	x	x	Ca. 1680s-1755	This long road runs parallel to the Grand Pré Marsh – the transformed inter-tidal zone – along much of its east-west limit. It dates back to the very beginning of the Acadian occupation of Grand Pré in the 1680s and almost certainly grew to the east and to the west as the Acadians tackled the challenge of dyking the inter-tidal zone in a series of phases. Though widened, graded and stabilised over the years, its line and form are thought to be identical to what it was in the late 17 <sup>th</sup> century and after. The values of the road as a circulation route are that it speaks to the Acadians' way of accessing their dyking projects out in the transformed inter-tidal zone; their need for a road leading to the Gaspereau River so they could export their surplus harvest; the tragedy of their forcible removal as this was the road the soldiers marched them along on their way to exile; the coming of the Planters; and the ongoing (still continuing) use of the very same road bed by today's farmers to access the Grand Pré Marsh.
	Miner Lane	C	x		19 <sup>th</sup> c.	This is the western boundary of the upland portion of the nominated property. The boundary is in the middle of the road. It is another of the north-south roads in the agricultural community that lead down to the dykeland, which is its value to the nominated property.
<b>7 Views and viewsheds</b>	Views of the central and western portions of the dykeland and Grand-Pré National Historic Site of Canada from Old Post Road (from directly above G-P NHSC).	C	x	x		This is the best known view of the nominated property, or at least a major portion of that area. In the foreground, setting off from the viewer's feet, descends a hill upon which Acadians, Planters and later residents have lived on and/or farmed since the late 17 <sup>th</sup> century. The slope flattens out at the bottom of the hill where a church spire pierces both the air and a tree-defined zone on the edge of the dykeland. This is Grand-Pré National Historic Site of Canada with its Acadian Memorial Church and distinctive plantings. Beyond the tree line and spire the land opens up and undulates subtly as a vast flat open space, a patchwork quilt of greens and browns with roads and divisions evident here and there. This is the dykeland (the transformed inter-tidal zone) that has been a vital part of the agricultural community of Grand Pré for over three centuries. Beyond rises a thin strip of upland with a mix of trees and buildings. This is Long Island, not heavily settled in the Acadian era but it evolved into North Grand Pré: a place of farms, houses,

					community buildings and summer residents in more recent times. The distant background is claimed by Cape Blomidon, a place of Mi'kmaq legends and a Nova Scotia icon, as well as by the waters of the Minas Basin. The cape is a headland that juts out into the basin, helping to create the micro-climate that for centuries has contributed to the bounty of Grand Pré's agricultural community. The value of this view is that it speaks simply and eloquently to all two criteria of the nominated property. It offers a panorama of the breadth and scale of the Acadian dyking accomplishment at Grand Pré; it provides a perspective on the combination of settlement patterns on the upland and the agricultural use of the dykeland; and it gives a bird's eye glimpse of the zone where are found some of the most evocative memorials to a people who overcame a tragedy of forced migration.
	Views of the central and eastern portions of the dykeland and the immediate uplands from Middle Street.	NC			This view of the eastern portion of the nominated property is not nearly so well known as is its counterpart discussed above, the view from the top of the Old Post Road. It offers elements that are similar in many respects yet with some important differences. Once again the foreground is a hill descending from the viewer's feet, upon which Acadians, Planters and later residents have lived on and/or farmed since the late 17 <sup>th</sup> century. Yet in this instance, one is on a street of the rectilinear grid known as the Town Plot, an innovation of the new British administration in 1760. Down below are parallel streets that form other parts of that same grid, now tree-lined residential streets or open spaces with numerous working farms and their buildings. When the slope finally flattens out the view is dominated by a mix of land and water. To the left one takes in the eastern portion of the vast dykeland transformed from inter-tidal zone by the Acadians and maintained after their removal by the Planters and their successors. To the right are the muddy waters of the Gaspereau River that twist and flow out into the Minas Basin. It is a spectacular vista that reveals at a glance the twin elements (dyke and sea) that in the 17 <sup>th</sup> and 18 <sup>th</sup> centuries made Grand Pré special, and continue to do so today. Before the transformation of the inter-tidal zone, the salt water of the Gaspereau at this end of the dykeland would have twice daily spread across what for three centuries has been farmland. Five thousand years of alluvial silt deposits left behind by those tides were what rendered the dykeland so productive. Beyond the dyke-enclosed dykeland and to the left of

					the Gaspereau River rises Long Island, or North Grand Pré, seen here from a different angle than from the top of Old Post Road. The farm properties stand out more sharply from this viewpoint. Here as from Old Post Road, the distant background is claimed by Cape Blomidon, but Boot Island also looms large. Until the 1860s it was attached to Long Island, but forces of erosion created — <del>th</del> guzzle”, turning it into a small island, now a National Wildlife Refuge.
	Views of the dykeland from the national historic site (ground level).	C	x	x	Back before the Acadian transformation of the inter-tidal zone into dyked farmland, this view might have been described as sea level. The Acadian achievement changed that; this now is dykeland level. Though you cannot see the full scale and scope of what the Acadians accomplished from this low level, as you can from the heights of Old Post Road and Middle Street, from here you get to see what the farmland of the dykeland looks like close up, spreading out in front of you to the left and right. According to dykeland historian Sherman Bleakney’s analysis, the Acadians began their transformation of the inter-tidal zone very close to right in front of where the viewer stands to take in this view. Then, over a number of generations as the need for more farmland arose with the increase in Grand Pré’s population, the 18 <sup>th</sup> -century agricultural community transformed additional areas of the inter-tidal zone. Eventually, roughly 3000 acres were transformed, a vast artefact that one can see close up from this vantage point. The value of this view is that it offers a close perspective on the Acadian tradition of turning inter-tidal zones into farmland. In addition, it has symbolic value by maintaining the connection with the dykeland as a main element of the Acadian heritage landscape.
	Views of the western, central and eastern portions of the dykeland from Long Island.	C	x		From almost anywhere along the Long Island Road – on the eastern, central or western sections – there are panoramic vistas of the dykeland spreading out immediately in front of you with the strip of upland on the other side that is where the Acadian and Planter agricultural communities were spread out, predecessors of today’s modern Grand Pré and Hortonville. From this side of the dykeland, elements on the landscape like Grand-Pré NHSC and its memorial church spire are insignificant if not invisible. The focus is entirely on the farm-field landscape that fills the foreground and middle ground and then only in the distance comes the row of hills that form the uplands on the south side. The value

						of the view from Long Island is that it offers a panoramic perspective on the dykeland in its scale and scope, and a fresh perspective on the relationship between that productive farmland and the upland on the far side where the Acadian, Planter and later communities have thrived since the late 17 <sup>th</sup> century.
	View of the Deportation Cross and the Gaspereau River from Horton Landing.					<p>The view from Horton Landing can cover 360 degrees, and as one turns round one can take in elements that touch all two criteria for the nominated property. Two monuments rise prominently from the grass lawn to the left and right of the small parking lot. The stone cairn was erected by the Government of Canada and it holds the HSMBC plaque that commemorates the coming of the New England Planters to Horton (Grand Pré) and elsewhere in the Maritime Provinces of Canada in the 1760s. The iron cross comes from the Acadian community and was placed here in 2005, after having been in a location along the railway tracks for 80 years. That cross, fabricated in 1924 and known as the Deportation Cross, is an evocative and powerfully poignant reminder for Acadians of the tragedy of forced migration of their ancestors. This distinctive monument is the inspiration for an international commemoration programme of the Acadian community, with replica versions of the cross erected or about to be erected in various locations in Canada, the United States and in France.</p> <p>Beyond the evocative monuments one can take in the Gaspereau River as it winds inland or heads out toward the Minas Basin. From Horton Landing one has an excellent view of the modern dykes that protect the valuable farmland of the Grand Pré dykeland. Scanning the view planes to the left (south and west) one takes in the upland area where the Acadians, Planters and later generations have lived and worked overlooking the dykeland. Looking to the right (north and west), there lies the eastern end of the dykeland and beyond that, Long Island or North Grand Pré. Farther still looms Cape Blomidon and the waters of the Minas Basin. The value of the 360-degree panorama at Horton landing is that it informs and enlightens viewers about all two criteria for the nominated property: the evocative monuments that speak to a people who overcame a tragedy of forced migration; the enduring agricultural use of upland and dykeland; and the Acadian tradition of transforming inter-tidal zones into highly productive farmland.</p>
8	Historic Sites and Monuments	NC			1958	Designated an event of national significance by

<b>Buildings and structures</b>	Board of Canada [hereafter HSMBC] commemoration (The Coming of the New England Planters National Historic Event)				/1960	the HSMBC in 1958 (and given a plaque and cairn in 1960), this monument has value in that it is formal recognition by the state party of the importance of the Planter migration to the nominated property (and elsewhere in the Maritime Provinces of Canada). The newcomers settled on the inland hills in 1760 and set about to have the damaged dykes repaired at Grand Pré. The dykeland had been extensively flooded in 1759, which was after the Acadians were forcibly removed and before the arrival of the Planters. Without the Planter intervention and subsequent dyking maintenance and new construction initiatives, much of the dykeland would have returned to being an inter-tidal zone.
	HSMBC commemoration (The Attack at Grand Pré NHE)	NC			1924/ 1938	Designated an event of national significance by the HSMBC in 1924 (and given a plaque and stone cairn in 1938), this monument is a formal recognition by the state party of the sometimes contested nature of the settlement at Grand Pré. The Franco-British imperial rivalry that led to the 1747 attack would surface again in 1755 with the wholesale forced removal of all Acadians from the region, and would lead to the re-settlement of the Grand Pré area in 1760 by Planters from New England. Nonetheless, though an event of national significance in Canadian history, the military event has no particular connection or link with the UNESCO criteria for the nominated property.
	HSMBC commemoration (Grand-Pré Rural Historic District NHSC)	NC			1995/2004	Designated a site of national significance by the advisory board to the Government of Canada in 1995 (and given a plaque and stone stand in 2004), this is a formal recognition by the state party of the entire nominated property and beyond, as a cultural landscape lived upon and partially shaped by the Acadians, the New England Planters and those who came later.
	HSMBC commemoration (Dispersal of the Acadians NHE)	NC			1955/ 2005	Designated an event of national significance by the advisory board to the Government of Canada in 1955 (and given a plaque and stand in 2005), this monument has value in that it is formal recognition by the state party of the pre-eminent symbolic importance of Grand Pré in the overall region-wide series of forced migrations known as the Acadian Deportation. Though the removals took place over seven years and touched every Acadian living throughout what now are the Maritime Provinces of Canada, it is the story of what happened to the agricultural community at Grand Pré that is the best known and symbolic of all the removals that occurred over an eight-year period across the Maritimes. <i>Image: photo of plaque and stand.</i>



						accurately indicates where the Acadian cemetery from the 1680s to 1755 is located. Second, it represents one of the earliest attempts by anyone to formally and artistically mark the prior presence of the Acadians on the ground at Grand Pré. The cross was for a time the symbol of Grand Pré, along with the nearby well, until the Evangeline statue and the Memorial Church were constructed and came to have more symbolic resonance with the Acadian community. Though no longer one of the main icons of Grand Pré, the Herbin Cross remains a poignant reminder to Acadians of where some of their ancestors or predecessors are buried.
	Well					This was one of the first features to be “restored” by John Frederic Herbin after he acquired the land containing the old French willows and what were believed to be the ruins of the old Acadian church. For many years the tourism industry labelled this feature as “Evangeline’s Well”. It has not yet been excavated by professional archaeologists as it was long assumed that Herbin or others cleaned it out in the early years of the 20 <sup>th</sup> century before re-establishing the stones at the surface. When the well is excavated, archaeologists may be able to determine the precise period when it was dug. Current thinking is that it does not go back to the Acadian era. The primary value of the well is that in the late 19 <sup>th</sup> and early 20 <sup>th</sup> centuries it was an important memorial with a strong (though imagined) association with the literary story of Evangeline. The well is a part of the evolution of the site as a memorial heritage park and tourist attraction.
	Longfellow Monument					The Province of Nova Scotia placed the bust of Henry Wadsworth Longfellow in the memorial park in 1955, on the occasion of the 200 <sup>th</sup> anniversary of the Acadian Deportation. The value of the monument is that it underlines the impact that Longfellow’s epic poem, <i>Evangeline, A Tale of Acadie</i> , had on readers around the world about the tragedy of the forced migration of the Acadians, and subsequently how the success of that literary creation brought untold numbers of tourists to Grand Pré, contributing to the creation of a non-governmental memorial park that eventually became a National Historic Site of Canada.
	Statue of Evangeline					The sculpture was commissioned by the Dominion Atlantic Railway (DAR) and executed by Montreal sculptor Henri Hébert after the death of his father. Sculptor Philippe Hébert had done some preliminary designs and

					early small models of an Evangeline figure. Since its installation, the Evangeline statue, especially with the Memorial Church as its backdrop, has become an iconic symbol of the Acadian history of Nova Scotia in general and of the tragedy of the Acadian Deportation from Grand Pré in particular. The value of the sculpture rests in its poignant associative power. The sculpture has moved hundreds of thousands of visitors since the 1920s because it effectively incarnates layers of complexity, including sentiments of hope, perseverance and pride. The statue has complete integrity.
	Visitor Centre	NC		2003	The new complex of office space, exhibit areas, audio-visual theatre, gift shop, multi-purpose room, storage space and washrooms opened in 2003. Between mid-May and mid-October this is where visitors to the NHSC are welcomed, oriented and informed about their visit and the history of Grand Pré, to help them make the most of their visit.
	Deportation Cross	C	x	1924	The Acadian community erected the iron cross at a location about two kilometres from the then Memorial Park of Grand Pré. The intent was to mark the location where in 1755 their ancestors had last walked on the solid ground before being put into small boats that would take them out to ships that were going to carry them into exile. From the 1920s until early in the 21 <sup>st</sup> century the belief was that the creek close to the location where the Acadians raised the iron cross led out to the Gaspereau River. That belief was re-examined and found to be wanting, because in 1755 there was no water transportation link between the creek in question and the Gaspereau River. Instead, in 1755 the Acadians would have had to have been marched to the area of Horton Landing and from there been put in small boats to begin their forced migration. Accordingly, in 2005 Parks Canada moved the Deportation Cross from where it had been for 80 years and installed it at Horton Landing. The cross and its base are monitored by Parks Canada conservators with interventions made if and when necessary. The value of the cross is both that it marks literally one of the last locations from which the Acadians of Grand Pré were sent into exile and that it stands symbolically for the suffering the Acadian community endured during their forced migration. The iconic power of the Deportation Cross of Grand Pré is demonstrated by its use internationally, with replicas being placed at many different locations in Canada, the United States and France where the Acadian Deportation left its



					mark. Increasingly, non-Acadians are also seeing great value in the Deportation Cross as being symbolic of the generic phenomenon of a people enduring then overcoming a forced migration.
	Dykes and <i>aboiteaux</i>	C	X	1680s - present	There are dykes and <i>aboiteaux</i> all over the dykeland portion of the nominated property. Though there is only one known portion of a dyke on the surface that dates back to the Acadian period (see the discussion below), there are countless other dykes on the surface of the dykeland that date from later periods. All perform the same function that the original dykes did, thereby continuing the approach that began in this particular inter-zone transformation in the 1680s. As for the <i>aboiteaux</i> , the technology is still used in the same way as it was in the 17 <sup>th</sup> and 18 <sup>th</sup> centuries, though with new materials instead of logs or timbers. That is, they are the key to draining rain and meltwater from snow off the relatively impervious clayish soil of the dykeland. In recent years farmers have accidentally uncovered three Acadian-era <i>aboiteaux</i> as they were dredging ditches or performing other maintenance. (The three <i>aboiteaux</i> are discussed below under —“Archaeological features”.) The exact number of other Acadian <i>aboiteaux</i> still buried within the depth of the dykeland is unknown, but it could easily be a dozen or more. The value to the nominated property of the <i>in situ</i> dykes and <i>aboiteaux</i> , from the complete span of three and a quarter centuries the area has been dyked, cannot be overstated. They are the <i>sine qua non</i> of the dykeland, and features that evolved in terms of material over the span of years but which still function in exactly the same way and in the same locations as did the original dykes raised or the original <i>aboiteaux</i> constructed by the Acadians.
	Old French dyke	C	x	Ca. 1730	This is believed to be the only remaining Acadian-built dyke at the surface level of the dykeland. The dykeland in its entirety is an Acadian creation (except for the section on the west that was a Planter accomplishment) and there are countless sub-surface Acadian features such as buried <i>aboiteaux</i> . Yet all but this original surface feature was removed by generations of farmers or turned into modern roads on the same line and form as the dyke-top roads that preceded them. The Currie family, which has owned and farmed the property on which the dyke is located for more than two centuries, protected this remaining example of a surface Acadian dyke. The value of the feature

					is that it is a tangible, visual surface link to the Acadian tradition of turning of inter-tidal zones into highly fertile farmland.
	Standing Buildings within the nominated property (dozens of functioning farm buildings and dozens of residences, including the following notable heritage properties: Avery Bowser House, ca. 1915; Silas Crane House, ca. 1760 then modified ca. 1880; Brown/MacDougall House, ca. 1880; Hamilton House, ca. 1820; Samuel Reed House, ca. 1770, front added in 1853; Old Methodist Manse, ca. 1790, twice moved)	NC		Ca. 1760 - present	The upland portion of the nominated property is where the residents of the agricultural community of Grand Pré have built their houses, farm buildings and other structures since the late 17 <sup>th</sup> century. As the value of the upland area lies in its long-established and ongoing settlement “pattern” of a dispersed village along the upland adjacent to the dykeland, there is no particular value ascribed to individual dwellings or farmer buildings. That is certainly not to say that some or most or all of those structures are without “value”. Quite the contrary, the value of some structures lies in their functional utility and in the attachment felt by their owners. In some instances historical or architectural merit has been acknowledged formally at the municipal and provincial level. The value of the various structures lies in their function, use and low density within the nominated property.
<b>9 Archaeological and missing features</b>	Features within Grand-Pré National Historic Site of Canada (“Triangular Property”)	C	X	Ca. 1700 - 1755	Two Acadian house sites (identified by archaeologists as 8B5 and 8B6) were excavated in this area in 1972-1973. The artefacts from these sites are held in the Parks Canada facility in Dartmouth, Nova Scotia. A third depression (8B7) was subsequently located that is another possible house site. The value of these features is that they confirm the locations of properties dating from the Acadian occupation of the agricultural community of Grand Pré.
	Features within Grand-Pré National Historic Site of Canada (“South Fields”)	C	X	Ca. 1700 - 1755	Through ground penetrating radar and text excavations archaeologists have confirmed the presence of two Acadian building sites in this area. The value of these features is that they confirm the locations of properties dating from the Acadian occupation of the agricultural community of Grand Pré.
	Features within Grand-Pré National Historic Site of Canada (Memorial Park)	C	X	Ca. 1700 - 1755	Through a decade of excavations by Parks Canada and St. Mary’s University researchers, archaeologists have uncovered and identified many features in the Memorial Park setting of the nominated property. Most excavations have been close to the Memorial Church, on both sides, but there have also been digs near the Herbin Cross and the cemetery of the Acadians. The value of this extensive and continuing research is that it provides tangible evidence of the Acadian and Planter occupations of the area, and a clear grasp of where buildings and burial areas were situated.
	Acadian <i>dalles</i> (the <i>dalle</i> was the sluice box of the surrounding <i>aboiteaux</i> .)	C	X	Ca. 1680s- 1750s	Thus far archaeologists have removed and analysed three <i>dalles</i> from the dykeland. One value of these objects is as tangible evidence of

						the physical means by which the Acadians transformed the inter-tidal zone at Grand Pré, with this hand-crafted technology. On a symbolic level, the value of the <i>dalles</i> of the old <i>aboiteaux</i> is enormous for Acadians everywhere. The sluice boxes are seen as symbols of not just dyking but of the practical wisdom of their ancestors and as emblems of an entire bygone era, that which preceded the trauma and suffering of the Acadian Deportation.
	The Old Apple Warehouse (Grand Pré Road, south of the train tracks) (LOST IN FIRE IN 2008)	NC			built 1920s burned 2008	This wooden building, erected beside the train tracks, was a typical warehouse from the period when the railway was the major way in which farmers shipped off their apple crops. Its value as an architectural landmark and link with that bygone era was lost when the building burned in 2008.
	Mi'kmaq site	NC			At least 4000 B.P.	During the 2009 excavations, archaeologists uncovered a Middle Archaic full-channelled ground stone gouge, which dates back several thousand years. That discovery gives the area another value: that the nominated property was a place known to and used by the Mi'kmaq long before the coming of Europeans and European-descent people to settle on the uplands to transform and eventually farm the inter-tidal zone of Grand Pré.

# GRAND PRÉ: AN ECONOMIC IMPACT ASSESSMENT OF A UNESCO WORLD HERITAGE DESIGNATION

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## **Executive Summary**

One of the principal attractions for many tourists is the presence of cultural and historical sites. This trend in tourism to historical sites has been recognized by many, including the United Nations Education, Cultural and Scientific Organization (UNESCO), who developed the World Heritage List to commemorate cultural and natural destinations with outstanding value to humanity. Nomination Grand Pré is a group of people working together to celebrate and care for the unique place that is Grand Pré. Together they aim to successfully submit a World Heritage Nomination Dossier to the World Heritage Committee. The aim is to submit a proposal for the nomination of Grand Pré as a World Heritage Site to UNESCO in February 2011 with successful designation in the summer of 2012.

The purpose of this study was to quantify the visitation and economic impact a UNESCO designation could bring to Grand Pré. The estimated impact on visitation is developed using a regression analysis which estimates the percentage increase in visitation to Lunenburg, Nova Scotia, attributable to its UNESCO designation in 1996. This estimate for Lunenburg is used to identify the potential increase in tourism to the Grand Pré area due to UNESCO designation.

Survey data was used to develop the average spending per visitor to Grand Pré. By applying this increase in spending to our estimated increase in

visitation, we looked to quantify the economic impact a UNESCO designation would have on the local economy around Grand Pré.

The regression analysis, observing a time period covering both before and after the designation at the site for Lunenburg, while taking into account other potentially influential variables on tourism, estimated a 1.24% increase in the share of tourists visiting Nova Scotia who go to Lunenburg. This figure was then transformed to a percentage change in visitors to Lunenburg due to UNESCO designation, which was found to be a 6.2% increase. Applying this increase in visitation at Lunenburg to Grand Pré, we were able to estimate the increase in the number of tourists to the site. Survey data provided average per visitor expenditure figures attributable to Grand Pré to be \$68.72. Combining these elements generated an economic impact assessment of a UNESCO designation for Grand Pré on the local (Kings County) economy.

The estimate contained two scenarios related to historic visitation figures and forecasted visitation figures for Grand Pré. The two scenarios were then combined with high and low estimates for visitor spending to produce four scenarios as shown in Table 1.

The UNESCO designation has the ability to offset, to some degree, the declining tourism industry in the Grand Pré area of Annapolis Valley by attracting visitors. It is estimated that the UNESCO designation will attract between one thousand and four thousand additional tourists and generate between \$50,000 and \$300,000 in spending. The economic impacts associated with this increase in tourism and the spending of visitors could also generate

Table 1 Direct impacts of UNESCO designation

Trends:	Sensitivity Analysis			
	Historical		Predicted	
	low	high	low	high
<i>Average number of visitors to Grand Pré</i>	45,000	45,000	24,650	24,650
<i>Increase in number of visitors</i>	1,238	4,410	678	2,416
<i>Average spending per visitor</i>	\$70.00	\$70.00	\$70.00	\$70.00
<i>Spending of new visitors</i>	\$86,660	\$308,700	\$47,460	\$169,120

considerable income for local tourism related small businesses in the area. A UNESCO designation can also act as a basis of advertising for the Site. A UNESCO World Heritage designation is a very recognizable title and can be used to promote visitation to the area on a national and international scale.

On February 17, 2009, the bid proposal to have Grand Pré designated received a major financial boost as the three levels of the Canadian government committed to contributing CDN\$1.3 million to the project. This symbolizes the significance of the National Historic Site of Grand Pré, in relation to the tourism industry of Nova Scotia. An effective advertising campaign featuring the UNESCO designation may allow Grand Pré to return to its historic average (1998-2008) for visitors. Doing so would mean about 4,000 more visitors and could provide an injection of over \$300,000 per year into the local economy. In conclusion, the UNESCO designation for Grand Pré could have considerable positive economic impacts for the Site and local economy for years to come.



# Section 1

## Introduction

### 1.1 Nova Scotia Tourism Industry

The Nova Scotia department of Tourism and Culture describes the province as a place of scenic beauty and rich heritage with many truly unique vacation experiences. For example:

“We take great pride in our province and invite you to discover a maritime travel destination like no other. The seven regions of Nova Scotia lead you around the province, where you’ll explore our breathtaking shores - from towering cliffs and long peaceful beaches to picturesque bays and charming villages. There is no shortage of ways to discover our natural beauty and enjoy our renowned hospitality and charm. (Nova Scotia Department of Tourism, Culture and Heritage, 2009a)”

This appeal has made it both an international travel destination and a place for out of province Canadians to visit. Nova Scotia has averaged 1.9 million non-resident visitors since 1990. Of the estimated 2.1 million non-resident tourists in 2007, 10.5% were from the United States, and 4% were non-US international travelers. Tourism in the province is a billion dollar industry, with these expenditures creating approximately 33,000 jobs, with far reaching induced and indirect impacts. The total payroll of these jobs is approximately \$519 million (Nova Scotia Department of Tourism, Culture and Heritage, 2009b).

A significant but declining portion of the visitation and spending in Nova Scotia can be attributed to the Annapolis Valley region. The Annapolis Valley is located on the western shore of the Nova Scotia peninsula and is home to the population centers of Digby, Kentville, and Wolfville. Of the \$1.3 billion in revenues attributed to tourism in 2007, \$137 million, or 10.3% come out of the Annapolis Valley (Tourism Insights, 2008). This area is home to many tourism destinations that are both scenic and cultural, including the National Historic site of Grand Pré. Grand Pré has long been seen as the symbolic epicentre for the deportation of the Acadians from the area (Johnston and Kerr, 2004).



Figure 1.1.1 map of seven regional tourism areas of Nova Scotia

Grand Pré is one of many sites with significant cultural and historical implications in Nova Scotia.

The past is present every day in Nova Scotia. Explore the colourful fishing town of Lunenburg. Relive a day in the life of 1744 at the Fortress of Louisbourg, the largest reconstruction of its kind in North America. Pass through the immigration sheds of Pier 21 National Historic Site in Halifax where over a million immigrants, troops, war brides, and evacuee children started their new lives. Experience the noon day cannon at Citadel Hill, commemorated as a nationally significant symbol of Halifax's role as a principal naval station in the British Empire (Nova Scotia Department of Tourism, Culture and Heritage, 2009c).

These sites are not alone in providing a destination with rich heritage. Many other sites in and around the province commemorate the extensive and diverse history of Nova Scotia. These are major attractions for tourists and an area of focus for tourism promotion efforts aimed at preserving natural and cultural heritage resources (Nova Scotia Department of Tourism, Culture and Heritage, 2008d). In order to do this, the government of Nova Scotia has supported efforts to have both the Joggins Fossil Cliffs and Old Town Lunenburg sites in their successful designation as United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage sites. They are taking similar strides in helping Grand Pré's current bid in becoming a designated World Heritage Site. The Chronicle Herald (February 17, 2009) has reported that "three levels of government will contribute a total of \$1.3 million to a project that would see the area receive recognition as a worldwide historic and cultural treasure. The bid process, being prepared by a nomination advisory board, began two years ago." The government believes this will raise the awareness of cultural sites in Nova Scotia, and in turn, make the province a more attractive destination.

## 1.2 History of Grand Pré

Grand Pré was named after the vast meadow on which the settlement was located. When the salt marshes in and around the Port Royal area were flooded, Acadian families started to look for other suitable marshes in the vicinity. Many regions were founded at this time in and around Les Mines (Minas Basin), and one of the areas they discovered

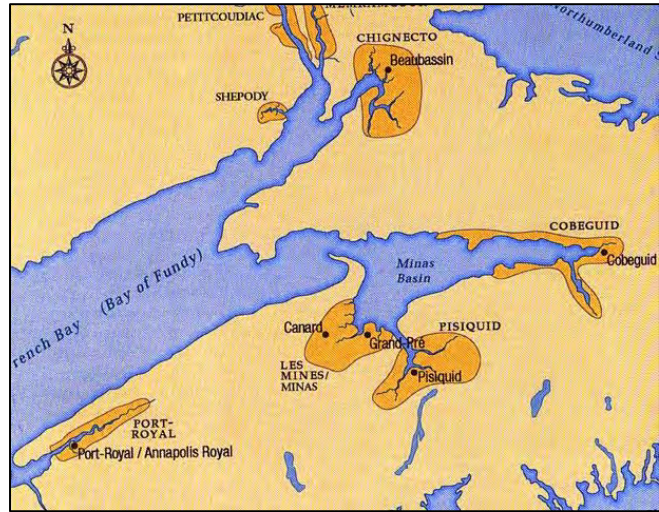


Figure 1.2.1 Map of Acadia

came to be Grand Pré, which was settled in the early 1680s.

The Acadians recognized the untapped agricultural potential of the area and began dyking and draining, a strategy used to make the land fertile. By the early 1700s, the district of Les Mines was the principle agricultural center for Acadia, and Grand Pré was its most populous settlement (Johnston & Kerr, 2004).

In 1713, the Treaty of Utrecht was signed in Europe, which gave Great Britain claims to a number of French territories in North America, including Acadia. The Acadian population took a neutral stance in the divide between France and England, and the post-Utrecht period was marked for the most part, by peace and prosperity. This was not to last.

In 1744, thirty five years after Great Britain gained sovereignty over the region, old conflicts were being rekindled in Europe between France and Great Britain, and the Acadian settlers were going to feel the effects. The matter of Acadian neutrality was starting to wear on the British administration with the increased tension between themselves and the French. In the summer of 1755, after the capture of French Forts in Nova Scotia, the British administration wanted to settle the Acadian question once and for all (Johnston and Kerr, 2004). The Nova Scotia Council made the decision to remove every man, woman and child of Acadian decent from the British colony of Nova Scotia.

On the 4<sup>th</sup> of September, 1755, a message was delivered to the Acadian inhabitants of Grand Pré saying that all men and boys over the age of ten were to arrive at the local church the following day. Upon their arrival, it was announced through interpreters by Lt.-Col. John Winslow, that they and their families were to be deported and all of their “Lands and Tenements, Cattle of all Kinds, and Live Stock of all Sortes are Forfitted to the Crown (Johnston and Kerr, 2004).” The deportation of the Grand Pré Acadians started five days later on the 10<sup>th</sup> of September. In total, approximately 2,200 people living in and around Grand Pré were deported to various Anglo-American colonies, including Massachusetts, Maryland and Virginia (Johnston and Kerr, 2004).

The deportation of the Acadian peoples effectively ended their settlement in the area of Les Mines. The ancestors of displaced Acadians did not let the tragedy become forgotten, and it remained an oral history tradition of the people until 1847, when a poem written by Henry Wadsworth Longfellow,

*Evangeline, a Tale of Acadie*, was published. The poem became known around the world as a tragic love story, and made Grand Pré, the home of Longfellow's 'Evangeline,' the most famous of the deportation sites (Johnston and Kerr, 2004).

A contingent of New England Planters arrived in Grand Pré (renamed Horton) in 1760. Since that time, the transformed marsh has remained the focus of the area inhabitants. "The enduring settlement and land-use pattern on the Grand Pré dykeland and upland is an outstanding example of a distinctive 17<sup>th</sup> and 18<sup>th</sup> century community-based approach to agriculture in North America." The Grand Pré marsh remains highly fertile and the most important features of the original dyked area remain in place. The Town plot of the 1760's became essentially a pattern of roads on the landscape, a pattern that still exists in the 21<sup>st</sup> century, tangible evidence of the British colonial regime that created it. (OUV Working Group Final Report, January 2009).

In 1907, John Fredric Herbin, whose mother was an Acadian, led a campaign to have the site of Grand Pré preserved as a memorial. He bought the lands, and soon sold it to Dominion Atlantic Railway (DAR) on the condition the lands be deeded to Acadians so the site could be preserved as a memorial (Johnston and Kerr, 2004). They maintained the grounds until 1921, when it was transferred into the possession of the Société mutuelle de l'Assomption, who erected what is now the memorial church. The site remained this way until 1956, when in agreement with the federal government the Grand Pré Memorial Park was declared a national historic site. The site has since been further

developed under the sponsorship of the Canadian government who maintain the purpose of the National Park to,

“commemorate the Acadians of the Minas Basin and the expulsion of the Acadians from their ancestral homeland; to protect for all time the memorial landmarks, cultural resources, ornamental gardens and physical environment that make up the special atmosphere and nature of the park; and to encourage public understanding, appreciation and enjoyment of the Acadian historical heritage (Parks Canada, 1985).”

### **1.3 Tourism Trends in Rural Nova Scotia**

Tourism in Nova Scotia has shown moderate growth of approximately 2.6% per year, in the last two decades with visitation increasing from 1.5 million tourists in 1992, to 2.14 million in 2007 (Nova Scotia Tourism Insights, 2008). However, much of this increase in visitation has accrued in the Halifax-Dartmouth area, while the rest of the province has experienced slower growth, or even a downward trend in recent years.

Room nights sold in Halifax increased between the years of 2000 to 2008, rising from 1.249 million to 1.329 million, an increase of eight percent (Nova Scotia Tourism Insights, 2008). In 2007, the tourism revenues generated in Halifax were approximately \$654 million, a 20.6% increase from the tourism revenues in 2000 (Tourism Insights, 2008).

The tourism activity in the Annapolis Valley has not kept pace. Room nights sold in the region have seen a decline of thirteen percent from 310,500 in 2000 to 269,900 in 2007. Tourism revenues have decreased 11.6% during the same time period (Tourism Insights, 2008).

The National Historic Site of Grand Pré has suffered similar negative trends in tourism as compared to the Annapolis Valley. In 1998, 65,115 visited the Site, but by 2008, visitation had fallen to 28,516. This represents a 56% decrease over a ten year period.

Figure 1.3.1 Number of visitors to Grand Pré

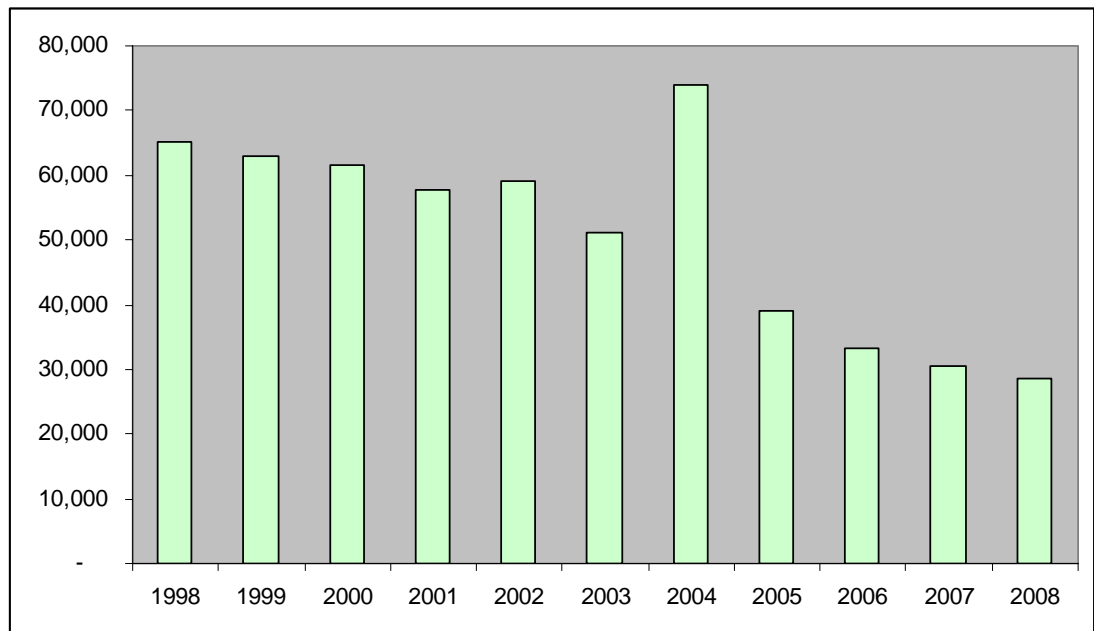


Figure 1.3.1 depicts the downward trend in the number of visitors to Grand Pré. Outside of 2004, the year of Congr s Mondial Acadien, a world Acadian celebration that resulted in a large increase in the number of visitors to



the Site; there has been a consistent decline in the number of visitors from 1998 through to 2008.

This downward trend is something that Grand Pré National Park officials, Nomination Grand Pré, the Working Group on Outstanding Universal Value and other community groups/organisations, are trying to remedy. As one avenue to help accomplish this, Grand Pré is applying for a UNESCO World Heritage designation. It is believed that the status of the designation and related publicity would result in an increase in the number of tourists visiting the site and generating positive economic impacts on the local economy. It is important to note that the UNESCO bid looks beyond the national historic site to a broader cultural landscape that also includes Grand Pré Marsh, Horton landing and a representative sample of the uplands adjacent to the marsh.

#### **1.4 What is a UNESCO World Heritage Designation**

The United Nations Educational, Scientific and Cultural Organization (UNESCO) was established on the 16<sup>th</sup> of November, 1945. UNESCO has one hundred and ninety three member states and six associated members in the fields of education, science, culture and communication (UNESCO, 2009a). The objectives of the organization revolve around the promotion of equality of education, conservation and protection of history and science and promoting a mutual knowledge and understanding of peoples (Jones and Coleman, 2005). UNESCO describes itself as an organization that seeks to promote the identification, protection and preservation of cultural and natural heritage sites

around the world considered to be of exceptional significance to humanity (World Heritage, 2009a).

The aforementioned ideals are embodied in an international treaty adopted and developed in 1972 by UNESCO at the convention concerning Protection of the World Cultural and Natural Heritage. UNESCO hopes to encourage participation of the local population, as well as the international community in conserving the world's cultural and natural heritage (World Heritage, 2009a). UNESCO World Heritage developed a list of sites with cultural and natural significance with outstanding universal value.

The World Heritage List currently consists of eight hundred and seventy eight properties. These include 679 cultural, 178 natural, and 25 mixed properties in 145 states. Canada is home to fifteen of these sites, the first being designated in 1978 at the L'Anse aux Meadows National Historic Site in Newfoundland and the Nahanni National Park in the Northwest Territories (World Heritage, 2009b).

Nova Scotia is currently home to two World Heritage sites. Old Town Lunenburg was the first to receive the designation in 1995, and is described by UNESCO as "the best surviving example of a planned British colonial settlement in North America (World Heritage, 2009c)." The second site was designated in 2008 at the Joggins Fossil Cliffs, which has the most complete fossil record from the period of 318 to 303 million years ago. Grand Pré is looking to become the third site in Nova Scotia to successfully apply to

UNESCO and join the list of World Heritage sites and garner the symbolic benefits of the designation.

As described by the World Heritage convention, belonging to the list of sites means belonging to an international community with strong appreciation for significant cultural and historical sites. Finally, UNESCO believes there is an increase in public awareness due to the designation which will increase tourist activities at the site and bring important funds to the site and local economy (World Heritage, 2009d). Grand Pré hopes to take advantage of all of these benefits by achieving a World Heritage designation.

### **1.5 Study Rationale: UNESCO, Grand Pré and Tourism**

As the ease of travel continues to progress, tourism has become the world's largest industry, and more attention is being placed on cultural sites as an area to expand the industry (Goeldner, McIntosh and Ritchie, 1995). Grand Pré in the Annapolis Valley of Nova Scotia realizes this trend in tourism, and in hopes of strengthening their position and attractiveness as a cultural destination, it has applied for a UNESCO World Heritage Site designation. Along with the recognition the designation would bring as a cultural destination, Grand Pré is looking to take advantage of another benefit of the designation; the belief that as a Heritage Site, there will be an increase in the level of public awareness which would in turn, spark an increase in tourist activity to the area.

This paper looks to estimate the economic impact associated with a World Heritage Site designation for Grand Pré. Given the declining trends in tourism

for Nova Scotia and the Annapolis Valley, such a designation could provide a way to attract new visitors to the area, providing economic benefits for the local tourism industry. It is hoped that the analysis contained in this thesis will be relevant not only for Grand Pré and the Annapolis Valley, but for other sites around the world considering a similar strategy to help expand their tourism industry.

## **Section 2:**

### **Literature Review**

Tourism is the world's foremost economic activity and the importance of developing the industry can contribute significantly to the success of an economy. UNESCO and its World Heritage list declare there are significant economic benefits to obtaining a designation. Through an increase in tourism and global awareness, local economies surrounding cultural and natural sites should benefit from having a designation (World Heritage, 2009d). As the importance of tourism has increased, many studies have been conducted to assess the actual impact of a designation with few definitive results.

Buckley (2004) investigates the contribution of World Heritage listing to tourism in Australia. Observations in this study were extracted from several National Parks in Australia. The author attempts to make a comparison of the economic value of tourism sites before and after they were designated, and at similar unlisted sites during the same time period since other factors outside of

the designation could have affected tourism as a whole. However, there are many gaps in Buckley's data that render his study incomplete. Rarely did a site have data on the total number of visitors, and the data that was used is conflicting. This is the case because tourist numbers reported by the International Visitor Survey are three times higher than the numbers obtained from on ground surveys in the same year. Buckley admits to this problem in his data, stating that "visitor numbers and origins are generally too incomplete to track historical trends except at the broadest scale."

Bojić (2007) evaluated legal and economic implications of Natural World Heritage designation at Plitvice Lakes National Park, Croatia. Bojić claims the site has important economic impacts on two counties surrounding the Park, but fails to quantify the impact or develop a model in which she bases her assumptions. Bojić also mentions the many possibilities for small family tourism development and the establishment of private accommodations as good wealth opportunities in the region. These assumptions might be true, however the research lacks any sort of statistical basis to support the assumptions that significant economic impacts occur from the designated site.

Hambrey Consulting (2007) developed a commissioned report based upon documented experience from sites around the world in order to make recommendations for maximizing the benefits of UNESCO designated areas in Scotland. They suggest that benefits vary between different sites depending on the base of the site itself and the nature of the economy. The report states four benefits a site appears to receive: enhanced leverage for funding, raising

awareness, an enhanced tourism profile and enhanced opportunities for branding. There lacks any statistical data proving this to be true in Scotland, and instead looks at what kind of impacts other sites have had. It fails to reference specific impacts from the World Heritage designation and what kind of tourism growth can be expected.

Blacik (2007) assesses the under representation of Africa on the list of UNESCO World Heritage Sites. Blacik finds that a thirty percent increase in tourism can be expected in the first year alone; however, she argues that this has negative outcomes on local communities trying to maintain their cultures. Conclusions aside, this increase in tourism is not based on any statistical data; instead it comes from an interview with Hervé Barre of UNESCO, and lacks the necessary information to support the claim of a thirty percent increase in the first year after designation.

Soares et al. (2007) estimated the impact of the classification at the Portuguese World Heritage destination of Sintra. Their study is based on a comparative analysis of tourist demand before and after the designation. They assessed the visitation numbers to two palaces in Sintra between 1990 and 2004. The results revealed a lack of evidence of increased tourism numbers. The study admitted difficulties in obtaining concrete data, and stated the trouble in quantifying the entrance and exit of tourists to and from Sintra. An empirical study was also conducted to determine the level of knowledge about the classification. The results showed most respondents had knowledge of the designation prior to visiting the site and 50% admitted the classification influenced their decision to visit Sintra. This study is one of the more complete analyses of World Heritage

designation, but acknowledges complications in quantifying the impact due to difficulty in obtaining tourism visitation numbers.

The number of studies is noticeably increasing as time progresses, with most of the reviewed literature being written from 2007 onwards. The progress in developing a quantitative model of economic impact is fairly evident, however many of the studies lack sufficient data to properly assess the increase in tourism attributed to a World Heritage designation. These difficulties in quantifying the visitation of tourists to a particular designated site resulted in the inability to estimate the increase in tourism due to a designation. In each case which was reviewed, significant problems arose. In examining the shortcomings of previous studies, this paper looks to build upon their work and attempt to advance the search aimed at measuring impact UNESCO has on tourism and the local economy of a classified site.

First, the study looks for another site that had a UNESCO designation, with tourism attributes and characteristics similar to Grand Pré. This was found at the closest site geographically, Old Town Lunenburg. By quantifying the impact of UNESCO designation on the percentage of non-resident Nova Scotia visitors to Lunenburg and then applying it to the level of visitation to Grand Pré, a prediction of the impact of a UNESCO designation on tourism could be estimated. To minimize the problems of identifying and quantifying the number of tourists entering and exiting a specific study area, the increase in the percentage of visitors coming to Nova Scotia that visit Lunenburg is calculated. There exists no direct data on tourism visitation to Lunenburg before and after the UNESCO designation. Looking at the percentage change in visitors to Nova

Scotia since the designation will simplify measuring the number of visitors attributable to the UNESCO designation at Lunenburg. In doing this, while taking into account other economic factors such as the US CAN exchange rate, inflation rate, and other events which would have influenced the visitation, a regression analysis is conducted to isolate the impact UNESCO has on tourism to Lunenburg. This impact on Lunenburg can then be translated to the case of Grand Pré to estimate a change in tourism due to designation. In order to determine the direct impacts of tourism spending Grand Pré has on the surrounding area, survey data will also be taken into account to measure the average spending of tourists in and around Grand Pré to develop an estimated monetary value of direct and indirect spending by tourists.

To summarize, this study aims to quantify the impact of UNESCO World Heritage designation on a tourism site in terms of visitation and visitor spending. The details of the methods adopted in this paper will be presented in the next section.



## **Section 3**

### **Methods**

In order to estimate the potential economic impact of the designation on Grand Pré, two tools will be used. Firstly, regression analysis will be conducted to isolate the impact a UNESCO designation on a particular site. In order to accomplish this, the case of Old Town Lunenburg will be assessed and the results will be applied to the Grand Pré site. Secondly, two hundred and seventy eight surveys were collected in the summer of 2008 asking the spending habits of individuals while visiting the site. Using this data an estimated spending average can be established to quantify the economic impact of tourism on the local economy to Grand Pré. This will be further broken down into subcategories of spending, including accommodation spending, retail spending and food and beverage spending to determine the economic impact of UNESCO for various categories. These estimates can then be applied to our estimated increase in the number of tourists visiting the site to quantify the forecasted economic impact of the designation.

#### **3.1 Regression Analysis**

Regression analysis is a statistical tool used to determine the relationship between an independent variable and dependent variables. In the case of Grand Pré, we are interested in estimating the effect that UNESCO designation has

upon the level of tourism to the site and surrounding area. In order to accomplish this goal, data must be assessed from a previously designated site. Old Town Lunenburg will fill this role because it is the only existing UNESCO site in Nova Scotia with data related to visitation pre and post designation. We would also expect them to be affected similarly by the fluctuations in the Canadian exchange rate and the inflation rate in Nova Scotia. These variables will be taken into account when isolating the impact of a UNESCO designation, as well as the influence other tourist events might have on the level of tourism to Lunenburg. Our regression function will be written as follows:

$$Y_t = \beta_0 + \beta_1(UNESCO_t) + \beta_2(USCANFX_t) + \beta_3(INF_t) + \beta_4(EVENT_t) + U_t$$

The goal of this regression is to isolate the  $\beta_1$  coefficient in order to quantify the impact of the UNESCO designation on tourism. Holding the other variables constant, the percentage change in tourism to Lunenburg because of UNESCO can be discovered and applied to the visitation numbers at Grand Pré in order to forecast the expected impact of a designation at the historical site of Grand Pré on visitation.

The dependent variable,  $Y$ , represents the percentage of visitors coming to Nova Scotia that visit Lunenburg. We explain the variation in this variable using the explanatory variables of exchange rate, UNESCO, inflation rate and the influence of other tourism events. In order to develop this variable, data was assessed from the 2004 Nova Scotia Tourism Exit Survey.

Our  $Y$  variable of the percentage of visitors coming to Nova Scotia that visit Lunenburg was created by the following equation:

$$Y = \frac{Y_1}{Y_2} = \frac{\text{Number of parties visiting Lunenburg}}{\text{Number of parties visiting Nova Scotia}}$$

The numerator,  $Y_1$ , of the number of parties visiting Lunenburg was found by taking the accommodation nights sold in Lunenburg, and dividing it by the average length of stay. This was done so those groups staying more than one night were not counted twice. This number was then multiplied by the ratio of visitors to those who stayed overnight in Lunenburg so to include those visitors who came to Lunenburg but did not stay overnight. This is shown in the following equation:

$$Y_1 = \frac{\text{Accommodation nights sold in Lunenburg}}{\text{Average accommodation length}} * \frac{\text{Visitors to Lunenburg}}{\text{Stayed overnight in Lunenburg}}$$

The denominator,  $Y_2$ , the number of parties visiting Nova Scotia is calculated by taking the average number of visitors to Nova Scotia and dividing it by the average party size of 2.2 people (2004 Nova Scotia Exit Survey). This is shown in the following equation:

$$Y_2 = \frac{\text{Average number of visitors to Nova Scotia}}{\text{Average party size}}$$

This ratio of parties visiting Lunenburg to parties visiting Nova Scotia will give us the percentage of parties who visit Lunenburg of those who come to Nova Scotia.

We assume that this ratio,  $Y$ , and any fluctuation in the number of parties coming to Lunenburg will be reflective of changes in the number of visitors. Hence forth, rather than referring to the percentage change in the number of parties due to UNESCO designation, we will simply identify it as a change in visitation.

The *USCANFX* variable represents the US-Canada exchange rate, which denotes the value of CAN\$1 in terms of American Dollars. Of the estimated 2.1 million tourists visiting Nova Scotia in 2007, 223,800, or 11% of these individuals, were from the United States. This is the largest total of visitors from a foreign country, and the exchange rate can influence the decision of American tourists to visit Canada. When the Canadian dollar is strong in comparison to the United States dollar, as it has been in 2007 and 2008, the cost of visiting Canada for Americans is higher, and you would expect a smaller number of tourists visiting from the United States as compared to when the Canadian dollar is worth less. In other words this would imply a negatively correlated concurrent relationship, as the Canadian dollar appreciates in value an expected decrease in international tourists would occur.

Inflation in prices of goods and services would also contribute to the expense of visiting Nova Scotia. If inflation leads to an increase in the cost of, for example, an overnight stay at a hotel, then it would be expected to cause a decrease in visitation to the area. As the cost of goods and services rises, a negative impact on tourism would be expected.

In order to account for temporary increases in tourism due to particular events, the *EVENT* variable is introduced. This variable would take the value '1' if in that particular year there was a high profile tourism event that occurred in the region. Tall Ships Festivals can be given as examples of such events which brought a significantly larger portion of tourists to Lunenburg than would have otherwise occurred. A positive impact on the percentage of visitors to Lunenburg would be expected when an event occurs.

Finally, the *UNESCO* variable was introduced. This is a dummy variable similar to the *EVENT* variable, where it takes the value of 0 before the designation in Lunenburg (up until 1995), and 1 after the designation occurred in 1996. The UNESCO coefficient of  $\beta_1$ , holding all other variables constant, will generate the percentage change, on average, in visitation to Nova Scotia who visit Lunenburg due to the World Heritage Designation. This percentage change in visitation is then be applied to Grand Pré to forecast the change in tourism would be expected after a designation.

### **3.2 Survey**

In the summer of 2008, tourists were surveyed at Grand Pré and particular locations around the historic site. The survey was comprised of fifteen questions which aimed to identify the origin and age of the visitor, as well as various questions to develop a profile of their trip to Grand Pré. This

survey was then used to develop an economic impact estimate of tourist spending in the area.

A total of 278 surveys were completed. In order to accurately gauge the relevance of each survey to Grand Pré, a question was asked about the influence the site had on determining their visit to the Grand Pré area. Tourists were asked to pick a point on a scale from zero to ten where zero represented no influence, and ten represented the park being the main single reason for being in the area. Only surveys where the influence of Grand Pré was greater than four were taken in to account when developing a spending profile of a visit to the park. Furthermore, only those surveys which indicated their primary reason for visiting the site were assessed. This eliminated those individuals or groups whose spending would have occurred in the absence of the site as indicated by their responses, since the site itself had very little influence on their trip to the area.

To gauge the spending impacts of tourists in particular divisions of the local economy, visitors were asked to estimate the amount they spent in various categories.

<b>Estimated amount spent for:</b>	
a) Cost of accommodations	a)
b) Meals and beverages in restaurants	b)
c) Groceries/liquor at stores	c)
d) Vehicle rental	d)
e) Other shopping purchases	e)
f) Operation of private vehicle (repairs, gas, oil)	f)
g) Recreation and entertainment	g)
h) Inclusive travel package	h)
i) Other (please specify)	i)

Figure 3.2.1 Source: UNESCO Grand Pre Park Visitor Survey

Using these estimates, an average amount spent in a visit to the Park can be established. It will then be applied to the visitation numbers to quantify the impact of the tourism attributable to Grand Pré National Historic Site.

The impact will be broken down further into the various subcategories found in table 3.2.0, and placed through an input/output model to find the multiplier effect of direct spending. This will determine the indirect impacts of tourism in the area. The data will further analysed in chapter four.

## Section 4

### Results

#### 4.1 Data

The independent variables of *UNESCO*, *USCANFX*, *INF*, and *EVENTS*, as well as our dependent variable of the percentage change in visitors who come to Nova Scotia that visit Lunenburg, were each assessed between the years of 1990 to 2007, giving us a sample size of eighteen years. The data for the exchange rate and inflation rate was retrieved from Statistics Canada (CANSIM). The events and UNESCO variables were dummy variables taking the value of 0 in the years where the variable did not apply, and 1 when the variable was taken in to account. Table 4.0.0 denotes the descriptive statistics of each variable.

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Figure 4.1.1 Descriptive statistics of variables

<b>Variable</b>	<b>Mean</b>	<b>Minimum</b>	<b>Maximum</b>	<b>Standard Deviation</b>
<i>UNESCO</i>	0.667	0	1	0.485
<i>USCANFx</i>	0.759	0.637	0.931	0.088
<i>Inflation</i>	1.971	1.89	2.051	0.048
<i>Event</i>	0.167	0	1	0.383

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The UNESCO variable has a mean value of 0.667, implying that Old Town Lunenburg held the UNESCO designation during 66.7% of the time period covered in our sample. The average exchange rate over the time period



was \$US 0.76 = \$CAN 1, the average rate of inflation was 1.97%, and tourist events occurred in 16.7% (three of eighteen) of the years covered by our sample.

## 4.2 Regression Results

A regression was run using the aforementioned data to find the  $\beta$  coefficients and the significance of each variable. Recall that we are looking to isolate the impact of the UNESCO designation on the percentage of visitors to Nova Scotia who will go to Lunenburg.

Figure 4.2.1 Regression results

Variable	Coefficient	Std. Error	t-Statistic	Prob.
<i>Intercept</i>	4.412	1.450	3.042	0.009
<i>UNESCO</i>	1.240	0.326	3.807	0.002
<i>USCANFx</i>	0.032	1.857	0.017	0.986
<i>Inflation</i>	-0.020	0.108	-0.186	0.855
<i>Event</i>	0.613	0.353	1.735	0.107

<i>R-squared</i>	0.621	<i>Mean dependent var</i>	5.352
<i>Adjusted R-squared</i>	0.504	<i>S.D. dependent var</i>	0.866
<i>S.E. of regression</i>	0.610	<i>Akaike info criterion</i>	2.079
<i>Sum squared resid</i>	4.836	<i>Schwarz criterion</i>	2.327
<i>Log likelihood</i>	-13.712	<i>F-statistic</i>	5.320
<i>Durbin-Watson stat</i>	1.436	<i>Prob(F-statistic)</i>	0.009

From these results we can derive our p-values and our regression equation to be:

$$Y_t = 4.41 + 1.24 \text{ UNESCO}_t + 0.03 \text{ USCANFX}_t - 0.02 \text{ INF}_t + 0.61 \text{ EVT}_t$$

(0.01)      (0.00)                      (0.99)                      (0.86)      (0.10)

The slope of the *USCANFX* variable is equal to 0.03, implying that a one unit increase in the Canadian dollar (CAD) will lead to a 0.03% increase in the share of Nova Scotia tourists who visit Lunenburg. The coefficient maintains an incorrect sign; an appreciation of the CAD should not have a positive impact on tourism. However, it is an insignificant impact due to the fact that the p-value is greater than the 5% significance level.

The *INF* coefficient had a value of -0.02, meaning a 0.02% decrease in the share of visitation coming to Lunenburg out of Nova Scotia, for every one percent increase in inflation. It is a statistically insignificant coefficient at the 5% level of significance.

The *EVT* coefficient indicated that a high profile tourist event in the Lunenburg region increased the proportion of visitors who come to Nova Scotia that visit Lunenburg by 0.61% on average. This variable is significant at the 10% level.

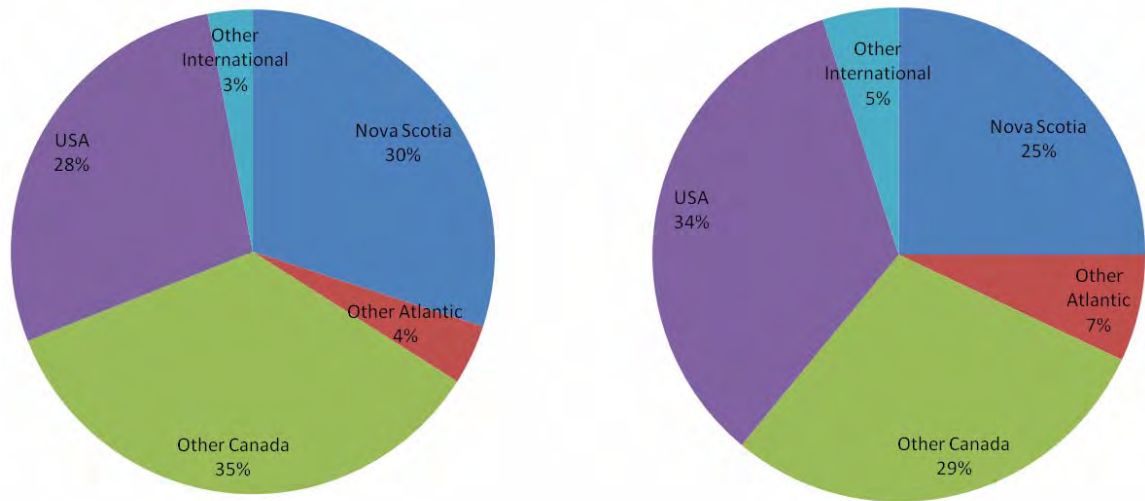
The UNESCO coefficient is found to have a  $\beta$  value of 1.24. This implies that the designation at Old Town Lunenburg has led to a 1.24% increase in the share of people coming to Lunenburg of visitors to Nova Scotia. It is statistically significant at the 5% level. Using this positive and significant value of visitation attributable to the UNESCO designation, we will compute the percentage change in tourism on Lunenburg. This info can be applied to the

visitation numbers at Grand Pré in order to estimate the expected increase in tourism to the area after a UNESCO designation at the Historical Site. However, before we do this, we will analyze our Grand Pré survey data to generate the average spending per visitor.

### 4.3 Survey Results

In the summer of 2008, 284 surveys were completed at the National Park at Grand Pré. The respondent’s geographical distribution is illustrated in the following charts:

Figure 4.3.1 Geographical distribution of survey respondents, 2008



Geographical distribution of visitors, 2007

Geographical distribution of respondents, 2008

Of the survey respondents, 68% of them were from outside of Nova Scotia, with the largest portion being from the United States (34%). Non-

Atlantic Province Canadians comprise the second largest portion of respondents, totalling 29% of the surveys. The geographical distribution of survey respondents is reflective of the actual geographical distribution of visitors to the park (collected by Parks Canada), as shown by comparing the geographical distribution of survey respondents to the geographical distribution of park visitors in Figure 4.3.0. From this we can conclude that the survey sample is an accurate portrait of the population of those who visit Grand Pré.

The survey asked for the respondent's spending while in the Grand Pré area. An average spending per visit to Grand Pré will be used to calculate the economic impact of the Historical Site on the local community, and the potential impact created through a World Heritage designation.

In order to establish the average spending by tourists visiting Nova Scotia, only surveys denoting the following characteristics were considered: (1) Surveys which reported their primary reason for visiting the area was for the historic site. (2) Surveys which reported the site's importance in their trip to the area as being equal to or greater than four on a scale of 1 to 10. (3) Respondents whose origin was outside of Nova Scotia.<sup>1</sup> This narrows the spending impacts of out-of-province survey respondents to be strictly attributable to the historical site and would have not occurred in the absence of the site. (4) Next, those surveys which reported zero spending in all of the categories are treated as a non-response and therefore are excluded from the analysis. This is due to the fact that it is very unrealistic for an out of province tourist to incur no spending

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<sup>1</sup> Average spending estimate is not sensitive to the inclusion of Nova Scotian visitors who came to the site and were outside of 30 minute distance.

while visiting the Grand Pré area, especially since there is an admission charge to visit the Park.

Summing the average spending made in each category, we find the total average spending per person, visiting the site of Grand Pré to be \$68.72. Using this figure, along with the UNESCO coefficient of 1.24%, we can establish an estimate of tourism visitation attributable to a World Heritage designation and the resulting economic impact on the local economy.

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Figure 4.3.2 Categorized average spending

<b>Spending Category</b>	<b>Value (CAN\$)</b>
<i>Inclusive travel package</i>	22.39
<i>Meals and beverages in restaurants</i>	17.34
<i>Groceries/liquor at stores</i>	2.15
<i>Vehicle rental</i>	2.74
<i>Other shopping purchases</i>	11.19
<i>Operation of private vehicle (gas, oil)</i>	4.84
<i>Recreation and entertainment</i>	7.73
<i>Inclusive travel package</i>	0.07
<i>Other</i>	0.28
<b>Total average spending</b>	<b>68.72</b>

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#### **4.4 Tourism impact of UNESCO designation**

In order to determine the percentage increase in visitation to Lunenburg, we must first find the average number of visitors to Nova Scotia that visit Lunenburg. On average, twenty percent of non-resident visitors to Nova Scotia visit Lunenburg (2004 Nova Scotia Visitors Study). This can be multiplied by

the average number of visitors to Nova Scotia between the years of 2002 to 2008 (2.14 million), to find the annual number of visitors to Lunenburg over that time period.

$$\text{Average visitors to Lunenburg 2002-08} = 2.14 \text{ million NS tourists} * 20\% = 428,000$$

It is therefore estimated that the annual, average number of visitors to Lunenburg was 428,000.

Next, the increase in the number of tourists who visited Nova Scotia after the UNESCO designation in Lunenburg must be established. To do this, we take the 1.24% increase in visitation we identified using the regression model and multiply it by the average number of visitors to Nova Scotia between 2002 and 2008.

$$\text{Forecasted visitors coming to Lunenburg due to UNESCO designation} = 2.14 \text{ million NS tourists} * 1.24\% \text{ UNESCO impact on share of NS visitors going to Lunenburg} = 26,536$$

Using this equation, the predicted number of visitors coming to Lunenburg because of the UNESCO designation is 26,536. To find the percentage increase in visitation to Lunenburg due to the UNESCO designation, we will divide this number by the historical average of visitors to Lunenburg<sup>2</sup>.

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<sup>2</sup> We calculate the percentage change in visitors as opposed to just the change in visitors because Grand Pré has a different base number of visitors per year than does Lunenburg.

$$\text{Impact of UNESCO designation as \% of people visiting Lunenburg} = \frac{26,536}{428,000} = 6.2\%$$

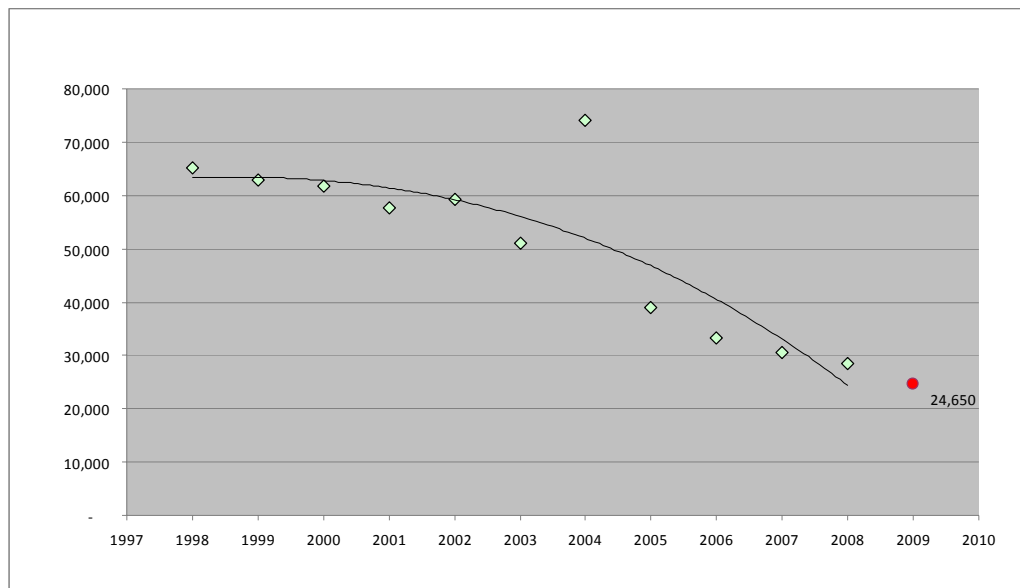
The impact of UNESCO designation as a percentage of people visiting Lunenburg was calculated to be 6.2%. This 6.2% increase in the number of people visiting Lunenburg after the designation will now be used as our estimated increase in visitation we would expect at Grand Pré were it to receive a designation.

If successful, the UNESCO designation would occur in the summer of 2012. We will calculate two figures for visitation to Grand Pré to estimate the impact of a UNESCO designation: (1) an estimate using the historical average based on the years from 2002 to 2008 and (2) an estimate using a next period forecasted value given the trend in visitation to Grand Pré from 2002 to 2008. The historical scenario of a UNESCO designation at Grand Pré is reflective of visitation returning to where it has been in the past, rather than where it looks to be going given the current downward trend. The forecasted scenario looks at this trend and develops an estimate of visitation for 2012 with this in mind. Multiplying these visitation numbers by the impact of UNESCO designation as a percentage of people visiting Lunenburg will give us an estimated change in tourism due to the designation. Furthermore, by using the average spending per visitor, we can develop the corresponding economic impact of a UNESCO designation applicable to each scenario.

The historical scenario of visitation is found by taking the average number of visitors to the site between the years of 2002 to 2008. The average number of visitors for this time period is 45,000 people. Applying a 6.2% increase in visitation due to a UNESCO designation, to the average number of visitors to Grand Pré, our estimated increase in visitors is 2,790 more people visiting because of the designation. Taking this number of new tourists, multiplying it by our average spending per visitor of \$68.72, we find the spending of new visitors in the local economy to be approximately \$191,729.

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Figure 4.4.1 Number of visitors to Grand Pré with 2009 forecast



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The forecasted scenario takes in to account the downward trend in tourism since 2002. To find a forecasted number of visitors for 2012, we will



use a regression analysis taking into account a time trend in downward visitation and any events (such as the Congrès Mondial Acadien in 2004) that would have caused an unusual change in visitation. The time trend variable is equal to the number of years after 1998, where 1998 takes the value of 1. Given that visitation data covers 1998-2008 and that the trend is downward, it was decided that projecting visitation numbers out three years would provide an estimate that was unreasonably low. Furthermore, given that increased advertising by the National Park and media coverage garnered via the UNECO bid is likely to have a positive impact (thus impacting the existing trend), a one period projection was deemed appropriate. Therefore, in the case of 2012 visitation, the time trend variable will be equal to 12. The attractions variable is a dummy variable where years that held tourist events at Grand Pré took a value of 1; otherwise it is equal to zero. The forecasted year was given the value of 0 for this variable. The regression equation and results will be:

$$\begin{aligned}
 \text{Forecasted visitation to Grand Pré} &= \beta_0 + \beta_1(\text{timetrend}) + \beta_2(\text{attraction}) \\
 &= 72,508 - 3,988(12) + 29,000(0) \\
 &= 24,652
 \end{aligned}$$

When considering the downward trend in visitation and the effect of other attractions, the predicted visitation to Grand Pré historical park is equal to 24,652. Our 6.2% forecasted increase of visitors for 2012 is then 1,530 more people visiting the site because of a UNESCO designation. A summary of the historical and forecasted impacts is found in figure 4.4.2.

Figure 4.4.2 Tourism and economic impact estimates for Grand Pré

	<b>Impacts</b>	
	<b>Trends: Historical (2002-2008)</b>	<b>Predicted (2012)</b>
<i>Average number of Visitors to Grand Pré</i>	45,000	24,650
<i>Increase in number of visitors (Average * 6.2%)</i>	2790	1530
<i>Average spending per visitor</i>	\$68.72	\$68.72
<i>Spending of new visitors</i>	\$191,729	\$105,142
<i>Total visitor spending Grand Pré</i>	\$2.7 million	\$1.5 million

We find that a UNESCO World Heritage designation would have a considerable economic impact on the Grand Pré site and surrounding area (ranging from approximately \$100,000 to \$200,000 under the forecasted and historic visitor estimates respectively). The spending of new visitors at Grand Pré constitutes a 7% increase in spending associated with the Site. A sensitivity analysis on the percentage increase in visitation will now be performed to discover an estimated low and high amount of visitation to the site and the economic impact of both scenarios. The multiplied impacts of the spending of new visitors via an input-output model will also be assessed.

#### **4.5 Sensitivity Analysis**

A confidence interval of our dependent variable was constructed to find a low and high estimate for the percentage increase in visitation to Lunenburg under each of the historical and forecasted scenarios. The confidence interval

was done at the 95% level, implying that in 95 out of 100 samples, the interval will contain the mean population number of visitors.

Our low estimate for the percentage increase due to UNESCO is 2.75% and our high estimated percentage increase was 9.80%. The same impact analysis for visitation and spending due to UNESCO, as previously developed, can be constructed with high and low values.

Figure 4.5.1 Direct impacts of UNESCO designation

<b>Trends:</b>	<b>Sensitivity Analysis</b>			
	<b>Historical</b>		<b>Predicted</b>	
	<b>low</b>	<b>high</b>	<b>low</b>	<b>high</b>
<i>Average number of visitors to Grand Pré</i>	45,000	45,000	24,650	24,650
<i>Increase in number of visitors</i>	1,238	4,410	678	2,416
<i>Average spending per visitor</i>	\$70.00	\$70.00	\$70.00	\$70.00
<i>Spending of new visitors</i>	\$86,660	\$308,700	\$47,460	\$169,120

Following the same process as in the previous section, we can determine the low and high spending estimates of new visitors to Grand Pré. Taking the historical average of 45,000, we will first find the increase in number of visitors. Multiplying 45,000 by our low estimate of a 2.75% increase in visitation due to UNESCO, and our high estimate of a 9.8% increase in visitation due to UNESCO, we discover the increase in number of visitors to have a low estimate

of 1,238 and a high estimate of 4,410. The low estimate of new visitors will spend approximately \$86,700, and the high estimate will spend \$308,700.

Using our forecasted number of visitors for 2012 of 24,650, the process can be repeated to find visitation increase to be a low of 678 and a high of 2,416, spending an estimated low of \$47,460 and a high of \$169,120.

## **4.6 Assessing Multiplied Impacts via an Input-Output Model**

In order to estimate the direct, indirect and induced impacts of the exogenous change in spending due to a UNESCO designation, an input-output model will be used. This will estimate both how the spending of new tourists will be divided between the various divisions of the economy, as well as the income generated by visitor spending. The re-spending of income generated by visitor spending is included in the final total spending generated figure. The spending division was done in the historical and predicted scenario described in Section 4.4, as well as using both our high and low estimated spending for both scenarios explained in Section 4.5. The model will be further explained in the forthcoming sections.

### **4.6.1 The Input-Output Framework**

Input-output (I/O) analysis attempts to quantify, at a point in time, the economic interdependencies of an economy. I/O accounting is a framework that explicitly recognizes interdependencies among productive industries of the

economy and the elements of final demand. Final demand is the demand for goods and services consumed directly by ultimate consumers. Final goods and services are referred to as final because they are not put back into the production process to make some other good. The interdependencies are characterized by the inter-industry structure, which shows the inputs that are combined to produce output. The I/O analysis framework is similar to a financial accounting framework that tracks purchases of and expenditures on goods and services in dollars. The I/O framework traces the dollar flows between businesses and between businesses and consumers in an economy.

The input-output model is summarized below in matrix form.

$$X^* = (1-A^*)^{-1} F^*$$

Where:

$X^*$  = the vector of total output

$(1-A^*)^{-1}$  = the closed model total requirements matrix (Leontief inverse)

$F^*$  = vector of final demand changes associated visitor spending

#### **4.6.2 The Kings County Input-Output Model**

The Kings County input-output model was developed in 2001 by Dr. Brian Vanblarcom of the Economics Department at Acadia University. The Nova Scotia input output (I/O) model forms the basis of the Annapolis Valley I/O model. The provincial I/O model for Nova Scotia is based on Statistics

Canada data and produced by CANMAC Economic Consulting Ltd. The provincial I/O direct requirements matrix was obtained from the NS Department of Finance and adjusted via employment based location quotients (LQ) to approximate the Annapolis Valley economy. The location quotient in this case is a measure comparing the concentration of an industry in Kings County and its concentration in the province of Nova Scotia as a whole.

Location quotients were calculated for each industry (excluding households). The rows of the direct requirements matrix are adjusted based on the LQ values. It is assumed that all wage payments are made to county residents, profits are treated as leakages and no adjustment is made for commuters. After adjusting the direct coefficients via the location quotients, the model is transformed into the total requirement matrix via the Leontief inversion technique described earlier. Given changes in final demand generated by the UNESCO designation, the model can be solved to estimate indirect and induced impacts on the local economy.

The model is closed with respect to households. In the standard or open model, household consumption is a column vector located in final demand and household income (comprised of wages/salaries/profits and other income) is a row vector contained in value added. When the model is closed with respect to households, the household row and column vector are incorporated into the endogenous (inter-industry) matrix. The processing sector is therefore expanded to include households as an industry and the inter-industry matrix reveals the relationships between the household industry and all other industries. As a

result, the household sector is no longer exogenous but is now part of the internally determined portion of the model and therefore endogenous. The inclusion of households in the processing sector assumes part of the analysis is to assess not only the impacts of inter-industry purchases but also the effects of household spending on the economy.

The closed model allows the direct, indirect and induced effects of an exogenous change to be captured. The inclusion of households in the inter-industry portion of the table results in multipliers that reflect not only the direct and indirect purchases from the household industry (labour inputs) by other industries but incorporates the effects of household income being re-spent in the economy. The economic activity resulting from the re-spending of income generated by the direct and indirect effects is known as the induced effect. The induced impacts are additional expenditures resulting from increased income brought about by increases in final demand.

One assumption inherent in the induced effects is that household income flows to residents and these residents spend their new income following the pattern of expenditures identified in the household expenditure column of the inter-industry matrix. Given the assumed leakages from the local economy (related to production of goods and industry profits), the closed model is most applicable due to its ability to capture the induced effects associated with the re-spending of income created via the direct and indirect effects.

### **4.6.3 Converting Expenditures to Final Demand Changes**

Visitor expenditures therefore need to be converted to final demand changes by accounting for wholesale, retail and transportation margins, as well as identifying direct leakages related to non-local production and taxes. Details of the conversions of visitor expenditures to final demand changes are discussed below.

#### *Sales Tax Adjustments:*

Most goods and services in Kings County are subject to the GST tax of 13 percent collected at the point of sale and remitted to the federal and provincial governments. The GST is a value added tax. Retailers add it to the price of goods sold. Businesses pay the GST on goods received, charge GST on their sales and remit the difference to the government. Some products, such as food items purchased at grocery stores are exempt from the GST. There is no GST charged on gasoline retailed to consumers. For gasoline, all taxes are levied at the producer level and included in the cost of gas sold to retailers. To account for GST leakages outside the local economy, tourist expenditures for all categories are reduced by the applicable GST rate when converting sales figures to local final demand.

#### *Trade Margin Adjustments:*

Visitor expenditures are equal to output attributable to visitors for all tourism expenditures except that associated with retail trade. Output generated by tourist retail spending is limited to the trade margins (the difference between the price charged for the good and the cost of acquiring that good). The



margining process involves multiplying the value of retail sales by the wholesale and retail margins wholesale and retail trade industries respectively. The aggregate retail trade industry margin (adjusted for direct leakages via location quotients) is 25.7 percent (of the purchaser price) and the aggregate wholesale trade margin is 14.6 percent. Retail sales expenditures, less wholesale and retail trade margins, are usually adjusted for transportation margins with the remainder (the producer price) being apportioned to the producing industry (usually manufacturing). In this model, since all goods sold are assumed to be imported into the region, leakages associated with transportation margins and non-local production are accounted for by treating the cost of the goods sold as imports.

<b>Spending Category</b>	<b>Value (CAN\$)</b>
<i>Inclusive travel package</i>	22.39
<i>Meals and beverages in restaurants</i>	17.34
<i>Groceries/liquor at stores</i>	2.15
<i>Vehicle rental</i>	2.74
<i>Other shopping purchases</i>	11.19
<i>Operation of private vehicle (gas, oil)</i>	4.84
<i>Recreation and entertainment</i>	7.73
<i>Inclusive travel package</i>	0.07
<i>Other</i>	0.28
Total average spending	68.72

Figure 4.6.1 Total direct visitor spending

	Historical		Predicted	
	low	high	low	high
<i>Accommodations</i>	\$27,719	\$98,740	\$15,180	\$54,094
<i>Meals and beverages in restaurants</i>	\$21,467	\$76,469	\$11,757	\$41,893
<i>Groceries/liquor at stores</i>	\$2,662	\$9,482	\$1,458	\$5,194
<i>Vehicle rental</i>	\$3,392	\$12,083	\$1,858	\$6,620
<i>Other shopping purchases</i>	\$13,853	\$49,348	\$7,587	\$27,035
<i>Operation of private vehicle (gas)</i>	\$5,992	\$21,344	\$3,282	\$11,693
<i>Recreation and entertainment</i>	\$9,570	\$34,089	\$5,241	\$18,676
<i>Inclusive travel package</i>	\$87	\$309	\$47	\$169
<i>Other</i>	\$334	\$1,191	\$183	\$652
<b>Total</b>	<b>\$85,075</b>	<b>\$303,055</b>	<b>\$46,592</b>	<b>\$166,028</b>

Figure 4.6.1 denotes how the direct spending of new tourists due to a UNESCO designation at Grand Pré is divided amongst all of the spending categories in the Survey. Accommodations would receive the greatest impact of visitor spending, followed by food and beverage purchases in restaurants.

Figure 4.6.2 shows the direct visitor spending, combined with the indirect and induced spending, attributable to a UNESCO designation at Grand Pré, would be divided among industries. The accommodation and food and beverage services would see the greatest impact from visitor spending, followed by retail trade. Total spending is estimated to range from approximately \$100,000 to \$300,000 under the historical scenario and \$50,000 to \$175,000 under the projection scenario.

Figure 4.6.2 Total direct, indirect and induced visitor spending

	Historical		Predicted	
	low	high	low	high
<i>Division A - Agricultural and related services</i>	\$779	\$2,775	\$427	\$1,512
<i>Division B - Fishing and trapping</i>	\$29	\$105	\$16	\$57
<i>Division D Division C – Logging/forestry</i>	\$195	\$693	\$107	\$380
<i>Division D - Mining, quarrying and oil wells</i>	\$54	\$194	\$30	\$106
<i>Division E- Aggregate Manufacturing</i>	\$2,639	\$9,399	\$1,445	\$5,149
<i>Division F - Construction industries</i>	\$608	\$2,164	\$333	\$1,186
<i>Division G - Transportation and storage</i>	\$1,128	\$4,017	\$618	\$2,200
<i>Division H - Communication and other utilities</i>	\$2,411	\$8,590	\$1,321	\$4,706
<i>Division I - Wholesale trade industries</i>	\$5,322	\$18,959	\$2,915	\$10,387
<i>Division J - Retail trade industries</i>	\$9,762	\$34,775	\$5,346	\$19,052
<i>Division KLN Finance, Insurance, Real Estate</i>	\$6,950	\$24,756	\$3,806	\$13,562
<i>Division M - Business service industries</i>	\$1,164	\$4,145	\$637	\$2,271
<i>Division O - Educational services</i>	\$13	\$46	\$7	\$25
<i>Division P - Health and social service industries</i>	\$564	\$2,008	\$309	\$1,100
<i>Division Q - Accommod/food/beverage services</i>	\$44,483	\$158,458	\$24,361	\$86,810
<i>Division R - Other Services industries</i>	\$13,011	\$46,348	\$7,127	\$25,392
<b>Total Spending Generated</b>	<b>\$89,112</b>	<b>\$317,443</b>	<b>\$48,803</b>	<b>\$173,904</b>
<b>Total Income Generated</b>	<b>\$37,336</b>	<b>\$132,997</b>	<b>\$20,247</b>	<b>\$72,862</b>

## **Section 5**

### **Conclusion**

Tourism is the world's foremost economic activity, surpassing other major industries such as autos, steel, electronics and agriculture. The World Travel & Tourism Council estimates the contribution of tourism and travel to gross domestic product in 2009 to be \$US 5,474 billion (World Travel & Tourism Council, 2009). This translates into 219 million jobs around the world. With this said, the importance of tourism is undeniable, and the study of tourism economics is relevant even on the smallest scale.

“Every job in tourism generates three more jobs in businesses supplying goods and services to the industry. Furthermore, this business creates more tax dollars proportionate to its size than does any other industry (Goeldner et Al, 1995).”

One of the principal attractions for many tourists is the presence of cultural and historical sites. This trend in tourism to historical sites has been recognized by many, including the United Nations Education, Cultural and Scientific Organization (UNESCO), who developed the World Heritage List to commemorate cultural and natural destinations with outstanding value to humanity.

Grand Pré is fortunate enough to have been the home of the Acadian people and their culture in the late 17<sup>th</sup> century. In 1956, a National Historic Site was declared at Grand Pré to commemorate the Acadian history of the area.

In combining Grand Pré with a UNESCO World Heritage designation, the goal is to expand a tourism market with significant positive impacts for the site and the local community. The purpose of this study was to quantify the visitation and economic impact a UNESCO designation could bring to Grand Pré.

This study took an empirical approach in attempting to quantify the impact of UNESCO World Heritage designation on a tourism site, using accommodation statistics from the Lunenburg Site, visitation figures to Nova Scotia, and a 2004 visitor study which identified the proportion of non-resident visitors to Nova Scotia that visited Lunenburg.

The estimated impact on visitation was developed using a regression analysis which estimated the percentage increase in visitation to Lunenburg attributable to the UNESCO designation. This quantified an estimate of the potential increase in tourism to the area due to UNESCO designation. Survey data was used to develop the average spending per visitor to Grand Pré. By applying this increase in spending to our estimated increase in visitation, we looked to quantify the economic impact a UNESCO designation would have on the local economy around Grand Pré.

The regression analysis, observing a time period covering both before and after the designation at the site, while taking into account other potentially influential variables on tourism, estimated a 1.24% increase in the share of tourists visiting Nova Scotia who go to Lunenburg. This figure was then transformed to a percentage change in visitors to Lunenburg due to UNESCO designation, which was found to be a 6.2% increase. Applying this increase in

visitation at Lunenburg, to Grand Pré, we were able to estimate the increase in the number of tourists to the site. Survey data provided average per visitor expenditure figures attributable to Grand Pré to be \$68.72. Combining these elements generated an economic impact assessment of a UNESCO designation on the local economy encompassing Grand Pré National Park. The estimate contained two scenarios related to historic visitation figures and forecasted visitation figures for Grand Pré. The two scenarios were then combined with high and low estimates for visitor spending to produce four scenarios as shown in Table

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Figure 1 Number of visitors to Grand Pré with 2009 forecast

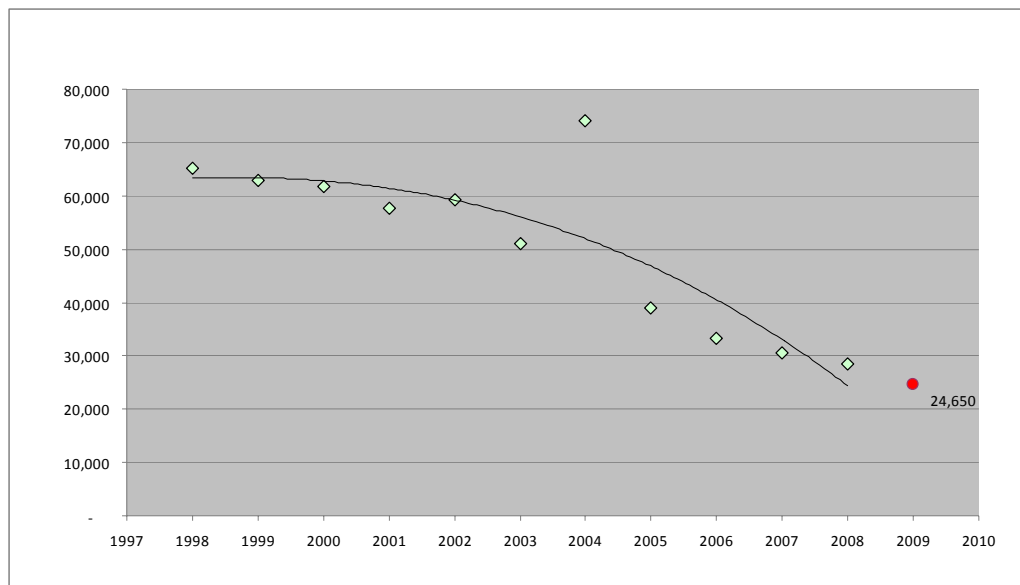


Table 1 Direct impacts of UNESCO designation

Trends:	Sensitivity Analysis			
	Historical		Predicted	
	low	high	low	high
<i>Average number of visitors to Grand Pré</i>	45,000	45,000	24,650	24,650
<i>Increase in number of visitors</i>	1,238	4,410	678	2,416
<i>Average spending per visitor</i>	\$70.00	\$70.00	\$70.00	\$70.00
<i>Spending of new visitors</i>	\$86,660	\$308,700	\$47,460	\$169,120

Figure 4.6.2 Total direct, indirect and induced visitor spending

	Historical		Predicted	
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<i>Division A - Agricultural and related services</i>	\$779	\$2,775	\$427	\$1,512
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	<b>\$89,112</b>	<b>\$317,443</b>	<b>\$48,803</b>	<b>\$173,904</b>

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**Total Spending Generated**

**Total Income Generated**

**\$37,336**

**\$132,997**

**\$20,247**

**\$72,862**

Various policy implications for Grand Pré can be taken away from this study. The most important implication being that the UNESCO designation has the ability to offset, to some degree, the declining tourism industry in the Grand Pré area of Annapolis Valley by attracting visitors. Given the downward trend in tourism to Grand Pré emphasized throughout this paper, a 6.2% increase in tourism could cushion forecasted declines in visitation. The economic impacts associated with this increase in tourism and the spending of visitors could also generate considerable income for local tourism related small businesses in the area.

A UNESCO designation can also act as a basis of advertising for the Site. A UNESCO World Heritage designation is a very recognizable title and can be used to promote visitation to the area on a national and international scale.

On February 17<sup>th</sup>, 2009, the bid proposal to have Grand Pré designated received a major financial boost as the three levels of the Canadian government committed to contributing CDN\$1.3 million to the project. This symbolizes both the significance of the National Historic Site of Grand Pré, as well as the tourism industry to the Nova Scotian economy. In committing this amount to the bid proposal, the government has also recognized the potential impacts of a



UNESCO designation and the importance of rural tourism in Nova Scotia. The government wants to take the opportunity to try and improve the attractiveness of the Grand Pré area and the Annapolis Valley to tourists. An effective advertising campaign featuring the UNESCO designation may allow Grand Pré to return to its historic average (1998-2008) for visitors. Doing so, would mean about 4,000 more visitors and could provide an injection of over \$300,000 per year into the local economy. In conclusion, the UNESCO designation at the National Historic Site of Grand Pré could have considerable positive economic impacts for the Site and local economy for years to come.

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from [http://www.wttc.org/eng/Tourism\\_Research/Tourism\\_Economic\\_Research/](http://www.wttc.org/eng/Tourism_Research/Tourism_Economic_Research/)

## Appendices: Introduction and Hi-Lights

This section of the study contains appendices A-D. These appendices provide a brief overview of some key questions regarding visitors (defined as those living more than a 30 minute drive away) to attractions in Grand-Pré as follows:

Appendix A: Grand-Pré National Park

Appendix B: Grand-Pré Winery

Appendix C: Evangeline Beach

Appendix A: Evangeline Restaurant

Appendix A is based on 257 completed questionnaires and contains more details relative to the others. Appendices B, C and D are based on significantly fewer questionnaires and contain less detail.

### **Hi-Lites Appendix A: Grand-Pré National Park Surveys (257 respondents)**

- 70 percent of international visitors indicated visiting Grand-Pré National Park was the primary purpose of their visit to this area.
- Approximately 36 percent of Non-Nova Scotia Canadian visitors indicated visiting Grand-Pré National Park was the primary purpose of their visit to this area.
- 36% of international visitors found out about Grand-Pré National Park via “Guides/Books,” followed by “Family/Friends” and “Tour Company” at 21%.
- 86% of New Brunswick (NB)/Prince Edward Island (PEI) visitors found out via “Family/Friends”
- 33% of Non-Maritime Canadian visitors found out via “Family/Friends,” followed by “Guides/Books,” (26%) and “Road Signs” at (16%).
- 70% of visitors indicated they visited/planned on visiting other attractions in the area, ranging from 80% for international visitors to 47% for NB/PEI visitors.
- Winery, Beach and Restaurant were the three most common attractions comprising 34%, 29% and 9% respectively of the responses.
- Common themes related to “What Amenities would enhance Visit?” included; better signage, more places to eat/shop.

### **Hi-Lites Appendix B: Grand-Pré Winery Surveys (34 respondents)**

- 40% of respondents indicated that visiting the winery was the primary purpose for their visit to the area.
- 55% of visitors who indicated they visited/planned to visit other attractions in the local area indicated Grand-Pré National Park, followed by “visiting other wineries” with 17%.
- Common responses related to “What Amenities would enhance Visit?” included; “more wineries,” “winery tours,” “children attraction,” “picnic areas.”

### **Hi-Lites Appendix C: Evangeline Beach Surveys (37 respondents)**

- Only 10% of respondents indicated that visiting “the Beach” was the primary purpose for their visit to the area.
- 50% of visitors who indicated they visited/planned to visit other attractions in the local area, indicated Grand-Pré National Park, followed by Grand-Pré Winery (23%) and Evangeline Restaurant (19%)
- Common themes related to “What Amenities would enhance Visit?” included; “easier access to beach” (stairs/boardwalk), “washroom facilities at beach,” “more picnic areas” and “restaurant at beach.”

### **Hi-Lites Appendix D: Evangeline Restaurant Surveys (51 respondents)**

- 20% of respondents indicated that visiting “the Restaurant” was the primary purpose for their visit to the area.
- About 50% of respondents indicated it was their first visit to the restaurant.
- 42% of visitors who indicated they visited/planned to visit other attractions in the local area, indicated Grand-Pré National Park, followed by Grand-Pré Winery at 30%.
- Common responses related to “What Amenities would enhance Visit?” included; “more picnic areas, “more dining options,” “better signage,” “bigger wine store/more wineries/more wine events.”

## Appendix A

The following tables are comprised of the questionnaires completed by visitors (non-local residents) at Grand-Pré National Park. Visitors are defined as those living more than a 30 minute drive away. Valid percents refer to column totals (excluding NR = no response and ? = unsure, where applicable).

**Table A1: Was Grand-Pré National Park the Primary Reason for Visiting Area?**

Group	Primary Reason Yes	Primary Reason No	Importance Rating (of 10) Attraction/Visit
<b>Non-local NS counts</b>	30	16	6.2
<b>Non-local NS valid %</b>	65	35	
<b>NB/PEI counts</b>	6	11	5.3
<b>NB/PEI Valid %</b>	35	65	
<b>Other Canada counts</b>	28	47	5.3
<b>Other Canada Valid %</b>	37	63	
<b>USA/International</b>	61	36	7.8
<b>USA/International Valid %</b>	70	30	
<b>Total counts</b>	125	110	
<b>Valid %</b>	53	47	

**Table A2: Planned to Visit Grand-Pré National Park Before Coming to the Area?**

<b>Group</b>	<b>Yes</b>	<b>No</b>
<b>Non-local NS counts</b>	43	5
<b>Non-local NS valid %</b>	90	10
<b>NB/PEI counts</b>	10	9
<b>NB/PEI Valid %</b>	53	47
<b>Other Canada counts</b>	47	31
<b>Other Canada Valid %</b>	60	40
<b>USA/International</b>	85	21
<b>USA/International Valid %</b>	80	20
<b>Total counts</b>	185	66
<b>Valid %</b>	74	26

**Table A3 First Visit Grand-Pré National Park?**

<b>Group</b>	<b>Yes</b>	<b>No</b>
<b>Non-local NS counts</b>	19	29
<b>Non-local NS valid %</b>	40	60
<b>NB/PEI counts</b>	12	5
<b>NB/PEI Valid %</b>	71	29
<b>Other Canada counts</b>	58	19
<b>Other Canada Valid %</b>	75	25
<b>USA/International</b>	97	13
<b>USA/International Valid %</b>	88	12
<b>Total counts</b>	186	66
<b>Valid %</b>	74	26



**Table A4 How Did You Find Out About Grand-Pré National Park?**

<b>Group</b>	<b>Friends/ Family Word of Mouth</b>	<b>TV Books Guides Maps</b>	<b>Passing By/ Road Signs</b>	<b>Tourist Info Tour Center</b>	<b>Co.</b>	<b>Internet</b>	<b>Info at Local Accom /Other Attraction</b>
<b>Non-local NS counts</b>	10	3	1				
<b>Non-local NS valid %</b>	77	23					
<b>NB/PEI counts</b>	12	2					
<b>NB/PEI Valid %</b>	86	14					
<b>Other Canada counts</b>	18	13	9	4	4	2	5
<b>Other Canada Valid %</b>	33	24	16	7	7	4	9
<b>USA/International</b>	21	36	4	9	21	5	5
<b>USA/Int. Valid %</b>	21	36	4	9	21	5	5
<b>Total counts</b>	61	54	14	13	25	7	10
<b>Valid %</b>	33	29	8	7	14	4	5

**Table A5 Planned to Visit Other Attractions While in the Area?**

<b>Group</b>	<b>Planned to Visit Other Attractions?</b>		
	<b>Yes</b>	<b>No</b>	<b>NR/?</b>
<b>Non-local NS counts</b>	35	15	0
<b>Non-local NS valid %</b>	70	30	
<b>NB/PEI counts</b>	8	9	3
<b>NB/PEI Valid %</b>	47	53	
<b>Other Canada counts</b>	46	28	4
<b>Other Canada Valid %</b>	62	38	
<b>USA/International</b>	85	21	2
<b>USA/International Valid %</b>	80	20	
<b>Total counts</b>	174	73	9
<b>Valid %</b>	70	30	

**Table A6 What Other Attractions Visited/Planned to Visit While in the Area?**

Group	Attractions Planning to Visit					
	Winery	Beach	Restaurant	Camping	Hiking/ Biking Trails	Other
<b>Non-local NS counts</b>	4	6	1	1	1	1
<b>Non-local NS valid %</b>	29	43	7	7	7	7
<b>NB/PEI counts</b>	4	5	4	2	0	0
<b>NB/PEI Valid %</b>	27	33	27	13	0	0
<b>Other Canada counts</b>	25	19	7	8	5	5
<b>Other Canada Valid %</b>	36	28	10	12	7	7
<b>USA/International</b>	21	15	2	1	1	16
<b>USA/International Valid %</b>	38	27	4	2	2	29
<b>Total counts</b>	54	45	14	12	7	28
<b>Valid %</b>	34	29	9	8	4	18

Note: The single “Other” for Non-local NS visitors was “Cross Location.”

**Table A7 Non-Maritime Canadian Visitors:  
Other Local Attractions Visited/Planned to Visit?**

	<b>Counts</b>	<b>Percent of Other</b>
<b>Lookoff</b>	1	14
<b>Tangled Garden</b>	2	29
<b>Dykes</b>	1	14
<b>Just US Coffee</b>	2	29
<b>Halls Harbour</b>	1	14
<b>Totals</b>	7	100

**Table A8 International Visitors:  
Other Local Attractions Planned to Visit?**

	<b>Counts</b>	<b>Percent of Other</b>
<b>Tangled Garden</b>	2	10
<b>Look off</b>	2	10
<b>Just Us Coffee</b>	1	5
<b>Church</b>	1	5
<b>Farm market</b>	1	5
<b>Acadia</b>	2	10
<b>Wolfville</b>	2	10
<b>Historic Houses</b>	1	5
<b>Cape Split</b>	2	10
<b>Halls Harbour</b>	1	5
<b>Cross Location</b>	2	10
<b>Dykes</b>	3	15
<b>Totals</b>	20	100

**Table A9 What amenities would enhance Visit?  
Non-local NS Visitors**

Free entrance to the park for Acadians
Drive Through Tim Horton's
Restaurant at Evangeline Beach
Acadian food and entertainment
Kids facilities at the beach, picnic spot
Acadian food and music
More Acadian activities - music and food
Coffee place in the area
More eateries and shops to visit
More recreation opportunities
Side walks and trails
Recreation Opportunities, Picnic spot, public washrooms
Better Signs and more Information
Don't know if I like all the changes
Bike maps, trails by break area- spot to stop @ beach
Swimming Spot
Nothing (3)

**Table A10 What amenities would enhance Visit?  
NB/ PEI Visitors**

More Recreation and entertainment
More recreation, biking/walking, eco-tourism
Better signs, more social events
Sidewalks, biking trails
Biking, walking trails, pet friendly park
More dog Friendly Parks
Proper Beach
Nothing (2)

**Table A11 What Amenities would enhance Visit?  
(Non-NB/PEI)Canadian Visitors**

Better map of area to find things.
Nothing except better signage in NS
Signs are very important, be able to see them clearly
Higher quality map of shore
Better Marked - More road signs, not enough focus on church
Better/more visible signs
Swimming places, walking, hiking/biking/ trails
Bike trails, bike trail info, public washrooms, rain or shine picnic areas
Walking/Biking Trails
More biking/hiking trails and maps for them
More free walking trails - historic area
More available info on bird watching
Ice Cream shop, snacks, places for kids
Kids activities, picnic area
Children's Activities, Picnic Parks
Childrens' amenities, more places for lunch, picnic parks
More exciting - water park - fun for kids/teens
Restaurant at beach, facilities on beach
More restaurants, bigger selection
Restaurant at beach, facilities on beach
Café at the beach
Picnic Areas
More water access, restaurants
Wineries better promoted
winery tour
Wine Event
Wine Tours
Wedding location expansion (the Winery)
Starbucks
Longfellow's poems on display in Visitor's Centre
More Antique Stores
Nothing (6)

**Table A12 What Amenities Would enhance Visit?  
USA/International Visitors**

Bushes trimmed around signs, can't see them well on road.
More directional signage, more street signs
Better signs and directions
Better Signs
Better signs - hard to find things
More Directions, better maps. More information on where to go and what to do
Maps and Signage
Better directions, biking/walking trails
Maps, info on churches, services
Snack Spot at Park
Restaurant or café close by
A restaurant in walking distance of the campground, walking trails, biking, trails, where to rent
Spot for lunch on the water maybe
Nice place for lunch, walking trails
Refreshment Area of Coffee shop
Café, more shops for local products and antiques
Can't find little shops - souvenirs, gifts
Open more historic houses to the public, model Acadian home and an area for refreshments.
more shopping stores
Music and Entertainment in the Evenings
More Acadian Traditions
Golf
Music
Great audio and visual presentations
More info on what there is in the area in Halifax
No fee to get into park
Lower Prices
Nothing (14)

## Appendix B

The following tables are comprised of the questionnaires completed by visitors (non-local residents) at the Grand-Pré Winery. Visitors are defined as those living more than a 30 minute drive away. Valid percents refer to row totals (excluding NR = no response and ? = unsure, where applicable).

**Table B1 Was Visiting the Grand-Pré Winery the Primary Reason for Visiting Area?**

Group	Primary Reason Yes	Primary Reason No	Primary Reason NR/?	Importance Rating (of 10) Attraction/Visit
<b>Non-local NS counts</b>	2	3	0	4.7
<b>Non-local NS valid %</b>	40	60		
<b>Non - NS counts</b>	12	17	2	5.8
<b>Non – NS Valid %</b>	41	59		
<b>Total counts</b>	14	20		
<b>Valid %</b>	41	59		



**Table B2 First Visit Grand-Pré Winery?**

Group	First Visit		
	Yes	No	NR/?
Non-local NS counts	2	3	
Non-local NS valid %	40	60	
Non - NS counts	23	8	
Non – NS Valid %	74	26	
<b>Total counts</b>	<b>25</b>	<b>11</b>	
<b>Valid %</b>	<b>69</b>	<b>31</b>	

**Table B3 What Other Attractions Visited/Planned to Visit While in the Area?**

Group	Attractions Planning to Visit					
	Beach	National Park	Restaurant	Camping	Hiking/ Biking	
					Trails	Other
Non-local NS counts	1					
Non-local NS valid %	100	0				
Non - NS counts	3	16	1	1		7
Non – NS Valid %	11	57	4	4		25
<b>Total counts</b>	<b>4</b>	<b>16</b>	<b>1</b>	<b>1</b>		<b>7</b>
<b>Valid %</b>	<b>14</b>	<b>55</b>	<b>3</b>	<b>3</b>		<b>24</b>

Note: “Other” For Non-NS visitors: “Other Wineries “(5), Tangled Garden” (2), “Just US Coffee” (1).

**Table B4 What amenities would enhance Visit?  
Non-local NS Visitors**

More Wineries
More Wineries
Picnic Park for Kids
Picnic area at beach
Nothing

**Table B5 What amenities would enhance Visit?  
Non- NS Visitors**

Winery events, more festivals
More winery cafes/restaurants, events
Wine tasting gatherings
Clearer map of all wineries, a winery tour
Place to see how wine is being made - hands on/stomp on
Restaurant open at beach and facilities like a boardwalk
Picnic Areas
Children's Park
Children attractions, biking trails
Nightly Entertainment
Music Events
Park for Dogs
Better Signage
Better Advertising for Canada, not even in the CAA Book
Nothing (2)

## Appendix C

The following tables are comprised of the questionnaires completed by visitors (non-local residents) at Evangeline Beach. Visitors are defined as those living more than a 30 minute drive away. Valid percents refer to row totals (excluding NR = no response and ? = unsure, where applicable).

**Table C1 Was Evangeline Beach the Primary Reason for Visiting Area?**

Group	Primary Reason	Primary Reason	Primary Reason	Importance Rating (of 10)
	Yes	No	NR/?	Attraction/Visit
<b>Non-local NS counts</b>	3	9	1	3.6
<b>Non-local NS valid %</b>	25	75		
<b>Non - NS counts</b>	2	23	0	2.7
<b>Non – NS Valid %</b>	35	65		
<b>Total counts</b>	5	32		
<b>Valid %</b>	14	86		

**Table C2 First Visit Evangeline Beach?**

Group	First Visit		
	Yes	No	NR/?
<b>Non-local NS counts</b>	3	10	
<b>Non-local NS valid %</b>	23	77	
<b>Non - NS counts</b>	18	7	
<b>Non – NS Valid %</b>	72	18	
<b>Total counts</b>	21	17	
<b>Valid %</b>	55	45	

**Table C3 What Other Attractions Visited/Planned to Visit While in the Area?**

Group	Attractions Planning to Visit					Hiking/ Biking	Other
	Winery	National		Camping	Trails		
		Park	Restaurant				
<b>Non-local NS counts</b>	3	2	2				1
<b>Non-local NS valid %</b>	38	25	25				13
<b>Non - NS counts</b>	3	11	3				1
<b>Non – NS Valid %</b>	17	61	17				6
<b>Total counts</b>	6	13	5				2
<b>Valid %</b>	23	50	19				8

Note: The single “Other” for Non-local NS visitors was “Halls Harbour” and “Look-off” for Non-NS visitors.

**Table C4 What amenities would enhance Visit?  
Non-local NS Visitors**

Changing areas, washrooms, stairs at beach
Beach area for swimming, stairs to get down
Boardwalk and stairs for beach
At the beach stairs,
Stairs to beach, rinse-off spot, small boardwalk.
Better way to get down to the beach
Open restaurant at beach
Restaurant here open for lunch
Open restaurant
More Picnic spots,
More Picnic Spots
Walking, hiking, biking trails in area
Biking path throughout whole area.
Bird maps, events, activities
Recycling bins, washrooms
Nothing (2)

**Table C5 What amenities would enhance Visit?  
Non- NS Visitors**

Changing areas, washrooms, stairs at beach
Beach area for swimming, stairs to get down
Boardwalk and stairs for beach
At the beach stairs,
Stairs to beach, rinse-off spot, small boardwalk.
Better way to get down to the beach
Open restaurant at beach
Restaurant here open for lunch
Open restaurant
More Picnic spots,
More Picnic Spots
Walking, hiking, biking trails in area
Biking path throughout whole area.
Bird maps, events, activities
Recycling bins, washrooms
Nothing (2)

## Appendix D

The following tables are comprised of the questionnaires completed by visitors (non-local residents) at the Evangeline Restaurant. Visitors are defined as those living more than a 30 minute drive away. Valid percents refer to row totals (excluding NR = no response and ? = unsure, where applicable).

**Table D1 Was Visiting the Evangeline Restaurant the Primary Reason for Visiting Area?**

Group	Primary Reason Yes	Primary Reason No	Primary Reason NR/?	Importance Rating (of 10) Attraction/Visit
<b>Non-local NS counts</b>	2	11	0	3.3
<b>Non-local NS valid %</b>	15	85		
<b>Non - NS counts</b>	9	29	0	2.8
<b>Non – NS Valid %</b>	24	76		
<b>Total counts</b>	11	40		
<b>Valid %</b>	22	78		

**Table D2 First Visit Evangeline Restaurant?**

Group	First Visit		
	Yes	No	NR/?
<b>Non-local NS counts</b>	3	9	
<b>Non-local NS valid %</b>	33	67	
<b>Non - NS counts</b>	29	11	
<b>Non – NS Valid %</b>	73	27	
<b>Total counts</b>	22	20	
<b>Valid %</b>	52	48	

**Table D3 What Other Attractions Visited/Planned to Visit While in the Area?**

Group	Attractions Planning to Visit					
	Winery	National Park	Beach	Camping	Hiking/ Biking Trails	Other
<b>Non-local NS counts</b>	2	6				2
<b>Non-local NS valid %</b>	20	60				20
<b>Non - NS counts</b>	13	15	2	2	1	7
<b>Non – NS Valid %</b>	33	38	5	5	3	18
<b>Total counts</b>	15	21	2	2	1	9
<b>Valid %</b>	30	42	4	4	2	18

Note: The “Other” for Non-local NS visitors - “Antiques” and “Tangled garden.”  
 For Non-NS visitors: “Tangled Garden” (3), “Just US Coffee” (2), “Halls Harbour,” and “Golf.”

**Table D4 What amenities would enhance Visit?  
Non-local NS Visitors**

Real Acadian traditions, food entertainment
Antiques
Cafe
Bike Trails
Nothing (6)

**TableD5 What amenities would enhance Visit?  
Non- NS Visitors**

More breakfast restaurants
More Picnic Places - Food and Beverage (more available)
Restaurant - Outside - Open Air. A pub, place for a nice glass of wine
More dining/entertainment options
Bigger wine store
More wine tasting
More winery events and more golf
Better winery promotion – see Quebec Tourism’s Job
Just More Wineries
Picnic areas, children areas, more garbage cans
Beach, walking/biking trails
Frenchy’s
Better Directions
Better signs, info
Clearer Signs
Bigger signs
Ways to know what else is near by
More internet Access like tourism bureaus have
Swimming spot
Experience doing stuff the way the Acadians did, hands on for kids
Nothing (8)





# GRAND-PRÉ

NATIONAL HISTORIC SITE OF CANADA

## *State of the Site Report*

2009



Parks Canada    Parcs Canada

Canada

## **State of the Site Report (SoSR)**

Grand-Pré National Historic Site of Canada

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## State of the Site Report (SoSR)

Grand-Pré National Historic Site of Canada

**Approved by:**

  
\_\_\_\_\_  
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Parks Canada

April 24, 2009  
Date

## **Acronyms**

<b>CIS</b>	Commemorative Integrity Statement
<b>CI evaluation</b>	Commemorative Integrity Evaluation
<b>NHSC</b>	National Historic Site of Canada
<b>VEA</b>	Visitor Experience Assessment
<b>VIP</b>	Visitor Information Program
<b>SoSR</b>	State of the Site Report

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## Executive Summary

This State of the Site Report (SoSR) provides a synopsis of the current condition of Grand-Pré National Historic Site of Canada (NHSC) and assesses performance in meeting established objectives for indicators associated with Parks Canada Agency's mandate.

This is the first SoSR for Grand-Pré NHSC which will review the accomplishments of the **current management plan tabled in 2001**, and will serve as a tool for informed decision-making in the planning review with respect to issues associated with protection, visitor experience and public education. Since the completion of the previous management plan, Parks Canada Agency (PCA) has been in transition. Due to the timing of the changes being carried out in the Agency and the timing of the preparation of this SoSR, this report was prepared using the best available information while trying to incorporate elements of the Agency's new direction. During the next reporting cycle, the integration of Parks Canada's mandate elements related to visitor experience, public education and protection will be better reflected.

The **1999 State of the Protected Heritage Areas Report** was used as the benchmark to assess changes in commemorative integrity.

The state of visitor experience, public outreach education, stakeholder and partner engagement and Aboriginal relations was assessed based on corporate targets where available. The benchmark documents for visitor experience are the **2000** and **2007 Visitor Information Program** visitor surveys. No rating is available for these elements.

SUMMARY - STATE OF THE SITE						
Indicator	Measure	Target	1999 rating	2007 rating	Since 2001	Highlights
<b>State of Resources (Commemorative Integrity)</b>	<i>Condition and threats to cultural and natural resources</i>	Improve elements of commemorative integrity that are rated as poor	● G (Good)	● Y+ (Fair/Good)	↔	<ul style="list-style-type: none"> <li>The 2007 commemorative integrity is rated at 7 out of 10;</li> <li>The overall condition of cultural resources at Grand-Pré NHSC is fair for archaeological resources to good for all other resources, a slight deterioration since the last evaluation in 1999. It is meeting corporate plan targets;</li> <li>The main threats to the site come from vegetation encroachment and potential off-site development;</li> <li>With the construction of the visitor reception and interpretation centre, the site has improved its ability to convey site messages;</li> <li>Opportunities outside of the visitor reception and interpretation centre are available for on-site communication of the site's key messages particularly with regards to conveying all the reasons for designation as a national historic site - such as an understanding of the Acadian settlement and the archaeological resources that speak to it on the site;</li> <li>The inventory of the site's cultural resources is not up-to-date, however decision-making on activities at the site have been respectful of the presence or potential presence of cultural resources;</li> <li>The inventory of natural resources has been completed;</li> <li>There are no species at risk on the site;</li> </ul>
	<i>Effectiveness of communication of messages</i>	Improve elements of commemorative integrity that are rated as poor	● Y (Fair)	● Y (Fair)	↔	
	<i>Selected Management Practices</i>	Improve elements of commemorative integrity that are rated as poor	● G (Good)	● Y (Fair)	↓	

	<b>Overall</b>		<b>N/R</b>	<b>7/10</b>		<ul style="list-style-type: none"> <li>The mustard plant, an invasive species, has been located on-site. Parks Canada is involved with local stakeholders in eradicating the species.</li> </ul>
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<b>Indicator</b>	<b>Measure</b>	<b>Target</b>	<b>2000 assessment</b>	<b>2007 assessment</b>	<b>Since 2001</b>	<b>Highlights</b>
<b>State of Visitor Experience</b>	<i>Heritage Presentation</i>	85% overall satisfied, 50% very satisfied with on-site programming, 75% of visitors understand key messages	<b>N/R</b>	<b>● Meets corporate targets</b>	<b>↑</b>	<ul style="list-style-type: none"> <li>Overall state of visitor experience is positive.</li> <li>The 2007 VIP revealed that an overwhelming majority of visitors are satisfied to very satisfied with the site's interpretive programs, visitor services and facilities, meeting Corporate Plan targets.</li> <li>The building of a new visitor reception and interpretation centre in 2003 has played a key role in significantly improving visitors' satisfaction with interpretive programming, site services and facilities.</li> <li>Visitation has decreased significantly in the past decade. A higher percentage of Canadians from outside Atlantic Canada arrived in 2007 as compared to 2000.</li> <li>Seniors and adults make up the overwhelming majority of visitors.</li> <li>Trip planning was noted by visitors as being an area for improvement.</li> </ul>
	<i>Visitor Services</i>	Quality Visitor Services achieve 85% overall satisfaction and exceed the expectations of 1 of every 2 visitors.	<b>N/R</b>	<b>● Meets corporate targets</b>	<b>↑</b>	
	<i>Number of Visitors</i>	Visitation to targeted national historic sites increased by 10% (Grand-Pré NHSC not targeted)	<b>61,699</b>	<b>30,535 (2008 figure)</b>	<b>↓</b>	
<b>State of Public Outreach Education</b>	<i>Outreach Education</i>	85% overall satisfied, 50% very satisfied with outreach programming (based on 2003/04 corporate plan) new targets being developed	<b>N/R</b>	<b>● Meets corporate targets</b>	<b>↑</b>	<ul style="list-style-type: none"> <li>Overall state of outreach education is positive.</li> <li>Outreach education activities are limited, but partnering opportunities such as the one with St. Mary's University's archaeological field school have effectively provided visibility to the site.</li> </ul>
<b>State of Stakeholder and Partner Engagement</b>	<i>N/A</i>	<b>N/A</b>	<b>N/R</b>	<b>N/R</b>	<b>N/R</b>	<ul style="list-style-type: none"> <li>Overall state of stakeholder engagement is positive.</li> <li>National targets were not set by PCA for this indicator however quantitative targets will be set for future reporting requirements.</li> <li>Regular communication and interaction with key stakeholders, such as the Acadian community, has fostered continued positive relations between Parks Canada and the community.</li> </ul>
<b>State of Aboriginal Relations</b>	<i>N/A</i>	<b>N/A</b>	<b>N/R</b>	<b>N/R</b>	<b>N/R</b>	<ul style="list-style-type: none"> <li>The relationship between the Mi'kmaq and Parks Canada is positive and growing.</li> </ul>

N/A – not available    N/R – not reported

**Successes** include:

- the development of a visitor reception and interpretation centre in partnership with the Acadian community;
- the high level of satisfaction of visitors with their visit overall and overall condition of the facilities (98%); The greater amount of time on average spent at the site (119 minutes) by visitors;
- the good condition of buildings, landscapes and objects;
- the unveiling of the Dispersal of the Acadians National Historic Event plaque in 2005;
- the 250<sup>th</sup> anniversary of the Deportation was celebrated on-site with a number of stakeholders and partners in 2005;
- the moving of the Deportation Cross in 2005;
- working with the Planter community at Horton Landing;
- the designation of the Grand-Pré Rural Historic District National Historic Site of Canada in 2004;
- hosting the 3<sup>rd</sup> *Congrès Mondial Acadien* event in 2004 at Grand-Pré NHSC which attracted over 15,000 people to the site; and
- the partnership created with a number of stakeholders to develop a UNESCO nomination for the Grand Pré area.

**Challenges** include:

- the maintenance of sections of the property that may affect cultural resources and improvement of cultural resource inventories;
- the increased land base;
- the mustard plant infestation;
- declining visitation; and
- trip planning.



## **1.0 Introduction**

### **1.1 Purpose of the State of the Site Report (SoSR)**

The State of the Site Report (SoSR) addresses all aspects of Parks Canada's mandate: protection, visitor experience and public education.

The report:

- portrays the state of the site regarding all aspects of the Agency's mandate;
- reports on the activities and results of actions that have taken place to maintain or improve that state;
- serves as a tool for informed decision-making with respect to issues associated with each of the mandate elements and their interconnection;
- reports back to the CEO on the state of the national historic site every five years; and
- communicates the state of the site to a wide public audience.

### **1.2 Context for Grand-Pré NHSC**

Grand-Pré NHSC was transferred by the Dominion Atlantic Railway to the federal government in 1957 and designated a national historic site of Canada in 1961. The current management plan dates from 2001 and is the third plan since the Government of Canada took over the site's administration.

The Commemorative Integrity Statement (CIS) was developed in 1997. In 1999, Parks Canada acquired new property, almost doubling the size of the national historic site.

As a result of the acquisition of new property and in the context of the five-year review of the existing management plan, this State of the Site Report (SoSR) reviews the accomplishments of the current management plan cycle. This is the first SoSR for Grand-Pré NHSC.

### **1.3 Reasons for Designation**

The reasons for designation, as derived from the 1982 HSMBC minutes which clarifies those reasons are that:

- It was a centre of Acadian activity from 1682 to 1755;
- It commemorates the Deportation of the Acadians, which occurred at Grand-Pré in 1755;
- It commemorates the strong attachment that remains to this day among Acadians throughout the world to this area, the heart of their ancestral homeland and symbol of the ties which unite them.

### **1.4 Description of Designated Place**

The designated place consists of the entire property administered by Parks Canada surrounded by cornfields, orchards and rural residential properties. That property is divided in half by a rail line that runs east-west through the site. The designated place is circumscribed on the north side by a gravel road along the marsh. Farmers' fields and orchards form the boundary along the entire length of its southern and western edges. The Grand-Pré Road forms the eastern boundary (cf. Appendix 1 – Map). A portion of the property, which includes parking space and the former visitor centre, is located on the east side of Grand-Pré Road and is surrounded by fields.

The designated place includes the commemorative garden designed by Percy Nobbs, the Memorial Church, the bronze statue of Evangeline that reflected the site's importance as a symbol of Acadian

identity, archaeological resources (including three known Acadian cellars and a burial ground), a visitor reception and interpretation centre built in 2003, a parking lot for that centre, and two HSMBC plaques – one for Grand-Pré Rural Historic District National Historic Site of Canada, designated in 1995, and the other for the Dispersal of the Acadians National Historic Event, designated in 1955. Though the historic village is found throughout the site, there are two concentrated programming areas where the interpretation of Grand-Pré NHSC currently occurs – the new visitor reception and interpretation centre and the 1920's Memorial Church and memorial gardens.

### 1.5 Methodology and Rating (see Appendix 4 for details)

The objective of this State of the Site Report is to determine the Agency's progress in fulfilling its mandate. To achieve this, a variety of tools are used to evaluate the current state of the site and compare it to the goals set for the site.

In evaluating the current state of the site, Parks Canada uses tools that look at the condition of cultural resources, the effectiveness of the communication, selected management practices, visitor satisfaction of the site's services, and visitation. All the evaluations for Grand-Pré NHSC were carried out in 2007.

The goals for the site are set in the management plan and the Agency's Corporate Plan at the time of the tabling of the management plan. The goals used in this report were set in the 2001 Management Plan and the 2003-04 Corporate Plan.

The rating is the result of a multi-disciplinary team review.

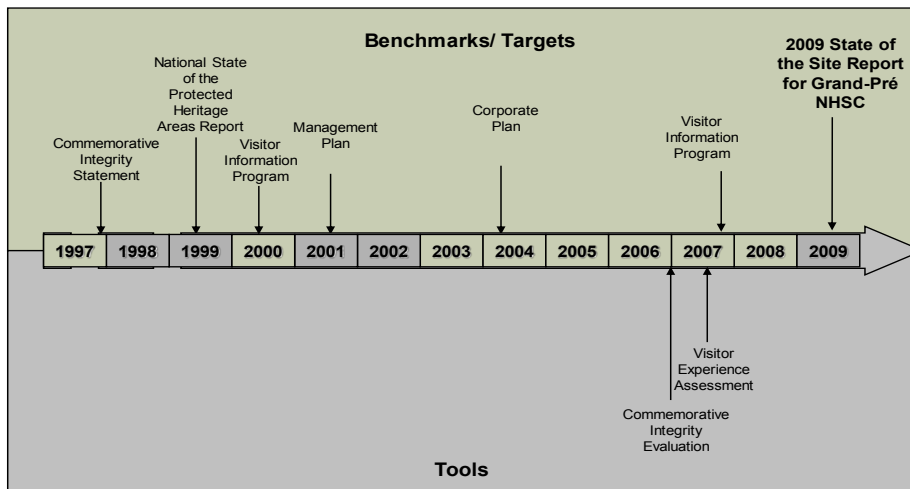


Fig. 1: Monitoring Timeline for Key Components of the State of Grand-Pré NHSC: on top of the arrow are the documents used as benchmarks for evaluations and those that identify targets, at the bottom are the tools used to evaluate progress.

### 1.6 Indicators and Targets

As this is the first State of the Site Report for Grand-Pré NHSC, the indicators that are used are the ones relating to the states of resources (which for national historic sites refer to Commemorative Integrity), visitor experience, public outreach education, stakeholder and partner engagement, and Aboriginal relations.

Sections such as Aboriginal relations, public outreach education and stakeholder and partner engagement information is presented in a factual manner, focussing on describing actions as they relate to overall Agency mandate and objectives set in the current management plan.

Targets are available for Commemorative Integrity, Visitation, Heritage Presentation, and Visitor Services. These were identified in the Agency's 2003-04 and 2004-05 Corporate Plans which were in effect at the time of the tabling of the 2001 Management Plan.

For Heritage Presentation these were:

- 85% overall satisfied, 50% very satisfied with on-site programming.
- Visitation to targeted national historic sites increased by 10%.
- 75% of visitors understand key messages.

For Visitor Services these were:

- Quality Visitor Services achieve 85% overall satisfaction and exceed the expectations of 1 of every 2 visitors.

Performance expectations for commemorative integrity were indicated in the Agency's 2004-05 Corporate plan as:

- Improve elements of commemorative integrity that are rated as poor.

### **1.7 Reliability of Data**

The data provided is the most up-to-date available for the site. The CI evaluation, VE assessment and VIP were completed in 2007. The management plan was tabled in Parliament in 2001.

The CI evaluation only assessed the portion of the property owned and administered by Parks Canada prior to the acquisition of new lands in 1999. The rest of the property consists mainly of fields containing significant archaeological features.

### **1.8 Key Elements of the Vision Statement and Outline of the Key Issues Identified in the Previous Planning Cycle**

The key elements of the vision statement include:

- Parks Canada is recognized for its stewardship of Grand-Pré NHSC and for having ensured its commemorative integrity in partnership with its valued stakeholders;
- Grand-Pré NHSC will be known as a significant heritage area where Canadians and others can learn and understand historic and contemporary *Acadie*;
- the national historic site will demonstrate a greater ability to serve its clients by providing more efficient and improved interpretation and visitor services;
- the agreement for the operation of Grand-Pré NHSC will be recognized as a model of cooperative work between Parks Canada and Canada's Acadian community; and
- the site will be appreciated for its contribution to heritage tourism.

Some of the key issues identified in the previous planning cycle, include:

- the visitor facilities which were considered inadequate for visitor experience and public understanding;
- the need to ensure that Acadian themes presented at Grand-Pré NHSC, St. Croix Island International Historic Site, and six other national historic sites in Atlantic Canada complement each other; and
- maintaining the grounds and their appearance.

## 2.0 Evaluation of the State of the Site

### 2.1 State of Resources (Commemorative Integrity)

The evaluation of the condition and threats to resources considers both cultural and natural resources. The commemorative integrity at Grand-Pré NHSC is rated at seven out of 10.

It is Parks Canada's primary goal to ensure commemorative integrity at all national historic sites. Commemorative integrity describes the health and wholeness of a national historic site. The site possesses CI when: a) the resources directly related to the reasons for designation are not impaired or under threat; b) the reasons for designation are effectively communicated to the public; and c) the site's heritage values (including those not related to the reasons for designation as a national historic site) are respected in all decisions and actions affecting the site.

#### Highlights

- The 2007 commemorative integrity is rated at seven out of 10.
- The overall condition of cultural resources at Grand-Pré NHSC is fair for archaeological resources to good for all other resources, a slight deterioration since the last evaluation in 1999. It is meeting corporate plan targets.
- The main threats to the site come from vegetation encroachment and potential off-site development.
- With the construction of the visitor reception and interpretation centre, the site has improved its ability to convey site messages;
- Opportunities outside of the visitor reception and interpretation centre are available for on-site communication of the site's key messages particularly with regards to conveying all the reasons for designation as a national historic site - such as an understanding of the Acadian settlement and the archaeological resources that speak to it on the site;
- The inventory of the site's cultural resources is not up-to-date, however decision-making on activities at the site have been respectful of the presence or potential presence of cultural resources.
- The inventory of natural resources has been completed.
- There are no species at risk on the site.
- The mustard plant, an invasive species, has been located on site. Parks Canada is involved with local stakeholders in eradicating the species.

#### 2.1.1 Condition and Threats to Cultural and Natural Resources

The overall condition of cultural resources at Grand-Pré NHSC is rated „Yellow +“ indicating minor deficiencies that will impair the site's commemorative integrity. The condition of most cultural resources was rated as good with the exception of archaeological sites, which were identified as being in fair condition. That rating was achieved because of the archaeological resources located in the „triangular property“, where vegetation encroachment may impact potential and existing archaeological resources. (cf Fig. 2 Summary Table of Resource Condition)

SUMMARY - RESOURCE CONDITION	RATING *		
Resources Directly Related to the Reasons for Designation	● G -		
Resources Not Related to the Reasons for Designation	● G		
<b>Cultural Resource Types:</b>	Related to Designation	Not Related to Designation	Summary
• Landscapes and Landscape Features	● G	● G	● G
• Buildings and Structures	● G	● G	● G
• Archaeological Sites	● Y	● G	● Y
• Objects	● G	● G	● G
• Designated Place	● G	N/A	● G
Other Heritage Resources (e.g. natural)	N/A		
<b>OVERALL</b>	● Y +		

N/A – not available

**Fig. 2: Summary Table of Resource Condition (from the 2007 CI evaluation). \* See Appendix 4: Rating guide: 1) Commemorative Integrity Evaluation**

The notable threats identified for Grand-Pré NHSC, which were deemed to have a moderate to high immediacy and impact, were both from natural processes and human actions.

Vegetation infestation and higher tides were identified as the two natural processes that may have an impact. The immediacy of the impact of vegetation encroachment was rated as moderate as the triangular property is the key area that is being impacted with a potential for high impact if maintenance is not resumed and the situation monitored. The main impact is on archaeological resources and views on the dykelands.

The main concerns related to human actions come from the possibility of development that would be incompatible with the site's historic values. The immediacy is moderate as currently there are proposals underway, but their impact is deemed to be low since they are not in the immediate vicinity of the site.

The condition and threat to cultural resources were assessed for the portion of the site administered by Parks Canada prior to the acquisition of new properties in 1999.

The 1999 State of the Protected Heritage Area Report reported that buildings and structures, most notably the Memorial Church, Evangeline statue and the well, were deemed to be in good condition, an improvement from the fair condition noted in the 1997 State of the Parks Report. This followed the stabilization and repointing work performed on these structures. The 2007 Commemorative Integrity Evaluation confirms that their condition is good, this as a result of conservation actions and ongoing maintenance.

Also in the 1999 report, the condition of the archaeological sites was deemed to be good. The site inventory at the time was not complete, but the cultural resource management inventory of the known sites was complete. The 1997 report indicated that curatorial objects located on-site were overall good with 11% of those rated in poor condition, mainly referring to the blacksmith's tools, a condition that was maintained in the 1999 assessment. The 2007 CI evaluation found that the

condition of archaeological resources face challenges as a result of vegetation encroachment. Collections are now deemed to be in good condition as a result of conservation work having been completed.

The state of commemorative integrity fulfills the Agency's performance measure set in the 2003-2004 Corporate Plan to improve elements of CI rated as poor.

The condition of natural resources was assessed through the CI evaluation and a survey of plant species conducted in 2007. The survey identified the presence of the garlic mustard plant, an invasive species that has the potential of negatively impacting vegetation on and off-site. Work is underway with partners to contribute to its eradication in the area.

Also to be noted is the encroachment on the site by low shrubbery, in the triangular property. This is mainly due to reduced vegetation maintenance. The 2007 survey did not identify species of particular interest. The Commemorative Integrity evaluation identified this as a possible issue due to the potential impact of roots on the archaeological resources, and to the potential impact on the views towards the dykelands which limit the visitor's appreciation of the site's relationship with its context.

A species at risk inventory was conducted in 2007 which did not identify any species of concern on the site.

### *2.1.2 Effectiveness of Communication of Messages*

The overall assessment of the effectiveness of communication of messages at Grand-Pré NHSC was rated as „yellow“, which indicates the effectiveness is fair and requires improvement (cf Fig. 3 Summary Table of Effectiveness of Communications).

Both the CI evaluation and the VE assessment have noted relatively good results related to the means used for communicating, as the messages are diversified and take into account the interests of various audiences. The new visitor reception and interpretation centre, built in 2003, has had a significant positive effect and has supported the communication of messages. Both the multimedia experience and the exhibit are effective tools to communicate the site's historic values. The VE assessment suggests that an emphasis on non-personal interpretation on-site should be considered.

Challenges remain concerning the communication of the reasons for designation and the communication of messages not related to the reasons for designation outside of the visitor reception and interpretation centre. The link between the reasons for designation, such as Grand-Pré NHSC being a centre of Acadian activity between 1682 and 1755, and the cultural resources related to those reasons is limited on the grounds, but communicated effectively in the exhibit and the multimedia presentation.

However, the understanding by visitors of these reasons was partially confirmed by the VIP. For example, to the question concerning Grand-Pré NHSC as a centre of Acadian activity, 84% of visitors identified the correct answer. As most visitors access the grounds after having viewed the multimedia presentation and the exhibit, this number seems to indicate the communication of that message at the visitor reception and interpretation centre is effective. This highlights the key role that the visitor reception and interpretation centre plays in communicating the messages, an opportunity that is limited outside of the regular seasonal hours. Overall, the results concerning the understanding and knowledge of the site were deemed to achieve the Agency's performance indicators as 77% of all respondents and 78% of all participants in site activities provided the correct answer to the site knowledge questionnaire.

<b>SUMMARY - EFFECTIVENESS OF COMMUNICATIONS</b>	<b>RATING *</b>
Reasons for Designation	● Y
Messages not related to the Reasons for Designation	● Y
Audience understanding (data unavailable at the time of the CI evaluation. Later results from VIP indicate that audiences have a good understanding of messages)	N/R
National historic site general values	● G
Effectiveness of media	● G-
Range and complexity of perspectives presented	● G
<b>OVERALL</b>	● Y

N/R – not reported

Fig. 3: Summary Table of Effectiveness of Communications (from the 2007 CI evaluation, the 2007 VIP and in *italic* the 2007 VE assessment). \* See appendix 4: Rating Guide: 1) Commemorative Integrity Evaluation

### 2.1.3 Selected Management Practices

The 2007 CI evaluation indicated that overall there were opportunities for improvement in the practices. The principles and practices of cultural resource management were generally followed and there is a solid ability within the Field Unit to make decisions based on these. There were, however, gaps with the inventory of cultural resources, both of in-situ and moveable resources. The 1997 State of the Park Report, later echoed in the 1999 State of the Protected Heritage Areas Report, had identified this issue and it remains unchanged. The CI evaluation also identified a lack of up-to-date records, and challenges in implementing a maintenance program in all areas of the site which lead to the overall rating of selected management practices as „yellow“ or fair (cf. Fig. 4 Summary Table of Selected Management Practices). The 2001 management plan identified the objective to develop a conservation plan. This is currently being developed.

<b>SUMMARY - SELECTED MANAGEMENT PRACTICES</b>	<b>RATING *</b>
Inventory and Cultural Resource Evaluation	● Y
Respect for Cultural Resource Management Principles and Practices	● G
Records	● Y
Maintenance Programs	● G-
Monitoring and Remedial Action	● G-
<b>OVERALL</b>	● Y

Fig. 4: Summary Table of Selected Management Practices. \* See Appendix 4: Rating Guide: 1) Commemorative Integrity Evaluation

## 2.2 States of Visitor Experience, Public Outreach Education, and Stakeholder and Partner Engagement

Connection to place is an essential element of the Parks Canada strategic outcome. Connection to place is achieved through meaningful visits and can lead to a sense of ownership and stewardship of the place. In order to facilitate connection to place, we work with partners to enhance visitor experience opportunities. The 2003-2004 *Corporate Plan* highlights as a priority the engagement of Canadians, so that they feel a strong connection to Canada's protected heritage sites, bringing with it a strong sense of ownership and pride (2003-2004 *Corporate Plan*). Although the connection is strong with some groups, other groups such as the local community, have not used the site as much since the introduction of entry fees.

### Highlights

- Overall states of visitor experience, public outreach education, and stakeholder and partner engagement are positive.
- The 2007 VIP revealed that an overwhelming majority of visitors are satisfied to very satisfied with the site's interpretive programs, visitor services and facilities, meeting Corporate Plan targets.
- The building of a new visitor reception and interpretation centre in 2003 has played a key role in significantly improving visitors' satisfaction with interpretive programming, site services and facilities.
- Visitation has decreased significantly in the past decade. The site continues to attract visitors, with a higher percentage of Canadians from outside Atlantic Canada arriving in 2007 as compared to 2000.
- Seniors and adults make up the overwhelming majority of visitors.
- Trip planning was noted by visitors as being an area for improvement.
- Outreach education activities are limited, but partnerships such as the one with St. Mary's University's archaeological field school have effectively provided visibility to the site.
- Regular communication and interaction with key stakeholders, such as the Acadian community, has fostered continued positive relations between Parks Canada and the community.

Recent organizational changes to Parks Canada's corporate direction have resulted in a distinction between Agency program activities related to public outreach education and stakeholder and partner engagement from visitor experience. New reporting requirements for visitor experience, public outreach education, and stakeholder and partner engagement were not fully developed to meet the new corporate direction at the time of writing this report. The next reporting cycle will provide a more detailed assessment of visitor experience, public outreach education, and stakeholder and partner engagement in line with the new corporate direction and reporting requirements.

### 2.2.1 Visitor Experience: Heritage Presentation, Visitor Services, and Visitation

Visitor experience covers aspects of heritage presentation and visitor services. It includes such aspects as personal and non-personal interpretation, diversity of service offer, and quality of facilities. The heritage presentation and visitor services are delivered on contract by the *Société Promotion Grand-Pré*. Parks Canada has no staff on-site delivering heritage presentation or visitor services. Since the 2000 VIP, the site has experienced some significant changes in heritage presentation, visitor services, and visitation.



The main change comes from the building of a visitor reception and interpretation centre in 2003, which hosts a variety of interpretation media, including a multimedia presentation and an exhibit. The number of activities has also increased, resulting in visitors spending significantly more time at the site. Heritage presentation is principally non-personal, and focuses in the multimedia presentation, the exhibit and the grounds. Visitors in the 2007 VIP have indicated a desire for additional activities, mentioning in particular Acadian focused activities and displays (27%), interactive activities (21%), and costumed interpreters (20%). The 2007 VIP also revealed that visitors are overwhelmingly satisfied to very satisfied with the site's interpretive program, services, and facilities (cf. Fig. 5 Summary table of visitor experience and visitation). These figures meet Corporate Plan targets.

Since 2000, visitation in Nova Scotia has been hovering around 2.1 million visitors. Visitation to national historic sites in Atlantic Canada, and Nova Scotia is no exception, has been steadily declining from approximately 1.6 M to 1.2 M visitors. Grand-Pré NHSC has experienced a similar trend, with about 62,000 visitors in 2000 dropping to a current figure of 30,535. A spike was experienced in 2004 when the site hosted the *Congrès mondial acadien*. Visitation has steadily declined since the first record in 1998. A number of factors need to be taken into account when reading this number including the impact of the introduction of fees to access the site in the late 1990s, which reduced local use of the place, and the way visitation is accounted for. Nevertheless, independently from these considerations, the site has been experiencing a significant visitation decline in the past decade.

Another notable change in visitation comes from the origin of the largest group of visitors. In 2000, 40% of visitors came from the United States, while in 2007 the majority came from Canada, with the largest group coming from outside Atlantic Canada (35%). Seniors and adults are also the overwhelming majority of visitor age groups (85%), with 62 % of visitors being over 50. The 2007 VIP also noted that 20% of visitors identified themselves as Acadians or Cajuns. This, proportionally, is an increase from the 2000 VIP which identified only 12% of visitors as being of Acadian descent. However, in overall numbers, this represents a decrease in the number of visitors of Acadian descent, from around 7,400 in 2000 to 5,500 in 2007.

During the summer of 2007, a Visitor Origin Monitoring Program, part of the national initiative, was also conducted at Grand-Pré NHSC, in order to learn more about the site's visitor profile. From this study, it was determined that 66% of visitors to Grand-Pré NHSC are Canadian, while approximately 28% are from the United States. From the Canadian visitors, 35% came from Nova Scotia and a greater portion came from Ontario and Québec (38%). These numbers are similar to the VIP figures.

Access to the site is exclusively by road, mainly coming from Halifax on the way to the Annapolis Valley. The majority of visitors come in individual vehicles (97%), with markedly reduced visitation from tour operators. This reflects the trend in tourism in Nova Scotia. There was a significant increase of repeat visitation as in 2007, 32% were repeat visitors, compared to the 19% noted in 1997. Trip planning was identified by visitors as being a challenge, as only 74% were satisfied with that aspect.

When asked what other activities visitor engage in, the 2007 VIP outlined that 72% visit towns in the area, 62% visit other historic sites, and 61% scenic areas. A majority had visited other historic sites operated by Parks Canada, including the Halifax Citadel (58%), Port Royal (52%), Fort Anne (44%) and the Fortress of Louisbourg (39%). Fort Beauséjour – Fort Cumberland (16%), Melanson Settlement (12%) and Fort Edward (11%), which also have direct historical ties with Grand-Pré NHSC, were significantly less visited and were not planned to be visited. Most visitors (36%) considered the multimedia experience to be the highlight of their visit, followed by the site's history and place as a learning experience (20%). Finally, 35% of visitors indicated that site improvements, such as directions and accessibility, and 22% more interpretation and hands-on activities, would enhance their visitor experience. The VE assessment also identified these aspects.

*La Société Promotion Grand-Pré*, which is under contract to provide visitor services and heritage presentation for the site, conducted a Market Development Study in 2007. The study identified product and market opportunities and recommended a marketing and product development action plan. Potential markets for growth identified in this study were Maritime Acadians, group tours, van tours (smaller groups or special interest groups), cruise ship passengers, Canadian tourists already visiting Nova Scotia and other American and international tourists already visiting Nova Scotia. Programming enhancement was also strongly suggested, such as offering scheduled guided tours for groups, on-site demonstrations, costumed staff, wine, cuisine, and artisan displays. It was also proposed in this study to hire a marketing coordinator, increase interpretation staff for new programming and increase marketing.

Parks Canada and the *Société Promotion Grand-Pré* have partnered with St. Mary's University's department of anthropology since 2001 to host the department's archaeological field school at Grand-Pré NHSC. Although primarily focused on offering field experience to student archaeologists, the program attracts attention from visitors and the media.

Grand-Pré National Historic Site was also included in the National Historic Sites Marketing Initiative (Phase II) and was awarded \$75,000 to develop a long-term marketing plan for the site, work on new product development and implement sustainable actions in efforts to increase visitation to the site. Work on this initiative is ongoing and will address recommendations identified in the Market Development Study conducted by the *Société Promotion Grand-Pré* in 2007 as well as other new initiatives identified through work sessions with the *Société* and Parks Canada.

Measure	2000	2007	Target	Rating *
<b>Number of visitors</b>	61,699	30,535	Visitation to targeted national historic sites increased by 10%. (Grand-Pré NHSC was not targeted)	N/R
<b>% that stayed more than 1 hour</b>	46%	99%		N/R
<b>Satisfaction with Interpretive Programming</b>	N/A	92% overall satisfied, 62% very satisfied	85% overall satisfied, 50% very satisfied with programming	● <b>Meets corporate targets</b>
<b>Satisfaction with Site Services and Facilities</b>	47% overall satisfied	98% overall satisfied, 78 % very satisfied	Quality Visitor Services achieve 85% overall satisfaction and exceed the expectations of 1 of every 2 visitors	● <b>Meets corporate targets</b>

N/R – not reported

Fig. 5: Summary Table of Visitor Experience and Visitation. \* See Appendix 4: Rating Guide: 3) Visitor Experience

The relatively new focus of visitor experience for Parks Canada has required a shift from emphasizing the provision of services, facilities and programs in a way that focuses principally on Parks Canada's goals and objectives, to one where visitor motivations, expectations and needs are met and accommodated. This entails proactively addressing all aspects of the trip cycle from pre-visit to post-engagement and ensuring that service delivery is integrated across all functions. The Explorer Quotient has not been incorporated into programming for the Grand-Pré NHSC. However the field unit will review options to introduce this in to the next planning cycle and look at enhancing the visitor experience offer using a market-based approach.

### 2.2.2 Public Outreach Education

There are no programs offered by the site that can be delivered off-site and the website has minimal content about messages and resources.

The site continues to market itself to visitors of Acadian descent and those who have an interest in Acadian culture. While the site appeals to all Canadians as the numbers demonstrate, certain sectors of the population, such as recent immigrant families and youths, seem to be underrepresented.

Parks Canada archaeologists and St. Mary's University's field school director have given numerous talks in the local community, at conferences, and interviews with the media on the results of the archaeological work which have effectively provided Grand-Pré NHSC with additional exposure. The archaeological field school has provided a limited contribution to Parks Canada's cultural resource management mandate.

### 2.2.3 Stakeholder and Partner Engagement

Maintaining and nurturing strong stakeholder relations is an important component of the management of Grand-Pré NHSC. The key stakeholders are the Acadian community and the local residents of Grand Pré.

The 2001 Management Plan stated that Parks Canada will continue to cooperate with the *Fédération acadienne de la Nouvelle-Écosse*, la *Société Nationale de l'Acadie* and the other Acadian organisations of Nova Scotia and Atlantic Canada. This was achieved through maintaining an ongoing relationship with the *Comité consultatif acadien*, the *Société Promotion Grand-Pré*, and *Les Amis de Grand-Pré*.

The *Comité consultatif acadien* was created in 1985 to assist Parks Canada in activities pertaining to research and interpretation of Acadian history. It includes representatives from the Acadian community and are named by the Director General East, on the recommendation of the *Société Nationale de l'Acadie* and the provincial Acadian associations. The *Comité* has been active over the years in advising Parks Canada on issues relating to the management of the national historic sites that have an Acadian theme. There are annual meetings.

Two groups representing Acadian interests, the *Société Nationale de l'Acadie* (SNA) and the *Fédération acadienne de la Nouvelle-Écosse* (FANE), in 1997 created la *Société Promotion Grand-Pré* (SPGP), a not-for-profit organization that includes representatives from the SNA and the FANE, as well as local residents. Since 1997, the SPGP has been providing heritage presentation and client services at the site through a contract arrangement with Parks Canada. The SPGP plays a key role in promoting the site and in seeking resources from third parties, which are invested at Grand-Pré NHSC.

*Les Amis de Grand-Pré* is a community association that has been in existence since 1990, and was formally incorporated as a society in 1993. Primarily made up of volunteers who live in the Grand Pré area who are linked by a shared interest in Acadian history, culture and genealogy, the group is directly involved with Grand-Pré National Historic Site. *Les Amis* sponsor various programs and activities at the site, including events on the official day commemorating the Deportation, la Fête nationale des Acadiens, and cultural activities, which gives visitors an opportunity to experience local activities and engages the local community.

This positive relationship between the Acadian community and Parks Canada is further demonstrated by events and activities important to the Acadian community at the national historic site. Most notable are the hosting of the *Congrès mondial acadien* in 2004 and the 250<sup>th</sup> anniversary of the Deportation in 2005, which together attracted large numbers of visitors to events held at Grand-Pré NHSC from Acadian communities throughout the world. The 2007 VIP confirmed that Grand-Pré NHSC is still attracting an important Acadian audience, with 20% of visitors self-identifying as Acadian or Cajun.

A number of successful activities have continued to build on existing partnerships that have celebrated and researched other events and places of national historic significance. These activities include: the unveiling of the Dispersal of the Acadians National Historic Event plaque (2005); the celebration of the 250<sup>th</sup> anniversary of the Deportation on-site with a number of stakeholders and partners (2005); the successful moving the Deportation Cross (2005) closer to the original location of the Deportation; working with the Planter community at Horton Landing; the designation and unveiling the plaque for the Grand-Pré Rural Historic District National Historic Site of Canada in 2004; and the partnership created with a number of stakeholders to develop a UNESCO nomination for the Grand Pré area. Parks Canada has also been actively involved to make such events as the 3<sup>rd</sup> *Congrès Mondial Acadien* (2004) possible that has strengthened and supported the Acadian community. The event was hosted at Grand-Pré NHSC and attracted over 15,000 people to the site.

The relationship with the local residents is overall positive, in particular with heritage associations and marketing bodies. The national historic site is recognized as a place of reference for heritage preservation, which is illustrated by events such as the one where Parks Canada was contacted to assist in the preservation of an „aboteau“ discovered in the dykelands. That collaboration with the community is also demonstrated with addressing “mutually compatible objectives”, such as the resolution of the domestic fly infestation issue, the preservation of viewplanes from the site and land use planning in general, and promoting heritage tourism, marketing and special events (2001 Management Plan, p.22). PCA continues to support the local community by providing a venue to host a number of local activities at the site. These actions have been carried out successfully.

### 2.3 State of Aboriginal Relations

#### Highlights

- The relationship between the Mi'kmaq and Parks Canada is positive and growing.

Due to their long history in the Grand Pré area, the Mi'kmaq have a vested interest in management actions undertaken at the national historic site. By virtue of this fact, the continued positive relations between the site and the Mi'kmaq are a priority in site management.

The Mi'kmaq have been instrumental in developing the visitor reception and interpretation centre exhibits and multimedia presentation in a way that reflected their perspective, lending their voices to the accounts from their ancestors that interacted with the Acadians and witnessed the Deportation. This collaboration between Parks Canada and the Mi'kmaq was fruitful in delivering a meaningful experience for visitors and in building a positive relationship.

The Mi'kmaq were invited by Parks Canada and the SPGP to the *Congrès mondial acadien* in 2004, and to the commemoration of the Deportation in 2005. Their participation was welcomed and enriching, further strengthening the positive relationship between the organisations.

### 3.0 Overall Site Assessment: Key Successes, Issues, and Challenges

Grand-Pré NHSC is an iconic site in Nova Scotia and Canada. It is a site of cultural and spiritual importance for the Acadians, with a rich concentration of cultural resources that is evidence to its long history.

The greatest success achieved over the years was Parks Canada's investment of resources, in partnering with the Acadian community, to develop a visitor reception and interpretation centre transforming the site into a world-class destination. This is clearly demonstrated by the high level of satisfaction from visitors and the greater amount of time on average spent at the site. Stakeholder relations have been front and centre with Parks Canada, and it is an important element in the delivery of services. Parks Canada has also invested resources to improve the condition of cultural resources on the site. The results were tangible as the condition of buildings, landscapes, and objects has been maintained.

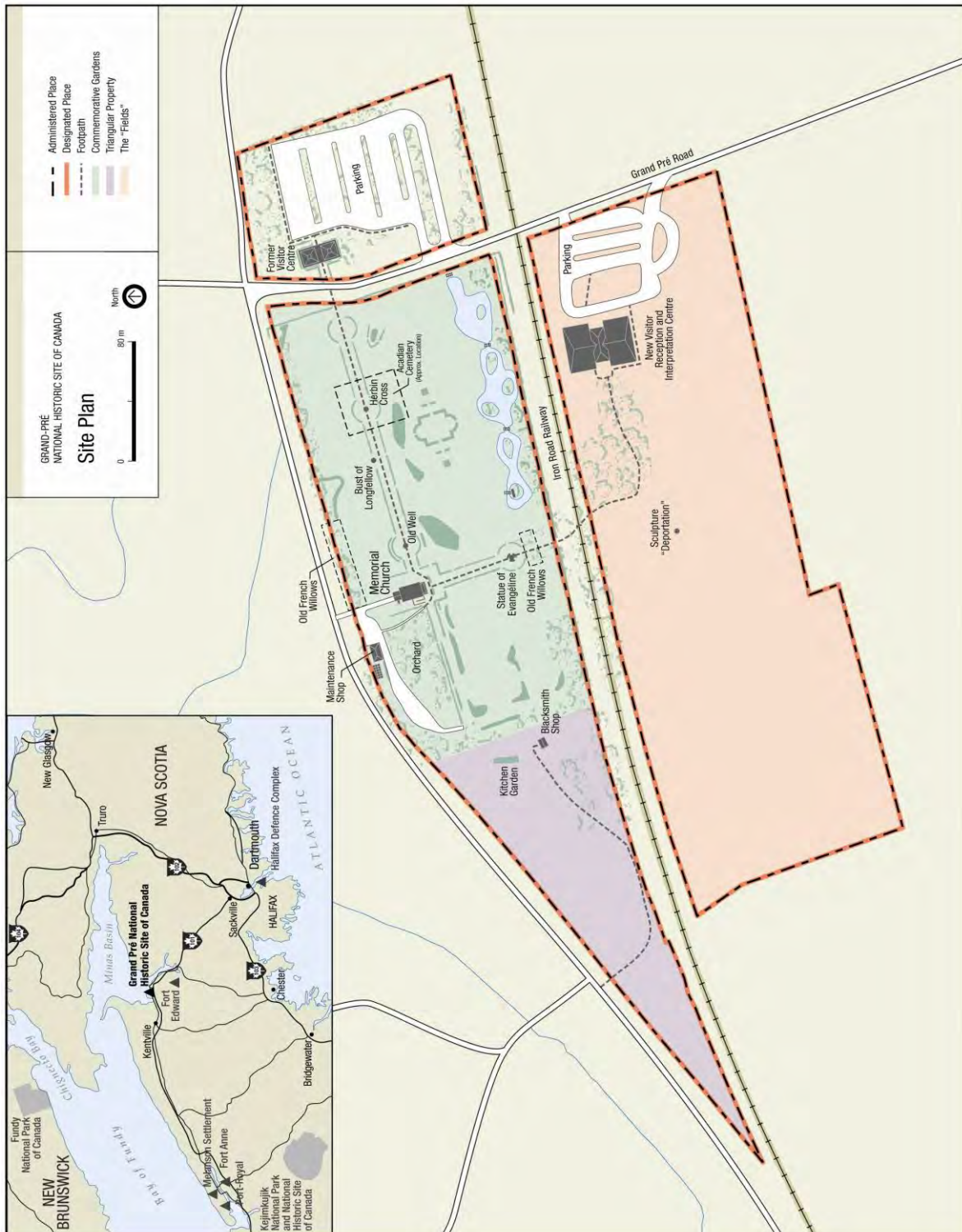
Parks Canada assisted the *Société Promotion Grand-Pré* to market the site. Parks Canada helped the *Société* obtain third-party funding to carry out a market research study that has helped the *Société* reach new markets, promote the site and develop new products as well as provided funds for a marketing strategy and capacity-building within its staff.

Challenges remain principally linked to the maintenance of the sections of the properties that may affect cultural resources, such as vegetation encroachment in areas dense in archaeological resources. New challenges at the site include the increased land base, which has doubled since 1999, the invasive mustard plant infestation on the site, improving the cultural resource inventories, and the continuing vegetation encroachment which has hampered the historic views of the surrounding site and in particular, to the dykelands. Ongoing challenges are associated with declining visitation at national historic sites. Grand-Pré NHSC has seen its visitation drop significantly in the past decade due in part to changing tourism patterns, and the addition of entry fees to the site. Faced with declining revenue, Parks Canada made the decision that the Agency would fund only essential personal visitor services at the site while encouraging the *Société Promotion Grand-Pré* to access other sources of funding to enhance these services. Visitors have indicated that they would welcome interactive activities and additional personal heritage presentation. Grand-Pré NHSC is one of a few sites that in 2008 that was included in a national marketing strategy pilot to attract new visitors to national historic sites. Visitors also indicated that they would welcome better trip planning information. These issues, as well as changing Canadian demographics, have been the focus of that marketing strategy and the development of new products.

The emphasis of the next management plan for Grand-Pré NHSC will focus on facilitating opportunities for visitor experience to ensure that visitors experience the site in a way that responds to their needs and expectations. Parks Canada will continue to centre its efforts on protecting cultural resources, by integrating them into elements of visitor experiences and educational opportunities. The field unit will build upon its successes with the Acadian community and research organizations. It will continue to engage and enhance its relationships with stakeholders and partners by seeking new opportunities with them and providing opportunities for innovative public outreach education.

The state of Grand-Pré National Historic Site of Canada has improved as a result of Parks Canada's significant investments in resources and personnel, and the strong and healthy collaboration with stakeholders and the Mi'kmaq.

APPENDIX 1: Map



## **APPENDIX 2: Bibliography**

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### **APPENDIX 3: Glossary**

#### **Commemorative Integrity:**

Commemorative integrity describes the health and wholeness of a national historic site. A national historic site possesses commemorative integrity when: the resources directly related to the reasons for designation as a national historic site are not impaired or under threat; the reasons for designation as a national historic site are effectively communicated to the public; and the site's heritage values (including those not related to the reasons for designation as a national historic site) are respected in all decisions and actions affecting the site.

#### **Indicator:**

A nationally or bio-regionally consistent summary reporting statement that provides a comprehensive synopsis of each element of the Agency mandate. It is based on a combination of data, measures and critical success factors that provide a clear message about current conditions and the change since the last measurement.

#### **Measure:**

Data, surveys or other measurements that present conditions or trends. Measures are components of indicators.

#### **Target:**

Aim or objective set by managers and to be achieved within a specified time frame.

#### **Threshold:**

Level of an indicator or measure that represents a good (green), fair (yellow), or poor (red) condition. It represents the point of transition between the three levels of condition on which the Agency reports.



## APPENDIX 4: Methodology, Evaluation Tools, and Rating Guide

The methodology applied for this State of the Site Report consists of evaluating the aspects of the management of a national historic site for which we currently have assessment tools and comparing the results to benchmark indicators available.

### **Evaluation Tools:**

<b>Tools</b>	Commemorative Integrity evaluations (CI evaluation):	Assesses the state of the site's commemorative integrity by looking at the condition of cultural resources, the effectiveness of communication and selected management practices
	Visitor Experience assessments (VE assessment)	Assesses the delivery of services to provide visitor experiences. Reviews available services and identifies priorities for action
	Visitor Information Programs (VIP)	Provides data on visitation, visitor profile, performance meeting visitor expectations, and understanding of key messages by visitors
<b>Benchmark indicators</b>	1999 State of the Protected Heritage Areas Report (last available information about commemorative integrity)	
	2000 Visitor Information Program	
	Actions in the 2001 management plan	
	Targets included in the Agency's 2003-04 corporate plan	

**Table 1: General list of tools and indicators used to assess the state of the national historic site.**

The state of resources (commemorative integrity) is assessed based on the results appearing in the 1999 State of the Protected Heritage Areas Report that serve as the benchmark and the 2007 CI evaluation and VE assessment which monitor performance. The 1997 Commemorative Integrity Statement which was used for the 2007 CI evaluation only covers a portion of the national historic site's current area since in 1999 new properties were acquired by Parks Canada. As a result the assessment of that portion is unavailable.

The state of the natural resources is based on an inventory completed in 2007.

The state of visitor experience is based on the 2007 VE assessment and VIP. The benchmark used was the information provided in the 2000 VIP. The VE Assessment looks at the delivery of activities and services at the site identifying priorities, and the VIP looks at the visitor's appreciation of the site's services. The management plan provides the benchmark information and the direction for the management actions.

Currently, there is no tool to report on the state of stakeholder engagement and Aboriginal relations. To assess Aboriginal relations and stakeholder engagement a description of activities is included and assessed based on the management actions included in the 2001 management plan. There is currently no national baseline or targets for public outreach education indicators for: awareness, understanding, appreciation and learning.

### **Rating Guide**

#### 1) Commemorative Integrity Evaluation

The Commemorative Integrity Evaluation evaluates the overall state of the national historic site's commemorative integrity on a ten-point scale by evaluating:

- The condition and threats to cultural resources;
- The effectiveness of communication;
- Selected management practices.

For each of these measures, a rating is attributed based on the following:

**Green** = good, effective, or not currently impaired. Any deficiencies are not a threat to the commemorative integrity of the site.  
**Yellow** = fair or minor to moderate impairment or threat. Requires improvement.  
**Red** = poor, ineffective, seriously impaired or a significant attribute missing (whether related to condition, communications or selected management practices).  
**N/A** = not applicable; the question does not apply to this site.  
**N/R** = not rated or not reported on because the information is not available.  
**+ or -** = the actual state is on the high or low borderline side of the colour.  
**↑ or ↓** = indicates a trend, either improving or deteriorating.

For threats to cultural resources, the following is provided:

**Immediacy** refers to the likelihood of a particular threat occurring at the site. For example, almost every site is subject to threat from lightning strike but for most this will not have a very high likelihood of happening.  
**High** - refers to a threat that has a high probability of occurring at the site or its cultural resources within the coming year.  
**Medium** - refers to a threat that has a high probability of occurring at the site or its cultural resources within the next 3 years.  
**Low** - refers to a threat which may occur at the site within the next 10 years  
**Impact** refers to the degree of damage that a particular threat would have on a site or its resources, or on our ability to communicate national historic significance. A wooden building with no fire suppression system, for example, is likely to be highly impaired should a fire take place in it.  
**High** - the threat could result in extensive damage or destruction of the site or resource.  
**Medium** - the threat would impair commemorative integrity but not cause extensive damage or complete devastation.  
**Low** - the impact of the threat is unlikely to have a major effect on commemorative integrity.

## 2) Visitor Experience

Visitor Experience Assessments review the services provided to visitors and when possible their appreciation by them, and determine priorities for action. These priorities are assessed according to a star-system, the higher number of stars indicating a greater level of priority.

In rating visitor experience in this report, the following measures are assessed which are based on Agency commitments and targets included in Corporate Plans:

- Visitor Experience;
- Satisfaction with Interpretive programming;
- Satisfaction with Site Services and Facilities;

The rating simply identifies whether the targets have successfully been reached.

# **Grand Pré UNESCO Heritage Designation Impact Study**

Prepared for

**Nomination Grand Pré Committee**

October 2009

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## 1.0 Introduction

The purpose of this study is to gather information to determine the impacts, both positive and negative, on an area's economic environment of a UNESCO Heritage Site Designation. The approach for this study was to look at selected comparison areas and attempt to draw inferences for Grand Pré and surrounding communities, particularly in relation to increased economic activity that may result from a Grand Pré designation.

Study methodology consisted of:

- Identification of potential comparison communities, including Lunenburg, NS.
- Literature review of impacts of UNESCO designations and economic development based on the tourism opportunities of heritage and cultural characteristics.
- Interviews and correspondence with comparison communities and knowledgeable researchers and educators on heritage developments.
- Analysis of property values to attempt to determine if a UNESCO Heritage designation has an impact on those values.

## 2.0 Comparison Communities

In addition to Lunenburg, comparison communities with similar characteristics to Grand Pré and area were sought through a review of the UNESCO World Heritage Site webpage. Countries with similar types of economic systems were targeted. The sites chosen were in Scotland and Ireland, which both have western-style economies and tax regimes. The sites are examples of two extremes. New Lanark, in Scotland, is a refurbished town that has become a tourist destination. The Archaeological Ensemble of the Bend of the Boyne, in Ireland, is a large natural area with three prehistoric sites and is part of the area's tourist attractions.

**Old Town Lunenburg, NS** was designated in 1995 and was already a well-known tourist destination at that time. The designation was because it is "... the best surviving example of a planned British colonial settlement in North America."<sup>1</sup>

Opinions on the impact of the designation are mixed. Some people believe that it has benefited the community through increased economic development around tourism. Others believe that it has led to congestion during the tourist season that reduces residents' quality of life and enjoyment of their own community, as well as driving property values to a level at which local residents and their families cannot afford to live in the community. Some believe that property taxes have increased as a result of climbing property values and higher tax rates<sup>2</sup>.

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<sup>1</sup> <http://whc.unesco.org/en/list/741>

<sup>2</sup> Getson, Heather-Anne Risser, *Lunenburg, Nova Scotia, World Heritage Site – Would We Do It Again?*, Plan Magazine, Summer 2003.

Discussions with Lunenburg municipal authorities indicate that the UNESCO designation may have had a short-term impact on tourism, but the Town was a significant tourism attraction before the designation was awarded. They also stated that:

- Tourism marketing and management have to be planned in advance and ready for roll-out immediately upon announcement of the designation. People are much more mobile now and can explore interesting attractions.
- UNESCO World Heritage Site (WHS) designation attracts tourists who are interested in the uniqueness of the attraction and marketing efforts need to clearly target that type of tourist.
- Potential issues need to be identified and addressed prior to the designation, not after. Municipal and other government authorities need to ensure that zoning and heritage controls are in place when the designation is awarded.
- UNESCO will review the site on a regular basis to ensure that the characteristics that justified the WHS designation remain valid. The working community must be maintained and supported, not just the tourist aspects.

**New Lanark, South Lanarkshire, Scotland** received its UNESCO Heritage designation in 2001 as an example of "...a model for industrial communities that was to spread across the world in the 19th and 20th centuries."<sup>3</sup> New Lanark consists of an extensive system of mills, workers' housing and public buildings that formed a self-contained community. It is located two kilometres from the town of Lanark, 40 kilometres from Glasgow and 56 kilometres from Edinburgh. Its location is not part of a traditional tourist area but its proximity to two major cities supports economic activity based on its heritage attraction.

New Lanark had deteriorated significantly and many buildings were in ruins until the New Lanark Trust was formed in 1974 to spearhead its regeneration. The regeneration strategy focused on housing, tourism and hospitality, commercial property rental, and hydroelectric power to support the community. Subsequently, a visitor centre, hydroelectric plant and textile production mill were refurbished and formed the base of the heritage tourist attraction. A hotel and other types of tourist accommodations (e.g.: housekeeping-style units) opened in 1997 and the most recent development is residential rental housing completed in 2009.

New Lanark has become a self-contained tourist attraction and community based on the efforts of the local community and government support. Hundreds of local people were employed on the restoration in the 1980s. It has become a tourist destination for the area.

Originally there were concerns about coexistence between the business communities of New Lanark and Lanark; however, careful planning addressed the issues to both communities' satisfaction.

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<sup>3</sup> <http://whc.unesco.org/en/list/429>

**The Archaeological Ensemble of the Bend of the Boyne (Brú na Bóinne), Meath County, Ireland** received its WHS designation in 1993 as "... Europe's largest and most important concentration of prehistoric megalithic art. The monuments there had social, economic, religious and funerary functions."<sup>4</sup> The site's information centre is located in Donore 50 kilometres north of Dublin and three kilometres south of the historic site of the Battle of the Boyne, which is also a tourist attraction. The site covers approximately 3,300 hectares (33 square kilometres).

Brú na Bóinne became an attraction in the 1960's and 1970's as reports of the findings of excavation and conservation efforts became well known<sup>5</sup>. A guide service was originally established to control tourism impacts on the site; however, visitor numbers increased rapidly and created problems of wear and tear on the monuments, traffic congestion, litter and the need for increased security, parking and toilet facilities increased. Eventually the site was designated as a park by the Irish government and the Brú na Bóinne Visitor Centre opened in 1997 under the authority of the Office of Public Works. The primary purpose of the centre is to manage visitor flows. Visitors enter the site in shuttle buses to reduce traffic congestion in the area. A partial, full-scale replica of the chamber in the Newgrange site was constructed in the visitor centre for those who do not have sufficient time for the full tour.

Originally, the proposed changes to the site caused concern among local people regarding the impact of its conversion to a park on business activities, particularly farming. The government engaged in extensive public consultation before opening the visitor centre to ensure that concerns were aired and the local community was involved in its design and operation. The visitor centre has become an integral part of the community as a focal point for community activities, including Christmas parties for seniors, sports for children, school plays, crafts exhibits, and other community-focused gatherings.

Local residents and their guests are admitted to the site free of charge and recognize that they live in a special area. A concerted effort has been made to emphasize the educational benefits of the area for both local residents and visitors.

The major public concern regarding the WHS designation is that people believe that it has restricted their ability to develop their properties (e.g.: build new houses). However, the restrictions on property development were in place before Brú na Bóinne was developed and received its designation. The restrictions are from the planning regime of the local authorities (i.e.: municipal government), not from the federal designation of the historic site or UNESCO WHS status.

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<sup>4</sup> <http://whc.unesco.org/en/list/659>

<sup>5</sup> *Brú na Bóinne – The Monuments, Tourism and the Local Community*, Clare Tuffy, Office of Public Works, Ireland.

### 3.0 Factors Influencing UNESCO Impacts

Discussions with heritage impact researchers indicate a UNESCO designation does not by itself create the impact. Demand for certain types of heritage properties or attractions is the true driver and long-term economic impacts usually relate to tourism. The acknowledgement by UNESCO creates awareness that may increase tourism-based demand but the site must have the basic characteristics attractive to visitors in the first place. Many heritage and cultural sites have significant tourism activity without UNESCO WHS recognition.

Economic impacts, both negative and positive, are complex issues and there has not been much research done to assess and measure them. Impacts cannot be effectively controlled by government through regulation; however, negative impacts can be mitigated with careful monitoring and targeted intervention. For example, some tourist areas levy special taxes on tourist accommodations (e.g.: Halifax, NS) that are directed toward supporting increased infrastructure and services that a significant growth in tourist activity requires. This approach requires effective, continuous monitoring to identify issues early before they become problems within the community.

A study conducted for the Lake District World Heritage Project in the United Kingdom<sup>6</sup> indicates that there is not an automatic economic benefit from a UNESCO designation and that increases in tourism are often short-term. The impact reflects the focus of the community and site proponents. Sites that are focused on social and economic impacts and carefully plan for and manage the opportunities see more economic impact than those whose focus is mainly the recognition and maintenance of a cultural or heritage site. UNESCO designation provides another marketing tool.

UNESCO sites that did not previously attract tourists do not normally see an increase in economic activity beyond the impact of employment for site maintenance that is usually supported by some level of government.

### 4.0 Potential UNESCO Heritage Site Benefits

A United Kingdom (UK) study of the costs and benefits of UNESCO Heritage status from 2007<sup>7</sup> identified eight types of benefits:

- 1) **Partnership** – Status increases the level of partnership activity through consultation to prepare the proposal and manage the facility, benefiting local residents and visitors through improved management.
- 2) **Additional Funding** – Several levels of government and, sometimes, corporate support greater than the individual community can provide on its own are brought

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<sup>6</sup> James Redbanks Consulting Ltd., reported in seminar literature *Opportunity Into Advantage: Exploring the Potential Economic Gain from World Heritage Inscription*, Lake District World Heritage Project, September 23, 2009.

<sup>7</sup> Pricewaterhouse Coopers LLP, *The Costs and benefits of World Heritage Site Status in the UK*, December 2007.



- to development and maintenance of the site, augmenting local community resources.
- 3) **Conservation** – Additional funding and increased scrutiny influences the scale and quality of local resources to protect and maintain the heritage site.
  - 4) **Tourism** – Heritage status may provide a “branding” opportunity and increased awareness that can be used in tourist promotions, although the study found that the impact within the UK was mixed.
  - 5) **Regeneration** – In cases where the site has deteriorated significantly, such as New Lanark, UNESCO Heritage status can act as a catalyst for regeneration of the site, although New Lanark completed much of its work prior to designation in 2001.
  - 6) **Civic Pride** – Status is believed to be a mechanism for building local confidence and pride, an important impact identified in the interviews for this study with researchers. Community involvement at all levels of development increases social unity and cohesiveness.
  - 7) **Education and Learning** – Heritage sites are considered an opportunity for use in education depending on the site and involvement of the educational community. They can also become educational experiences for tourists, both local and international. The UK report indicated that, on average, 20% of visitors to the sites were from outside the UK, therefore, they provide significant potential to educate the local population on its heritage.

## 5.0 Potential UNESCO Heritage Site Costs

The UK study focused on readily identifiable costs, including:

- 1) **Bidding Costs** – These costs include bid co-ordinator costs, whether hired specifically for the position or provided by another organization, partner and consultation time to oversee bid preparation and make decisions, production costs for the document and supporting media (e.g.: photography), and supporting studies on tourism, conservation, etc.
- 2) **Costs of Producing a Management Plan** – These costs include partner and consultation time and production costs of the document, manuals, etc.
- 3) **Management Costs** – These costs depend on the type of ownership and characteristics of the site and have a wide range. Sites like New Lanark that are essentially tourism and resident-based heritage communities have significantly higher and more complex management systems and costs than a relatively remote site with little development.

The UK study did not address indirect community costs such as increases in property tax to support added infrastructure, increased property values that improve resident-owner wealth but also raise property tax, or negative impacts on community social structure if development does not include or reflect community values.

Another study from 1998<sup>8</sup> looked at the impact on the community of St. Jacobs, Ontario of significant tourism development without full involvement of the community from the first. The study concluded that while there had been significant economic growth, 80% of those employed in the tourist-related businesses lived outside the community and that there was substantial public dissatisfaction with the pace and direction of development. St. Jacobs's location places it in a different situation than the comparison communities or Grand Pré area. It is close to densely populated areas of Ontario (Kitchener-Waterloo, Guelph) and is only an hour from the outskirts of Metropolitan Toronto. Many residents of the cities in the area have moved closer to St. Jacobs into new housing developments, creating easier opportunities for visiting the community. Its development has been mainly around specialty retail businesses rather than maintenance of the historic community's Mennonite background. While Lunenburg and Grand Pré are influenced by Halifax Regional Municipality, the population pressures are nowhere near as great as those on St. Jacobs.

## 6.0 Business Impacts

Business impacts can be positive or negative. Some businesses will react to opportunities while others may be replaced by larger or more competitive businesses drawn to the area by increased activity. Research completed for this study indicates that the major business impacts resulting from a UNESCO WHS designation are in tourism.

### 6.1 Change in Business Environment

Changes in the business environment may be in the mix of business, the number of businesses, ownership (corporate or local), and employment by industry. Data were not available on changes in the business environment for New Lanark and Brú na Bóinne, however, information provided by representatives of both sites indicated that tourism activity increased in both locations, supporting businesses based on accommodation, food, crafts and other tourism operations. Much of the development in New Lanark was within the designated site itself, but that at Brú na Bóinne was in the surrounding communities as the site is protected from development that would damage the historic artefacts.

Census information on employment by industry for residents of the Town of Lunenburg was gathered from the 1996, 2001 and 2006 censuses<sup>9</sup>. The following table contains information on the percent of employment by major category for both the town and province. Data is for the year prior to the census and includes total labour force number and percent of labour force employed in each industry. Data for the 1996 census were not broken down in as much detail as for the other censuses so detailed comparison for each year is not possible.

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<sup>8</sup> Mitchell, C.J.A. (1998) "Entrepreneurialism, Commodification and Creative Destruction: A Model of Post-modern Community Development" *Journal of Rural Studies*, 14(3), pp. 273-286.

<sup>9</sup> *Statistics Canada. 1996, 2001 and 2006 Community Profiles. Statistics Canada Catalogue no. 93F0053XIE.*

Employment by Industry - Census Data	Lunenburg			Nova Scotia		
	1995/96	2000/01	2005/06	1995/96	2000/01	2005/06
Total - Experienced labour force	1,065	1,125	1,010	424,820	442,420	468,590
Agriculture and other resource-based industr	5.6%	7.1%	5.0%	6.7%	6.6%	5.8%
Manufacturing and construction industries	25.8%	22.2%	18.3%	16.8%	16.0%	15.3%
Wholesale and retail trade	n/a	14.2%	21.3%	n/a	16.1%	16.0%
Finance and real estate	n/a	4.9%	4.5%	n/a	4.7%	4.6%
Health and education	n/a	18.7%	16.3%	n/a	18.2%	19.1%
Business services	n/a	10.2%	10.9%	n/a	15.9%	17.3%
Other services	n/a	22.7%	23.3%	n/a	22.6%	21.9%
Total services	69.0%	70.7%	76.2%	76.4%	77.4%	78.9%

The table shows that the proportion of service employment in Lunenburg increased relative to the other main categories. The significant reduction in manufacturing and construction relative to the province as a whole may reflect the moratorium in the fisheries that reduced processing activity and may also have negatively impacted construction activity due to the loss of a major source of residents' income. Tourism employment is included in the "Other services" category and details on tourism employment impact related to the UNESCO designation are not obvious. However, there may be an indirect impact on "Wholesale and retail trade" employment from increased tourism. Lunenburg was well known as a tourist destination prior to the designation.

There is no clear indication that the UNESCO WHS designation had any major impact on the business environment in Lunenburg. Grand Pré is also a well developed tourist area that has a variety of attractions and services. Tourist numbers to the area have dropped over the last several years and a UNESCO World Heritage Site designation may increase visitation, which will support existing infrastructure. Tourism activity would have to increase significantly to change the existing business environment in the Grand Pré area or Kings County and estimates of visitation impact do not support a large increase in the number of tourists (see Section 8).

## 6.2 Economic Impact

A study was completed for New Lanark in 2007 that estimated the economic impact of the site<sup>10</sup>. The study found the following annual impacts on the local community, municipal area and country are created by the development.

- Impact on the town of Lanark: 198 direct and indirect jobs and 3.2 million pounds in Gross Value Added to the economy.
- Within South Lanarkshire: 210 direct and indirect jobs and 3.6 million pounds in Gross Value Added.

<sup>10</sup> *New Lanark Stage 2 Study: Executive Summary*, completed by Tribal Group plc for Historic Scotland, South Lanarkshire Council and New Lanark Conservation Trust, January 2007.

- Impact on Scotland: 279 direct and indirect jobs and 6.2 million pounds in Gross Value Added.

The information did not identify the direct relationship between the UNESCO WHS designation and increased impacts, but New Lanark representatives believe that the recognition provided worldwide supported existing activity and had a positive impact for both national and international visitation.

A full economic impact study has not been completed for Brú na Bóinne; however, in 2007, over 240,000 visitors stopped at the site, of which 20% remained in the centre without touring the site. One of the greatest benefits to the community since the visitor centre was opened has been from increased employment. Prior to opening the visitor centre four full-time and 16 temporary guides provided visitor services at the site. Employment has grown to 30 full-time and 12 temporary (seasonal) staff, plus an additional 29 full and seasonal jobs with the Newgrange Tourist office and visitor Tearooms at Brú na Bóinne.

Economic impact studies similar to that completed for New Lanark have not been completed for Lunenburg, but municipal representatives believe that the designation offers an on-going opportunity to increase tourism activity for the area. A study completed for the Nomination Grand Pré Committee<sup>11</sup> found that Lunenburg tourism visitation increased 6.2% as a result of the UNESCO WHS designation.

Section 8 of this report provides a range of projected visitor increase to the Grand Pré national historic site based on Lunenburg's experience. The economic impact on the Grand Pré area and Annapolis Valley will reflect the amount of effort that is put into marketing the site based on the uniqueness of the UNESCO WHS designation and cooperation with the two other Nova Scotia sites: Lunenburg and Joggins Fossil Cliffs.

### **6.3 Government Support for Local Business**

New Lanark has incorporated some of the tourism-related businesses created by its reconstruction into the site itself. It receives some funding from federal agencies that would indirectly help local business, but information on government support for business beyond New Lanark was not found.

Brú na Bóinne offers local businesses providing accommodations to tourists discount coupons for entry to the site and the ability to reserve tour times so that their customers do not have to wait in line for a tour.

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<sup>11</sup> *Grand Pré: An Economic Impact Assessment of a UNESCO World Heritage Designation*, prepared for Nomination Grand Pré by Dr. Brian VanBlarcom, Dr. Cevat Kayahan and Adam McLeod, April 2009.

Lunenburg has established a special, lower commercial tax rate for seasonal businesses that do not have income for the full year. They also cooperate with the business community in some marketing activities.

Some locations apply differential tax rates for resident and non-resident ownership (e.g.: Prince Edward Island). The argument is that non-resident landowners demand high levels of service and infrastructure that are supported by local taxes on businesses and non-businesses but do not support local business and economic activity for the full year. This means that some businesses struggle to remain viable in the off season. Differential property tax rates on non-residents indirectly reduce rates for local businesses.

## **7.0 Cost Impacts**

Developments that attract economic or residential activity to a community have the potential to impact the costs of living and doing business in that community. It must also be recognized that many of the cost increases generate increased revenue for some local businesses. While there may be many cost impacts, the main one that has drawn public discussion in the Grand Pré area is the effect on property values and taxes of a UNESCO designation.

### **7.1 General Cost Changes**

No information was available from any of the comparison sites on the impact on general costs to businesses and the community, such as increased rent, changes in cost of accommodations or food services. It is reasonable to assume that increased property values will lead to increased rent and mortgage payment and that the increase in the cost of living to employees will push up wages paid, thus increasing labour costs for local business. However, data are not available to test this assumption.

### **7.2 Property Value Impacts**

Property values are influenced by many factors, including location, access, attractiveness, and economic activity in the area. Value increases add to the owner's wealth, but can increase carrying costs if property taxes go up in relation to increases in property values. Value decreases reduce the owner's wealth, but may reduce property taxes if tax appraisals closely reflect property values.

Another concern that has been expressed in several areas of Nova Scotia is the significant increase in shoreline property based on increased construction of residences and businesses attracted by the beauty of the province's shoreline. Tourist businesses based on activities associated with the ocean and our rural heritage have multiplied drawing tourists to our attractions.

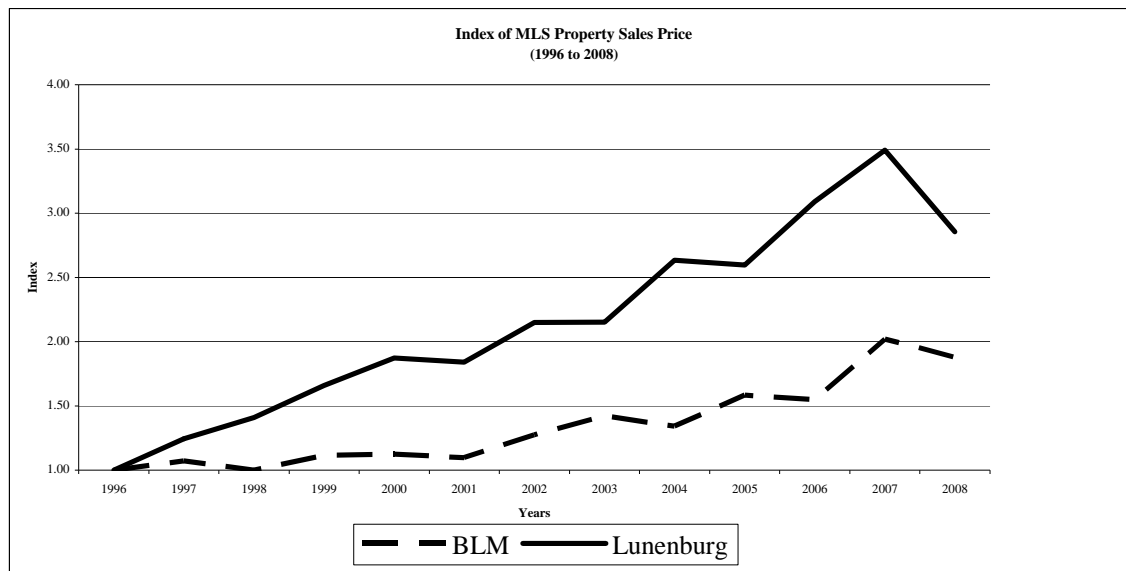
Many people mistake the impact of UNESCO recognition with tourism impacts. Increased real estate values leading to higher property taxes occur in all cases of

increasing tourist interest in any area. Information provided by New Lanark indicated that the development did not have a significant impact on area real estate values, possibly because it is a self-contained and self-financing development. New Lanark has also added a residential component to the development that is likely to restrain property value changes.

Property in the area of Brú na Bóinne rarely comes up for sale and when it does is generally purchased by local residents. Ireland had a significant housing bubble through the 1990s, which has subsequently burst, and this influence was felt in County Meath as well. The main issue in the area of Brú na Bóinne is lack of properties offered for sale.

The chart below provides an index of property values for Lunenburg compared to a combination of Bridgewater, Liverpool and Mahone Bay (BLM), communities in relatively close proximity to Lunenburg that have similar geographic settings. The data is from Multiple Listing Service (MLS) Real Estate sales provided by Central Mortgage and Housing Corporation (CMHC). The data are limited to properties that were sold through the MLS listing and do not include private sales or real estate sold by a broker that was not included in the MLS system. Prices were only available from 1996 through 2008 and were indexed to 1996 by dividing the average sales price for each year by the value for 1996. Indexing allows comparison of price trends between data that have different dollar values.

Lunenburg property prices increased by almost three-and-a-half times compared to two times for the comparison communities between 1996 and 2007, after which they dropped in all communities as a result of the recession. Price increases were greatest during the property boom years of the mid-2000s. MLS property prices increased by 30% in Lunenburg in 2007, which was a period of strong economic activity and relatively low mortgage interest rates.



While the comparison communities also saw significant price increases for properties sold, they were not as rapid as in Lunenburg. Also, prior to 2007, it appears that price changes for the comparison communities lagged Lunenburg price changes by one year, indicating that Lunenburg prices influenced those in the surrounding areas.

Lunenburg municipal representatives and real estate professionals were consulted to determine the forces that influence the town's property values. Property prices began increasing significantly in the mid-1980s when US residents from New England began buying and restoring historic homes and properties as seasonal residences. Many of these people have a historic relationship to Lunenburg through the fisheries connection between Lunenburg and Boston, and most had relatives in Lunenburg. The US currency was strong relative to the Canadian dollar and these people were able to purchase and restore Lunenburg properties much less expensively than in New England communities.

In the mid-to-late-1990s residents of Central Canada became interested in Lunenburg for seasonal and retirement residences. This compounded demand from the United States. Also, German residents identified the area as one in which it would be nice to have a vacation home, although many of the Germans purchased property in surrounding rural communities rather than directly in Lunenburg. Lunenburg is relatively close to the Halifax Regional Municipality, which also influences prices.

Until recently there was not much subdivision or affordable housing development in Lunenburg. Some new developments focused on the historic nature of the town, but housing prices were high and not in the range that would attract buyers with young families. This meant that there was little opportunity to offer a wide range of house prices and local residents with young families tended to move to surrounding communities like Bridgewater to seek affordable housing. The lack of affordable

housing development may partly explain the direct relationship between prices in Lunenburg and surrounding communities as people moved there to find affordable houses. Real estate sales representatives stated that they believe the municipal government's restrictions on the location and type of development had a direct impact on the increase in property values in the Town of Lunenburg.

Those interviewed about real estate values believe that, while the UNESCO WHS designation may have heightened pressure on property values, it was not a strong influence. It may have raised the awareness of some people who subsequently visited Lunenburg and decided to locate in the community, but many of these people have since sold their properties and moved to other areas that they found interesting.

Discussions with real estate professionals from the Annapolis Valley identified some of the drivers of property prices in Grand Pré and the surrounding community. Grand Pré's history and ambiance are attractive to people; however, supply is tight as few properties are offered for sale. The proximity to Halifax and twinning of Highway 101 have increased demand while supply has not changed, resulting in strong upward pressure on property prices.

Very little land comes up for sale in the Grand Pré area and many of the large landholdings are closely held by families who are not interested in developing them for residential uses outside the family. Land use regulations inhibit development and reduce opportunities to offer affordable housing in the community. Municipal restrictions on development of agricultural land reduce the potential for increased supply of residential housing in rural Kings County. At the same time, there has been increased interest from Europeans, particularly Germans and those from the United Kingdom, who wish to retire to the community or own a seasonal property in the area. Many of these people prefer rural properties with a couple of acres of land.

All of the above factors are presently placing significant pressure on property prices in Grand Pré and surrounding communities. They are unlikely to ease in the short term. **UNESCO WHS designation may make people more aware of the attractions of the area, but it is unlikely to have a major impact on property prices. The main influence on those prices will be supply relative to demand, and that situation is already strongly influencing prices.**

### 7.3 Property Tax Impacts

Property taxes are one of the few revenue sources used by municipal authorities to fund local services. The revenue generated from the taxation of real property depends on a number of variables. Those variables include:

- The tax base – what properties are subject to tax or are not exempt from tax,
- The assessment ratio – assessed value relative to the market value, and
- The tax rate – the rate applied to the assessed property values.

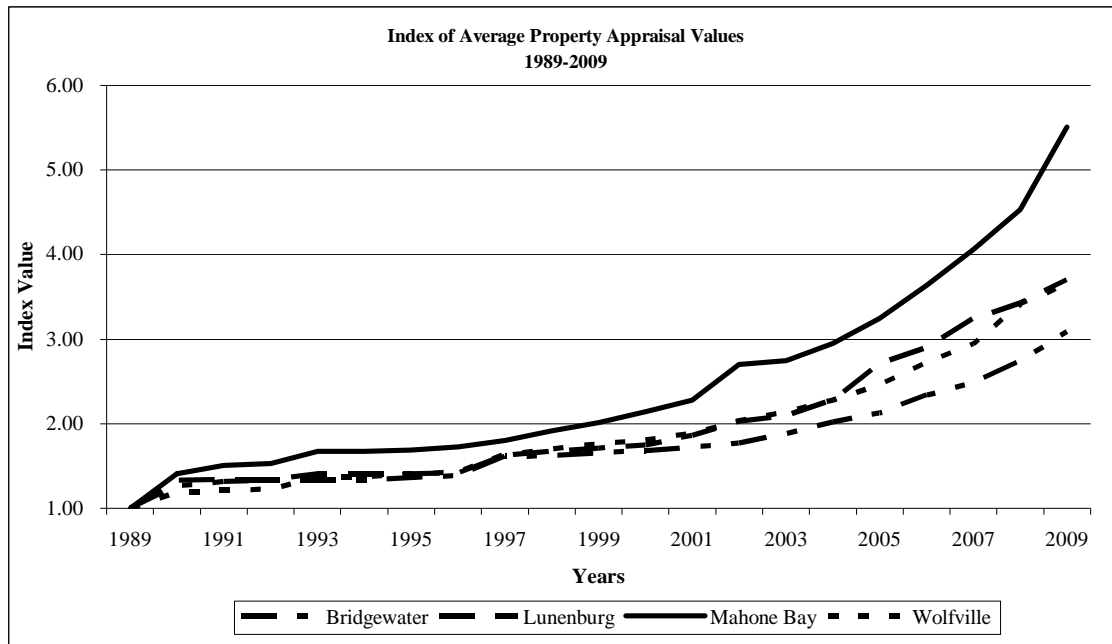


While there are no data available to support the opinion, New Lanark and Brú na Bóinne representatives do not believe that the UNESCO designation has influenced property taxes. Much of the infrastructure investment came either from non-local government or institutions. New Lanark has developed its community site in such a way that it is mostly self-financing and Brú na Bóinne is a federal-government owned and operated site so that local government funding requirements are limited.

Property values have a direct impact on property taxes paid by Nova Scotians. The provincial government responded to property owners' concerns about rapid increases in property values leading to tax increases by passing an amendment to the property tax act in 2004 that allowed residents to apply for a cap to increases in property appraisal values (15% - 2003-2004; 10% - 2005-2008). This move addressed some of the concerns regarding rapid increases in the annual cost of owning a property in desirable locations.

Lunenburg tax rates are comparable to those in other Nova Scotia towns, such as Kentville. As previously noted, a special rate is applied to seasonal tourism operations. However, some people are concerned that the designation has driven property tax appraisals much higher than other communities. The following graph provides information on average residential property appraisals as at the first of each year from 1989 to 2009 for four communities: Bridgewater, Lunenburg, Mahone Bay and Wolfville.

The graph provides indexes of appraisal values for each year with 1989 as the base year (index = 1). Appraisal values in Mahone Bay have increased the most, followed by Lunenburg and Wolfville with Bridgewater appraisals slightly lower than those two communities. The graph shows that property appraisal values in Lunenburg and Wolfville have risen at almost the same rate over the last two decades. Wolfville is an attractive community with a well-known university and is located on the Minas Basin. The other three communities are also attractive rural towns on the water or in close proximity to it, so that all three communities would have similar influences on property values and, thus, tax appraisals.



The pattern of appraisal increases for Lunenburg follows the same pattern as for Bridgewater and Wolfville both before and after the UNESCO World Heritage Site designation in 1995. **There is no indication in the property tax appraisal data that the UNESCO designation had any impact on the tax-appraised value of residential properties in the Town of Lunenburg.**

## 8.0 Infrastructure Impacts

Public infrastructure investment may also be needed to address increased transportation requirements for a historic site as well as the demands of increased numbers of visitors during the tourist season. This investment has the potential to impact the community through property tax rates.

Potential infrastructure impacts on Grand Pré will reflect the extent of changes in the number of visitors to the site relative to historic tourist activity. A recent study<sup>12</sup> estimated the potential increase in visitors based on changes to Lunenburg's tourist visits from its WHS designation. The study estimated a range of annual visitor increases from a low of 678 to a high of 4,410 per year.

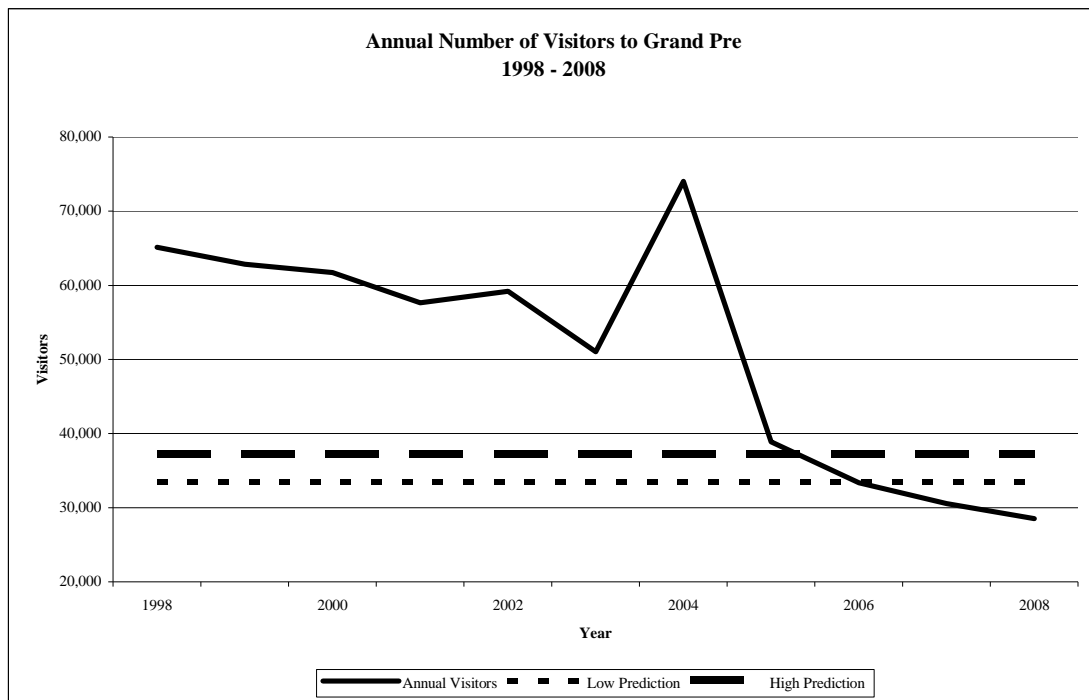
The following table provides estimated visitors by month based on information from the Grand Pré visitor centre (2004 has been removed from the estimates as that was the year

<sup>12</sup> *Grand Pré: An Economic Impact Assessment of a UNESCO World Heritage Designation*, prepared for Nomination Grand Pré by Dr. Brian VanBlarcom, Dr. Cevat Kayahan and Adam McLeod, April 2009.

of the Acadian Homecoming). The high and low estimates were added to the average visitor numbers from 2005 to 2008 to show the visitor range that can be expected each month.

	Visitor Increase		Average Number of Visitors 2005 - 2008	Projected Number of Visitors	
	Low	High		Low	High
May	40	258	1,784	1,824	2,042
June	98	635	5,362	5,460	5,997
July	177	1,149	7,939	8,116	9,088
August	156	1,012	7,977	8,133	8,989
September	143	931	6,914	7,057	7,845
October	66	425	2,854	2,920	3,279
<b>Total</b>	<b>678</b>	<b>4,410</b>	<b>32,830</b>	<b>33,510</b>	<b>37,240</b>

The following chart shows annual visitation from 1998 to 2008 along with the high and low visitor estimate from the table. The chart clearly shows the steady decline in visitation over the last decade, with the exception of 2004. Visitation from 1998 to 2003 averaged almost 60,000 tourists. The average for 2005 to 2008 is less than 33,000.



Existing infrastructure supported almost twice as many tourists over the last decade as can be expected to visit Grand Pré if it receives a UNESCO WHS designation. Part of the site is a National Park and has an existing visitor management system with the capacity to handle many more visitors than have been coming to Grand Pré over the last several years. Also, historical parts of Grand Pré have been designated a National Park, which provides the ability to cooperate with federal funding partners for maintenance, improvement and creation of infrastructure that will benefit the local community.

**It is highly unlikely that significant municipal investment will be needed to support increased tourism or that property tax rates will have to be increased as a result of a UNESCO WHS designation.**

## 9.0 Summary

In summary, it appears that the benefits of a UNESCO World Heritage Site designation will be positive for Grand Pré and area.

- It may help slow or reverse the downturn in visitors without requiring significant public investment in infrastructure to support increased activity,
- It has the potential to offer benefits to the community by preserving heritage and present lifestyle, while supporting the community's economic activity, and
- Designation has helped other areas educate the local population and visitors about the uniqueness of an area and increase community pride in its heritage.

The designation is unlikely to have a major impact on issues that concern community members, in particular property price and tax changes. The factors pushing up property prices in the Grand Pré area and other parts of rural Kings County are not related to economic activity, but to land use regulations. The area is already attractive to non-residents and they are finding their way to Grand Pré in any case. The relatively small projected increase in visitor numbers is unlikely to generate additional pressure, good or bad, on property supply and demand.

Property appraisal values for tax purposes have been influenced by the increase in property values due to the lack of supply of residential properties relative to the demand. Increased tourism from the UNESCO WHS designation may put further pressure on some property prices if international tourists who came to the area because of the designation decide to relocate to the area. However, the UNESCO designation does not appear to have been a significant factor in Lunenburg, which faced the same limited supply of affordable housing as is presently the case in Grand Pré.

Based on the information gathered during this project, maximum economic impact will result from a professional, coordinated management plan to leverage the profile associated with a UNESCO WHS designation. Minimum community disruption will be the result of a comprehensive, inclusive consultation process.



## **OVERVIEW OF COASTAL CHANGE INFLUENCES ON THE LANDSCAPE OF GRAND PRÉ**

January 2011

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Assisted by Christophe Rivet

(c) Nomination Grand Pré

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## Executive Summary

### Objectives and Methodology

The objectives of this study are to review observations and trends in coastal erosion within Nova Scotia, particularly the Grand Pré area, to review coastal management literature, and to identify means to mitigate these risks. The information reviewed has been compiled from several sources, each with their own methodology for data collection and analysis. Sources include aerial photos, academic material (Acadia University, Dalhousie University), as well as municipal (Municipality of the County of Kings), provincial (Coastal Coalition for Nova Scotia, Nova Scotia Department of Agriculture) and federal level reports (Environment Canada, Canadian Wildlife Services, Natural Resources Canada, Parks Canada Agency).

### Background

The Grand Pré peninsula, consisting of dykelands and uplands, is an important economic and cultural resource to the residents of the area. Built by the Acadian people in the 17<sup>th</sup> century, the area represents innovations of historical significance and cultural meaning. The near 13km of coastline, composed of erodible geological materials such as sand, shale and gravel, is confronted twice daily to the highest tides in the world. The coastline is under pressure from the continued rise in sea level, increasingly variable and intense storm events, growing shoreline erosion and the possibility of dyke breaches, all of which present significant risk to the local economy and cultural resources.

### Observations

The coastline is under pressure from coastal change and rising sea levels. Archaeological evidence indicates that many of the original dyke walls are buried under 1.5 to 1.8 m of sediment; a testament to the steady rise in sea levels and subsequent alteration to the coastline. An average of 15m (50') of shoreline erosion has occurred along the North Grand Pré coastline between 1961 and 2002 according to aerial comparisons, with coastal erosion ranging from 0.3m and 68.4m (0.97' to 224.34'). Furthermore, on Boot Island, an average annual decrease of shoreline over two year intervals was recorded from 1990 to 2008 at a rate of 0.34 to 0.85 m/yr (1.11 to 2.79'/yr). Though coastal erosion is taking place along the east and west sides of the marsh, there is evidence of saltmarsh regeneration. Saltmarsh regeneration is a natural occurrence, but scientists do not fully understand the process.

### Potential Coastal Management Policies and Strategies

Coastal communities need to take into account the potential for accelerated coastal erosion and mitigate risks through proper land management. The Municipality of the County of Kings has a planned retreat setback from the shoreline for any future development, and has protective measures for the dykes in order to minimize erosion and dyke breaches. The provincial government is preparing a *Sustainable Coastal Development Strategy*, which will provide a framework for coastal management, including how to manage accelerated coastal erosion. Parks Canada developed a Climate Change Strategy which includes a modified Commemorative Integrity Evaluation that provide the tools and a framework to evaluate the impacts of coastal change on lands its administers at Horton Landing.

Since Grand Pré has significant economic, social and cultural value for the region, active coastal erosion strategies are enacted so that the effect of coastal erosion can be mitigated. Continual monitoring and maintenance of the dykes will aid in combating potential failure and minimize the threat of dyke breaches and subsequent dykeland flooding.



## 1.0 Introduction

The dykelands, and other lands of the Grand Pré peninsula, are an important economic and cultural resource to the residents of the area. They are of special heritage significance due to their construction by the Acadian people in the 17<sup>th</sup> century, and because of their enduring significant cultural use and meaning. The area comprising the Grand Pré peninsula, including Grand Pré, North Grand Pré, Hortonville and Lower Wolfville, as well as the Grand-Pré National Historic Site, is being nominated for UNESCO World Heritage Site status, owing to the dykelands and the active agricultural landscape as well as to its symbolic meaning for the Acadian people. The nominated property requires a buffer zone to ensure that the integrity of the dykeland and the continuity of its agricultural use are maintained. The buffer zone includes a land component and a marine component. The land component is defined by the boundaries of the Grand Pré and area community plan excluding the nominated property. In addition, Boot Island National Wildlife Area is included in the buffer zone. The marine component extends 500 metres from land (Figure 1).

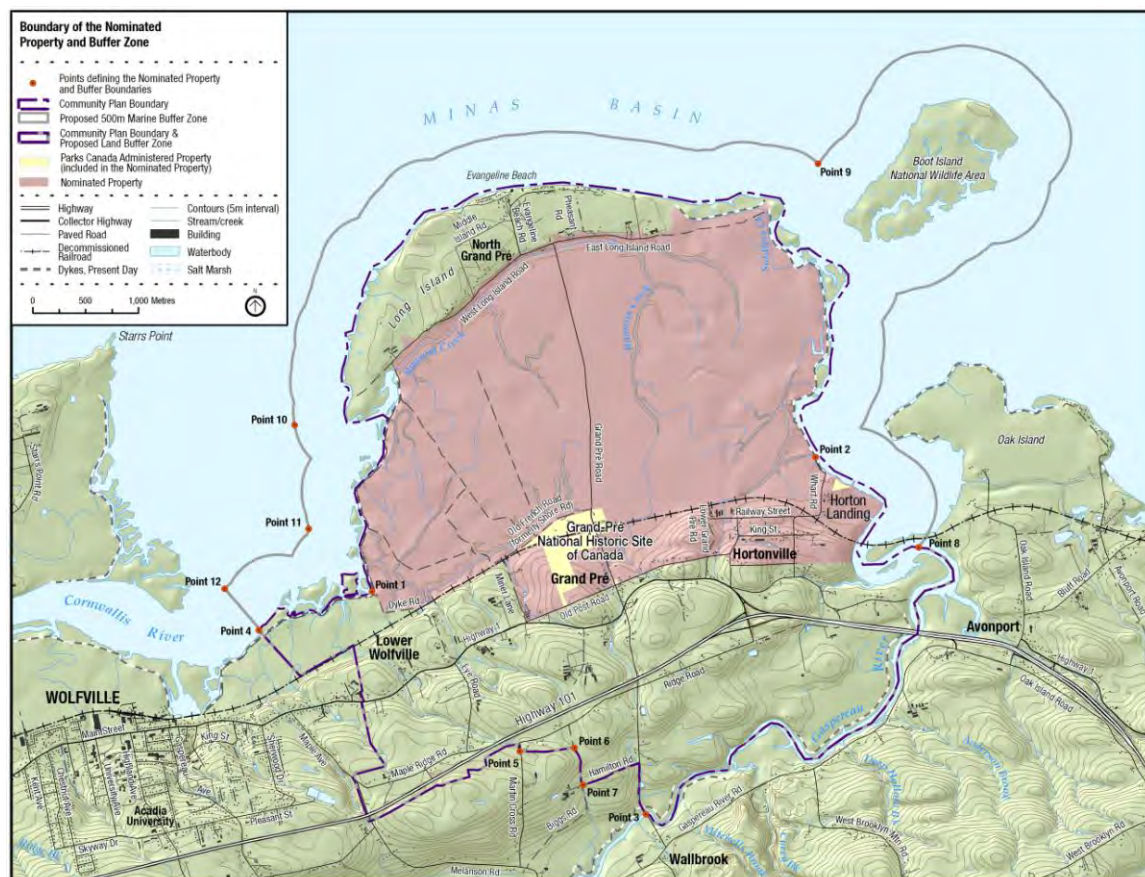


Figure 1: The UNESCO World Heritage Site nominated property and buffer zone, including the 500 metre marine component.

The area of Grand Pré is consistently under the threat of coastal change, which presents significant risk to the local economy and to the cultural resources held within the dykelands. The continued rise in sea level, combined with increasingly variable and intense storm events in our changing climate, increase the hazard of erosion on the Grand Pré peninsula. Erosion of the North Grand Pré shoreline, combined with potential breaches of the dykes that separate the interior of the Grand Pré region from the Minas Basin, represent substantial risk to the cultural and economic property of the area. Therefore, appropriate coastal management of the area needs to be considered in order to minimize the risks of erosion on the local economy and the cultural resources contained on the Grand Pré peninsula.

## 2.0 Objectives

The purpose of this document is to summarize literature relevant to coastal change in Nova Scotia and specific to the Grand Pré area, where possible, in order to provide an overview of coastal change to the proposed Grand Pré World Heritage site. This summary will only include available literature and data.

The specific objectives of this study are:

- To review pertinent background literature that refers to observations and trends in coastal change within Nova Scotia and the Grand Pré area;
- To conduct a limited aerial photograph review to identify trends in coastal change within Grand Pré;
- To review coastal management literature and recommend how risks associated with coastal change can be mitigated.

## 3.0 Methodologies

The report was developed from a review and synthesis of existing reports that refer to coastal erosion in Nova Scotia and the Grand Pré area, and of a review of aerial photographs taken of the area, in 1961 and 2002. According to the scope of this project, no new data will be collected regarding coastal erosion rates and other changes in the Grand Pré area. The intent of the literature and air photo review will be to identify, and comment on, trends relevant to coastal change in Grand Pré.

Several sources compiled the information reviewed in this report, each with their own means for data collection and analysis. Therefore, the comparability of the information relevant to erosion rates may be affected, and only the important trends in coastal erosion will be noted, without particular forecasting of the rate and related risk of coastal erosion to the area.

## 4.0 Literature Review

### 4.1 Grand Pré Setting and Context

Grand Pré is a community located within the County of Kings, Nova Scotia, along the eastern portion of the Annapolis valley, and is situated on a small peninsula that extends into the Minas Basin, which is part of the Bay of Fundy. The Grand Pré peninsula was formed as a result of the creation of dykelands by the Acadian settlers. The network of dykes created the portion of land between mainland Nova Scotia and North Grand Pré, which was at one time an island, called Long Island (Hood et al., 2009). Consequently, the dykes form the eastern and western coastline of the Grand Pré peninsula, together creating approximately 13 km of coastline (Hood et al., 2009).

As the Grand Pré area is found within the Minas Basin of the Bay of Fundy, it is subjected to the highest recorded tidal fluctuations in the world. In the Minas Basin, the rise and fall of the tides are a significant force in the formation of coastal landscapes and ecosystems. Landscapes created by erosion and deposition of sediment material, adjacent to land basins, provide the foundations for salt marshes - wetlands that harbour salt-resistant plant species and provide habitat for numerous shorebirds. The deposited sediments within the salt marshes are very fertile and provide substantial nutrients to the wetland plants. It is the fertility of the salt marsh soil, combined with the ease of cultivation in comparison to rocky, forested upland areas that lead the Acadians to dyke the salt marshes for agriculture. The dykelands were created by constructing earthen walls around the original edges of the original salt marshes, essentially preventing the sea from flowing over the marsh surface. Aboiteaux, or tidal gates, were installed to allow fresh water to drain away from the marsh.

The dykelands have been, and continue to be, a significant source of value for Grand Pré residents. Substantial agriculture in the region provides economic benefits to landowners, and the Grand-Pré National

Historic Site provides social and cultural benefits to local, national and international visitors that wish to learn about the history of the region and of the Acadian peoples.

As the Grand Pré region provides significant benefit to residents, the area has been continually developed over time, specifically in regard to infrastructure and residences. Roads and utilities are common throughout the region, and several buildings are located in the area. These buildings are either residences, public buildings or are used for agricultural activity (Hood et al., 2009). However, there is no permanent infrastructure on the dykeland, aside from phone and power poles, and roads.

Although the Grand Pré region has been developed for human use, protected areas exist for habitat conservation. Boot Island National Wildlife Area, located off the east shore of North Grand Pré, is the notable conservation area. This island was protected as a sanctuary for migratory and shorebird habitat. Furthermore, the coastal salt marshes found around Grand Pré are protected under current provincial and federal legislation, as part of wetland and migratory bird protection. Additionally, Boot Island and the coastal salt marshes are recognized as a Wetland of International Importance under the Ramsar convention-named the Western Hemispheric Shorebird Reserve at Southern Bight- Minas Basin. This recognition does not add a layer of protection, but instead elevates the prominence of the site on the international significance of the wetland.

The region, however, along with all coastal communities in the Canadian maritime provinces, must constantly address issues concerning coastal erosion. The drivers of erosion are wind, waves, tides, currents, and ice scouring. The removal, transfer, and accumulation of soil and sediment material cause the alteration and loss of shoreline features like saltmarshes, mudflats, and beaches. Additionally, structures such as seawalls and dykes that form the shoreline of built environments, as is the case with the Grand Pré area, are also subject to erosive forces that threaten the integrity of these structures. As such, the Grand Pré area must develop strategies to manage coastal erosion in order to protect the economic, environmental and cultural resources in the Grand Pré dykelands, primarily through the maintenance and protection of the dykes that restrict the inward migration of seawater.

#### **4.2. Salt Marshes**

Prior to settlement, the Grand Pré dykelands were salt marshes that developed from the accumulation and transfer of sediment, introduced to the system through the gradual erosion of upland areas by oceanic wave forces along the coastline and from sediment distribution from freshwater streams (Bleakney, 2004). In salt marsh formation, the eroded sediment is then deposited during tidal ebb, creating large areas of mudflats, which are colonized by plant species capable of tolerating saline seawaters. The deposition of upland sediments into salt marshes creates conditions of high fertility, due to the continual addition of nutrients to the system (NSDA, 2007a).

Recent research in the Bay of Fundy confirms the important role that winter sea ice plays in the development of salt marshes. In the winter, thick ice forms over the marsh surface, trapping mud and pieces of vegetation. This ice, along with trapped debris, is shifted and carried by tides and storms throughout the winter. In the spring, melting ice deposits mud and clumps of vegetation on portions of the mud flat and, if conditions are favourable, the vegetation establishes itself and contributes to salt marsh vegetation dispersal and ecosystem development (van Proosdij, 2006).

The elevation of salt marshes generally coincides with the average high tide level and the continual deposition of sediment creates deep, rich soils that are relatively free of large debris, such as boulders and trees (Bleakney, 2004; NSDA, 2007e). As salt marsh elevation coincides with high tide, the continued rise in sea level affects the elevation and surface area of mudflats and salt marshes. (Ollerhead et al, 2003). Bleakney (2004) notes that archaeological evidence indicates that many of the original dyke walls at Grand Pré are buried under 1.5 to 1.8 m of sediment under the present marsh surface; a testament to the steady rise in sea levels and subsequent alteration of the coastline over the past few hundred years.

Salt marshes are also important in coastal erosion prevention, as they assist in the dissipation of wave energy and reduce the force of impact on the shoreline (Hood et al., 2009). Consequently, converting salt marshes from their natural state into agricultural land, or removing them altogether as a result of anthropogenic development, results in accelerated shoreline erosion and increased potential for property damage in coastal communities (Hood et al., 2009). Given historical loss of salt marshes in the Bay of Fundy and the subsequent increase in coastal erosion, the general emphasis is to limit or stop further loss of salt marsh.

### 4.3. Dykeland Development

The dykelands at Grand Pré were originally developed by Acadian settlers in the late 1600s. They recognized the agricultural value of the salt marshes on account of the thick, fertile soils and the absence of rocks and trees, which allowed for easier cultivation (Bleakney, 2004; NSDA, 2007a). The Acadians reclaimed the salt marshes by constructing a system of dykes made of sod-bricks to restrict tidal input of seawater into the dykelands. Once seawater was restricted from flooding the dykelands, the Acadians installed drainage devices called aboiteau, which allow the passage of freshwater from the dykeland into the ocean during low tide and restrict seawater inputs from entering the dykeland during high tide events (NSDA, 2007c).

The dykelands are still a functional piece of the local economy, as local residents utilize these fields for agricultural production. Indeed, approximately 80% of salt marshes in the Bay of Fundy have been dyked, due to the high productivity and relative ease of cultivation of these areas (Environment Canada, 1994). Most aboiteau channels, however, have been replaced with PVC piping (a new, more durable technology) and the dykes have been maintained and built-up, in order to prevent dyke breaches (NSDA 2007b). As the sea level has risen since the time of the Acadians, the original dykes have been maintained and renovated to accommodate for higher sea levels. Most dykes in Nova Scotia measure between 1.9 and 2.5 m high and it is common practice for the dykes to be maintained around 0.3 to 0.6 m (1' to 2') above the high tide mark (NSDA 2007c; Hood et al., 2009).

With sea levels anticipated to rise 70 to 140 cm over the next century, and with projected risks associated with more intense storm surges owing to a changing climate, it is anticipated that the dykes bordering the Grand Pré region will need consistent maintenance in order to minimize the hazard of dam breaches and to ensure that the dykelands contribute to the economic and socio-cultural climate of the Grand Pré region.

### 4.4. Tidal Influences

The Grand Pré region is located within the Minas Basin of the Bay of Fundy, which is renowned for having the highest tides in the world, with daily fluctuations averaging between 12 to 15 m (Bleakney, 2004; Hood et al., 2009). Tidal fluctuations are important to the Bay of Fundy ecosystem as low tides expose 7,800 ha of intertidal mud flats, which provide habitat to shorebirds, and high tides mobilize sediments, causing turbidity influences on aquatic habitat and sediment deposition in salt marshes and flooded dykelands (Environment Canada, 1994).

Tidal patterns, however, are cyclic and the elevation of high water peaks change on a regular basis. Extreme high tide peaks follow a regular pattern that correspond to high peaks every 12 h, 24 h, 14.8 days, 207 days, 4.52 years and 18.3 years (Bleakney, 2004; Hood et al., 2009). High tides occur frequently, and extreme high tide events can occur every month of every year (Bleakney, 2004). Extreme high tides are problematic, as they can breach dams, causing flooding and dyke erosion, and contribute to shoreline erosion of upland areas (NSDA, 2007c). In the event that extreme high tides combine with storm surges, high winds or low barometric pressure, the erosion and flooding hazard increases significantly (NSDA, 2007c; Hood et al., 2009). Such was the case in 1869 when an extreme high tide, combined with a storm surge occurred, known as the Saxby Gale. The tide was reported higher than 2 m (6.56 feet) above regular extreme high tides, which breached dykes around the Bay of Fundy and caused extensive damage to properties, infrastructure and lives. Further to erosion effects, flooded dykelands are unsuitable for agricultural production for at least one growing season (Hood et al., 2009).

#### 4.5. Coastal Change in Nova Scotia and Grand Pré

The occurrence of coastal erosion in Nova Scotia, and more specifically Grand Pré, is prevalent due to the many factors previously discussed. Dykeland development, through alterations to salt marsh area and subsequent reduction in area for wave energy dissipation, increases not only the occurrence of erosion, but also the potential coasts of erosion due to the negative economic and social impacts that could occur through dam breaching and damage to infrastructure and property (Coastal Coalition for Nova Scotia, 2008; Hood et al., 2009). However, it should be noted that coastal erosion is a naturally occurring, global process that cannot be completely stopped, but the impacts of coastal erosion to communities can be mitigated through proper land management. Coastal communities need to take into account the potential for accelerated coastal erosion especially those living on the Bay of Fundy, which experiences the highest tides in the world. Living with or managing erosion then, must be formulated into any management strategy for coastal communities.

Many locations within the maritime provinces of Canada are considered especially sensitive to erosion, due to the geological characteristics of the shoreline, inclusive of soil and rock types, low relief, landform types, and ocean processes, mainly concerning the tidal range and wave height (Natural Resources Canada, 2004). The prevalence of low elevations and shorelines made of erodible unconsolidated materials, such as sand, shale and gravel, increase erosion risk in the Atlantic region (Coastal Coalition for Nova Scotia, 2008).

Particular to the Grand Pré area, the Municipality of the County of Kings (2010) states that an average of 15m (50') of shoreline erosion has occurred along the North Grand Pré coastline between 1961 and 2002, due to the sandstone shoreline of Evangeline beach (figure 2). MacKinnon and Kennedy (2008) from the Canadian Wildlife Services, documented average annual decreases of shoreline on Boot Island over two year intervals between 1990 and 2008 at a rate of 0.34 to 0.85 m/yr (1.11 to 2.79'/yr), with 2004 to 2006 and 2006 to 2008 having the highest erosion rates over the study period (figure 3). The authors suggest that Boot Island erosion is accelerated because of rapid loss of forested area due to storm-surge blow down.

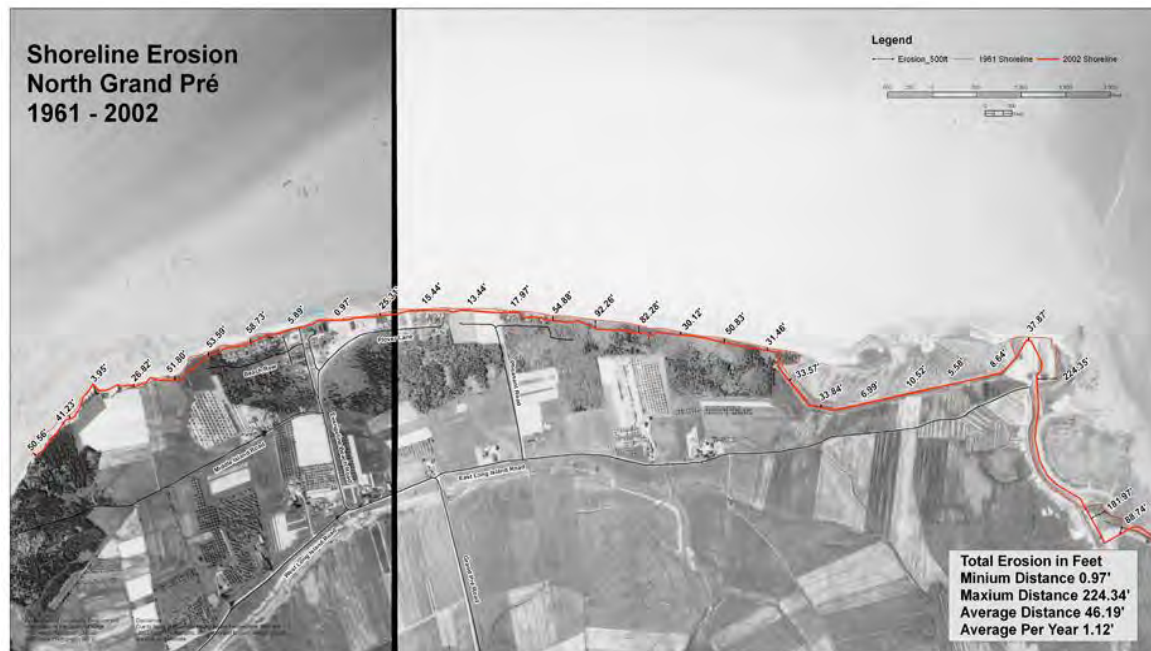


Figure 2: Shoreline erosion along North Grand Pré between 1961 and 2002.

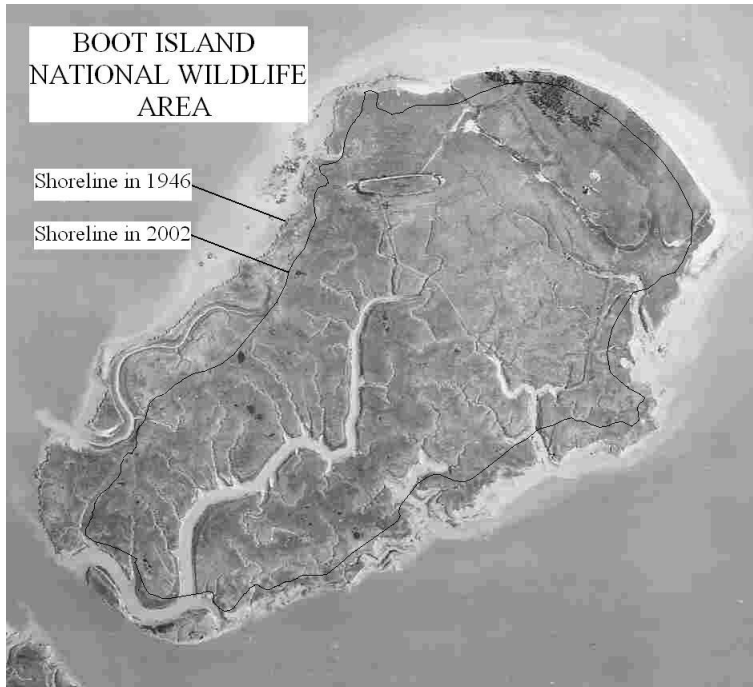


Figure 3: Boot Island National Wildlife Area shoreline erosion between 1946 and 2002. (Environment Canada, Canadian Wildlife Services, 2008)

#### 4.5.1. Aerial Photograph Review

Aerial photographs of the Grand Pré region from 1961 and 2002 were reviewed to determine coastal change trends specific to the area. A separate comparison was made for the West Grand Pré, North Grand Pré, East Grand Pré, and Boot Island National Wildlife Area.

The Municipality of the County of Kings examined coastal change along North Grand Pré. Coastal erosion over the period has ranged between 0.3m to 68.4m (0.97' to 224.34'), with an average distance of 14.08m (46.19') over the review period, or 0.34m (1.12') annually (Figure 2). It is apparent that erosion along North Grand Pré is proceeding at a steady rate, and is highly variable. This is likely due to differences in the land exposed to the ocean, as soil is more likely to erode than rock faces (Natural Resources Canada, 2008; Shaw et al., 1998).

The Parks Canada Agency looked at coastal change trends along the east and west sides of the Grand Pré peninsula. The air photos for the east and west side marshes are presented as Figures 4 and 5, respectively. Each figure presents assumed salt marsh area from the 1961 photograph, overlain on the 2002 photograph for comparison purposes. In each photograph, it appears that the total salt marsh area has extended over the review period. This is due to any of three factors: (1) the air photos were taken in different months, with subsequently different vegetation characteristics (1961 photographed in June and 2002 photographed in September), (2) sediment has continually been deposited over the period along the outer fringes of the dykes, and (3) the river flow and speed influences the amount and location of deposition. The deposition of sediment, then, has led to an increase in the salt marsh area. The deposition of sediment is a likely occurrence, as coastal erosion manifests itself as an erosion-sedimentation process, whereby earth eroded at one point along the coast is deposited along another portion of the coastline (Bleakney, 2004). Although no significant shoreline loss is evident, the air photos do not allow for the review of dyke characteristics over the period; the dykes may have been maintained either through erosion repair or height adjustment.

Boot Island was also considered due to its inclusion in the buffer zone and the availability of literature for this area. Air photos from 1946 and 2002 were compared, with the 2002 shoreline being overlain over the 1946 photograph (Figure 3). It is evident that substantial shoreline erosion has occurred on Boot Island

over the period. This assessment agrees with site observations by MacKinnon and Kennedy (2008) with the Canadian Wildlife Services, who stated that the average shoreline erosion of Boot Island has occurred at an annual rate of 0.34 to 0.85 m between 1990 and 2008.

**East Side Marsh - Grand Pré, Nova Scotia**



Figure 4: Salt marsh area in 1961 and 2002 for the east side of the marsh.



Figure 5: Salt marsh area in 1961 and 2002 for the west side of the marsh.

#### 4.6. Anticipated Climate Change Impacts on Dykelands

The erosion effect is projected to increase substantially with the changing climate, due to increasing water levels, more severe wave patterns and greater storm surge magnitudes (Natural Resources Canada, 2004). Higher sea level rise is expected through thermal expansion of oceanic waters, combined with melting of polar ice caps (Natural Resources Canada, 2004). Increased sea level will only serve to increase the effect of erosion on coastal areas. The consistent rise in sea level is expected to intensify the rates of shoreline alteration, such as beach and bluff erosion, landward migration of barrier islands, inundation of coastal lowlands and increase storm-surge flooding (Natural Resources Canada, 2004).

Not only will higher sea levels influence erosion, but alterations in rainfall patterns and storm events will effect coastal erosion and dykelands. Heavier rains associated with increased evaporation of oceanic waters will increase storm surge activity, which has the potential for dyke breaching. However, fluctuations in rainfall patterns can also occur, with dry periods influencing erosion as well. If precipitation patterns are sufficiently altered, and extended dry periods occur, the end of an aboiteau risks being buried by sediment, causing clogging and flooding hazards during storm events, as the freshwater added to the dykelands would not be able to escape through the drainage channel (NSDA, 2007f).

Atlantic Canada is expected to have a 70 to 140 cm rise in sea level over the next 100 years, which will only serve to accelerate coastal change and lead to extensive flooding and more intense storm surges (Coastal Coalition for Nova Scotia, 2008). The rise in sea level, combined with climate alterations, such as increased temperatures and precipitation, and permafrost melting in the arctic, are expected to directly influence Canada's national historic resources (Parks Canada, 2009). Thus, active management must be enacted in order to mitigate the effects of increasing sea level and changes in climate on important economic and cultural resources in Canada.



## 5.0 Coastal Management in the Grand Pré Region

### 5.1 Coastal Management Policies

#### 5.1.1 *Municipal*

The Municipality of the County of Kings (2010) has recently made amendments to Bylaw 56: Municipal Planning Strategy for the Grand Pré and Area Community Plan, based on recommendations provided by Hood et al. (2009). These amendments identify the special significance of the heritage of the Grand Pré, recognize coastal erosion effects to the economic and cultural well being of the area, and propose land-use constraints to limit impacts to natural heritage and reduce the erosion effects of development. The goals of the document are to limit non-agricultural uses in the Grand Pré dykelands, and provide guidance on appropriate recreational and residential growth in the area, as well as guidance on responsible coastal development to limit the damage of coastal erosion to infrastructure and property. The revisions suggest that responsible coastal development must take into account natural rates and processes of shoreline change to avoid damage and alternation to natural processes. Thus, construction and shoreline armouring are restricted due to the potential for increased erosion rates. The County currently has a 45' buffer of any development to the top of the shoreline bank.

#### 5.1.2 *Provincial*

Although the County is responsible for the land use planning for Grand Pré and Area, and has prepared the strategic direction of Grand Pré, the dykes and dykelands are managed by the Nova Scotia Department of Agriculture (NSDA). The Agricultural Dykeland Protection Act enables the NSDA to repair and reconstructed dykes to maintain agricultural lands and allows the NSDA to dyke and develop additional dykeland for agricultural purposes (Hood et al., 2009).

Hood et al. (2009) summarize that no existing provincial regulations exist that provide guidance on coastal erosion. The authors state that the Nova Scotia Municipal Government Act guides municipal actions, but does not provide specifics regarding coastal erosion, which can be considered the responsibility of individual municipalities. However, without appropriate guidance, few municipalities have accounted for coastal erosion in their land-use bylaws to date.

Hood et al. (2009) further note that the Department of the Environment is responsible for coastal wetlands through the Environment Act, Wetland Conservation Policy and Wilderness Areas Protection Act, and the Department of Natural Resources has jurisdiction over the shoreline through the Beaches Act and Off-Highway Vehicle Act. However, the authors suggest that these policies do not specifically refer to, protect against, or provide guidance for managing coastal erosion or mitigation measures. Currently, the provincial government is preparing a Sustainable Coastal Development Strategy. This initiative is led by the Provincial Oceans Network (PON) - an intergovernmental department intended to coordinate activities between the provincial departments concerned with the coast. In December 2009, PON released a State of Nova Scotia's Coast technical report. This report focuses on six priority coastal issues including sea level rise, storm surges and sensitive coastal ecosystems and habitats. A public consultation process is now underway to get public input into the contents of a Sustainable Coastal Development strategy. This strategy may provide a framework for provincial leadership on coastal management including how to manage accelerated coastal erosion.

#### 5.1.3 *Federal*

Environment Canada (1994), through the Canadian Wildlife Service (CWS), has enacted management plans for the Western Hemisphere Shorebird Reserve (WHSR) and RAMSAR wetland of Southern Bight, Minas Basin, on Boot Island, which protects shorebird and waterfowl habitat of the region through the establishment of the Minas Basin Wildlife Management Area. Under these provisions, major shorebird roosting beaches and wetlands are protected, and a stewardship program with landowners of adjacent uplands and dykelands is being administered to ensure the maintenance and security of critical roosting

areas, salt marshes and coastal habitat. Boot Island, through the CWS, has a management plan that includes regular monitoring for coastal erosion.

Parks Canada is the federal agency responsible for overseeing the management and maintenance of the Grand-Pré National Historic Site and Horton Landing. As such, these areas are subject to adhering to Parks Canada directives. One such directive applicable to coastal erosion is the Parks Canada Climate Change Strategy (2009), which was developed according to UNESCO's Policy Document on the Impacts of Climate Change on World Heritage Properties (2007). According to the climate change strategy, Parks Canada (2009) has adopted a commemorative integrity evaluation that enables the assessment of climate change effects on historic resources. This evaluation procedure will provide the tools and framework for Parks Canada to evaluate climate change effects, and the subsequent influence on sea level rise and storm surge effects on coastal erosion in the Grand Pré area. This evaluation procedure is essential for Parks Canada to have an appropriate means of decision-making and adaptive management for Horton Landing, the site along the coast.

## 5.2 Potential Coastal Management Strategies

Although no official regulatory guidance currently exists for coastal erosion mitigation in Nova Scotia, individual municipalities are free to adopt coastal management strategies in their land-use framework. Indeed, the Municipality of the County of Kings (2010) has made such provisions, as discussed in Section 5.1.

Generally, climate change adaptation strategies can fall under any of three broad categories - planned retreat, accommodation, and protection - which are summarized in Hood et al. (2009). Planned retreat recognizes that erosion is a natural process and allows shoreline erosion, emphasizing policy and land use planning to regulate land uses and promoting the use of vegetated buffers to prolong shoreline life. Accommodation is similar to managed retreat in that it allows coastal erosion, but human activities are adjusted to minimize risk of damage, such as flood-proofing measures in home development, rather than creating setbacks. Protection involves active human intervention to mitigate coastal erosion, through reinforcing shorelines with engineered structures, such as seawalls and groins, or soft erosion control measures, such as vegetated buffers and dunes. Protective measures, then, are more expensive and require constant monitoring and maintenance to avoid failure of the systems.

The adoption of any of the three strategies is dependent on the current and planned use of the land base, and requires cooperation among local landowners and all levels of government that have jurisdiction over the land base (Coastal Coalition for Nova Scotia, 2008). Typically, protective measures are adopted where current infrastructure or land-use is of value and cannot accommodate the planned retreat or accommodation measures. The Municipality of the County of Kings (2010) has a planned retreat measure of a 13.7 m (45') setback from the shoreline for any future development. Protective measures must also be put in place for the dykes in order to prevent erosion and dyke breaches. These measures are necessary as the dykelands of Grand Pré support a significant amount of economic activity to residents of the area and contain significant historical and cultural artefacts in the Grand-Pré National Historic Site. Thus, in order to preserve this region for further utilization and enjoyment, protective measures need to be performed along the dykes.

## 6.0 Conclusion

The Acadian settlers reclaimed salt marsh lands in the Grand Pré region for agricultural purposes by establishing a system of soil-based dykes to restrict seawater from re-entering the dykeland as part of tidal fluctuations. The established dykelands provided a significant land base of fertile, tillable land for agriculture. Although the settlement of the Grand Pré area and development of the dykelands occurred in the 17th Century, this region is still important to the economy of the local residents, and as a social and cultural resource to the nation. This area, however, is consistently under pressure of coastal change due to its proximity to the Bay of Fundy, which experiences the greatest tidal fluctuations in the world, and is continually rising in level.

Shoreline erosion of up to 1m (3.3') per annum has been observed in the area. These observations suggest that coastal erosion is a real threat to the economy of the area and to the cultural artefacts held within the dykelands. Furthermore, anticipated rising sea levels and increasing storm surge magnitude threatens the Grand Pré area by exacerbating the erosion of the dykes and the shoreline of Northern Grand Pré. As Grand Pré has significant economic, social and cultural value for the region, it is recommended that active coastal erosion strategies be enacted such that the effect of coastal erosion on the area can be mitigated. Continual monitoring and maintenance of the dykes will aid in combating the potential failure of the dykes, and minimize the threat of dam breaches and subsequent flooding of the dykelands.

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## **Report on the Proposed Outstanding Universal Value for Grand Pré**

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## Introduction

During the summer of 2008 the Advisory Board of the Grand Pré World Heritage nomination proposal formed what it called the Working Group on Outstanding Universal Value. Its mandate was to come up with what would be the foundation or raison d'être of the UNESCO application: an articulation of just what it was about the Grand Pré area that gave it "outstanding universal value" and where precisely within the overall area was the tangible evidence required to support such a claim before UNESCO's World Heritage Committee.

Because of the long history and multi-dimensional nature of the Grand Pré area, experts were needed from many different fields: Acadian history and culture; Planter history and culture; Mi'kmaq history and culture; and archaeology, biology, botany, geography and marine sciences. Seventeen individuals from Nova Scotia and New Brunswick and a cross-section of disciplines agreed to join the Working Group, and they worked alongside several Parks Canada staff tasked with providing information, coordinating and reporting on the progress of the group and its discussions. In addition, from time to time, two Parks Canada staff in Gatineau (Québec), members of Canada's delegation to the World Heritage Committee provided essential input that helped to clarify certain aspects of the process and of UNESCO's criteria. Between early September and late November 2008 three separate meetings of the Working Group were held, first at Grand-Pré National Historic Site of Canada and then twice at Acadia University. Otherwise, the group worked effectively by email, telephone or in smaller committees. Moreover, additional information was shared with the Working Group by residents, independent researchers, and members of the different stakeholder communities.

I am very happy to table this report, the result of eminent experts' advice and an important piece of the nomination proposal, and look forward to the next steps of the process.

*Le comité consultatif du projet d'inscription de Grand Pré comme site du patrimoine mondial a formé le groupe de travail sur la valeur universelle durant l'été 2008. Son mandat était d'établir la base et la raison d'être de la proposition à l'UNESCO, soit un argument qui exprime ce qui a une valeur universelle exceptionnelle dans la région de Grand Pré et où se trouvent les témoins tangibles qui permettront d'en faire la démonstration auprès du comité du patrimoine mondial de l'UNESCO.*

*Due à la longue histoire de la région de Grand Pré et à sa nature pluridimensionnelle, l'avis de nombreux experts a été sollicité. Des experts en histoire et culture acadienne, 'Planter', et Mi'kmaq, en archéologie, biologie, botanique, géographie, et en océanographie ont contribué leurs connaissances. Dix-sept experts de la Nouvelle-Écosse du Nouveau-Brunswick et d'horizons différents ont accepté de participer au groupe de travail. Ils ont mené leur tâche appuyés par plusieurs employés de Parcs Canada qui s'assuraient de fournir de l'information, de coordonner et de produire les rapports faisant état des délibérations et du progrès accompli par le groupe. De plus, à l'occasion, deux employés de Parcs Canada à Gatineau (Québec), membres de la délégation du Canada auprès du Comité du patrimoine mondial, ont fourni des commentaires essentiels pour clarifier certains éléments du processus et des critères de l'UNESCO. Entre le début septembre et la fin novembre 2008, le groupe de travail s'est rencontré à trois reprises, la première fois au lieu historique national du Canada de Grand-Pré et les deux autres à l'Université Acadia. Le reste des échanges s'est déroulé de manière efficace par courriel, au téléphone ou en réunion de petits groupes. De plus, le travail du groupe a bénéficié des connaissances apportées par des résidents, des chercheurs indépendants et des membres des différentes communautés concernées.*

*Je suis très heureux de déposer ce rapport, le fruit de la réflexion d'éminents experts et une pièce importante du dossier d'inscription, et attends avec enthousiasme le déroulement des prochaines étapes du processus.*



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 Gary Shutlak, Nova Scotia Archives and Records Management, Archivist  
 Bria Stokesbury, Kings County Museum, Kentville, Curator  
 Pat Townsend, Acadia University, Archivist  
 Anjali Vohra, Nova Scotia Archives and Records Management  
 Stephen A. White, genealogist

### **Organizations/ Organisations**

Blomidon Naturalists Society  
 Grand Pré Historical Society  
 Kings Hants Heritage Connection

### **Logistical support / *Appui technique***

Kings Community Economic Development Agency

## What Was Accomplished

The discussions of the Working Group were carried out in the three general meetings as well as in several small group encounters, email exchanges and phone calls. All were stimulating and far-reaching. At the end of the process, reached in January 2009, the Working Group succeeded in selecting the UNESCO criteria thought to be the most appropriate; producing a Statement of Outstanding Universal Value (OUV) along with justifications; recommending specific boundaries for the candidate site; developing a list of attributes and tangible evidence; and establishing a framework for the forthcoming comparative analysis. This fulfilled the mandate given the Working Group by the Advisory Board.

The output of the Working Group is summarized on a document entitled “Summary Table” and the maps that indicate the proposed boundaries of the candidate site and which portions speak to which UNESCO criteria.

What follows in this document is an in-depth historical background on the Grand Pré area, as well as a summary of the tentative Statement of Outstanding Universal Value as it applies to that candidate area.



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### The working group on the Outstanding Universal Value, September 12, 2008.

**Back row, left to right:** A.J.B. Johnston, Sherman Bleakney, Claude DeGrâce, Henri-Dominique Paratte, John Reid, Stephen Henderson.

**Front row, left to right:** Samuel Arsenault, Naomi Blanchard, Ronnie-Gilles LeBlanc, Gérald C. Boudreau, Phyllis LeBlanc, Debra McNabb, Neil Boucher, Marc Lavoie, Graham Daborn, Christophe Rivet

**Absent:** Margaret Conrad, Jonathan Fowler, Barbara LeBlanc, Daniel Paul, and John Shaw.

## Context of the Work Undertaken

### *Why is an Outstanding Universal Value so important?*

The definition of the Outstanding Universal Value (OUV) is the first step of any nomination proposal. The OUV is the argument for the site's exceptional value, a value that humankind as a whole will come to cherish if the proposed property is designated by the World Heritage Committee. The OUV allows the definition of the boundaries of the property and guides the management decisions for its preservation.

### *What is a Statement of OUV?*

The statement of outstanding universal value summarizes the reasons why the property is deemed to have OUV. It identifies the criteria under which it is being submitted and the assessment of integrity and authenticity. It is the basis for the future protection and management of the property. The nomination includes a proposed statement of OUV. However, it is the World Heritage Committee that sets it out in its report following designation of the property.

### *How is OUV defined and described?*

For a property to have OUV it needs to justify its proposal based on one or more of the 10 criteria set by the World Heritage Committee. It does so by demonstrating that it is unique or exceptional as compared to other properties in the world, that it has authenticity because the elements that support the value are present, and that it carries integrity because those elements are in good condition. The boundaries of the proposed property are set in order to preserve its OUV, authenticity, and integrity.

The following table summarizes those concepts:

Question	Answer	Nomination component
What is so special?	The cultural heritage that is of outstanding universal value	Statement of OUV
Why is it special?	Because it is unique or exceptional	Justification
	Because it is unique worldwide or the best example	Comparative analysis
Where is that value?	Where the physical evidence is located	Boundary
Is there physical evidence of the value?	The tangible evidence is present and shows that there is authenticity to the value	Statement of authenticity
How much physical evidence is there?	Enough and in good condition to demonstrate the integrity of the value	Statement of integrity

## Definition of the Proposed Property

The property proposed for nomination is an example of a place where people have successfully adapted to unique natural constraints and opportunities. It is also a place that carries an exceptional meaning for a people because of the symbols that it embodies. As such, the **type property is defined as a cultural landscape** under the terms of the World Heritage Convention.

More specifically,

*It represents the “combined works of nature and of man” [...is...] illustrative of the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented in their natural environment and of successive social, economic and cultural forces, both external and internal.*

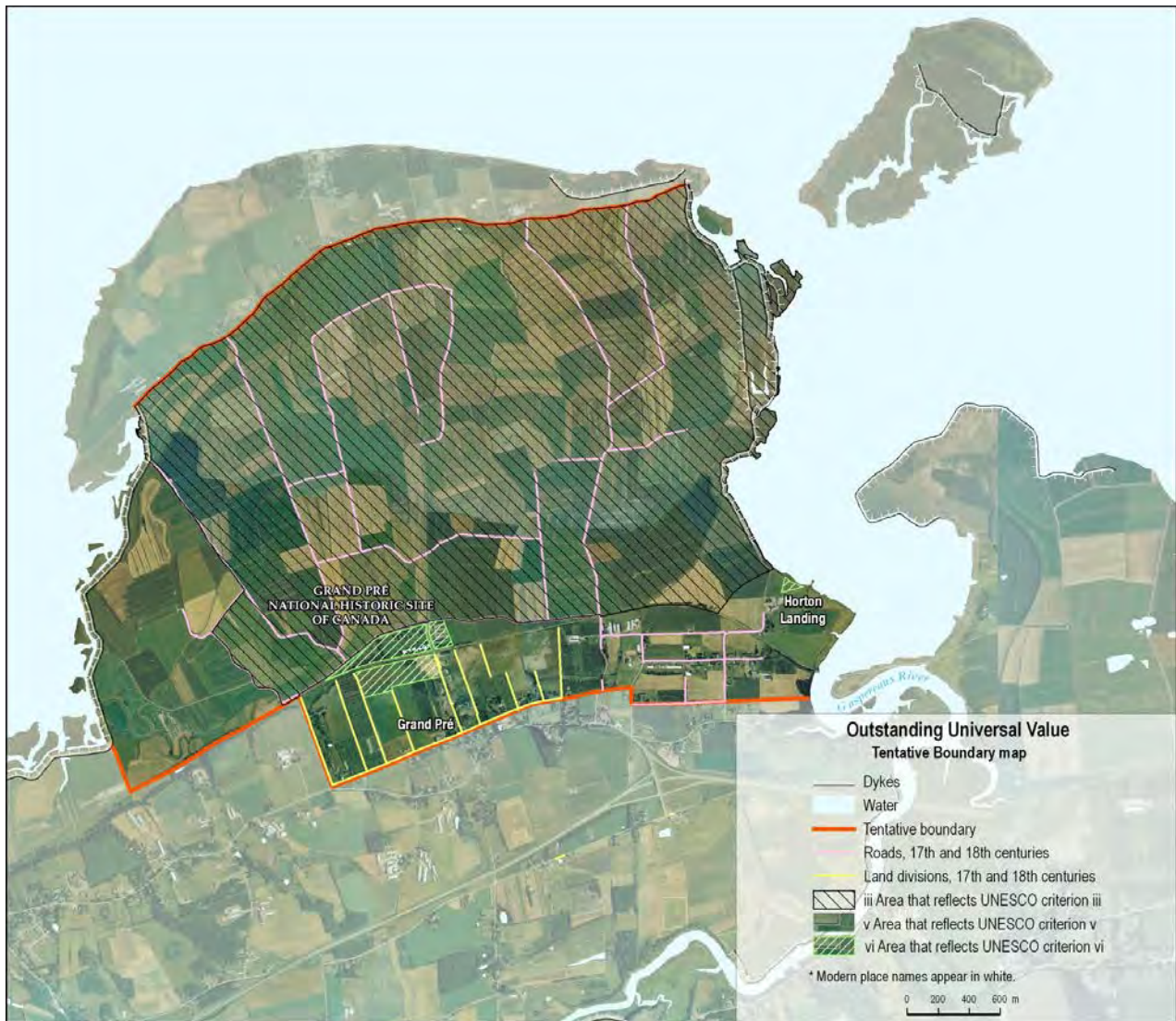
*(Operational guidelines, Annex 3, par. 6)*

This cultural landscape, falls under the categories of **organically evolved landscape**, meaning a continuing landscape which retains an active social role in contemporary society.

**Components of the nomination proposal**

**1.c Map showing the boundaries of the nominated property (Preliminary: excluding buffer zone)**

The following is a first proposal of the boundary based on the knowledge that the OUV working group members had at their disposal. It focuses on the OUV, its authenticity and its integrity, based on the attributes (tangible evidence) supporting that OUV.



## 2b. History and Development

### ***Unique Setting, Distinctive Cultural Landscape***

From the 1680s when a small number of Acadians first settled in the area and called the vast wetlands they saw *la Grand Pré* right through to today, the human history of Grand Pré has been linked to its natural setting, microclimate and the exceptional fertility of its land-sea interface.

That in the beginning, the Mi'kmaq, the area's indigenous people, did not prevent the Acadians from altering and ultimately removing a vast wetland from the regional resource base speaks volumes about the harmonious relationship that generally existed between the two peoples, a relationship that was rare in the colonial era of North America. Further to that point, it was at Grand Pré that parish records reveal the greatest number of inhabitants who were the product of "mixed" marriages between the Mi'kmaq and the Acadians. The close relationship with the Mi'kmaq – not just at Grand Pré but elsewhere in *Acadie* – along with the relative isolation and independence of the Acadian community from either French or British administrations for long periods, and the influence of the natural setting within which the Acadians lived and worked, contributed to the development of a new and distinct identity. Though French speaking and Roman Catholic, over the course of the second half of the 17<sup>th</sup> century they came to see themselves as belonging to *l'Acadie*, as being *Acadiens* and *Acadiennes*.

Over the course of roughly seventy years before their forcible removal in 1755, the Acadian community of Grand Pré introduced an environmental management approach that had already been perfected elsewhere in *Acadie* (mainland Nova Scotia), using techniques adapted from similar European practices around wetlands and salt pans. The Acadians adapted those techniques to a much different environment in *Acadie* than what had existed back in Europe. In the specific conditions at *la Grand Pré*, where are found some of the highest tides in the world, Acadians were able to transform – not all at once but over a period of three generations as the needs of their community evolved – over 1000 hectares of tidal marsh into some of the most fertile and valuable farmland to be found at that latitude of the North American continent, then or now.

The Acadians' transformation of the natural setting was of course a major rupture or alteration to the local ecosystem. In 1755 there came another huge rupture, in this case in the politico-military sphere. That was the Acadian Deportation, an event that took away the very people who had created the fertile marsh for agricultural purposes.

Since 1760 when a contingent of New England Planters arrived at Grand Pré (renamed at the time, Horton) to take over the lands Acadians had been removed from in 1755, the transformed marsh has remained a primary focus of the area's inhabitants. The Grand Pré Marsh remains highly fertile and the most important features of the original dyked area remain in place, in some cases where they are visible and in other cases at sub-surface levels. Like the Acadians before them, the Planters in the Grand Pré area developed their own strong connections to the land and their rural way of life.

Then, beginning in the late 19<sup>th</sup> century and continuing throughout the entire 20<sup>th</sup> century and into the 21<sup>st</sup>, Grand Pré developed as a historic site to commemorate the events of the 18<sup>th</sup> century and as the most important *lieu de mémoire* of the Acadian people. A variety of memorials were erected in the area to mark different historical people and events, and a park setting was created adjacent to the reclaimed marsh to commemorate the prior Acadian period of occupation and their removal in 1755.

### ***From Tidal Marsh to Fertile Farmland***

As the Acadians reclaimed *la Grand Pré* and enjoyed its remarkable fertility and productivity, the adjacent village community grew steadily. Within a few decades the Grand Pré area within the district of Les Mines had become the most populous of all Acadian settlements in what today are Canada's Maritime Provinces. Acadians began to export their surplus production, especially grain, beyond their own area, to both French and British settlements. The exports were shipped away in vessels that anchored in the Minas Basin and which on-loaded and off-loaded their cargoes at the landing (now known as Horton Landing) on the Gaspereau River. (That same landing area would later be the last spot of firm ground upon which most of the area's Acadians would trod before being sent into exile in 1755. And it would be there in 1760 that hundreds of New England Planters would make landfall to come take over the region in 1760.)

The great fertility of the dyked marsh at Grand Pré – a gift the local residents had given themselves by desalinating what nature had provided – was an important key to the region's success. Before following the story of Grand Pré further, let's consider just what it was that nature had provided with the original wetlands the Acadians called *la Grand Pré*.

### ***The Estuarine Environment before the 1680s***

Following retreat of the glaciers after the last Ice Age (about 14,000 years ago), sea levels around the planet rose, and rivers draining from the land began to wash away the sediments so that they came to line the bottom of the Bay of Fundy. At this time, Minas Basin was a shallow freshwater or brackish lake, and Georges and Browns banks at the entrance to the Bay of Fundy were dry land. As sea levels continued to rise, and Georges Bank became submerged, more sea water entered the Bay. By 4,000 years ago, the tidal range in Minas Basin was only about 1 to 1.5m, but this range has steadily increased over time to an average of 12 m, and a maximum in excess of 16 m – the highest recorded tides in the world. The greatest amplitudes and greatest extent of intertidal zone occur today in the Minas Basin, and are expected to continue increasing in the future.

In the period just before the first Acadians came to settle at Grand Pré, the lower-lying parts of what is today the Grand Pré Marsh, lying between the upland and Long Island (then 2 km offshore), were covered twice a day by seawater, while the higher areas were covered less frequently during extreme high tides. When the tide fell, it revealed an extensive salt marsh, consisting of over 1,000 hectares of marsh grasses and tidal drainage creeks. This luxuriant marsh was home to a wide range of marine and estuarine life. What brought such vitality to the marsh – and the potential for incredible agricultural production as opposed to marine life if ever desalinated – was the tidal cycle within the Bay of Fundy.

Now, twice a day as part of the tidal cycle, 100 billion tonnes of seawater flow in and out of the Minas Channel. That is more water than the combined flow of all the world's rivers. Furthermore, these Bay of Fundy waters are nutrient-rich, continuously providing the nutrients needed for plant growth. These nutrients were continually being stored in the soils of the marsh as the marsh level grew upward to keep pace with sea level rise. It was those water-borne nutrients, once deposited in the original wetlands along the Bay of Fundy that made them so incredibly fertile. Nothing comparable exists elsewhere in North America at the same latitude. The fertility,



however, is only theoretical for farming until the salt is removed from the top level at which crops are grown. That is what the Acadians achieved in the late 17<sup>th</sup> and first half of the 18<sup>th</sup> centuries.

For thousands of years before the arrival of Europeans in northeastern North America, the Mi'kmaq, the indigenous people of Nova Scotia, were familiar with Grand Pré and nearby areas. The parts of the Maritime Provinces and Gaspé peninsula in Quebec where the Mi'kmaq lived came to be known collectively as *Mi'kma'ki*. The particular district in which the shores of the Minas Basin are located was – and still is to today's Mi'kmaq – *Sipekni'katik*.

There are many specific Mi'kmaw connections with areas close to what the Acadians called *la Grand Pré*. One is that the Mi'kmaq frequently used landing areas nearby – one on Long Island and one not far beyond the western end of the Grand Pré marsh. Another is that there are documented archaeological sites at Oak Island and at Melanson along the Gaspereau River; sites that go back several thousand years. Then there is the evidence from Acadian parish records between 1707 and 1748 of the high number of “mixed” heritage families and individuals at Grand Pré, and frequent documentary references to the Mi'kmaq being at or near Grand Pré, in what the Acadians called the district of Les Mines. Moreover, the Minas Basin figures prominently in the history, legends and spirituality of the Mi'kmaq, especially Cape Blomidon, which was and is the most dominant feature on the landscape in the overall Grand Pré area. Before the Acadian transformation of the inter-tidal zone at Grand Pré – a process that could only have taken place with the consent and understanding of the Mi'kmaq since the latter greatly outnumbered the Acadians in that area in the late 17<sup>th</sup> century – the Mi'kmaq typically harvested a wide range of resources in estuarine environments like the one that existed at Grand Pré: waterfowl, fish, shellfish, sea mammals, and medicinal plants. It is almost certain that the Mi'kmaq took the resources they needed from the area on a seasonal basis, such as when certain fish species were abundant in adjacent waters and when the huge flocks of migratory birds came to the area to rest and fatten up.

The migratory birds that come to feast in the marsh creeks and on the inter-tidal mud flats near Grand Pré – and which before the 1680s existed right at Grand Pré – number in the millions in late summer and early autumn. So important is the Minas Basin to many different species of birds that in 1988 the governments of Canada and of Nova Scotia designated the area as Canada's first shorebird reserve. The area is recognized internationally as a key migration stopover zone for shorebirds, especially semi-palmated sandpipers who fatten up in the Minas Basin before undertaking their 72- to 96-hour non-stop flights to South America.

### ***The Acadian Achievement***

Beginning in the 1680s, three generations of Acadians gradually enclosed and converted the marsh (*la grand pré*), turning it into one of the most fertile agricultural areas at that latitude in North America. The agricultural abundance that resulted brought prosperity to its local community and allowed it, along with other similar Acadian communities, to enjoy a remarkable population growth, with one of the highest birth rates in world history.

By the 1680s, Acadians already had a half-century experience of land conversion in *Acadie*. In the 1630s, under the leadership of Charles de Menou d'Aulnay, with *saulniers* from western France who were familiar with salt pans back in their homeland taking the lead, Acadians learned how to build dykes and enclose tidal marshes in the area of Port-Royal (Annapolis Royal). Impressed by the fertility and productivity of the initial reclaimed lands, other Acadians would go on until 1755 transforming many marshes of different sizes around the Bay of Fundy, in various

parts of today's Nova Scotia and New Brunswick, along tidal rivers and various coves and bays. Accordingly, Acadians came to be known as *défricheurs d'eau* (land clearers of the sea), to contrast them with other colonists in North America whose mode of settlement was first and foremost to clear away the forest. The Acadians did clear some upland areas, where they established their villages, planted orchards and gardens, and raised livestock, but the dominant element in their agriculture, highly unusual in North America, was to claim by enclosures the tidal marshes. They became the only pioneer settlers in the North American colonial era to farm so extensively below the high tide level.

The technology the Acadians used to transform wetlands and marshes could not have been simpler: spades, pitchforks, axes, and hollowed out tree trunks. Much more important than the tools was the ingenuity of the people to read the natural drainage systems of the marshes and to then build dykes that channelled the flow of those creeks to only one direction, discharging into the sea. One element of the Acadians' success was that they re-used in their earthen dykes what nature provided them in the form of sods cut from the original wetlands. The grasses in the sods were no ordinary grasses, for they could withstand being covered by salt water for many hours each day. Moreover, they had deep and densely matted root systems to keep them intact when the seawater swirled over them. Ordinary grasses, like people grow on their lawns, would have easily broken apart in the fast-flowing tidal waters of the Minas Basin. The sods that came from the marsh itself consisted of very fine tidal silts deposited in the matrix of the roots of the grasses *Spartina patens* and *Juncos gerardi*.

Along with the strong, dense grasses in their sods, the Acadians took advantage of the natural drainage patterns of the marsh by building sluice boxes right in the small creek beds that naturally criss-crossed the marshes. These sluices were at the heart of the *aboiteaux*, each of which had a *clapet* (clapper), a wooden valve that allowed the freshwater from rain or snow to run off the land, out the sluice box and into the river or bay – thereby gradually washing the salt out of the top layers of the soil – but which would not allow sea water back in. The desalination process generally took two to three years for each plot of the dyked land.

The *aboiteau* approach used by the Acadians was imaginative and ingenious, an adaptation of techniques used in Europe and elsewhere in the world for centuries before the coming of French colonists to North America. Modern industrial sluice gates in place today use the same principle, only on a larger scale.

Though the Acadians used marsh enclosures to give themselves agricultural land in many different areas, the challenge at Grand Pré was unique. Nowhere else in the region were the tidal amplitudes as high as they were at *la Grand Pré* between the 1680s and the early 1750s. To illustrate, along the Annapolis Basin, where the first Acadian dykes were erected, the tidal range varies from 4 to a maximum of 8.5 m. Within the Minas Basin, at the head of the Bay, however, the average tidal range is almost 12 m, and the highest tides can reach more than 16 m-- nearly double or more what they are elsewhere. Those tidal amplitudes at or near Grand Pré are among the highest in the world. The churning volume of seawater presented a major challenge to the Acadian dyke builders, yet it was also a major agricultural opportunity if they could exclude the sea and claim the highly fertile tidal marshes. This was the project they took on with a series of exclusion, or dyking, projects over a seventy-year period. They appear to have begun with the "easiest" part of the marsh, in the centre roughly parallel to where the Memorial Church of Grand-Pré National Historic Site would be erected in the 1920s. Once that area was successfully enclosed the Acadians moved on from there in a series of dyking projects. Biologist and dykeland historian Sherman Bleakney has offered a likely construction sequence of the dykeland enclosures in his book *Sods, Soils and Spades*. Gradually, the Acadian farm families of Grand Pré turned nearly all of *la Grand Pré* into agricultural land. They left only a

portion at the western limit of the wetland undyked; a project that the descendants of the New England Planters would successfully undertake after their arrival in the area in 1760.

Because the transformation of the marsh produced land that was much more fertile than could be obtained by clearing the forested upland, the Acadians made this their preferred approach to agriculture. At Grand Pré, they eventually reclaimed over 1000 hectares, a massive artefact that still exists, a living testament to the Acadian accomplishment. It was also the largest single dyking project Acadians would complete anywhere in Atlantic Canada before 1755.

It is noteworthy that the dyking projects at Grand Pré and in most other areas where the Acadians settled in the late 17<sup>th</sup> and early 18<sup>th</sup> centuries were undertaken as community-based projects. This distinguishes what they achieved from a number of other land conversion or water management projects in world history, where projects were more typically carried out on a large scale from the top down, as authorized or imposed by social hierarchies. The decision to reclaim the vast wetlands of Grand Pré was taken locally, by the farming families who inhabited the area. They were also the people who then carried out the work over a period of three generations. Most other Acadian dyking and land reclamations followed the same process. Only the original reclamation initiated by Charles de Menou d'Aulnay at Port-Royal in the 1630s and the uncompleted project led by the missionary Abbé Le Loutre in the Chignecto area in the 1750s were initiated and controlled by a "leader" or hierarchical figure.

It is equally noteworthy that the pattern of local ownership and control over the dyked marshland that manifested itself at Grand Pré with the Acadians would be the model followed when the New England Planters took over the same lands in 1760. Moreover, the approach continues today in the 21<sup>st</sup> century with the individual farmers of the Grand Pré Marsh Body, holding and working many of the same plots that the Planters farmed in the 1760s and the Acadians before them in the late 1600s.

Meanwhile, on the adjacent upland, the Acadians erected their houses, barns, mills and other buildings, and they created a system of roads and footpaths to link them with other Acadian villages. The lands they occupied initially formed part of the *seigneurie* of Alexandre LeBorgne de Bélisle who was the *seigneur* of Port-Royal.

### ***Contention and Strife***

The European colonization of the region known alternatively as *Mi'kma'ki* or *l'Acadie* or Nova Scotia did not proceed without rivalry and conflict. From the early 1600s onward the region was sometimes a battleground. There were numerous violent incidents and occasionally outright wars. The struggles were sometimes between French and Anglo-Americans, sometimes among rival groups of French colonists, sometimes between French and British forces, and sometimes between the Mi'kmaq and British or Anglo-American forces. The conflicts occurred on a sporadic basis over a period of about 150 years, the same era in which Acadians were establishing their communities and building dykes to reclaim highly fertile marshes such as the one at Grand Pré.

The Minas Basin area was not spared the negative impacts of the different conflicts. In both 1696 and 1704, expeditions from New England, led by Benjamin Church, came to different parts of *Acadie*. In the latter episode, the attackers devastated the community at Grand Pré, burning houses, carrying off prisoners and breaking the dykes to let in seawater, because they understood that the enclosed marshland was the basis of the Acadians' agricultural output. A contemporary account expressed it this way: the soldiers dug "down the dams [dykes], and

let the tide in, to destroy all their corn, and everything that was good.” Once the force left, the Acadians returned to the area, rebuilt their houses and repaired their dykes to begin anew.

The above incident took place during the War of the Spanish Succession, a European conflict that had many repercussions in North American colonies. When the war ended with the signing of the Treaty of Utrecht in 1713 one of the terms of the peace agreement was to have a major impact on the Acadians and their settlements. The clause in question saw France transfer sovereignty over *Acadie* / Nova Scotia to Great Britain. The British presence in Nova Scotia was small at the time, with few British settlers and small garrisons only at Annapolis Royal and Canso. Most of the territory remained either under the control of the Mi'kmaq or it was home to growing Acadian villages. Nonetheless, beginning in 1713 and increasing in the years that followed, British officials regarded Acadians as a people owing obedience to *their* monarch, with all the obligations such a status entailed. The question of the Acadians' loyalty was one that would not be settled – to the satisfaction of the British officials – between 1713 and 1755. On the contrary, that issue played a major role in the sequence of events that led to the forcible removal of Acadians from Grand Pré and elsewhere beginning in 1755.

For their part, the Acadians, including those at Grand Pré, mostly tried to remain apart the over-arching imperial rivalry between France and Great Britain. They sought instead to be accepted as “neutrals”. Such a stance, however, was not acceptable to either French or British officials; both powers wanted the Acadians, or the “neutral French” as the British and Anglo-Americans labelled them, to assist and/or fight for their side. The French perspective was based on the fact that the Acadians were Roman Catholics, mostly of French descent and spoke French. The British on the other hand viewed the Acadians as subjects of *their* king. A few Acadians were pro-French and others worked with the British, but the vast majority were simply caught in the middle between competing and rival imperial aspirations.

In 1729-30, Acadians throughout mainland Nova Scotia agreed to a modified oath proposed by the British governor based at Annapolis Royal. The governor gave a verbal assurance that the Acadians would not be forced to take up arms against the French and the Mi'kmaq but would be allowed to remain neutral. Events in the 1740s and 1750s, however, led later British administrations, based in Halifax after 1749, as well as those in Boston and London to revisit the question of Acadian neutrality.

### ***Imperial Tensions and the Crisis of the 1750s***

After three decades of peace, Great Britain and France again found themselves in conflict during the War of the Austrian Succession (1744-1748). The main theatre was in Europe yet Atlantic Canada saw its share of action. Several incidents occurred at or near Grand Pré that had long-term impacts on the Acadian population.

In the summer of 1744 a military expedition from the French stronghold at Louisbourg advanced through the main Acadian communities, including Grand Pré, appealing to the Acadian men to join the campaign. Few answered the call; most chose instead to stay out of the conflict between the two European powers. In addition, there was a harvest to bring in at that time of year. The overall Acadian response in 1744 disappointed the French at the same time as it worried the British, who wanted the Acadians to have turned against the French in a more active fashion.

The following year, 1745, there was an unsuccessful French attack on the British base at Annapolis Royal around the same time that a large army of provincial soldiers from New England, supported by British warships, captured Louisbourg. In 1746, France outfitted a massive expedition to sail across the Atlantic on a mission to regain Louisbourg, to take Annapolis Royal and to compel the Acadians to commit themselves to the French cause. The expedition ended in disaster because of delays, storms and illnesses.

Both the French and the British strengthened their positions in the Atlantic region in the late 1740s. In late 1746 the British sent roughly 500 New England soldiers to establish a post in the village of Grand Pré because of French actions in the region. The Anglo-American troops took over numerous houses located on the upland overlooking the reclaimed marsh and settled in for the winter. A few hundred kilometres away in the Chignecto region, a contingent of 250 French soldiers and 50 Amerindian warriors from Canada (the name of the French colony along the St. Lawrence River) heard reports of the New Englanders' occupation of Grand Pré. Despite being outnumbered two to one and facing the difficulties of mid-winter travel, they set out for Grand Pré in January 1747. They were joined or assisted by a small number of Acadians who were sympathetic to the French cause. At the same time, some pro-British Acadians warned the New England soldiers that an attack might be imminent. The New Englanders ignored the warnings, thinking the severe winter conditions made an attack unlikely.

In the early morning hours on 11 February 1747, in the middle of a blinding snowstorm, the French and Amerindian force caught the New Englanders installed at Grand Pré by surprise. Known to history as the Battle of Grand Pré, the encounter left perhaps as many as 80 New Englanders dead, including their commander. The incident was to loom large in the thinking of some British leaders in 1755, when the decision was taken to implement a massive removal of the Acadians. (The Historic Sites and Monuments Board of Canada concluded in 1924 that the 1747 attack was an event of national significance. This was the first "national" commemoration in the Grand Pré area.)

When the War of the Austrian Succession ended in late 1748, the Treaty of Aix-la-Chapelle returned Louisbourg to the French. Not long after, both France and Britain took further military action in Atlantic Canada. France's major move was to send an expedition of several thousand colonists to re-occupy Louisbourg in 1749. In other moves in the period 1749-1751 the French established a post at the mouth of the St. John River and two forts in the Chignecto region, at Beauséjour and Gaspereaux. The British meanwhile sent a massive expedition to found Halifax in 1749 as a counterbalance to Louisbourg. Over the next few years the British established several new posts, forts and settlements beyond Halifax. They included Fort Edward within the Acadian community at Pisiquid, a small fort at Vieux Logis (Horton Landing) near Grand Pré, Fort Lawrence in the Chignecto region (opposite Fort Beauséjour) and a sizeable new town of "foreign Protestants" at Lunenburg.

The new British administration wanted to revisit the question of Acadian neutrality. They did so with much more forcefulness than in previous decades when their control over the province had been more nominal than real. Over the next few years there was a complex series of events that culminated in what is known to history as the Acadian Deportation. That singular term refers to many separate forcible removals that took place across what today are the Maritime Provinces of Canada over a period of seven years beginning in 1755. In the end, close to three quarters of the slightly more than 14,000 Acadian men, women and children were deported to North American or European destinations while the rest went into hiding or fled to locations where they hoped they would be safe.

### ***The Acadian Deportation***

Historians in the 19<sup>th</sup> and 20<sup>th</sup> centuries have provided many different accounts of the Acadian Deportation. There is no need to enter into the details of those differing interpretations in this document. Instead, our focus is on the following points that relate to the tragic event as they relate specifically to the Acadian community and the adjacent marshland at Grand Pré.

- Eighteenth-century British and French commentators acknowledged the unrivalled fertility of the marshlands reclaimed by the Acadians. Grand Pré was renowned for its grain production.
- By the 1720s there was a school of thought among the British that it would be preferable to remove the Acadians from Nova Scotia, replacing them with Protestants, British or “foreign”, who would be unquestionably loyal to the British crown. Other British officials pointed out that if the Acadians were removed then obviously their agricultural production would disappear, since there was no one to take over their lands.
- The idea of attracting “foreign Protestants” surfaced periodically for several decades. In the early 1750s the British did bring over large numbers of German and Swiss Protestants to Nova Scotia to settle in the new town of Lunenburg. A British plan of 1746 that shows where Protestants might be settled in the Grand Pré area; the area identified is where the New England Planters would in 1760 establish a rectilinear town plot.
- In 1755, the surveyor-general of Nova Scotia, Charles Morris, prepared a detailed plan for the Nova Scotia Council that outlined in detail how the Acadians *might* be removed from their lands in Nova Scotia and dispersed elsewhere in other British colonies. (The same Charles Morris would produce detailed maps of the Grand Pré area, marsh and uplands, at the time of the arrival of the New England Planters.)

### ***The Removal of Acadians from Grand Pré, 1755***

In June 1755 an expedition put together by acting Nova Scotia Governor Charles Lawrence and Governor William Shirley of Massachusetts captured the two French forts in the Chignecto region, Fort Beauséjour and Fort Gaspareaux. The authorities in Halifax interpreted the fact that 200 to 300 Acadians had taken part in the defence of Beauséjour – compelled to do so by the French commander of the fort – as a sign of complicity on their part with the French. The Nova Scotia Council decided that all Acadians in the Chignecto region would be rounded up and deported, regardless of whether or not they or a member of their family had been active in the defence of the French fort. About a month later, on 28 July 1755, after meeting twice with the deputies of the Acadian communities on mainland Nova Scotia, the Nova Scotia Council resolved to remove *every* Acadian – men, women and children – from *all* of Nova Scotia. That decision would be implemented at Grand Pré and nearby Pisiquid in early September.

While it would be an oversimplification to claim that the Deportation was entirely about the value of the Acadians’ land that was used for agriculture, there is no denying that the fertility and scale of the land at Grand Pré and elsewhere was extremely important for the British officials. For instance, the acting governor of Nova Scotia,

Charles Lawrence, offered the following opinion on October 18, 1755, in a letter to the Lords of Trade in London, England: "... As soon as the French are gone, I shall use my best endeavours to encourage People from the Continent to settle their lands ... and the additional circumstances of the Inhabitants evacuating the Country will, I flatter myself, greatly hasten this event, as it furnishes us with a large Quantity of good Land ready for immediate Cultivation."

Lt.-Col. John Winslow of Massachusetts was the officer in charge of rounding up and deporting the Acadians from Grand Pré. He arrived in the village on 19 August 1755 with about 300 New England provincial soldiers. He gave no indication of what was to happen, but gave the impression he was there on a routine assignment. His first act was to establish a secure base of operations, because his force was greatly outnumbered by the 2,200 Acadian men, women and children living in the Minas Basin area. Winslow selected the area around the Grand Pré parish church, Saint-Charles-des-Mines for his stronghold. His soldiers erected a palisade around the priest's house, the church, and the cemetery and his troops pitched their tents within that enclosed area. So as not to upset the Acadians unnecessarily, Winslow informed community leaders they should remove the sacred objects from the church before it became a military base.

As August 1755 came to a close and September began, the Acadians of Grand Pré and other nearby villages were busy harvesting various crops from the marshland and cultivated upland areas. There had been many harvests over the preceding seventy years, but this one, unknown to the Acadians, would be the last they would undertake in these surroundings.

On 4 September 1755, Lt.-Col. Winslow issued a call for all men and boys aged 10 and older in the Grand Pré area to come to the parish church at three o'clock in the afternoon on the following day to hear an important announcement. A similar ploy was used by Capt. Alexander Murray to call Acadian males of the nearby Pisiquid region to come to Fort Edward, on the same day at the same time.

On September 5, as requested, 418 Acadian males of Grand Pré proceeded to their parish church – now surrounded by a palisade and controlled by armed soldiers –for the announcement. Once inside, Winslow had interpreters who spoke French inform the assembled inhabitants that they and their families were to be deported and, "that your Lands and Tenements, Cattle of all Kinds and Live Stock of all Sorts are Forfeited to the Crown with all of your Effects Saving your money and Household Goods and you your Selves to be removed from this...Province."

An eyewitness account states that the look on the Acadian faces as they heard the announcement was a mixture of "shame and confusion ... together with anger." He added that the "countenances" of the Acadians were so altered they could not be described.

The removal of the roughly 2,200 people who lived at Grand Pré and in the neighbouring villages of the Minas Basin did not proceed quickly or smoothly. Winslow had to cope with a shortage of transport ships and a lack of sufficient provisions. The men and boys would spend more than a month imprisoned within either the church of Saint-Charles-des-Mines or on the transports anchored in the Minas Basin, before the rest of the population was similarly forced on board the ships. Winslow described the scene of the first contingent of young men marching from the church along the road beside the dyked marshland over to the shoreline at what today is known as Horton Landing: they "went off Praying, Singing, & Crying, being Met by the women & Children all the way...with Great Lamentations upon their knees praying."

On 8 October 1755 the embarkation of the men, women and children to the waiting ships began, with the small boats setting off from Horton Landing. Those who lived at Grand Pré and Gaspareaux went first. Winslow recorded that the inhabitants left “unwillingly, the women in Great Distress Carrying off Their Children in their Arms, Others Carrying their Decrepit Parents in their Carts and all their Goods moving in Great Confusion and appeared a scene of Woe and Distress.”

Winslow gave orders that the families were to be kept together, though in the confusion that was not always possible. Moreover, Acadian families included more than a mother, father, and children. There were also grandparents, in-laws, aunts, uncles, cousins, nephews, and nieces. As a result, friends, relatives and neighbours were sometimes separated, never to see each other again.

On October 19-21, the soldiers compelled families from the outlying communities to assemble at Grand Pré in preparation for their eventual loading on board transport ships. This time the departure point was not Horton Landing but “Budrot Point,” (Boudreau Point), located between the Canard and Habitant Rivers. This group of Acadians numbered about 600, coming from 98 families. While awaiting the arrival of the transports, they lodged in the recently vacated Acadian homes near Winslow’s camp, along the upland area that extends along side the reclaimed marsh.

By late October 1755 soldiers had forced over 1,500 Acadian children, men, and women – with children by far the largest category – from Grand Pré and nearby villages onto the transport ships. The convoy sailed out of the Minas Basin bound for Pennsylvania, Virginia, Maryland, Connecticut, and Massachusetts. At the same time, transport ships carrying approximately 1,000 Acadian deportees from the Pisiquid area also sailed south to their destinations in the Anglo-American colonies.

In total, approximately 2,200 Acadians were deported from the Minas area in 1755. That accounted for roughly one-third of the 6,000 to 7,000 Acadians deported from Nova Scotia during the first year of forcible removals.

### ***The Village Left Behind***

The usual approach adopted by the New England and British troops in 1755 was to burn most if not all Acadian houses, barns, churches or other structures as they depopulated those areas, so that there would not be any shelter left behind for anyone who might escape mass deportation. In the overall Minas Basin area, soldiers set fire to about 700 houses, barns, and other structures. The village of Grand Pré, however, was spared at least initially. That was because it was where Winslow had his headquarters, and later on it was where the approximately 600 Acadians brought from Boudreau Point were held in the houses. They were sent into exile in mid-to-late December, with 350 sent away on December 13 and the remainder a week later.

It is possible that some of the structures at Grand Pré were incinerated after that date. Yet we know from other sources produced in 1760, that at least some – and possibly a good many – were still standing. According to the surveyor-general of Nova Scotia, Charles Morris, there were roughly a hundred buildings still standing at Grand Pré when the Planters arrived in the spring of 1760. One of those structures was apparently the church of Saint-Charles-des-Mines. In fact, there is even a description of that church in the oral tradition of some Planter family descendants.

The cartographic and documentary evidence from the 1760s provides a clear indication of where the Planters settled. The detailed plans produced by Charles Morris and John Bishop in the 1760s et 1770s suggest strongly that



many of the lots conceded to the Planters on the uplands had previously been occupied and developed by Acadians, and may even go back to the era of the former seigneurial concession of Alexandre LeBorgne de Bélisle.

### ***The Storm of 1759***

After the forcible removal of the Acadians from Grand Pré in 1755 there was no one left in the area to carry out routine repairs on the dykes that protected the extensive marsh enclosures.

In 1759 a Seros cycle maximum high tide, which occurs every 18.03 years in the Bay of Fundy and Minas Basin, struck. It came at the same time as a great storm in November 1759. A high sea surge broke the dyke walls at Grand Pré in several places where the dykes ran along side the Gaspereaux River. A large portion of the marshland was flooded with seawater, but not all because the Acadian dykes on the inside enclosed areas held firm.

The submerged land might have returned to something like its original condition as a tidal marsh had it not been that there was soon to arrive in the area a large group of new settlers. Those people made it a priority to repair or rebuild the old Acadian dykes that had been overwhelmed. As a result, it was not long before the agricultural use of Grand Pré began anew, this time with people from a different ethnic and cultural background than the original Acadians.

### ***The Coming of the New England Planters***

A long-held goal of British officials in Nova Scotia in the 18<sup>th</sup> century, dating well before the Acadian Deportation, had been to attract settlers to the colony who would be unquestionably loyal to the British side. The 1753 founding of Lunenburg, for instance, was carried out with “foreign Protestants” from Europe. Once the Acadians were removed from their lands at Grand Pré and elsewhere, the targeted newcomers the British sought to attract were in New England. Inducements were issued in late 1758 and again in early 1759 to attract land-hungry settlers from those colonies.

In 1760, Anglo-American colonists who were at the time unable to find land in western Massachusetts were induced by the Government of Nova Scotia to come instead to various locations of what are today’s Nova Scotia and New Brunswick. Those colonists are known collectively as the New England Planters.

One of the areas to which the Planters came within Nova Scotia was Grand Pré, which they already knew was a highly productive agricultural district. The Planters renamed the overall area Horton Township yet they continued to call the vast marsh by its original French name, the Grand Pré. They took over the Acadian buildings that were still standing and erected others of their own, choosing to live along the same uplands where the Acadian village had once been. In the upland area closest to the Gaspereau River they imposed a rectilinear grid with central town squares. In the 21<sup>st</sup> century, much of that grid is still in place on the landscape as rural roads.

The interior sections of the Acadian-created marsh that were still protected by dykes – that is, they had not been overwhelmed in the great storm of 1759 – the Planters distributed right away to individual farmers. The parts that had been flooded with seawater in 1759, however, posed a great challenge. Dyking and the construction of *aboiteaux* was not something the Planters were yet familiar with. They turned for advice, assistance and labour to

Acadians, some of whom were imprisoned nearby in Fort Edward, in what had once been Pisiquid and which was now as a Planter community renamed Windsor.

### ***The Dyking Legacy Continued***

Thanks to the transmission of knowledge and techniques from the imprisoned Acadians to the New England Planters, the newcomers who settled on the uplands at Horton (formerly the village of Grand Pré) eventually became master dyke builders of their own. They would maintain what the Acadians had built and re-enclose the sections flooded in 1759. Eventually they would add new dykes of their own. Some new construction was on top what the Acadians had built; other tidal marsh transformations were achieved in areas the Acadians had not previously reclaimed from the sea. Most notably, the Planters succeeded in enclosing a large section of the western side of the Grand Pré marsh that the Acadians had not tackled.

The foremost Nova Scotian expert on agriculture in the early 19<sup>th</sup> century, John Young, offered this assessment of the Grand Pré marshland in 1822, at which point the area had been in Planter hands for about 60 years.

“The coast of the Bay of Fundy is unquestionably the garden of Acadia, and accordingly we find that the French planted themselves there on the first occupation of the country. They threw across those dikes and *aboiteaux* by which to shut out the ocean, that they might possess themselves of the rich marshes of Cornwallis and Horton, which prior to our seizure they had cropped for a century without the aid of manuring. ... Spots in the Grand Prairies [Grand Pré] of Horton have been under wheat and grass alternately for more than a century past, and have not been replenished during that long period with any sort of manure.”

Writing in the early 1880s, D.L. Boardman observed that the “Grand Pré Dike [marshland] is one of the oldest in Kings County and one of the best in the province. The old French had dikes here on the first occupation of the country, and there are now to be seen all over the Grand Pré remains of old dikes within those now doing their duty in keeping back the tide. These have been plowed down and leveled off in places, but it is not a difficult matter to trace them.”

The American biologist and writer Margaret W. Morley (1858-1923) was clearly impressed by what the Acadians had first achieved and the Planters maintained when she wrote in 1905: “we cannot gaze upon the broad meadows before the door of grand Pré without remembering the hands that first held back the sea.”

Despite the turmoil of political and military events in the 18<sup>th</sup> century, especially the profound rupture that was the Acadian Deportation, the cultural landscape created by the Acadians at Grand Pré had continued to show remarkable continuity into the centuries that followed.

### ***The Evolution of Horton / Grand Pré***

In many ways, the settlement and land use patterns that developed at Grand Pré after 1760 were similar to those seen before 1755. That is, as the Acadians had done, the New England Planters lived on the uplands in a spread-out manner and took full advantage of the fertility of the dyked marsh that lay in front of them.

One major difference between the two cultural groups was that when the Planters first arrived, they felt the need – in common with other 18<sup>th</sup>-century British and Anglo-American settlers in frontier regions – to establish a compact township on a tight, rectilinear grid pattern. Most of that grid pattern still exists in the 21<sup>st</sup> century in the form of farm roads, yet the Planters ended up not building all their houses upon the grid but rather in a dispersed landholding pattern similar to that of their Acadian predecessors. Nonetheless, the persistence of that 1760 “town plot” on the landscape over the next 250 years represents an evocative artefact all by itself.

### ***The Planter Legacy***

Like the Acadians before them, though some influences were quite different, the Planters also wrestled with questions of loyalty to the British administration. When their friends and relatives back in New England broke with Great Britain at the time of the American Revolution (1776-1783), the Planters in Nova Scotia did not follow suit. A neutral position emerged as their preferred option for – a stance that had echoes of the majority Acadian position a generation earlier. Perhaps as an outlet for their conflicted emotions, many Planter settlers in Nova Scotia took part in the province-wide religious revival led by the evangelical preacher Henry Alline.

As time went by the Planter settlements at Horton and elsewhere put down deep roots. Wherever they settled the Planters and their descendants exerted an influence on Nova Scotia’s culture, politics, landscape and architecture. Horton itself would in the 20<sup>th</sup> century see its name revert back to what it had been in the time of the Acadians: Grand Pré. The best-known standing buildings in that community, today’s Grand Pré, that are associated with the New England Planters are the Crane house (1767), the Calkin house (1768) and the Covenanters Church, constructed between 1804 and 1811. Nearby Acadia University, in Wolfville, also has a link with the Planters, though it dates from a few generations after their arrival in the province. A Prime Minister of Canada, Sir Robert Borden (1854-1937), is probably the best-known Planter descendant. He was born and raised in the village of Grand Pré.

### ***Remembering the Prior Acadian Presence***

Early in the 20<sup>th</sup> century a number of different private individuals and organizations began to commemorate the bygone Acadian presence at Grand Pré. There were two major forces at work. One related to the historical, literary and artistic works that linked Grand Pré more than any other Acadian village of the pre-1755 era to the Acadian Deportation. The other influence was the Acadian renaissance that manifested itself in the latter half of the 19<sup>th</sup> century throughout the Maritime Provinces of Canada. Together, the two forces combined to ultimately transform a portion of the Grand Pré upland area into what was initially a 14-acre area immediately adjacent to the enclosed marsh.

The best known and most influential of the many literary works that would be produced with a Grand Pré connection was Henry Wadsworth Longfellow’s epic poem *Evangeline, A Tale of Acadie*, published in 1847. Over the next 100 years, Longfellow’s *Evangeline* went through at least 270 editions and 130 translations. The first foreign-language adaptations were in German and Polish in 1851; French and Danish in 1853; Swedish in 1854; Dutch and Italian in 1856; and so on around the globe. Illustrated editions began to appear in 1850, and over the next century and a half dozens of artists offered their visual (and often fanciful) interpretations of Grand Pré and other locales. When motion picture technology came along, the story of *Evangeline* and the Acadian Deportation

soon turned up in cinematic versions. Short, one-reel adaptations of the tale by Longfellow were produced in 1908 and in 1911. In 1913, the first feature-length film ever produced in Canada was a 5-reel production of *Evangeline*. It lasted over one hour. American film versions of the *Evangeline* story were released in 1919 and 1929.

The love story that Longfellow told in his poem employed two fictitious personages, Evangeline and Gabriel, yet it was based on a tale he had heard of a young couple separated at the time of the Deportation. The American poet was not the first to write about the upheaval in a literary form, but his characters and plot line became by far the best known. Longfellow's description of the events presented in his poem was loosely based on Thomas Chandler Haliburton's *An Historical and Statistical Account of Nova-Scotia* (1829), wherein the historian described what had occurred at Grand Pré in 1755 by presenting material from the eyewitness account found in John Winslow's journal. Thus it was that Grand Pré, a real place with a real tragic history became the opening location for a fictitious work that for the next century would become the best-known interpretation of the Acadian deportation.

Though the *Evangeline* phenomenon began among non-Acadians, first Americans then British, it was eventually embraced by Acadians and other Francophones. They often came to know the story through the French-language adaptation written by Pamphile Lemay. Lemay's adaptation differed significantly from the original poem by Longfellow, yet the central characters were the same, the opening setting remained Grand Pré, and the narrative arc was essentially the same.

Quite apart from the famous poem, it took a series of actions by individuals like John Frederic Herbin and André Cormier, by private companies like the Dominion Atlantic Railway and the Société nationale de l'Assomption, and by the overall Acadian community to turn a portion of the Grand Pré area into an important historic site and a major tourist attraction in North America. Those steps and the commemorative monuments, buildings and garden that went along with them represented a symbolic reclaiming of the Grand Pré area by the descendants of the people forcibly removed from there in 1755. As a result, for people of Acadian descent who came to visit Grand Pré from the Maritimes, Quebec, Louisiana, France or elsewhere, Grand Pré became the most cherished of all their Acadian historical sites.

### ***Grand Pré becomes a Historical and Tourist Site***

With Longfellow having generated a high public awareness of the Acadians' tragic story and its link with Grand Pré, it was the work of many others to transform the actual Grand Pré into a location that physically reflected the attachment people felt about the region and especially about what had happened there in 1755.

In 1869, at the newly opened Grand Pré railway station, the Windsor and Annapolis Railway Company hung a sign that read: "Welcome to the Land of Evangeline and Gabriel." The next year saw the first organized tour by rail of the "Land of Evangeline" area by Americans from Boston. Acadians were not involved in these tourism developments.

During the 1880s the Acadians of the Maritimes began to hold "national conventions" in the Maritimes to achieve cultural objectives. The first convention was at Memramcook, New Brunswick and the second in Miscouche, Prince Edward Island. By the end of the decade Acadians had a national feast day (August 15), a patron saint (Notre-Dame-de-l'Assomption), a flag (the French tricolour with a gold star in one corner), an anthem (Ave Maris Stella) and a motto. Moreover, the Acadian and French-language college in Memramcook had obtained university status. In 1895 there appeared a newspaper article by Henri L. d'Entremont in which the author argued that Acadians

needed to honour their ancestors at the emerging tourist site at Grand Pré. A little over a decade later, concrete steps were taken in that direction.

In 1907, John Frederic Herbin, a jeweller, amateur poet and Acadian descendant in nearby Wolfville, purchased the land at Grand Pré that contained the most prominent ruins said to date back to before the events of 1755. This was a piece of land Herbin bought from the widow Mary Bowser. Previous owners, dating back to the time of the Planter arrival in 1760 had included Silas Crane and Samuel Avery and later on the Rev. John Murdoch. Herbin had already published a book of local history in 1898 that had echoed the opinions of Henri d'Entremont. The oral tradition of the time was that the ruins on Herbin's new property were vestiges of the old Acadian parish church, Saint-Charles-des-Mines, the same church in which Acadian males were imprisoned on 5 September 1755. Not far away from those ruins was a well said to date back to the Acadian period. A little further on was the old Acadian burial ground or cemetery. And then there were the old willow trees, which the oral tradition stated had been silent witnesses to the events that had occurred in the village in 1755. All those cultural resources are still there, as evocative in the 21<sup>st</sup> century as they were in the early 20<sup>th</sup> century.

In 1908, the Government of Nova Scotia passed an act to incorporate the trustees of the "Grand-Pré historic Grounds." This was the first attempt by any government at any level to safeguard the site at Grand Pré.

In 1917, Herbin and the other trustees sold the property with the ruins on it to the Dominion Atlantic Railway [DAR], on the condition that the church site be deeded to the Acadian people so they could erect a memorial to their ancestors. The DAR assumed responsibility for the Grand Pré site and engaged renowned architect Percy Nobbs to develop a detailed landscape plan for the grounds, complete with pathways, flower beds and potential monument locations. With Nobbs's drawings in hand, the rail company developed a "park" for tourists who wanted to see the spot Longfellow had made famous in his epic poem. The park-like setting – a cross between a *jardin des plantes* and a commemorative cemetery -- encouraged many visitors to reflect on the tragedy of the Acadians in 1755. The first major artistic element added to the landscape was a bronze statue of Evangeline, unveiled in 1920. That statue was the work of renowned Québec sculptor Henri Hébert, who produced a variation on an earlier design of his father, sculptor Louis-Philippe Hébert.

Throughout the 1920s and 1930s the DAR, Nova Scotia Tourism, and many private companies used images and slogans employing the Evangeline theme and Grand Pré association to sell their products. At the same time there was a rampant commercialization of Evangeline: various depictions of the fictitious heroine showed up on a range of products from soft drinks to car dealerships to chocolates.

### ***Grand-Pré as a lieu de mémoire acadien***

Despite the commercial overlay and despite the frequent tie-ins with an imaginary literary figure, Acadians during the 1920s were showing increasing interest in and attachment to Grand Pré as an evocative site that marked the saddest period of their ancestors' history. In 1921, the *Société nationale l'Assomption* (predecessor of today's *Société nationale de l'Acadie* [SNA]) held part of its eighth national convention at Grand Pré. During a special ceremony the SNA took official possession of the church site and launched a fund-raising campaign to build a Memorial Church (*Église souvenir*) at Grand Pré on the presumed ruins of the parish church destroyed in 1755. The following year, 1922, Acadian workers began to build that Memorial Church. Acadians and their friends and

supporters from throughout Canada and the United States donated to the cause. The construction of the church reflected the growing wave of Acadian nationalism that had been on the ascendant since the 1880s.

The Acadian community's commemoration efforts at Grand Pré continued in 1923 when funds were raised for a sculpture of the Acadian patron saint, Notre-Dame de l'Assomption, to be placed inside the newly completed church. The very next year a group of Acadians and those interested in their history erected a poignant symbol of the 1755 Deportation. That new marker was an iron cross, which was erected along the DAR rail line, about 2 km from the Grand Pré site. At the time it was placed at a dry creek bed that was then believed to be the spot where their ancestors had embarked in small boats during the Deportation. Later research demonstrated that the actual embarkation spot was at Horton Landing so the cross was relocated to that spot in 2005.

By the 1930s Grand Pré had become an important pilgrimage site for Acadians, and for non-Acadians who knew about the Deportation and felt a connection with the tragedy. People came not just from the Maritime Provinces of Canada but from across North America and abroad. In 1924 and 1926, for instance, the Quebec-based newspaper *Le Devoir* organized group visits to Grand Pré. First in 1930, then again in 1936, large groups made the trip from Louisiana. Those visits were the first official contact between *Acadiens* and *'Cadiens* – Acadians of the North and of the South – since the time of the Deportation two centuries earlier. Then in August 1955, thousands of Acadians from across North America gathered at what was then known as Grand Pré Park, today's Grand-Pré National Historic Site of Canada, to mark the 200<sup>th</sup> anniversary of the Deportation.

Increasingly and movingly, Grand Pré has become a symbol to people everywhere of perseverance, hope and pride, for that is the example of the Acadian people's survival and flourishing after the events of the Acadian Deportation.

### ***The Government of Canada Recognizes the Significance of Grand Pré***

Up to the mid-1950s, concerned citizens and organized groups, primarily within Canada but also in the United States, were responsible for all the commemorative action and development at Grand Pré. By 1955, all the major elements on the *lieu de mémoire acadien* had been in place for three decades: the Memorial Church, the statue of Evangeline, the Deportation Cross, the old willows, a stone cross to mark the Acadian burial ground, the well, and flower beds. In May 1955, the Historic Sites and Monuments Board of Canada, the arms-length advisory body that recommends designations of national significance to the responsible federal minister, concluded that the "Grand Pré Memorial Park possesses historical features which would make it eminently suitable as a National Historic Park." Negotiations took place over the next year and on 14 December 1956, the Société nationale de l'Assomption (later Société nationale des Acadiens, and today the Société nationale de l'Acadie) finalized the sale of Grand Pré to the Government of Canada. Five years later, in 1961, Parks Canada officially opened Grand-Pré National Historic Park.

Since that transition, the federal government agency responsible for the officially designated historic site of Grand Pré has maintained the original commemorative monuments and worked closely and collaboratively with representatives of the Acadian community. The aim has been, and remains, to have

the site fulfill its obligations as a national historic site and at the same time to continue to be the principal *lieu de mémoire* of Acadians everywhere.

### ***Grand Pré as a Candidate World Heritage Site***

Looking beyond the national historic site to the broader cultural landscape that also includes the Grand Pré Marsh, Horton Landing and a representative sample of the uplands adjacent to the marsh, we have an ensemble that is a worthy candidate site for World Heritage status.

## **3. Justification for inscription**

### **3.a Criteria under which inscription is proposed (and justification for inscription under these criteria)**

*(iii) to bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared.*

**The intact dykeland at Grand Pré is an exceptional example of the distinctive Acadian tradition of turning wetlands into highly fertile farmland.**

#### ***Justification***

The technology used by the Acadians to claim their farmland came from the salt marshes of Western France, a technology used since Antiquity. That technology consisted of a dyke and a drainage system that captured salt from seawater trapped behind earthen walls. Acadians, the French colonists in *Acadie* (Nova Scotia), adapted the technology to drain marshes and create fertile farmland. This was accomplished through the use of the *aboiteau*, an assemblage in which there were earthen dykes with sluices passing through them in natural drainage creeks. Each sluice had a wooden hinged valve that prevented seawater from entering when the tide rose yet which allowed fresh water to run off the marshes at low tide, following the original watersheds. Thus the approach worked with nature rather than trying to completely alter it. It generally took two to three years for the marsh to be desalinated enough to be used as farmland.

The Acadian system of marsh transformation was a complete and ingenious system, one that took advantage of the unrivalled natural fertility of the wetlands of the Minas Basin, which thanks to the waters of the Minas Basin are exceptionally rich in nutrients. The Acadians erected their dykes with sods extracted from the very marshes they were transforming. By using sods cut from the marsh itself, where *Spartina patens* (Salt Meadow Hay) and the *Juncus gerardi* (Black Grass) grew plentifully, the Acadians used materials that they knew could withstand the sea water on the outside of the dykes and the swirling surge of the world's highest tides. Those grasses have a very tightly knit root system and thrive naturally in salt water. Cut into sods and installed on the faces of the dyke walls, they were the ideal protection against erosion. By adapting the European technology to the natural conditions that existed in the Minas Basin, Acadians developed a farming practice that was exceptional in North

America – exceptional in its ingenuity, exceptional in the fertility of the farmland created, and exceptional in that the indigenous people, the Mi'kmaq, accepted the Acadians' transformation of so many wetlands.

Compared to the Dutch polders, the Acadian dykelands did not require a system to pump the water out of the lands claimed on the sea. This is partly explained by the fact that the Acadians settled beside inter-tidal zones and made use of natural environmental features to create their fertile land. The farming practices in France's *Marais poitevin*, the area from which the Acadian technology came, differed in that their drainage systems were built using trenches and they stabilised their dyke walls with willows and other trees with dense root systems to prevent erosion. (This is to be explored further in the comparative analysis). Unlike the Acadians' dyking projects, those in Europe were led by governments or religious powers and were managed hierarchically. The Acadian dykelands were the result of locally driven initiatives that reflected and encouraged their community-based social structure.

The dykeland at Grand Pré is the pre-eminent example among the 30 or so different Acadian dyking projects carried out in the 17<sup>th</sup> and early 18<sup>th</sup> centuries. It remains the most fertile and productive as well as one of if not *the* largest. It is still actively used for agricultural purposes and continues to have exceptional fertility for its latitude in North America. As has been the case since the 1680s, it continues to face the highest recorded tides in the world and much stronger surges than at any other location. Though now protected by modern, machine-made dykes, the marsh at Grand Pré stands as a remarkable accomplishment of pre-industrial, vernacular engineering. Initially conceived and constructed by Acadians, the marsh was later renewed and maintained by New England Planters, beginning in 1760. Succeeding generations, Planter descendants and newcomers, have maintained the essential characteristics of the dyke and taken advantage of its remarkable fertility.

The Grand Pré dykeland is exceptional in the simplicity of its creation and operation and exceptional in comparative terms with other similar projects in its expanse and the particular challenge of its setting.

*(v) to be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change.*

**The enduring settlement and land-use pattern on the Grand Pré dykeland and upland is an outstanding example of a distinctive 17<sup>th</sup> and 18<sup>th</sup>-century community-based approach to agriculture in North America.**

### ***Justification***

For nearly three and a half centuries the dykeland and upland at Grand Pré have formed a distinctive cultural landscape, an outstanding example in North America of an 18<sup>th</sup>-century land use that has persisted despite the dramatic sequence of political, military and demographic changes that swept over the area. It is a landscape that



clearly reflects both French colonial and British colonial influences. Yet at the same time, the settlement and use patterns also speak of the power that ordinary people – first Acadians and later Planters – exerted to determine how and where they lived.

The original attributes of the dykeland – when it was one of the largest dykelands in North America, -- remain largely in place while on the upland there is tangible and persistent evidence of roads and settlement patterns. Moreover, there is a continuing link between a farming and residential population on the upland and the wetlands transformed into dykeland.

Year-round settlement on the upland on the south side of the inter-tidal zone began with the arrival of Acadians in the area in the 1680s, a time when the region was known as *Acadie* (mainland Nova Scotia) and there was a French colonial administration at Port-Royal (later Annapolis Royal). That administration made a seigneurial concession at Grand Pré, evidence of which is still visible in the form of narrow lots on the upland that persisted throughout the Acadian occupation, were subsequently retained by the Planters when they arrived in the 1760s, and still evident today.

Between the 1680s and 1755, when the Acadians were forcibly transported to the Anglo-American colonies, they developed an extensive community at Grand Pré, with all their construction (roads, houses, barns, sheds, mills, church and cemetery) being on the upland. The roads and cemetery are still in situ and there are archaeological sites of some of the now-vanished buildings. Thanks to the incredible fertility of the wetlands transformed into agricultural land, Grand Pré became the largest and most prosperous of all Acadian-settled regions in the Maritime Provinces of Canada. Those other settlements were similar to but smaller and less productive than Grand Pré.

With the arrival of New England Planters at Grand Pré in 1760, a new population began to live on the uplands and farm on the dykeland as the Acadians had done. The British colonial administration that encouraged the Planter migration and settlement established a rectilinear grid known as the Town Plot on the upland, where they wanted and expected most of the Planters to concentrate. Yet it was not long before the Planters opted to settle all along the upland ridge in a scattered fashion similar to what the Acadians had done before them. The Town Plot of the 1760s became essentially a pattern of roads on the landscape, a pattern that is still visible in the 21<sup>st</sup> century, tangible evidence of the unrealised expectations of the British colonial regime that created it.

Thus one finds at Grand Pré a pattern of settlement and land use with remarkable continuity of use across what in North America is a long time span. Though coming from different cultural, linguistic and religious backgrounds, the Acadians, the Planters and later settlers retained their close relationships with and attachments to the dykeland and did so by restricting their settlement exclusively to the upland. There, they built their houses and other buildings along the ridge as they saw fit. Though the settlers sometimes (or often) ignored the wishes of the French and British administrations over them, the French seigneurial regime concessions and the British Town Plot are still largely intact and visible today. Equally, all roads used by Acadians in the Grand Pré area are still present, with most still in use.

With the exception of the French seigneurial regime vestiges and the grid of the British Town Plot, the rest of the settlement pattern and use at Grand Pré reflects an organic and community-based evolution. As it was in the 17<sup>th</sup> and 18<sup>th</sup> centuries, so Grand Pré is today, a low-density settlement on the upland with a close relationship to the adjacent and highly-fertile dykeland. Though not the only such Acadian then Planter cultural landscape, it remains exceptional in its scale, continuity, integrity and authenticity.

*(vi) to be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance;*

**Through its evocative memorials to a people who overcame a tragedy of forced migration, the Acadian Deportation, Grand Pré is a symbol of hope, perseverance, and pride for all humanity.**

### ***Justification***

Beginning in 1755 and lasting until 1762, two-thirds of the Acadians of the Maritime Provinces of Canada were deported from their homes and the other third forced to find refuge elsewhere. This period of forced migrations and terrible suffering is commonly called the Acadian Deportation.

In 1755, the first year of the Acadian Deportation, all Acadians living at Grand Pré were forcibly removed, and transported to the Anglo-American colonies. Their vacant and highly fertile lands were subsequently settled in 1760 by incoming colonists from New England, known as Planters.

In the late 19<sup>th</sup> and early 20<sup>th</sup> centuries Acadians returned symbolically to Grand Pré. On their own and in partnership with others they added exceptional new layers to the area, transforming Grand Pré into by far the most cherished of all Acadian historic sites and one of the most recognizable historic sites in North America. For well over a century now, Grand Pré has been synonymous with Acadian history in general and the Acadian Deportation in particular.

There were several reasons why Grand Pré acquired its symbolic status, with the international success of Longfellow's mid-19<sup>th</sup>-century epic poem *Evangeline*, whose opening section is set in an imagined Grand Pré, and the Acadian Renaissance of the 19<sup>th</sup> century being the two most important factors. By the early 20<sup>th</sup> century, Acadians and others (notably the Dominion Atlantic Railroad) had erected several evocative monuments at Grand Pré to mark the area's history and the symbolic return of the descendants of the people who had once thrived and then been removed from the area. The most iconic symbols, all erected in the 1920s, turned out to be the Memorial Church, the Deportation Cross and the statue of *Evangeline*. Each is widely recognized across North America and in parts of the wider world as symbols of Acadian identity and history. They are also, increasingly, seen as symbols of how a people can overcome a tragic history through perseverance, giving way to hope and pride. In the late 20<sup>th</sup> century the Deportation Cross inspired another project, still ongoing, that aims eventually to place 20 Acadian Deportation memorials in Canada, the United States and in France.

In addition to its commemorative dimension, Grand Pré is the setting and inspiration for a few hundred literary, artistic and musical creations, beginning in the mid-19<sup>th</sup> century through to today. The majority of the works focus on story of the Acadian Deportation, the forcible removal that occurred at Grand Pré in 1755 and which saw all Acadians then living there transported to British American colonies. Over time, the experience of the particular

Acadians at Grand Pré came to symbolize the suffering endured by all Acadians everywhere, across the Maritime Provinces of Canada and throughout the seven years of many different forcible removals.

At one and the same time, Grand Pré – the dykeland, the adjacent uplands and the memorials – symbolize both the traditions and way of life before the Acadian Deportation and equally the ability of a people to overcome the tragedy of a forced migration.

### 3.b Proposed Statement of Outstanding Universal Value

**Grand Pré is an enduring and inspirational cultural landscape, an outstanding example of a distinctive community-based approach to farming in 17<sup>th</sup> and 18<sup>th</sup>-century North America and through its 20<sup>th</sup>-century memorials an exceptional example of a place of tragedy that has become a symbol for all humanity of hope, perseverance and pride.**

### 3.c Comparative analysis (including state of conservation of similar properties)

(Ongoing. The working group's conclusions, suggests the following comparative framework)

Criteria	Comparative framework	Possible places / sites
<p><i>(iii) to bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared.</i></p> <p><b>The intact dykeland at Grand Pré is an exceptional example of the distinctive Acadian tradition of turning wetlands into highly fertile farmland.</b></p>	<ul style="list-style-type: none"> <li>• <b>Claimed/ reclaimed land</b></li> <li>• <b>Agricultural techniques</b></li> <li>• <b>Tidal / flood zone</b></li> </ul>	<ul style="list-style-type: none"> <li>• Traeth Mawr (UK)</li> <li>• Sunk Island (UK)</li> <li>• New Orleans (USA)</li> <li>• Mont Saint-Michel and its bay (France)</li> <li>• Dutch polders (Netherlands)</li> <li>• "Marais poitevin" (France)</li> <li>• Yangtze river flood plains (China)</li> </ul>
<p><i>(v) to be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change.</i></p> <p><b>The enduring settlement and land-use pattern on the Grand Pré dykeland and upland is an outstanding example of a distinctive 17<sup>th</sup> and 18<sup>th</sup>-century community-based approach to agriculture in North America.</b></p>	<ul style="list-style-type: none"> <li>• <b>Settlement patterns of French and British beyond their homelands</b></li> <li>• <b>Land use in the 17<sup>th</sup> and 18<sup>th</sup> century North America</b></li> </ul>	<ul style="list-style-type: none"> <li>• 17<sup>th</sup> and 18<sup>th</sup> century North American dykelands;</li> <li>• 17<sup>th</sup> and 18<sup>th</sup> century colonial farming communities in the world;</li> </ul>

<p><i>(vi) to be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance;</i></p> <p><b>Through its evocative memorials to a people who overcame a tragedy of forced migration, the Acadian Deportation, Grand Pré is a symbol of hope, perseverance, and pride for all humanity.</b></p>	<ul style="list-style-type: none"> <li>• <b>Place of commemoration of tragic events</b></li> <li>• <b>Places of symbolic revival of the people associated to them</b></li> </ul>	<ul style="list-style-type: none"> <li>• Cherokee Trail of Tears (USA)</li> <li>• Other diasporas that may have inspired similar symbolic reclaiming of lost lands by forcibly removed group</li> <li>• Yad Vashem memorial (Israel)</li> <li>• Memorials to the Highland Clearances (UK)</li> <li>• Bridge of Mostar (Bosnia)</li> </ul>
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### 3.d Integrity and/ or Authenticity

**(Preliminary: requires condition assessment)**

<p><i>Form and design</i></p>	<ul style="list-style-type: none"> <li>• Dyke walls face the Minas Basin and follow the dyking line set by Acadians in 18<sup>th</sup> century on the east side of the Grand Pré Marsh and on the west side as set in the 19<sup>th</sup> century by the successors of the New England Planters. The dykes have been raised as necessary in the 20<sup>th</sup> century to hold back the highest recorded tides in the world, because those tides rise steadily as sea level rises.</li> <li>• Forms of the individual fields within the dykeland illustrate the interrelationship between the original dyking projects and the natural drainage patterns that take away water from the fields, out through <i>aboiteaux</i>, into the Minas basin;</li> <li>• Field pattern follows the natural drainage and are little changed since created in the 17<sup>th</sup> and 18<sup>th</sup> centuries;</li> </ul>	<ul style="list-style-type: none"> <li>• Of the approximately 30 different Acadian dykelands, the one at Grand Pré is the most studied and the best understood;</li> <li>• Flat open area;</li> <li>• Sightline across the dykelands is uninterrupted by buildings and structures;</li> <li>• Fields are connected but not separated by a physical obstacle (i.e fence);</li> <li>• Fields accessible by dirt roads used since they were first created;</li> <li>• Field pattern illustrates the evolution of the dyking of the marsh (can read the successive stages of dyking);</li> <li>• Maximum extent of the dyked area;</li> <li>• Interrelationship between the different components of the heart of the Acadian, Planter and later settlement (cemetery, roads, houses, dykeland) and the dykelands;</li> <li>• Linear and dispersed settlement pattern along the marsh and North of the Old Post Road;</li> <li>• Town Plot of the New England Planters mostly intact and still visible;</li> <li>• Roads from the Acadian period lead in and out of dykelands, through the settlement</li> </ul>	<ul style="list-style-type: none"> <li>• Intact original design of the memorial park setting (paths and commemorative garden) at Grand-Pré NHSC by Percy Nobbs;</li> <li>• Deportation Cross still original design and form</li> </ul>
<p><i>Materials and substance</i></p>	<ul style="list-style-type: none"> <li>• Remains of 17<sup>th</sup>, 18<sup>th</sup>, 19<sup>th</sup>, and early 20<sup>th</sup> century dykes made of compact soil, brush;</li> </ul>	<ul style="list-style-type: none"> <li>• Accumulated soil in fields as a result of tidal deposition;</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<p><i>Use and function</i></p>	<ul style="list-style-type: none"> <li>• Continued function of the dykes and the aboiteau system to protect the fertile land;</li> </ul>	<ul style="list-style-type: none"> <li>• Uninterrupted use for agricultural purposes: raising cattle and growing corn, wheat, grass etc.</li> <li>• Continues to function as one of the most fertile lands in the country; remains exceptional for its latitude in North America</li> </ul>	<ul style="list-style-type: none"> <li>• Continued use of the commemorative gardens and the various monuments as a place of reflection on the events that took place at Grand Pré, with a focus on the Deportation of 1755;</li> <li>• Regularly – on an annual basis (July 28, August 15 and September 5) and on important anniversaries – Grand Pré is the place where great numbers of Acadians and others come together to reflect on the events</li> </ul>

			of the Deportation and how a people was able to overcome such a tragedy.
<i>Traditions, techniques and management systems</i>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Dykeland managed by a community-based body of landowners responsible for the protection and maintenance of the area for agricultural purposes;</li> <li>Modern dykes are now maintained and managed by the Nova Scotia Government</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
<i>Location and setting</i>	<ul style="list-style-type: none"> <li>Exposed on two faces to the tides of the Bay of Fundy;</li> <li>In-situ remains of a few ancient dykes and of most 17<sup>th</sup> and 18<sup>th</sup> century <i>aboiteaux</i> and culverts (impossible to determine percentage);</li> </ul>	<ul style="list-style-type: none"> <li>Dykeland continues to be located in the area originally transformed by the Acadians between Long Island and the mainland;</li> <li>Location of culverts and <i>aboiteaux</i> has not changed;</li> <li>The remains of the heart of the Acadian settlement (cemetery, documented location of the church, and other buildings are protected within the boundaries of the Grand-Pré NHSC;</li> <li>In situ remains of houses, roads, landing area / wharf are tentatively identified in locations beyond the G-P NHSC;</li> <li>Rural setting defined by low density of structures along the dykelands, fields on the dykelands and the uplands;</li> <li>Representative sample of the upland settlement of Acadians is protected within the boundaries of Grand-Pré NHSC;</li> <li>Many of the roads (and streets) in the villages of Grand Pré and Hortonville and on the dykeland date back to the 17<sup>th</sup> and 18<sup>th</sup> centuries</li> </ul>	<ul style="list-style-type: none"> <li>Most memorials remain in their original locations established in the 1920s; exception is the Deportation Cross, recently relocated to more historically appropriate spot at Horton Landing;</li> <li>Grand-Pré NHSC contains archaeological remains of the heart of the community that existed until 1755;</li> <li>Horton Landing is the original location from where Acadians were deported and New England Planters arrived;</li> <li>Dirt road running along the dykeland and beside Grand-Pré NHSC is the very road upon which the Acadians were marched to deportation and the road upon which the New England Planters walked to take over the area and begin to settle and repair the dykes damaged in the 1759 storm;</li> <li>Numerous archaeological sites on the uplands within the boundaries of Grand-Pré NHSC attest to the prior Acadian occupation</li> </ul>
<i>Spirit and feeling</i>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Grand-Pré NHSC and the Deportation Cross at Horton Landing inspire strong emotional and spiritual attachment from Acadians across the world;</li> <li>The overall Grand Pré area has inspired and continues to inspire a great many literary and artistic works (Longfellow, painter Alex Colville and hundreds of others)</li> <li>Grand Pré, especially the NHSC, have for over a century been central to the Acadian identity, conveying messages of perseverance, hope and pride;</li> <li>Most visitors to Grand-Pré NHSC are non-Acadians, yet they too are typically much affected by the spirit of the place, and share sentiments similar to those of Acadians.</li> </ul>

**Annex 1: Summary table (English)**

<i>Statement</i>			
<p><b>Grand Pré is an enduring and inspirational cultural landscape, an outstanding example of a distinctive community-based approach to farming in 17<sup>th</sup> and 18<sup>th</sup>-century North America and through its 20<sup>th</sup>-century memorials an exceptional example of a place of tragedy that has become a symbol for all humanity of hope, perseverance and pride.</b></p>			
<b>Criteria</b>			
World Heritage criteria	<p><i>(iii) to bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared;</i></p>	<p><i>(v) to be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change;</i></p>	<p><i>(vi) to be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance;</i></p>
<b>Criteria proposed</b>	<p><b>The intact dykeland at Grand Pré is an exceptional example of the distinctive Acadian tradition of turning wetlands into highly fertile farmland.</b></p> <p>(Note: focus on creation of the dykelands; draining of wetlands to convert to farmland)</p> <p>(Area marked “iii” on the Tentative Boundary Map)</p>	<p><b>The enduring settlement and land-use pattern on the Grand Pré dykeland and upland is an outstanding example of a distinctive 17<sup>th</sup> and 18<sup>th</sup>-century community-based approach to agriculture in North America.</b></p> <p>(Note: focus on the persistent use and visible traces of the 18<sup>th</sup> century landscape)</p> <p>(Areas marked “iii” and “v” on the Tentative Boundary Map)</p>	<p><b>Through its evocative memorials to a people who overcame a tragedy of forced migration, the Acadian Deportation, Grand Pré is a symbol of hope, perseverance, and pride for all humanity.</b></p> <p>(Two areas marked “vi” on the Tentative Boundary Map)</p>
<b>Justification</b>			
	<p>The technology used by the Acadians to claim their farmland came from the salt marshes of Western France, a technology used since Antiquity. That technology consisted of a dyke and a drainage system that captured salt from seawater trapped behind earthen walls. Acadians, the French colonists in <i>Acadie</i> (Nova Scotia), adapted the technology to drain marshes and create fertile farmland. This was accomplished through the use of the <i>aboiteau</i>, an assemblage in which there were earthen dykes with sluices passing through them in natural drainage creeks. Each sluice had a wooden hinged valve that prevented seawater from entering when the tide rose yet which allowed fresh water to run off the marshes at low tide, following the original watersheds. Thus the approach worked with nature</p>	<p>For nearly three and a half centuries the dykeland and upland at Grand Pré have formed a distinctive cultural landscape, an outstanding example in North America of an 18<sup>th</sup>-century land use that has persisted despite the dramatic sequence of political, military and demographic changes that swept over the area. It is a landscape that clearly reflects both French colonial and British colonial influences. Yet at the same time, the settlement and use patterns also speak of the power that ordinary people – first Acadians and later Planters – exerted to determine how and where they lived.</p>	<p>Beginning in 1755 and lasting until 1762, two-thirds of the Acadians of the Maritime Provinces of Canada were deported from their homes and the other third forced to find refuge elsewhere. This period of forced migrations and terrible suffering is commonly called the Acadian Deportation.</p> <p>In 1755, the first year of the Acadian Deportation, all Acadians living at Grand Pré were forcibly removed, and transported to the Anglo-American colonies. Their vacant and highly fertile lands were subsequently settled in 1760 by incoming colonists from New England, known as Planters.</p> <p>In the late 19<sup>th</sup> and early 20<sup>th</sup> centuries Acadians returned</p>

	<p>rather than trying to completely alter it. It generally took two to three years for the marsh to be desalinated enough to be used as farmland.</p> <p>The Acadian system of marsh transformation was a complete and ingenious system, one that took advantage of the unrivalled natural fertility of the wetlands of the Minas Basin, which thanks to the waters of the Minas Basin are exceptionally rich in nutrients. The Acadians erected their dykes with sods extracted from the very marshes they were transforming. By using sods cut from the marsh itself, where <i>Spartina patens</i> (Salt Meadow Hay) and the <i>Juncus gerardi</i> (Black Grass) grew plentifully, the Acadians used materials that they knew could withstand the sea water on the outside of the dykes and the swirling surge of the world's highest tides. Those grasses have a very tightly knit root system and thrive naturally in salt water. Cut into sods and installed on the faces of the dyke walls, they were the ideal protection against erosion. By adapting the European technology to the natural conditions that existed in the Minas Basin, Acadians developed a farming practice that was exceptional in North America – exceptional in its ingenuity, exceptional in the fertility of the farmland created, and exceptional in that the indigenous people, the Mi'kmaq, accepted the Acadians' transformation of so many wetlands.</p> <p>Compared to the Dutch polders, the Acadian dykelands did not require a system to pump the water out of the lands claimed on the sea. This is partly explained by the fact that the Acadians settled beside inter-tidal zones and made use of natural environmental features to create their fertile land. The farming practices in France's <i>Marais poitevin</i>, the area from which the Acadian technology came, differed in that there drainage systems were built using trenches and they stabilised their dyke walls with willows and other trees with dense root systems to prevent erosion. (This is to be explored further in the comparative analysis). Unlike the Acadians' dyking projects, those in Europe were led by governments or religious powers and were managed hierarchically. The Acadian</p>	<p>The original attributes of the dykeland – when it was one of the largest dykelands in North America, -- remain largely in place while on the upland there is tangible and persistent evidence of roads and settlement patterns. Moreover, there is a continuing link between a farming and residential population on the upland and the wetlands transformed into dykeland.</p> <p>Year-round settlement on the upland on the south side of the inter-tidal zone began with the arrival of Acadians in the area in the 1680s, a time when the region was known as <i>Acadie</i> (mainland Nova Scotia) and there was a French colonial administration at Port-Royal (later Annapolis Royal). That administration made a seigneurial concession at Grand Pré, evidence of which is still visible in the form of narrow lots on the upland that persisted throughout the Acadian occupation, were subsequently retained by the Planters when they arrived in the 1760s, and still evident today.</p> <p>Between the 1680s and 1755, when the Acadians were forcibly transported to the Anglo-American colonies, they developed an extensive community at Grand Pré, with all their construction (roads, houses, barns, sheds, mills, church and cemetery) being on the upland. The roads and cemetery are still in situ and there are archaeological sites of some of the now-vanished buildings. Thanks to the incredible fertility of the wetlands transformed into agricultural land, Grand Pré became the largest and most prosperous of all Acadian-settled regions in the Maritime Provinces of Canada. Those other settlements were similar to but smaller and less productive than Grand Pré.</p>	<p>symbolically to Grand Pré. On their own and in partnership with others they added exceptional new layers to the area, transforming Grand Pré into by far the most cherished of all Acadian historic sites and one of the most recognizable historic sites in North America. For well over a century now, Grand Pré has been synonymous with Acadian history in general and the Acadian Deportation in particular.</p> <p>There were several reasons why Grand Pré acquired its symbolic status, with the international success of Longfellow's mid-19<sup>th</sup>-century epic poem <i>Evangeline</i>, whose opening section is set in an imagined Grand Pré, and the Acadian Renaissance of the 19<sup>th</sup> century being the two most important factors. By the early 20<sup>th</sup> century, Acadians and others (notably the Dominion Atlantic Railroad) had erected several evocative monuments at Grand Pré to mark the area's history and the symbolic return of the descendants of the people who had once thrived and then been removed from the area. The most iconic symbols, all erected in the 1920s, turned out to be the Memorial Church, the Deportation Cross and the statue of <i>Evangeline</i>. Each is widely recognized across North America and in parts of the wider world as symbols of Acadian identity and history. They are also, increasingly, seen as symbols of how a people can overcome a tragic history through perseverance, giving way to hope and pride. In the late 20<sup>th</sup> century the Deportation Cross inspired another project, still ongoing, that will eventually place 20 Acadian Deportation memorials in Canada, the United States and in France.</p> <p>In addition to its commemorative dimension, Grand Pré is the setting and inspiration for a few hundred literary, artistic and musical creations, beginning in the mid-19<sup>th</sup> century through to today. The majority of the works focus on story of the Acadian Deportation, the forcible removal that occurred at Grand Pré in 1755 and which saw all Acadians then living there transported to British American colonies. Over time, the experience of the particular Acadians at Grand Pré came to symbolize the</p>
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<p>dykelands were the result of locally driven initiatives that reflected and encouraged their community-based social structure.</p> <p>The dykeland at Grand Pré is the pre-eminent example among the 30 or so different Acadian dyking projects carried out in the 17<sup>th</sup> and early 18<sup>th</sup> centuries. It remains the most fertile and productive as well as one of if not <i>the</i> largest. It is still actively used for agricultural purposes and continues to have exceptional fertility for its latitude in North America. As has been the case since the 1680s, it continues to face the highest recorded tides in the world and much stronger surges than at any other location. Though now protected by modern, machine-made dykes, the marsh at Grand Pré stands as a remarkable accomplishment of pre-industrial, vernacular engineering. Initially conceived and constructed by Acadians, the marsh was later renewed and maintained by New England Planters, beginning in 1760. Succeeding generations, Planter descendants and newcomers, have maintained the essential characteristics of the dyke and taken advantage of its remarkable fertility.</p> <p>The Grand Pré dykeland is exceptional in the simplicity of its creation and operation and exceptional in comparative terms with other similar projects in its expanse and the particular challenge of its setting.</p>	<p>With the arrival of New England Planters at Grand Pré in 1760, a new population began to live on the uplands and farm on the dykeland as the Acadian had done. The British colonial administration that encouraged the Planter migration and settlement established a rectilinear grid known as the Town Plot on the upland, where they wanted and expected most of the Planters to concentrate. Yet it was not long before the Planters opted to settle all along the upland ridge in a scattered fashion similar to what the Acadians had done before them. The Town Plot of the 1760s became essentially a pattern of roads on the landscape, a pattern that is still visible in the 21<sup>st</sup> century, tangible evidence of the unrealised expectations of the British colonial regime that created it.</p> <p>Thus one finds at Grand Pré a pattern of settlement and land use with remarkable continuity of use across what in North America is a long time span. Though coming from different cultural, linguistic and religious backgrounds, the Acadians, the Planters and later settlers retained their close relationships with and attachments to the dykeland and did so by restricting their settlement exclusively to the upland. There, they built their houses and other buildings along the ridge as they saw fit. Though the settlers sometimes (or often) ignored the wishes of the French and British administrations over them, the French seigneurial regime concessions and the British Town Plot are still largely intact and visible today. Equally, all roads used by Acadians in the Grand Pré area are still present, with most still in use.</p> <p>With the exception of the French seigneurial regime vestiges and the grid of the British Town Plot, the rest of the settlement pattern and use at Grand Pré reflects an organic and community-based evolution. As it was in the 17<sup>th</sup> and 18<sup>th</sup></p>	<p>suffering endured by all Acadians everywhere, across the Maritime Provinces of Canada and throughout the seven years of many different forcible removals.</p> <p>At one and the same time, Grand Pré – the dykeland, the adjacent uplands and the memorials – symbolize both the traditions and way of life before the Acadian Deportation and equally the ability of a people to overcome the tragedy of a forced migration.</p>	
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		centuries, so Grand Pré is today, a low-density settlement on the upland with a close relationship to the adjacent and highly-fertile dykeland. Though not the only such Acadian then Planter cultural landscape, it remains exceptional in its scale, continuity, integrity and authenticity.	
<b>Authenticity (attributes)</b>			
<i>Form and design</i>	<ul style="list-style-type: none"> <li>• Dyke walls face the Minas Basin and follow the dyking line set by Acadians in 18<sup>th</sup> century on the east side of the Grand Pré Marsh and on the west side as set in the 19<sup>th</sup> century by the successors of the New England Planters. The dykes have been raised as necessary in the 20<sup>th</sup> century to hold back the highest recorded tides in the world, because those tides rise steadily as sea level rises.</li> <li>• Forms of the individual fields within the dykeland illustrate the interrelationship between the original dyking projects and the natural drainage patterns that take away water from the fields, out through <i>aboiteaux</i>, into the Minas basin;</li> <li>• Field pattern follows the natural drainage and are little changed since created in the 17<sup>th</sup> and 18<sup>th</sup> centuries;</li> </ul>	<ul style="list-style-type: none"> <li>• Of the approximately 30 different Acadian dykelands, the one at Grand Pré is the most studied and the best understood;</li> <li>• Flat open area;</li> <li>• Sightline across the dykelands is uninterrupted by buildings and structures;</li> <li>• Fields are connected but not separated by a physical obstacle (i.,e fence);</li> <li>• Fields accessible by dirt roads used since they were first created;</li> <li>• Field pattern illustrates the evolution of the dyking of the marsh (can read the successive stages of dyking);</li> <li>• Maximum extent of the dyked area;</li> <li>• Interrelationship between the different components of the heart of the Acadian, Planter and later settlement (cemetery, roads, houses, dykeland) and the dykelands;</li> <li>• Linear and dispersed settlement pattern along the marsh and North of the Old Post Road;</li> <li>• Town Plot of the New England Planters mostly intact and still visible;</li> <li>• Roads from the Acadian period lead in and out of dykelands, through the settlement</li> </ul>	<ul style="list-style-type: none"> <li>• Intact original design of the memorial park setting (paths and commemorative garden) at Grand-Pré NHSC by Percy Nobbs;</li> <li>• Deportation Cross still original design and form</li> </ul>
<i>Materials and substance</i>	<ul style="list-style-type: none"> <li>• Remains of 17<sup>th</sup>, 18<sup>th</sup>, 19<sup>th</sup>, and early 20<sup>th</sup> century dykes made of compact soil, brush;</li> </ul>	<ul style="list-style-type: none"> <li>• Accumulated soil in fields as a result of tidal deposition;</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<i>Use and function</i>	<ul style="list-style-type: none"> <li>• Continued function of the dykes and the aboiteau system to protect the fertile land;</li> </ul>	<ul style="list-style-type: none"> <li>• Uninterrupted use for agricultural purposes: raising cattle and growing corn, wheat, grass etc.</li> <li>• Continues to function as one of the most fertile lands in the country; remains exceptional for its latitude in North America</li> </ul>	<ul style="list-style-type: none"> <li>• Continued use of the commemorative gardens and the various monuments as a place of reflection on the events that took place at Grand Pré, with a focus on the Deportation of 1755;</li> <li>• Regularly – on an annual basis (July 28, August 15 and September 5) and on important anniversaries – Grand Pré is the place where great numbers of Acadians and others</li> </ul>

			come together to reflect on the events of the Deportation and how a people was able to overcome such a tragedy.
<i>Traditions, techniques and management systems</i>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Dykeland managed by a community-based body of landowners responsible for the protection and maintenance of the area for agricultural purposes;</li> <li>Modern dykes are now maintained and managed by the Nova Scotia Government</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
<i>Location and setting</i>	<ul style="list-style-type: none"> <li>Exposed on two faces to the tides of the Bay of Fundy;</li> <li>In-situ remains of a few ancient dykes and of most 17<sup>th</sup> and 18<sup>th</sup> century <i>aboiteaux</i> and culverts (impossible to determine percentage);</li> </ul>	<ul style="list-style-type: none"> <li>Dykeland continues to be located in the area originally transformed by the Acadians between Long Island and the mainland;</li> <li>Location of culverts and <i>aboiteaux</i> has not changed;</li> <li>The remains of the heart of the Acadian settlement (cemetery, documented location of the church, and other buildings are protected within the boundaries of the Grand-Pré NHSC;</li> <li>In situ remains of houses, roads, landing area / wharf are tentatively identified in locations beyond the G-P NHSC;</li> <li>Rural setting defined by low density of structures along the dykelands, fields on the dykelands and the uplands;</li> <li>Representative sample of the upland settlement of Acadians is protected within the boundaries of Grand-Pré NHSC;</li> <li>Many of the roads (and streets) in the villages of Grand Pré and Hortonville and on the dykeland date back to the 17<sup>th</sup> and 18<sup>th</sup> centuries</li> </ul>	<ul style="list-style-type: none"> <li>Most memorials remain in their original locations established in the 1920s; exception is the Deportation Cross, recently relocated to more historically appropriate spot at Horton Landing;</li> <li>Grand-Pré NHSC contains archaeological remains of the heart of the community that existed until 1755;</li> <li>Horton Landing is the original location from where Acadians were deported and New England Planters arrived;</li> <li>Dirt road running along the dykeland and beside Grand-Pré NHSC is the very road upon which the Acadians were marched to deportation and the road upon which the New England Planters walked to take over the area and begin to settle and repair the dykes damaged in the 1759 storm;</li> <li>Numerous archaeological sites on the uplands within the boundaries of Grand-Pré NHSC attest to the prior Acadian occupation</li> </ul>
<i>Language and other forms of intangible heritage</i>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
<i>Spirit and feeling</i>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Grand-Pré NHSC and the Deportation Cross at Horton Landing inspire strong emotional and spiritual attachment from Acadians across the world;</li> <li>The overall Grand Pré area has inspired and continues to inspire a great many literary and artistic works (Longfellow, painter Alex Colville and hundreds of others)</li> <li>Grand Pré, especially the NHSC, have for over a century</li> </ul>

			<p>been central to the Acadian identity, conveying messages of perseverance, hope and pride;</p> <ul style="list-style-type: none"> <li>• Most visitors to Grand-Pré NHSC are non-Acadians, yet they too are typically much affected by the spirit of the place, and share sentiments similar to those of Acadians.</li> </ul>
<i>Other internal and external factors</i>	•	•	•
<b>Integrity (state of)</b>			
	<ul style="list-style-type: none"> <li>• The dykeland is now protected by dykes erected and maintained by the Nova Scotia Dept. of Agriculture</li> </ul>	<ul style="list-style-type: none"> <li>• The continued, exclusive agricultural use of the Grand Pré Marsh is protected by legislation of the Province of Nova Scotia.</li> </ul>	<ul style="list-style-type: none"> <li>• The principal places of symbolic commemoration – at Grand-Pré NHSC and at Horton Landing – are owned and protected by the Government of Canada; they are managed and protected by Parks Canada under its principles and policies.</li> </ul>
<b>Comparative framework (themes and sites)</b>			
	<ul style="list-style-type: none"> <li>• Dutch polder: Almlasserwaard, Beemster WHS, Schokland (The Netherlands)</li> <li>• Marais poitevin (France)</li> <li>• Les Moères (France)</li> <li>• Traeth Mawr (UK)</li> <li>• Sunk Island (UK)</li> <li>• New Orleans (USA)</li> <li>• Mont Saint-Michel and its bay (France)</li> </ul>	<ul style="list-style-type: none"> <li>• 17<sup>th</sup> and 18<sup>th</sup> century North American dykelands;</li> <li>• 17<sup>th</sup> and 18<sup>th</sup> century colonial farming communities in the world;</li> </ul>	<ul style="list-style-type: none"> <li>• Cherokee Trail of Tears (USA)</li> <li>• Other diasporas that may have inspired similar symbolic reclaiming of lost lands by forcibly removed group</li> </ul>





**Annex 2: Tableau sommaire (Français)**

<i>Énoncé</i>		
<p><b>Grand-Pré est un paysage culturel évocateur qui perdure, un éminent exemple d’une approche agricole communautaire particulière aux 17<sup>e</sup> et 18<sup>e</sup> siècles en Amérique du Nord et un cas exceptionnel d’un lieu de tragédie qui est devenu, grâce à des monuments érigés au 20<sup>e</sup> siècle, un symbole d’espoir, de persévérance et de fierté pour l’humanité.</b></p>		
<b>Critères</b>		
<p><b>Critères du patrimoine mondial</b></p>	<p><i>(iii) apporter un témoignage unique ou du moins exceptionnel sur une tradition culturelle ou une civilisation vivante ou disparue;</i></p>	<p><i>(v) être un exemple éminent d’établissement humain traditionnel, de l’utilisation traditionnelle du territoire ou de la mer, qui soit représentative d’une culture (ou de cultures), ou de l’interaction humaine avec l’environnement, spécialement quand celui-ci est devenu vulnérable sous l’impact d’une mutation irréversible;</i></p>
<p><b>Critères proposés</b></p>	<p><b>Le marais entier de Grand-Pré est un exemple exceptionnel de la tradition acadienne particulière visant à transformer des terres d’alluvion en sol fertile.</b> (N. B. : accent sur la création de marais; l’assèchement de terres d’alluvion pour les transformer en terres agricoles.) (Superficie iii sur la Carte des limites proposées)</p>	<p><b>Les modes d’établissement et d’usage du sol du marais et des terres hautes de Grand-Pré constituent toujours un éminent exemple d’une approche agricole particulière dans l’Amérique du Nord des 17<sup>e</sup> et 18<sup>e</sup> siècles.</b> (N. B. : accent sur l’usage continu et les traces visibles du paysage du XVIII<sup>e</sup> siècle.) (Superficies iii et v sur la Carte des limites proposées)</p>
<b>Justification</b>		
<p>La technologie des aboiteaux qui a permis aux Acadiens de créer leurs polders tire ses origines des marais salants du littoral ouest français, une technologie qui remonte à l’Antiquité. Les marais salants consistent à capturer l’eau de mer à l’intérieur d’une digue en vue d’en retirer le sel par évaporation. Les Acadiens, les colons français établis en Acadie (Nouvelle-Écosse) y ont adapté cette technologie pour transformer les zones intertidales en de fertiles terres agricoles. Ceci a été accompli grâce aux aboiteaux , ces écluses construites à même la levée dans le fond des</p>	<p>Depuis près de trois siècles et demi, le marais et les terres hautes à Grand-Pré ont formé un paysage culturel particulier, un éminent exemple, en Amérique du Nord, d’un mode d’utilisation du sol qui remonte au XVIII<sup>e</sup> siècle et qui perdure en dépit des changements d’ordres politique, militaire et démographique qui ont touché la région. C’est un paysage qui reflète les influences coloniales françaises et britanniques. En même temps, les modes d’établissement et d’utilisation du sol témoignent de la force de caractère de gens ordinaires,</p>	<p>Entre 1755 et 1762, les deux-tiers de la population acadienne des provinces Maritimes du Canada ont été déportés de leurs foyers et l’autre tiers a été forcé de trouver refuge ailleurs. Cette période de déplacements forcés et de dures tribulations est connue comme la Déportation des Acadiens.</p> <p>En 1755, au début de la Déportation (1755-1762), tous les Acadiennes et Acadiens demeurant à Grand-Pré ont été évincés de force et déportés dans les colonies anglo-américaines. Les terres très fertiles qu’ils ont laissées vacantes ont été établies en</p>

<p>ruisseaux qui coulent du marais vers la mer. Ces écluses sont munies d'un clapet qui empêche l'eau salée de pénétrer à l'intérieur du marais à la marée montante mais qui permet, au jusant, l'évacuation de l'eau accumulée à l'intérieur grâce à un système de drainage qui tire profit du système hydrographique du marais. Cette technologie qui fonctionne avec l'action des marées est en parfaite harmonie avec la nature qu'elle ne cherche pas à altérer complètement. Ce n'est que deux ou trois ans après son assèchement que le marais est suffisamment dessalé pour qu'on puisse le cultiver.</p> <p>Le système acadien de transformation des zones intertidales était complet et ingénieux, tirant avantage de l'incomparable fertilité naturelle des terres d'alluvion du bassin des Mines dont les eaux sont exceptionnellement riches en éléments nutritifs. Les Acadiens érigeaient leurs levées à même le marais en plaçant des mottes de vase à l'intérieur qu'on recouvrait ensuite avec des pelouses de spatina patens et de juncus gerardi, deux plantes qui y croissent en abondance. Les Acadiens utilisaient des matériaux qui résistaient à la fois à l'eau salée et aux effets des plus hautes marées enregistrées au monde. Le système de racines très serrées de ces plantes halophiles servait à consolider la levée et à la protéger de l'érosion. En adaptant une technologie européenne aux conditions naturelles du bassin des Mines, les Acadiens ont développé une pratique agricole unique dans le contexte colonial nord-américain, exceptionnelle en raison de son ingéniosité et de la fertilité des terres agricoles ainsi créées et exceptionnelle puisque les Mi'kmaq ont accepté que les Acadiens transforment autant de zones intertidales.</p> <p>Les marais asséchés grâce au système d'aboiteaux n'exigeaient aucun pompage d'eau comme c'est le cas avec les polders hollandais. Ceci s'explique en partie, parce que les Acadiens établis en bordure des zones intertidales ont créé des terres fertiles en faisant bon usage de leur environnement naturel. La technologie acadienne des aboiteaux est différente des pratiques agricoles du Marais poitevin, en France, d'où elle</p>	<p>d'abord les Acadiens et ensuite les Planters, qui ont décidé par eux-mêmes comment et où ils allaient vivre.</p> <p>Les vertus premières du marais quand il figurait parmi les marais les plus étendus en Amérique du Nord, demeurent essentiellement les mêmes, alors que les terres hautes contiennent toujours des traces tangibles et évidentes du réseau routier et du mode d'établissement. De plus, il existe toujours un lien entre la population agricole qui y habite et les terres d'alluvion qu'on a transformées en polder.</p> <p>L'occupation permanente des terres hautes sises au sud de la zone intertidale a débuté avec l'arrivée des Acadiens dans la région, dans les années 1680, à une époque où la région était connue comme l'Acadie (la Nouvelle-Écosse péninsulaire) et où Port-Royal (Annapolis Royal) était le siège administratif de cette colonie française. Les autorités coloniales françaises érigèrent alors une seigneurie à Grand-Pré, dont il reste encore des traces sur la terre haute, à savoir la forme étroite des terrains occupés d'abord par les Acadiens et après 1760, par les Planters et leurs successeurs.</p> <p>Entre les années 1680 et 1755, l'année du début de la Déportation, les Acadiens ont formé un important établissement agricole à Grand-Pré où ils ont établi sur la terre haute, un système routier ainsi que leurs habitations, granges, entrepôts, moulins, voire même une église et un presbytère. Le système routier et le cimetière sont toujours</p>	<p>1760 par des colons de la Nouvelle-Angleterre, les Planters.</p> <p>Au tournant du XX<sup>e</sup> siècle, des descendants du peuple acadien et des personnes d'autres origines ont ajouté un sens symbolique à Grand-Pré et à son marais et cet ancien établissement acadien est devenu le lieu historique le plus choyé par le peuple acadien et un des lieux historiques les plus reconnus en Amérique du Nord. Depuis plus d'un siècle, Grand-Pré est devenu synonyme de l'histoire acadienne en général et plus particulièrement du Grand Dérangement des Acadiens. Plusieurs raisons ont milité en faveur de ce statut symbolique qu'a acquis Grand-Pré, dont deux facteurs très importants, nommément la renaissance acadienne du XIX<sup>e</sup> siècle et le succès international qu'a connu le poème épique de Longfellow, <i>Evangeline</i> dont l'action débute dans un Grand-Pré imaginaire.</p> <p>Dès le début du XX<sup>e</sup> siècle, des Acadiens et des personnes d'autres origines, surtout le Dominion Atlantic Railway, ont érigé de nombreux monuments évoquant le passé de Grand-Pré, afin de marquer l'importance exceptionnelle de l'histoire de la région. Des parcelles de terrain adjacentes au marais ont été réservées pour ces monuments tous érigés dans les années 1920 et dont certains sont devenus de véritables symboles iconiques, à savoir l'église-souvenir, la Croix de la Déportation et la statue d'Évangéline. Chacun est largement reconnu en Amérique du Nord et dans certaines parties du monde entier comme étant des symboles de l'histoire et de l'identité acadiennes et, de plus en plus, comme des symboles d'espoir, de persévérance et de fierté. À la fin du XX<sup>e</sup> siècle, la Croix de la Déportation a servi de source d'inspiration pour un projet, toujours en cours, qui vise à ériger des monuments évoquant le Grand Dérangement dans une vingtaine de sites au Canada, aux États-Unis et en France.</p> <p>Outre sa dimension commémorative, Grand-Pré a servi de source d'inspiration à des centaines d'œuvres littéraires, artistiques et musicales depuis le milieu du XIX<sup>e</sup> siècle jusqu'à aujourd'hui. La majeure partie de ces œuvres gravite</p>
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tire son origine, puisqu'on se servait entre autres, de saules ou d'autres arbres pour consolider la levée et la protéger de l'effet de l'érosion. Contrairement aux projets d'assèchement des Acadiens, ceux entrepris dans le contexte européen étaient gérés au sein de hiérarchies civiles ou religieuses. En Acadie, les travaux d'assèchement étaient le résultat d'initiatives locales qui reflétaient et favorisaient leur structure sociale à caractère communautaire.

Le marais de Grand-Pré est le meilleur exemple des 20 ou 30 projets d'assèchement entrepris en Acadie, aux XVII<sup>e</sup> et XVIII<sup>e</sup> siècles, puisqu'il était le plus fertile et le plus productif en plus d'être l'un des plus étendus, sinon le plus étendu des marais acadiens à l'époque. Par ailleurs, il continue toujours de servir à des fins agricoles et est toujours d'une fertilité exceptionnelle à cette latitude en Amérique du Nord. Comme dans les années 1680, il continue de faire face aux plus hautes marées enregistrées au monde et la levée de la mer y est plus forte qu'en aucun autre marais de la baie de Fundy. Quoique protégé par des levées modernes érigées à l'aide de machines, le marais de Grand-Pré figure comme un projet d'ingénierie vernaculaire pré-industrielle, créé par les Acadiens et entretenu après eux par les Planters de la Nouvelle-Angleterre et leurs successeurs.

Ce marais est exceptionnel en raison de la simplicité de sa création et de son fonctionnement en comparaison avec d'autres projets d'assèchement étant donné son envergure et les défis que présentait la force des marées dans cette partie de la baie de Fundy.

des ressources in situ, alors qu'il ne reste que des vestiges archéologiques de leur patrimoine bâti. Grâce à la très grande fertilité des terres d'alluvion transformées en terres agricoles, Grand-Pré est devenu, à l'époque, le plus important et le plus prospère des établissements acadiens de la région actuelle des provinces Maritimes du Canada. Les autres établissements acadiens étaient semblables, mais moins importants et moins productifs que celui de Grand-Pré.

Avec l'arrivée des Planters de la Nouvelle-Angleterre en 1760, une nouvelle population s'est établie sur les terres hautes et a continué de cultiver le marais comme les Acadiens avant eux. Les autorités coloniales britanniques qui ont favorisé l'établissement des Planters ont établi, sur la terre haute, un plan en damier à l'intérieur duquel elles désiraient et s'attendaient à ce que ces derniers s'établissent. Or, peu de temps après leur établissement, les Planters ont suivi l'exemple des Acadiens établis avant eux et se sont plutôt éparpillés le long de la crête bordant le marais. Le plan en damier des années 1760 est devenu un réseau de rues ou de routes dont il reste encore des traces à ce jour, des témoins des attentes frustrées du régime britannique qui l'a créé.

Ainsi, l'on retrouve à Grand-Pré des modes d'établissement et d'occupation du sol d'une grande persistance puisqu'ils s'étalent sur une assez longue période dans le contexte nord-américain. Même s'ils ont différentes origines culturelles, linguistiques et religieuses, les Acadiens, les Planters et leurs successeurs ont maintenu des liens étroits et un attachement au marais qu'ils ont toujours exploité à des fins agricoles,

autour de l'histoire de la Déportation des Acadiens, soit le déplacement forcé de la communauté acadienne de Grand-Pré en 1755 et sa déportation vers les colonies anglo-américaines. Avec le temps, l'expérience de ces Acadiennes et Acadiens de Grand-Pré est devenue le symbole des souffrances qu'a dû endurer la communauté acadienne, dans la région qui correspond aujourd'hui aux provinces Maritimes, durant la période de sept années qu'ont durées ces évacuations forcées. Donc, Grand-Pré - le marais, les terres hautes adjacentes et les monuments - symbolise à la fois, des traditions et un mode de vie avant la Déportation et la tragédie entourant la Déportation elle-même.

Pour les descendants du peuple acadien, peu importe où ils se trouvent – principalement au Canada, aux États-Unis et en France – de même que pour les autres peuples, Grand-Pré est devenu un parfait exemple servant à illustrer comment un peuple qui a dû faire face à une grande tragédie a réussi à réclamer, de façon symbolique, les terres qu'on avait enlevées de force à leurs ancêtres. Grand-Pré est donc un témoignage exceptionnel qui inspire l'espoir, la persévérance et la fierté pour tous.



		<p>préférant s'établir sur la terre haute, en érigeant leurs habitations et dépendances sur la crête qui longeait ce marais. Malgré la résistance des Acadiens et des Planters après eux, de se conformer aux exigences des autorités françaises et britanniques, il reste encore des vestiges et des traces visibles des concessions de l'ancienne seigneurie de Grand-Pré, de même que du plan en damier établi en 1760. Il en est ainsi du réseau routier des Acadiens dont la majeure partie est toujours en usage.</p> <p>À l'exception des vestiges du régime seigneurial français et du plan en damier des Britanniques, le reste des modes d'établissement et d'utilisation du sol est une réflexion d'une évolution organique et communautaire. Tout comme aux XVII<sup>e</sup> et XVIII<sup>e</sup> siècles, Grand-Pré a gardé son caractère d'établissement rural sur la terre haute avec des liens très serrés avec le très fertile marais adjacent. Quoiqu'il ne soit pas le seul paysage culturel acadien et Planter, Grand-Pré demeure exceptionnel quant à son étendue, sa persistance, son intégrité et son authenticité.</p>	
<b>Authenticité (attributs)</b>			
<b>Forme et conception</b>	<ul style="list-style-type: none"> <li>• Les levées faisant face au bassin des Mines suivent le même tracé que les levées érigées par les Acadiens aux XVII<sup>e</sup> et XVIII<sup>e</sup> siècles dans la partie est du marais de Grand-Pré et par les Planters et leurs successeurs au XIX<sup>e</sup> siècle, dans la partie ouest. Les levées ont été haussées au XX<sup>e</sup> siècle afin de retenir les plus hautes marées enregistrées au monde, marées qui continuent toujours de monter avec la hausse du niveau de la mer;</li> <li>• La forme des parcelles de marais illustre bien la relation qui existe entre les projets d'assèchements initiaux et les réseaux de drainage naturels qui acheminent l'eau du marais vers les aboiteaux et le bassin des Mines;</li> <li>• La forme des parcelles de marais épouse la forme du</li> </ul>	<ul style="list-style-type: none"> <li>• Des 20 à 30 marais aménagés par les Acadiens, celui de Grand-Pré demeure le plus étudié et le mieux compris;</li> <li>• Un milieu plat et ouvert;</li> <li>• Point de vue par-delà du marais qui ne présente aucun obstacle, soit bâtiments ou structures;</li> <li>• Les champs se juxtaposent sans être séparés par un obstacle physique, voire une clôture;</li> <li>• Les champs sont accessibles par des chemins de terre qui suivent, pour la plupart, le tracé des anciennes levées acadiennes;</li> <li>• La disposition des champs reflète l'évolution des travaux d'assèchement du marais;</li> <li>• Étendue maximale du marais asséché;</li> </ul>	<ul style="list-style-type: none"> <li>• Le concept d'origine de l'aménagement du parterre (sentiers et jardin commémoratif) du LHNC de Grand-Pré par Percy Nobbs;</li> <li>• La Croix de la Déportation retient sa conception et sa forme d'origine.</li> </ul>

	<p>système hydrographique du marais et donc a peu changé depuis sa conception aux XVII<sup>e</sup> et XVIII<sup>e</sup> siècles;</p>	<ul style="list-style-type: none"> <li>• Liens interrelationnels entre les différentes composantes figurant au coeur de l'établissement acadien, Planter et subséquent, à savoir les cimetières, chemins, habitations et le marais;</li> <li>• Établissement linéaire et dispersé en bordure du marais et au nord du chemin Old Post;</li> <li>• Le plan en damier des Planters de la Nouvelle-Angleterre est toujours visible;</li> <li>• Les système routier acadien qui traverse l'établissement et mène au marais;</li> </ul>	
<b>Matériaux et substances</b>	<ul style="list-style-type: none"> <li>• Vestiges de levées des XVII<sup>e</sup>, XVIII<sup>e</sup>, XIX<sup>e</sup> et XX<sup>e</sup> siècles constituées de terre compacte, de broussaille;</li> </ul>	<ul style="list-style-type: none"> <li>• Accroissement de terrain par alluvionnement;</li> </ul>	<ul style="list-style-type: none"> <li>• S. O.</li> </ul>
<b>Usage et fonction</b>	<ul style="list-style-type: none"> <li>• La fonction continue du système d'aboteaux servant à protéger le sol fertile;</li> </ul>	<ul style="list-style-type: none"> <li>• Utilisation ininterrompue pour des fins agricoles telles que l'élevage du bétail et les cultures céréalières et fourragères;</li> <li>• Continue de servir comme une des terres agricoles les plus fertiles au monde, ce qui est exceptionnel à cette latitude;</li> </ul>	<ul style="list-style-type: none"> <li>• Le jardin commémoratif et les divers monuments continuent de servir comme lieu de réflexion sur les événements qui se sont produits à Grand-Pré et plus particulièrement la déportation de 1755;</li> <li>• De façon régulière et sur une base annuelle, soit le 28 juillet, le 15 août et le 5 septembre, de même qu'à des occasions spéciales, Grand-Pré est le lieu de rassemblement pour un grand nombre de descendants du peuple acadien et de personnes d'autres origines qui viennent ensemble réfléchir sur les événements de la Déportation et la façon avec laquelle un peuple a réussi à composer avec de tels événements tragiques;</li> </ul>
<b>Traditions, techniques et systèmes de gestion</b>	<ul style="list-style-type: none"> <li>• S.O.</li> </ul>	<ul style="list-style-type: none"> <li>• Un marais géré par un groupe de propriétaires à caractère communautaire responsable de sa sauvegarde et de son entretien à des fins agricoles;</li> <li>• Le système d'aboteaux actuel est entretenu et géré par le gouvernement de la Nouvelle-Écosse;</li> </ul>	<ul style="list-style-type: none"> <li>• S. O.</li> </ul>
<b>Situation et cadre</b>	<ul style="list-style-type: none"> <li>• Exposé sur deux côtés aux marées de la baie de Fundy;</li> <li>• Vestiges in situ de quelques anciennes levées et de la plupart des aboteaux et dalles des XVII<sup>e</sup> et XVIII<sup>e</sup> siècles (impossible de déterminer le pourcentage);</li> </ul>	<ul style="list-style-type: none"> <li>• Le marais est toujours situé au même endroit qu'il était quand il a été transformé par les Acadiens, c'est-à-dire entre l'île Long et la terre haute;</li> <li>• L'emplacement des dalles et aboteaux n'a pas changé;</li> <li>• Les vestiges du coeur de l'établissement acadien (le cimetière, l'emplacement présumé de l'église et d'autres édifices ) sont protégés à l'intérieur des limites du LHNC de Grand-Pré;</li> </ul>	<ul style="list-style-type: none"> <li>• La plupart des monuments commémoratifs demeurent sur leur site d'origine tels qu'établis dans les années 1920, sauf la Croix de la Déportation qui a été déplacée à Horton Landing, l'endroit le plus approprié sur le plan historique;</li> <li>• Le LHNC de Grand-Pré contient des vestiges du coeur de la communauté qui a existé jusqu'en 1755;</li> <li>• Horton Landing est le lieu d'où, à l'époque, les Acadiens ont été déportés et où ont atterri les Planters de la</li> </ul>

		<ul style="list-style-type: none"> <li>On a tenté d'identifier les vestiges in situ de maisons, de chemins et du lieu d'atterrissage / quai à l'extérieur des limites du LHNC de Grand-Pré;</li> <li>Un milieu rural caractérisé par une faible densité de structures en bordure du marais, des champs dans le marais et sur les terres hautes;</li> <li>Un aspect représentatif de l'établissement acadien sur les terres hautes est bien protégé à l'intérieur des limites du LHNC de Grand-Pré;</li> <li>Plusieurs routes et rues des villages de Grand-Pré et de Hortonville, de même que du marais remontent aux XVII<sup>e</sup> et XVIII<sup>e</sup> siècles;</li> </ul>	<p>Nouvelle-Angleterre;</p> <ul style="list-style-type: none"> <li>Le chemin de terre qui longe le marais au nord du lieu historique national de Grand-Pré est la même route que les Acadiennes et Acadiens ont empruntée pour se rendre au lieu d'embarquement pour l'exil et que les Planters de la Nouvelle-Angleterre ont parcourue pour s'établir dans la région et pour débiter les travaux de réparation des levées et aboiteaux endommagés par la tempête de 1759;</li> <li>De nombreux sites archéologiques témoignent de la présence acadienne sur les terres hautes à l'intérieur des limites du LHNC de Grand-Pré;</li> </ul>
<b>Langue et autres formes de patrimoine immatériel</b>	<ul style="list-style-type: none"> <li>S.O.</li> </ul>	<ul style="list-style-type: none"> <li>S.O.</li> </ul>	<ul style="list-style-type: none"> <li>S.O.</li> </ul>
<b>Esprit et impression</b>	<ul style="list-style-type: none"> <li>S.O.</li> </ul>	<ul style="list-style-type: none"> <li>S.O.</li> </ul>	<ul style="list-style-type: none"> <li>Le LHNC de Grand-Pré et la Croix de la Déportation à Horton Landing évoquent un fort lien émotionnel et spirituel pour la diaspora acadienne;</li> <li>La région tout entière de Grand-Pré a été et continue d'être une source d'inspiration pour de nombreuses oeuvres littéraires et artistiques (Longfellow, le peintre Alex Colville et des centaines d'autres);</li> <li>Depuis plus d'un siècle, Grand-Pré et plus particulièrement le LHNC ont été au coeur de l'identité acadienne en communiquant des messages de persévérance, d'espoir et de fierté;</li> <li>La plupart des visiteurs du LHNC de Grand-Pré ne sont pas d'ascendance acadienne, mais ils sont quand même touchés par l'esprit qui y règne et ils partagent des sentiments semblables à ceux des Acadiennes et Acadiens;</li> </ul>
<b>Autres facteurs internes et externes</b>	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>

<b>Intégrité (état d')</b>			
	<ul style="list-style-type: none"> <li>Le marais est maintenant protégé par des levées érigées et entretenues par le ministère de l'Agriculture de la Nouvelle-Écosse;</li> </ul>	<ul style="list-style-type: none"> <li>L'usage continu du marais de Grand-Pré à des fins exclusivement agricoles est assuré par une loi de la province de la Nouvelle-Écosse;</li> </ul>	<ul style="list-style-type: none"> <li>Les principaux lieux liés à la commémoration symbolique de la présence acadienne à Grand-Pré, soit le lieu historique national et Horton Landing sont la propriété du gouvernement du Canada et sont donc sauvegardés par celui-ci; ils sont la propriété de Parcs Canada et sont donc gérés et protégés suivant ses principes et ses politiques;</li> </ul>
<b>Cadre comparative (thèmes et lieux)</b>			
	<ul style="list-style-type: none"> <li>Polders néerlandais : Almlasserwaard, Beemster LPM / WHS, Schokland (Les Pays-Bas)</li> <li>Marais poitevin (France)</li> <li>Les Moères (France)</li> <li>Traeth Mawr (GB)</li> <li>Sunk Island (GB)</li> <li>New Orleans (USA)</li> <li>Mont Saint-Michel et sa baie (France)</li> </ul>	<ul style="list-style-type: none"> <li>Marais nord-américains des XVII<sup>e</sup> et XVIII<sup>e</sup> siècles;</li> <li>Communautés agricoles coloniales dans le monde aux XVII<sup>e</sup> et XVIII<sup>e</sup> siècles;</li> </ul>	<ul style="list-style-type: none"> <li>Sentier des larmes Cherokee (USA)</li> <li>D'autres diaspora qui ont pu servir d'inspiration pour une réclamation symbolique de terres perdues par d'autres groupes dispersés;</li> </ul>





**State of Conservation of Cultural Resources**

**Grand Pré**

*within the boundaries of the Landscape of Grand Pré nominated property*

prepared by

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## **State of Conservation of Cultural Resources Grand Pré**

The property nominated for World Heritage inscription, referred to as the Landscape of Grand Pré, contains a complex suite of cultural resources that represent the cultural evolution of this landscape since the arrival of Acadians more than 300 years ago. These resources encompass a cultural landscape, archaeological sites and the Memorial Church building. This report presents an assessment of the state of conservation of the cultural resources required as part of a nomination being prepared for UNESCO towards the inscription of Grand Pré in the World Heritage List.

In order to make this assessment information was drawn from the following sources:

- Parks Canada planning and management documents - the *Commemorative Integrity Statement* (Parks Canada 1997) and *State of the Site Report* (Parks Canada 2008) for Grand Pré National Historic Site of Canada
- Sherman Bleakney's (2004) book *Sods, Soil, and Spades: The Acadians at Grand Pré and Their Dykeland Legacy*
- John Johnston's (2010) analysis of *The Landscape of Grand Pré – Landscape Assessment*
- archaeological reports and field notes on file at Parks Canada's Atlantic Service Centre - Campbell 1983; Ferguson 1993; Fowler 2002; 2006a; 2006b; 2010; Hill 1973; Korvemaker 1972
- conversations with researchers currently working on Grand Pré - Rob Ferguson, Jonathan Fowler, Katie Cottreau-Robins, and Ronnie-Gilles Leblanc

The criteria used to rate the state of conservation of archaeological sites are based on a report on *Condition Indicators for In Situ Archaeological Sites* prepared by Michael Brand for Parks Canada in 2008. The three different types of cultural resource found at Grand Pré are assessed separately here due to the distinct character of each type:

- 1) Cultural Landscape
- 2) Building – the Memorial Church
- 3) Archaeological Sites

### **State of Conservation: Cultural Landscape**

The property at Grand Pré incorporates a cultural landscape that has elements of a landscape designed and created intentionally, an organically-evolved landscape and an associative cultural landscape (Johnston 2010:1-2). This cultural landscape is described in detail by Johnston (2010) including an assessment of its “health” which he finds to be in excellent condition. The cultural landscape retains its overall character and function within a context of evolution over time, the relationships among its components are maintained and well understood and key attributes remain intact (see Johnston 2010 section 3.0 and appendix).





**Dykelands seen from house site.**



**Memorial Church within gardens.**

### **State of Conservation: Memorial Church Building**

The 2008 State of the Site Report (Parks Canada 2008:12) found the Memorial Church to be in good condition. Stabilization and repointing work were performed in the late 1990's and the good condition has been maintained through ongoing monitoring and conservation actions. A fire suppression sprinkler system was installed in 2010 and is scheduled to be completed in 2011.

### **State of Conservation: Archaeological Sites**

The archaeological sites include specific identified features, such as Acadian house sites, as well as broader areas that incorporate artifact deposits along with the potential for buried Acadian and/or Planter era features. The condition of archaeological sites is summarized in Table 1 (see also Appendix A for the detailed worksheet used to determine these ratings). Each resource is rated as good, fair or poor based on the following definitions:

- Good -major portion of the cultural resource is *in situ*  
-the resource is stable and not under threat
- Fair -significant portion of the cultural resource is *in situ*  
-the resource has sustained some disturbance and may be under threat
- Poor -minimal portion of the cultural resource is *in situ*  
-disturbance is significant and actively continuing



Cultural feature in south field.



Excavation of Acadian cellar.

Cultural Resource	Condition	Comments
<b>within Grand Pré NHS</b>		
Acadian Cemetery	Good	
Acadian Cellar (8B29)	Fair	extensive archaeological excavation
Well	Good	
Grand Pré settlement, core area east	Good	
Grand Pré settlement, core area west	Good	includes Planter feature (8B28)
Acadian house site (8B5)	Fair	extensive archaeological excavation
Acadian house site (8B6)	Fair	extensive archaeological excavation
Grand Pré settlement, triangular property	Good	impact of vegetation is being managed
Grand Pré settlement, south fields	Good	potential features identified but need further testing
Road	insufficient information	known from historical sources, traces have been found in archaeological test

**Table 1. State of Conservation of Archaeological Sites at Grand Pré.**

<b>adjacent to Grand Pré NHS</b>		
South field area (8B1)	Good	potential feature
Keech Lower Field (BgDb-22)	Good	
<b>Horton Landing</b>		
Planter Site (BgDb-17)	Good	potential association with Fort Montague
Planter Site (BgDb-13)	Good	may include Acadian component
Curry Site 2 (BgDb-18)	Good	mid-19 <sup>th</sup> century domestic
Curry Site 3 (BgDb-19)	insufficient information to make assessment	Maritime Archaic ground stone celt indicates antiquity of Aboriginal presence
<b>Dykelands</b> (overall)	Fair	some original structures identified but extent of original structures remaining is unknown
Sterling/Merks Aboiteau 1 (BgDb-20)	Fair	discovered and disturbed during ditch maintenance
Sterling/Biggs Aboiteau 2 (BgDb-21)	Fair	discovered and disturbed during ditch maintenance
<b>Long Island</b>		
Indian Landing (BgDc-16)	Poor	virtually destroyed by erosion

**Table 1. State of Conservation of Archaeological Sites at Grand Pré (continued).**

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**Parks Canada**

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- 2008 Grand-Pré National Historic Site of Canada State of the Site Report. Unpublished document on file, Atlantic Service Centre, Parks Canada.

Image Inventory and Photograph and Audiovisual Authorization Form – Landscape of Grand Pré appendices photos

<b>Id. No</b>	<b>Format</b>	<b>Caption</b>	<b>Date</b>	<b>Photographer</b>	<b>Copyright owner</b>	<b>Contact details of copyright owner</b>	<b>Non exclusive cession of rights</b>
1	Digital	Memorial garden blueprint	1919	Percy Nobbs	Public Domain		Y
2	Digital	Garden: 1929 aerial	06/29	National Air Photo Library	National Air Photo Library	National Air Photo Library; Centre for Topographic Information; Natural Resources Canada; 615 Booth Street, Room 180; Ottawa Ontario Canada; K1A 0E9; 613-995-4560; NAPL@NRCan.gc.ca	Y
3	Digital	Garden: 1929 aerial	06/29	National Air Photo Library	National Air Photo Library	National Air Photo Library; Centre for Topographic Information; Natural Resources Canada; 615 Booth Street, Room 180; Ottawa Ontario Canada; K1A 0E9; 613-995-4560; NAPL@NRCan.gc.ca	Y
4	Digital	Garden: 1930s aerial	06/32	Unknown	Public domain		Y
5	Digital	Garden: 1945 aerial	07/45	National Air Photo Library	National Air Photo Library	National Air Photo Library; Centre for Topographic Information; Natural Resources Canada; 615 Booth Street, Room 180; Ottawa Ontario Canada; K1A 0E9; 613-995-4560; NAPL@NRCan.gc.ca	Y
6	Digital	Garden: 1953 aerial	10/53	National Air Photo Library	National Air Photo Library	National Air Photo Library; Centre for Topographic Information; Natural Resources Canada; 615 Booth Street, Room 180; Ottawa Ontario Canada; K1A 0E9; 613-995-4560; NAPL@NRCan.gc.ca	Y
7	Digital	Garden: 1958 aerial	08/58	National Air Photo Library	National Air Photo Library	National Air Photo Library; Centre for Topographic Information; Natural Resources Canada; 615 Booth Street, Room 180; Ottawa Ontario Canada; K1A 0E9; 613-995-4560; NAPL@NRCan.gc.ca	Y
8	Digital	Garden: 1970 aerial	1970	National Air Photo Library	National Air Photo Library	National Air Photo Library; Centre for Topographic Information; Natural Resources Canada; 615 Booth Street, Room 180; Ottawa Ontario Canada; K1A 0E9; 613-995-	Y

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						4560; NAPL@NRCan.gc.ca	
9	Digital	Garden: 1977 aerial	07/77	National Air Photo Library	National Air Photo Library	National Air Photo Library; Centre for Topographic Information; Natural Resources Canada; 615 Booth Street, Room 180; Ottawa Ontario Canada; K1A 0E9; 613-995-4560; NAPL@NRCan.gc.ca	
10	Digital	Garden: present day aerial view	04/09	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
11	Digital	Memorial church: inauguration	08/22	Unknown	Public domain		Y
12	Digital	Memorial church: 1955 congress at	1955	Unknown	Public domain		Y
13	Digital	Memorial church: present day	2003	Chris Reardon	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
14	Digital	Evangeline's well: 19 <sup>th</sup> century image	Late 1800s	Unknown	Public domain		Y
15	Digital	Evangeline's well: 1920s image	1920s	Unknown	Public domain		Y
16	Digital	Evangeline's well: present day image	2008	Chris Reardon	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
17	Digital	Deportation Cross: erection of the Deportation Cross	1924	Unknown	Public domain		Y
18	Digital	Deportation Cross: 2005 ceremony	07/05	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
19	Digital	Deportation Cross: cross placed in St. Martinville, Louisiana		Veronique Mallet	Veronique Mallet	Veronique Mallet	Y
20	Digital	Deportation Cross: St. Pierre et Miquelon, France	10/07	Victor Tétrault	Victor Tétrault	Victor Tétrault ; Société Nationale de l'Acadie; 307, rue Amirault; Dieppe, NB; E1A 1G1; Canada; 506.853.0404	Y
21	Digital	Acadian use: 1930 congress	1930	Unknown	Public domain		Y
22	Digital	Acadian use: 1955 congress	1955	Unknown	Public domain		Y

[Type text]

23	Digital	Acadian use: August multi-faith ceremony, National day of commemoration; Journée Acadien	07/10	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
24	Digital	Acadian use: Jeu d'acadie (Acadian Games)	06/08	Gerald Mallet	Gerald Mallet	Société Nationale de l'Acadie; 307, rue Amirault; Dieppe, NB; E1A 1G1; Canada; 506.853.0404	Y
25	Digital	Acadian use: 1936 picture of American Evangelines	1936	Unknown	Public domain		Y
26	Digital	Evangeline Statue: 1920	1920	Unknown	Public domain		Y
27	Digital	Evangeline Statue: present day, photo of the entire statue	2003	Chris Reardon	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
28	Digital	Evangeline Statue: close up of face	2003	Chris Reardon	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
29	Digital	Herbin Cross: Two priests near the cross (early 20 <sup>th</sup> Century)	Early 1900s	Unknown	Public domain		Y
30	Digital	Herbin Cross: older picture (1930)	1930	Unknown	Public domain		Y
31	Digital	Herbin Cross: current picture	2003	Chris Reardon	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
32	Digital	Acadian Cemetery: present day photo, the centre of the Acadian Cemetery is marked by the Herbin Cross	10/10	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
33	Digital	Drainage creek: photo of Ransom creek	11/10	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
34	Digital	Drainage creek: after ditching	07/09	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902	Y
35	Digital	Fields: aerial 2002	2002	Nova Scotia Department of Natural Resources	Parks Canada Agency	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y



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				(assembled by Parks Canada)			
36	Digital	Fields: with view of ditches	04/09	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
37	Digital	Fields: ploughed	05/08	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
38	Digital	Fields: landforming	11/10	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
39	Digital	Dykes: historical photo	Circa 1900	Unknown	Public domain		Y
40	Digital	Dyke: remains	04/10	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
41	Digital	Coastline: aerial 1, starting from the north-east corner of Long Island	04/09	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
42	Digital	Coastline: aerial 2	04/09	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
43	Digital	Coastline: aerial 3	04/09	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
44	Digital	Coastline: aerial 4	04/09	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
45	Digital	Coastline: aerial 5	04/09	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
46	Digital	Aboiteau: constructed in 1956 outside dyke (see Map 25 for locations)	11/10	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
47	Digital	Aboiteau: constructed in 1956 inside dyke	11/10	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y

[Type text]

48	Digital	Aboiteau: constructed in 1987 outside dyke	11/10	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
49	Digital	Aboiteau: constructed in 1987 inside dyke	11/10	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
50	Digital	Aboiteau: constructed in 1994 inside dyke	11/10	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
51	Digital	Aboiteau: constructed in 1994 outside dyke	11/10	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
52	Digital	Aboiteau: constructed in 1950 outside dyke	11/10	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
53	Digital	Aboiteau: constructed in 1950 inside dyke	11/10	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
54	Digital	Aboiteau: flap	11/10	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
55	Digital	Road: Middle Road	08/08	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
56	Digital	Road: Wharf Road	08/08	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
57	Digital	Road: Horton Cross Road	08/08	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
58	Digital	Road: King Road	08/08	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
59	Digital	Road: Railway Street looking east	08/08	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y

[Type text]

60	Digital	Road: Farm building on Railway Street	08/08	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
61	Digital	Road: Old French Road (formerly Shore Road)	08/08	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
62	Digital	Road: Lower Grand Pré Road looking south	08/08	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
63	Digital	Road: Lower Grand Pré Road	08/08	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
64	Digital	Road: Corner of Old French Road and Grand Pré Road	08/08	Christophe Rivet	Parks Canada	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y



Evangelical Park Grand Die  
 Near Seebau  
 Drawn by Miss Ludwig Dork  
 with a few  
 additions













49-36 LINE 4 → W (36-45)  
4/53 ALDERSHOT  
T. 1953 A.A.S.L. 16,100'  
CAM. #157 6" LENS #202345.



16318-179



A 21477-6

X



IV-56-63

5













Evangeline's Well and Willow, Grand Pre, N. S.





Voyage du Devoir en ACADIE, 1924

8 HORTON LANDING — Bénédiction de la Croix commémorative  
de l'embarquement des déportés









### 1864

The year 1864 was a pivotal moment in the history of the Northwest. It was the year that the British and the Americans fought the Battle of the Clouds, a decisive battle that resulted in the British being driven from the region. This battle was a turning point in the struggle for control of the Northwest, and it paved the way for the eventual settlement of the region by Americans.

### THE GRAND DERANGEMENT

The Grand Derangement was a series of events that took place in the Northwest in the early 1860s. It was a time of great conflict and upheaval, as the British and the Americans fought for control of the region. The Grand Derangement was a turning point in the history of the Northwest, and it paved the way for the eventual settlement of the region by Americans.















Grand Prix July 20, 1901































T.S. 10862

























































# ICOMOS

INTERNATIONAL COUNCIL ON MONUMENTS AND SITES  
CONSEIL INTERNATIONAL DES MONUMENTS ET DES SITES  
CONSEJO INTERNACIONAL DE MONUMENTOS Y SITIOS  
МЕЖДУНАРОДНЫЙ СОВЕТ ПО ВОПРОСАМ ПАМЯТНИКОВ И ДОСТОПРИМЕЧАТЕЛЬНЫХ МЕСТ

H. E. Mr. André Bachand  
Ambassador  
Permanent Delegation of Canada  
to UNESCO  
5, rue de Constantine  
75007 Paris  
France

Our Ref. GB/MA 1404

Paris, 14 December 2011

## **World Heritage List: Landscape of Grand Pré (Canada) – Additional information**

Dear Sir,

ICOMOS is currently assessing the World Heritage nomination of Landscape of Grand Pré and we thank you for your assistance with the recent mission to the property.

As part of our evaluation process, the ICOMOS World Heritage Panel has now reviewed this nomination and identified a few areas where it considers that further information is needed.

We would be pleased if the State Party could consider the following points and provide additional information:

1. Further develop the comparative analysis with sites which witness the history of Acadians, in Canada but also in other parts of the world; and consolidate the justification of criterion (vi) on the basis of this comparative analysis;
2. Consider the extension of the buffer zone in its northern maritime side, in order to ensure the preservation of the visual perspectives from Grand Pré and the protection of the natural resources of the Minas Basin.

We will look forward to your responses to these points which will be of great help in our evaluation process.

ICOMOS has no obligation to contact States Parties during the evaluation process. However, with a view to being as transparent as possible, ICOMOS has agreed to approach States Parties in specific cases. This does not prejudice the ICOMOS recommendation on the nomination and should be considered as preliminary information. It also does not prejudice the World Heritage Committee's decision.

We would be grateful if you could provide ICOMOS and the World Heritage Centre with the above information by **Tuesday 28 February 2012**.

We thank you in advance for your kind cooperation.

Yours faithfully



Regina Durighello  
Director  
World Heritage Programme

Copy to            Christophe Rivet, Project Manager; Parks Canada Agency  
                         Larry Ostola, Director General, National Historic Sites Directorate,  
                         Parks Canada  
                         Rebecca Kennedy, Programme Specialist International Programs  
                         Parks Canada  
                         UNESCO World Heritage Centre



25 Eddy Street  
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Mr. Kishore Rao  
Director  
World Heritage Centre  
UNESCO  
7, place de Fontenoy  
75352 Paris 07 SP  
France

FEB 27 2012

**Subject: Supplementary information requested by ICOMOS  
for the *Landscape of Grand Pré* nomination**

Dear Mr. Rao:

On behalf of Canada, I am writing in response to the letter from ICOMOS of December 14<sup>th</sup>, 2011 addressed to H.E. André Bachand, former Ambassador and Permanent Delegate of Canada to UNESCO, and email correspondence of January 5<sup>th</sup> and January 24<sup>th</sup>, 2012 addressed to John Pinkerton, with respect to Canada's nomination of *The Landscape of Grand Pré* for inscription on the World Heritage List.

I am pleased to provide you (attached) with the requested supplementary information.

Thank you for your collaboration in the implementation of the World Heritage Convention in Canada.

Yours sincerely,

Larry Ostola  
Vice President  
Heritage Conservation and Commemoration Directorate, Parks Canada Agency  
and  
Head of Canadian Delegation to the World Heritage Committee

Att.

cc H.E. Jean-Pierre Blackburn, Ambassador and Permanent Delegate of Canada to UNESCO  
Yasemin Heinbecker, Deputy Permanent Delegate of Canada to UNESCO  
David Walden, Secretary-General, Canadian Commission for UNESCO  
Valérie Bisson, Senior Policy Advisor, Foreign Affairs and International Trade Canada  
Alessandro Balsamo, Programme Specialist, World Heritage Centre  
Regina Durighello, Director, World Heritage Programme, ICOMOS  
Carol Sheedy, Vice-President, Operations, Eastern Canada  
Robert Moreau, Field Unit Superintendent, Parks Canada  
Christophe Rivet, Project Manager, Parks Canada



## NOMINATION GRAND PRÉ

# The Landscape of Grand Pré (Canada)

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Response to request for clarification from ICOMOS



February 28, 2012

## Context

ICOMOS, in a letter dated December 14<sup>th</sup> 2011, **requested additional information** from Canada. The request read as follows:

- a) Further develop the comparative analysis with sites which witness the history of Acadians, in Canada but also in parts of the world and consolidate the justification of criterion (vi) on the basis of this comparative analysis
- b) Consider the extension of the buffer zone in its northern maritime side, in order to ensure the preservation of the visual perspectives from Grand Pré and the protection of the natural resources of the Minas Basin.

Canada required clarification on these questions which was made by email on December 19<sup>th</sup> 2011 and read as follows:

1. **In the first point, what does 'consolidate the justification of criterion (vi)' mean?** Does it mean adjusting the articulation of the justification to include the findings of comparative analysis with other Acadian sites?
2. **In the second point, what is the precise 'northern maritime boundary' considered by ICOMOS?** Is it the boundary north of North Grand Pré only? Does it include Boot Island?
3. **Also in the second point, ICOMOS suggests consideration for an extension in order to protect the 'natural resources of the Minas Basin'. What is ICOMOS referring to?** What are those 'natural resources'? The fauna and flora? The water? The sediments? The values of the natural forces of the Basin?

In response, ICOMOS clarified the following by email on January 5<sup>th</sup> 2012 (answer in French in the original):

- 1) In the first point, what does 'consolidate the justification of criterion (vi)' mean? Does it mean adjusting the articulation of the justification to include the findings of comparative analysis with other Acadian sites?

Il s'agit essentiellement d'approfondir l'étude comparative de la mémoire acadienne en elle-même avec d'autres sites Acadiens et par rapport aux cultures et aux lieux de mémoire d'autres peuples déplacés. L'esprit d'un tel approfondissement est de mieux justifier la pertinence du critère (vi) et de bien montrer en quoi cette justification relève d'une éventuelle valeur universelle exceptionnelle ou pas. Il ne s'agit pas d'en changer la nature ou les arguments, mais bien d'en « consolider la justification ».

- 2) In the second point, what is the precise 'northern maritime boundary' considered by ICOMOS? Is it the boundary north of North Grand Pré only? Does it include Boot Island?

L'ICOMOS suggère à l'Etat Partie de s'interroger sur deux éléments d'environnement importants et à bien préserver pour une conservation durable du bien et l'expression la meilleure possible de ses valeurs :

- a) L'intégrité visuelle de Grand Pré et de son environnement maritime : la préservation visuelle du bien est-elle suffisamment prise en compte par la zone tampon actuellement définie et/ou par des protections plus larges ? La zone maritime du Bassin dans son ensemble peut-elle être l'objet de projets de développement avec un impact visuel sur le bien et son environnement ?

Certains éléments terrestres et maritimes pourraient être ajoutés à la zone tampon, comme suit : les zones est de marées et de terres hautes des îles Boot et Oak et les zones de marées entre celles-ci ; le cap Blomidon et le Bassin des Mines entre l'île Long et le cap Blomidon ; les zones ouest de marées et de terres hautes des communautés au nord de Wolfville entre la rivière Cornwallis et Blomidon.



Afin de préciser ces propositions, nous vous joignons une carte qui indique les changements possibles de délimitation de la zone tampon.

b) La qualité et le niveau de protection des ressources naturelles dans l'ensemble du Bassin des Mines sont-ils suffisants pour pleinement coïncider avec les valeurs du bien auquel le Bassin des Mines est étroitement associé ?

Suivant les réponses apportées à nos remarques, il appartient à l'Etat Partie de voir s'il convient ou non de modifier les zones tampons terrestre et/ou maritime, plus largement de préciser les régimes de protection assurant une réponse satisfaisante aux deux questions posées.

On January 24, ICOMOS sent **an additional request** for clarification to Canada which read:

- 1) Est-ce qu'il serait possible de dresser un programme récapitulatif des actions prévues par le Plan de gestion avec un calendrier de leur mise en œuvre ? Quelle place y tient le programme d'action de la Société de promotion de Grand-Pré ? Quelle est la programmation concernant la conservation du bien ?
- 2) Est-ce qu'il serait possible de confirmer la mise en place du Comité d'intendance ? de préciser sa composition, ses responsabilités, ses moyens humains et matériels de gestion ainsi que ses relations avec la Société de promotion de Grand-Pré ?

### Outline of Canada's response

In order to facilitate ICOMOS' evaluation of the nomination proposal for the Landscape of Grand Pré, each question is addressed separately.

The **first question** regarding the **comparative analysis** includes tables listing Acadian settlements as well as maps locating the Acadian settlements with which Grand Pré is compared. The clarification is found on **pp. 5-16**, the tables listing the sites in Appendix A-1, and the maps locating those settlements in Appendices C-5, C-7, C-8, and C-9.

The **second question** pertaining to a **consideration for an extended buffer zone** includes an analysis of ICOMOS' suggestion and Canada's proposal. The clarification is found on **pp. 17-27**. Supporting maps for the analysis are found in Appendices C-1, C-2, C-3, and C-4. The map reflecting Canada's proposal is found on **page 23**.

The **third question** pertaining to the **Stewardship Board**, confirming its establishment, role, structure, and resources is answered on **pp. 28-31**. Supporting documentation in the form of a letter of funding confirmation from the Government of Nova Scotia is found in Appendix D-1.

Finally, the **fourth question** regarding the **summary of the implementation timeline and the conservation activities** is found on **pp.32- 35**.

### List of Appendices

#### Tables:

Appendix A – 1: Tables of locations associated with the Acadian Community

- Table 1. Settlements prior to the deportation (1604 – 1755)
- Table 2.1 Settlements after the deportation until 1816 (Canada)
- Table 2.2 Settlements after the deportation until 1816 (World excluding Canada)
- Table 3. Places of transit (1755 – 1816)
- Table 4: Places of commemoration, cultural identity, and heritage

**Regulations and Legislation:**

Appendix B – 1: Provincial Parks Act

Appendix B – 2: Convention for Wetlands of International Importance (Ramsar)

Appendix B – 3: Management Plan for the Ramsar/WHSRN Site at Southern Bight, Minas Basin Bay of Fundy

**Maps:**

Appendix C – 1: Boundary of the Nominated Property and Buffer Zone

Appendix C – 2: Visual Perspectives Towards Blomidon from Grand-Pré National Historic Site and Horton Landing

Appendix C – 3: Zoning, Provincial Parks and Designated Marshland in the Grand Pré Area

Appendix C – 4: Elevation in the Grand Pré Area

Appendix C – 5: Acadian Settlements Prior to the Deportation (1604 – 1755)

Appendix C – 6: Acadian Odyssey: Places of Transit (1755-1816)

Appendix C – 7: Acadian Settlements Post-Deportation, Prior to 1816: World Outside Canada

Appendix C – 8: Acadian Settlements Post-Deportation, Prior to 1816: Maritimes and the Gulf of St Lawrence

Appendix C – 9: Acadian Settlements Post-Deportation, Prior to 1816: Québec

Appendix C – 10: Wind turbine map from the County of Kings

**Documents of Support:**

Appendix D – 1: Letter confirming the financial support from the Province of Nova Scotia

**References:**

Appendix E – 1: List of photographs and map resources

## I. Question: Comparative Analysis and Justification of Criterion (vi)

*Further develop the comparative analysis with sites which witness the history of Acadians, in Canada but also in parts of the world and consolidate the justification of criterion (vi) on the basis of this comparative analysis*

### State Party Answer to Question I

The following further development of the comparative analysis aims to demonstrate the Landscape of Grand Pré best meets criterion (vi) compared to all the Acadian sites worldwide.

#### I. Sites associated with the history of the Acadians

There are hundreds of sites associated with the history of the Acadians in Canada and the world. They can be categorized in four distinct groups:

- a) **Acadian settlements prior to the Deportation (1604 – 1755)**: locations of Acadian settlement until 1755. These include a diversity of size and complexity of settlement ranging from a 'village type' settlement (church, cemetery, houses, common spaces, etc.) to a multi-family farm. These are all concentrated in Acadie, which covers the area currently defined by the Canadian eastern provinces of Nova Scotia, New Brunswick, and Prince Edward Island. (see Map in Appendix C-5 for location of settlements)
- b) **Acadian settlements post-Deportation and prior to 1816**: locations of Acadian settlement and resettlement following the Deportation. These include sites in Canada, the United States of America, France, and Haiti. The date of 1816 marks the arrival of the Acadians in Miquelon, the last place to welcome the last deportees as settlers. As such, it was chosen as a cut off date to identify the location of Acadian settlements following the Deportation. (see Maps in Appendices C-7, C-8, and C-9 for the location of settlements).
- c) **Places of transit (1755 – 1816)**: locations where Acadians were deported to or transited through during their forced removal but did not settle. These include places in the United States of America, France, the United Kingdom, the Caribbean, South America, and places where Acadians sought refuge in Canada. (See Map in Appendix C-6 for locations)
- d) **Places of commemoration, culture and heritage**: locations where Acadian culture and identity are celebrated and commemorated. These include places in Canada, France, and the United States of America. These places generally refer to sites that are also part of the three aforementioned categories.

A short overview of the historical context for the first three categories is necessary for the background of this comparative study. For more detailed information, please refer to chapter 2 of the nomination proposal for the Landscape of Grand Pré. The fourth category is discussed in section 2 'Comparative framework'.

#### 1.1. Acadian settlements prior to the Deportation (1604 – 1755)

In the early years of European settlement in Acadie, the settlers were referred to as French. The expression 'Acadian' and the distinct Acadian identity began appearing in historical records in the 1690s. By the 1750s, there were close to fifty Acadian settlements in Acadie (there were other settlements mainly populated by British, French, and German settlers. The French settlements were colonies established after 1710). Of these fifty, thirteen are comparable to Grand Pré as a village type of settlement: Port Royal, Beaubassin, Pigiguit, Rivière-aux-Canards, Cobeguit, Chipoudie, Port-Lajoie, Port-Toulouse, Memramcook, Petcoudiac, Sainte-Anne-des-Pays-Bas, Baie-Verte, and Tintamarre. These village settlements typically included religious and commercial functions and the infrastructure that supported them (e.g. church, cemetery, warehouses, and harbours). The other settlements were associated to a few families and typically depended on the larger settlements of Port Royal, Beaubassin, Grand Pré, Louisbourg or Port Lajoie, for commerce, administration, and religious congregation. The Acadian population prior to the deportation numbered approximately 14 100 inhabitants. For additional contextual information on European settlements in Acadie prior to 1755, please refer to Chapter 2, section 2b, pp.31-

40. A list of Acadian settlements prior to 1755 is included in Table 1 in Appendix A-1. A map locating Acadian settlements prior to deportation is included in Appendix C-5.

The size, complexity and function of settlements is important contextual information to understand how certain settlements played a greater role in shaping Acadian identity by being relevant, at the time, to a larger community of Acadians. That relevance later played a role in identifying those sites of commemoration.

### **1.2. Acadian settlements post-Deportation and prior to 1816**

After the Acadians were forcibly removed from their lands in Acadie, they began a journey that brought them to Europe, other places in North America, South America and the Caribbean. They began new permanent settlements in Nova Scotia, Québec, the United States of America, and France. Additional contextual information can be found in Chapter 2, section 2b, pp.44-49.

#### ***Nova Scotia***

In 1764, the Government of Nova Scotia allowed Acadians to return to Nova Scotia on the condition they not settle the lands they were deported from and that they not congregate in large Acadian communities. The communities in Nova Scotia, New Brunswick and Prince Edward Island (both provinces carved out of Nova Scotia in 1784) were founded following that decision. The new communities' primary economic activity shifted from dykeland agriculture to fisheries and forestry as a result of being located in rocky coastal areas. In Nova Scotia, Acadian settlement was concentrated in the regions of Baie Sainte-Marie (southwest Nova Scotia), Par-en-Bas (southern Nova Scotia), Isle Madame (island between mainland Nova Scotia and Cape Breton Island), Chéticamp (northwest corner of Cape Breton Island), and Halifax. A list of settlements in Nova Scotia, New Brunswick and Prince Edward Island is included in Table 2.1 in Appendix A-1. A map locating those settlements is included in Appendix C-8.

#### ***Québec***

The Governor in Québec had welcomed Acadian settlers as early as 1760 in response to an urgent need for settlers. They settled principally in areas along the St. Lawrence River, the Richelieu River, and Gaspésie. A list of settlements in Québec is included in Table 2.1 in Appendix A-1. A map locating those settlements is included in Appendix C-9.

#### ***United States of America***

The Acadians that settled in the modern territory of the United States of America largely went to Louisiana first in the mid-1760s. A second wave of deportees arrived in 1785 after the French authorities allowed them to settle in their former colony now under Spanish control. They became the ancestors of today's Cajuns. There are a few communities in the State of Maine. These were settled after 1785 by Acadians that had been forced to leave settlements they had established after 1764 along the River Saint John (modern New Brunswick) when the United Empire Loyalists, fleeing the American War of Independence, were given land by the British authorities. These communities formed a distinct region called the Madawaska which was split between the United States and the British colonies in Canada when the boundary was confirmed in 1842. A list of settlements in the United States of America is included in Table 2.2 in Appendix A-1. A map locating those settlements is included in Appendix C-7.

#### ***France***

Some Acadians settled in France and in French territories where they mostly integrated into French society. Communities like Belle-Ile-en-Mer (Brittany) and Archigny (Poitou) retained elements of Acadian identity. The largest concentration of Acadian inhabitants in a French territory to retain an Acadian identity settled in Saint-Pierre-et-Miquelon first in 1763 and, after three more events of deportation, one final time in 1816. Haiti, as a French colony, was the final destination of many families who settled in the communities and contributed to the economy of the plantations.

By 1816, the large majority of Acadians had either returned to the British colonies in Canada or settled successfully in France, the United States, and the Caribbean. By the early 1800s, the Acadian population in Atlantic Canada amounted to about 9500 inhabitants. An estimated 13000 individuals of Acadian ancestry lived in Québec, 17000 in Louisiana and 5000 in France and its colonies. In total, the estimated worldwide Acadian population around 1816 is 44500 people. These figures are estimated from the number of individuals that settled in those locations adjusted for the demographic changes (deaths and births) that would have occurred up to 1816. A list of settlements in France and its colonies is included in Table 2.2 in Appendix A-1. A map locating those settlements is included in Appendix C-7.

### **1.3. Places of transit (1755 – 1816):**

The British authorities in Nova Scotia commissioned numerous ships to embark the Acadians towards their exile. They all had different destinations depending on where these authorities had decided to have them sent, the willingness of local authorities to host the Acadians, and the political brinkmanship between Great Britain and France. For many, the final destination was unknown as they were turned back by authorities suspicious of these Catholic 'French Neutrals' (as the Acadians were still referred to by some British authorities). For others, the colonial authorities treated them as French subjects and were henceforth sent back to France. There, they faced a society with norms and customs different from those they were accustomed to in North America. There was little land available in France which resulted in much time spent in urban areas (Nantes for example) waiting for an opportunity to go to America or be given land in France.

In the course of sixty years of wandering, Acadian families and groups transited through dozens of places in Europe and America. They were imprisoned in British forts in modern day Nova Scotia, New Brunswick, and Prince Edward Island before boarding ships. Some individuals tried to flee and took shelter in areas of New Brunswick and Québec. The ships that transported them sailed for the Anglo-American colonies, Great Britain, and France. Once these ships arrived at a suitable destination, their Acadian passengers were concentrated in urban and rural areas of France and America while awaiting an opportunity to settle. Finally, Acadian groups were expelled time and time again from lands they were at first allowed to settle after the Deportation in order to make space for settlers more suitable for the authorities. These places of transit were interruptions, sometimes lasting a few months and other times decades, in this people's 'odyssey' to find a new home in Louisiana, France, Québec or other parts of Atlantic Canada. A list of those places of transit is included in Table 3 in Appendix A-1. Additional contextual information can be found in Chapter 2, section 2b, pp.44-49.

### **1.4. The places of a diaspora**

This overview of the different places associated with Acadian history provide a wide-spectrum of sites that speak to the homeland in Acadie, the uprooting during the events of the deportation, and the resettlement and renaissance in Atlantic Canada and elsewhere in the world. As a result, the Acadian people managed to thrive and despite geographical distances, linguistic differences, and socio-economic challenges, maintained a sense of identity and unity that transcends time and space. The Acadian people connect with those numerous places related to their history so as to nurture that identity, both by anchoring it in the commemoration of the events of the past and by expressing its pride. The following comparative framework will allow distinguishing those places of history from the *lieux de mémoire* in order to highlight the importance of Grand Pré.

## **2. Comparative framework**

The comparison of the Landscape of Grand Pré with other sites that witness the history of the Acadians will apply the same criteria as the ones used in the nomination proposal to compare it with other *lieux de mémoire* worldwide. These criteria are (section 3.c.iv. – p.96):

- they are *lieux de mémoire*;

- they show the tangible evidence of the community's use and continuing transformation to reflect its identity;
- they have been symbolically reclaimed by a diaspora;
- they exhibit the qualities of the diaspora's homeland;
- they display evidence of the diaspora's identity;
- they illustrate a successful reclamation through reconciliation.

The nomination proposal includes the following statement about the Landscape of Grand Pré and other sites of importance to the Acadian people:

"Of all the Acadian sites, Grand Pré emerges as the character-defining *lieu de mémoire* for the Acadian diaspora. Canada has several archaeological sites of abandoned Acadian settlements, particularly in the provinces of Nova Scotia, New Brunswick and Prince Edward Island, that are significant for the Acadian community. The cemeteries and remains of Acadian houses in places such as the Sainte-Famille cemetery, Pointe-à-Major cemetery, Belleisle, and Beaubassin National Historic Site of Canada (NHSC) (all located in Nova Scotia), and other locations associated with the Deportation, such as Boishébert NHSC (New Brunswick) and Port-La-Joye–Fort Amherst NHSC (Prince Edward Island), are the end point of pilgrimages by members of the Acadian community from around the world. The desire to connect with the place where their ancestors lived or from where they were deported motivates Acadians to visit those places. Finally, there are places associated with particular accomplishments and community pride such as Monument-Lefebvre NHSC (New Brunswick), the site of the first national convention of Acadians. Similarly, other locations in Europe and North America can claim to be important to the Acadians, in particular the places where Acadians landed after they were deported or settled. All these places contribute to the collective identity and awareness of the Acadian community, but none comes close to playing the role of Grand Pré as the most important *lieu de mémoire*. At Grand Pré, Acadians not only share their common heritage and celebrate their identity, they also continue to build their sense of community. Grand Pré is the centre of their reclaimed homeland, a reality they continue to demonstrate through their ongoing use of the landscape in key formative cultural events, in artistic expressions, and in the use of its symbols throughout the Acadian diaspora." (section 3.c.v. – pp.95-96)

The following comparative analysis focuses on demonstrating more clearly the assertion that "none comes close to playing the role of Grand Pré as the most important *lieu de mémoire*".

Most sites described in section 1 of this document and included in Appendix A-1 cannot be used in this comparative because they do not fulfill the role of *lieux de mémoire* as defined in section 3.c.iv – p.90. In general, they provide historical evidence of past events (such as the location of the pre-deportation settlements) but show very little tangible evidence of the community's use and continuing transformation to reflect its identity. Most pre-deportation settlements are not identified, commemorated, or otherwise remembered in today's landscape. In fact, most sites that remain relevant in the collective memory of the community have a commemorative plaque marking the location of a settlement or event. They however do not necessarily play a central role in defining collective identity of Acadians worldwide. As an example, the 'monuments de l'Odyssée acadienne' is an initiative that began in 1999 by the *Société nationale de l'Acadie* to commemorate those places associated with the Deportation around the world. Together, those sites form a network that illustrate and commemorate the events of the Deportation. However, those and other commemorated sites have seldom gained further attention from the community thus limiting the 'continuing transformation to reflect identity'.

Over time, starting in the 19<sup>th</sup> century and continuing today, Acadian communities worldwide have nurtured their identity and collective memory through cultural and historical sites. These sites include museums, cultural centres, interpretive centres, research institutes, and memorial centres. They are located in sites listed in tables 1, 2, and 3. A list of such sites is included in Table 4 in Appendix A-1.

Based on an analysis of that list, the sites that are most comparable to the Landscape of Grand Pré are:

- Monument-Lefebvre National Historic Site of Canada (Canada)
- Musée acadien in Bonaventure (Canada)
- Acadian Museum of Prince Edward Island (Canada)
- The Acadian Memorial in St. Martinville (United States of America)
- Ligne acadienne and Musée de la ferme acadienne in Archigny (France)

### 3. Comparative analysis

The same framework used to compare the Landscape of Grand Pré to other sites around the world (section 3.c.v. – p.97-98) is applied to compare it to other sites of significance to the Acadian community:

- Association with a diaspora
- Authenticity of location and setting in relation to the homeland
- Elements of the memorial experience
- Role of the site in collective memory
- Sharing of the landscape
- Condition of the site

#### **Monument-Lefebvre National Historic Site of Canada (Canada)**

Built in 1896-1897, Monument-Lefebvre is a stone building in the village of Memramcook in the province of New Brunswick. It sits on the campus of the former Collège Saint-Joseph, the first French-only institution of higher-learning in Atlantic Canada. The building was erected to commemorate the founder of the Collège, Father Camille Lefebvre. The latter was instrumental in providing the tools for the renaissance of the Acadian people, from the education of an 'elite' to the holding of the first *Convention nationale des Acadiens* during which the framework for the survival and growth of the Acadian culture were developed (Chapter 2, pp.52-54). The building houses a theatre and classrooms that has played a role in sustaining the education of the Acadian community in the first part of the 20<sup>th</sup> century. Today, it continues to serve the Acadian community as a place of cultural expression. It hosts plays by French-speaking playwrights from the Acadian community of Atlantic Canada and elsewhere as well as shows and exhibits that attract an audience from the nearby city of Moncton.

In 1994, Monument-Lefebvre became a national historic site. The statement of commemorative intent by the Historic Sites and Monuments Board of Canada (HSMBC) states that Monument-Lefebvre is of national historic significance because "it was built to commemorate Father Camille Lefebvre who had contributed so much to the rebirth of the Acadian culture, and it occupies a special place in the hearts and minds of the Acadian people." The Monument-Lefebvre also houses the exhibit to the Acadian Odyssey, an event of national significance designated by the HSMBC. The exhibit highlights the Acadian experience immediately following the deportation of 1755. Combined with the significance of the building itself, the events that occurred at Monument-Lefebvre emphasise the importance of commemorating the renaissance of the Acadian people.

Monument-Lefebvre NHSC is similar to the Landscape of Grand Pré in that it is associated to the Acadian people and speaks to their history of survival. Its location in Memramcook, in south-eastern New Brunswick, next to dyked marshes and the location of resettlement starting in 1764, is a reminder of the successful establishment of a community in what was then Nova Scotia post- Deportation. It plays an important role in collective memory as a witness to the 'rebirth of the Acadian culture' and as the setting for the events that confirmed that renaissance.

Monument-Lefebvre NHSC contrasts with the Landscape of Grand Pré however, because its memorial experience focuses on the events surrounding the rebirth of the Acadian people. Whereas the Landscape of Grand Pré provides an experience that ties Acadian identity pre- and post-Deportation and that connects a people to its homeland, the attraction to Monument-Lefebvre is focused on a building and the seminal 19<sup>th</sup> century events of the creation of the Collège Saint-Joseph's and the hosting of the first *Convention nationale acadienne* in Memramcook. Those events, while important to Acadian identity, have not transformed Monument-Lefebvre into an evocative symbol in its own right like Grand Pré. Monument-Lefebvre has not been the subject of political, social, and artistic appropriation and does not carry the same evocative meaning as Grand Pré. Furthermore, while the story at Monument-Lefebvre is relevant to the Acadian people by celebrating their accomplishments, it is primarily known to those members in Atlantic Canada.

The comparison of the nominated property with Monument-Lefebvre NHSC highlights that the Landscape of Grand Pré is a site that is relevant to the entire Acadian diaspora because it relates to both the pre- and post-Deportation stories and connects a people to its homeland. The literary fame acquired by *Evangeline A Tale of Acadie* had a positive impact on public awareness about the Deportation, allowing places like Monument-Lefebvre to gain commemorative significance of people and events associated to the consequences of it. But *Evangeline* also made Grand Pré the *de facto* location associated with that awareness and the only location of active collective memory of the entire community's identity and aspirations. In fact, at the first *Convention nationale acadienne* in Memramcook, Grand Pré was referred to in speeches and sermons to evoke the Acadian people and their plight thus becoming part of their places of identity. The renaissance that began in Memramcook with calls for unity was followed by a second *Convention* in 1884 that confirmed the creation of unifying symbols, from which Grand Pré continued to gain prominence in the collective memory of the Acadian people thus progressively becoming the ultimate unifying symbol: a symbol of the homeland. This role was possible in large part because of the tangible presence of the defining Acadian landscape of dykes and aboiteaux still being worked.

### ***Musée acadien in Bonaventure (Canada)***

The *Musée acadien* is located in the village of Bonaventure in the province of Québec. It serves primarily as a historical and ethnological museum of the Acadians in Québec but also provides a public space for cultural and educational events. The village of Bonaventure was founded in 1760 by Acadians fleeing forced removal by the British authorities. It is located in one of the important resettlement areas for the Acadians. The museum, officially founded in 1990, resides in a building built in 1914 to house a boys' academy and a credit union. It had existed for years prior as a regional collection and interpretation centre.

The *Musée acadien* is important as a cultural institution that allows the Acadian people to learn about history, culture, and life after the deportation and resettlement in Canada. It contains numerous artefacts related to the everyday life of the settlers and their sense of identity. The display of Acadian identity through music and arts is an annual occurrence at festivals and other events held at the museum.

The *Musée acadien* is similar to the Landscape of Grand Pré in that it plays a role in maintaining the cultural identity of the Acadian people by exhibiting artefacts related to their resettlement after the Deportation and hosting cultural events on an annual basis that attracts thousands of people. There are elements of the memorial experience that are similar through the direct contact with artefacts from the past and the annual gathering of Acadians to celebrate their community.

However, the Landscape of Grand Pré contrasts sharply with the *Musée acadien* in its relevance to the entire diaspora, the elements of the memorial experience, and its role in collective memory. The *Musée acadien*, much like Monument-Lefebvre has a regional relevance that is greater than its broader diasporic relevance. The Landscape of Grand Pré is a place of pilgrimage for the Acadian people as a whole because of its powerful symbolic function whereas the *Musée acadien* serves primarily as a place of preservation and celebration of Acadian culture. Furthermore, the role of the Landscape of Grand Pré in articulating Acadian identity from its beginning, through the Deportation and its Renaissance, distinguishes it from the *Musée acadien's* focus on understanding life and culture of Acadians that settled in Bonaventure after 1760.

The comparison of the nominated property with the *Musée acadien* highlights the character of the Landscape of Grand Pré as a place that speaks to the connection between people and their homeland. Whereas the *Musée acadien* highlights the importance of the connection between people and their heritage through exhibits and festivals (a function that is also experienced at other cultural institutions and gatherings in Acadian communities), the Landscape of Grand Pré illustrates the importance of certain places as *lieux de mémoire*. These are places where members of a community share a common heritage, reaffirm their identity and build their sense of community in a transformative way.



### **Acadian museum of Prince Edward Island (Canada)**

The Acadian museum of Prince Edward Island was founded in 1964 and is located in Miscouche in the province of Prince Edward Island. The museum's mission reads as follows: "Acquire, preserve, study and interpret the artifacts and arts relating to the heritage of Prince Edward Island Acadians from 1720 to the present." As such, its primary objective is to "create awareness among Island Acadians and make them proud of their culture [...] and thus contribute to the survival and development of Prince Edward Island's Acadian community". In addition to its role of preserving and exhibiting artefacts, it supports various educational and community programs as well as annual festivals promoting Acadian culture.

The community of Miscouche was founded in the early 19<sup>th</sup> century and is located east of one of Prince Edward Island regions, the *Evangeline* region. The latter, named after Longfellow's heroine, acquired its name in the 1970s and hosts the largest concentration of Acadian communities on Prince Edward Island. It is proud of its Acadian heritage and of its role in the cultural renaissance. Indeed, Miscouche was the host of the second *Convention nationale* in 1884 during which the Acadian national symbols were chosen, including the flag, the anthem, and the motto. The museum was founded in Miscouche as a means to commemorate that event and maintain a cultural connection. The Acadian museum plays a role in strengthening the Acadian identity of the communities nearby and thus is an anchor in the ongoing development for those communities.

The Acadian museum is similar to the Landscape of Grand Pré in that it plays an active role in creating awareness about Acadian heritage and pride in that culture. Furthermore, the place plays an important role in Acadian identity because of the events surrounding the choice of symbols of identity.

The Landscape of Grand Pré contrasts with the Acadian museum in nurturing a dynamic memorial experience combining the tangible presence of the past, contemporary memorial structures, and ongoing use. Whereas the Acadian museum exhibits artefacts of the past and raises awareness about Acadian culture, the Landscape of Grand Pré combines the artefactual experience of Acadian heritage, such as the archaeological remains and the dykes, with the tangible manifestations of community identity, such as pilgrimages and milestone political and social events. While Miscouche remains important in Acadian history for the events that contributed to building collective identity, the Landscape of Grand Pré not only hosts the symbols of Acadian identity thus affirming it, but has become itself a symbol of identity. Once again, like in Memramcook, Grand Pré was evoked in the speeches during the second *Convention nationale acadienne* in Miscouche thus reinforcing its then budding role as a unifying symbol.

The comparison of the nominated property with the Acadian museum highlights that the Landscape of Grand Pré is a location with a symbolic meaning that transcends the needs of a local and contemporary community in order to be universally relevant to a diaspora in the present and in the future.

### **The Acadian Memorial in St. Martinville (United States of America)**

The Acadian Memorial in St. Martinville is located in the heart of "Cajun country" in the State of Louisiana. It consists of a series of monuments and memorials to the Acadian deportation and the arrival of some Acadian families in Louisiana. A committee to create a memorial was founded in 1990 at the initiative of Cajun citizens in St. Martinville. The following year, the Louisiana State Legislature passed a resolution in support of the project and declared St. Martinville the home of the "World Memorial to All Acadian Refugees Who Ended their Exile in Louisiana". The memorials were planned starting in 1992 and completed with the opening of a museum in 2001. They include a museum, a large mural depicting the arrival of the Acadians in Louisiana, a wall with bronze plaques listing the close to 3000 names of the Acadian refugees in Louisiana, an eternal flame, a mosaic with the coats of arms of some of the more prominent Acadian families, a quilt representing the Acadian Odyssey, and a Deportation Cross identical to the one in Grand Pré. The town of St. Martinville is also home to the Evangeline Oak, the oak tree where the real individuals that are said to have inspired Longfellow for his characters of *Evangeline* and *Gabriel* finally met again after decades of separation following the Deportation. A statue of *Evangeline*,

different from the one at Grand Pré, sits in the middle of the park on top of what folk lore claims to be her grave. The Acadian Memorial is important as a gathering space, a memorial, and a historical centre for Cajuns and visiting Acadians.

The Acadian Memorial is similar to the Landscape of Grand Pré in displaying elements of the memorial experience and its role in the collective memory. The tangible manifestations of sharing of heritage, affirmation of identity, and pride are apparent in similar ways through the erection of culturally identifiable monuments such as depictions of the deportation, crosses, and walls of names. In both locations, visitors are invited to reflect on the past events while at the same time celebrate a vibrant culture. Both sites play a central role in the collective memory of the communities. Finally, the association of the story of *Evangeline* with both places stresses the important role that the fictional character played in successfully raising awareness about the Acadians' Deportation.

The Landscape of Grand Pré contrasts with the Acadian Memorial in its setting in relation to the homeland and in the symbolic reclamation of a land no longer inhabited by Acadians. While the Acadian Memorial is located in the heart of "Cajun country" and asserts that identity firmly in that region, it nevertheless evokes a connection with the homeland located thousands of kilometres away in Nova Scotia. In fact, Grand Pré's symbols (the Deportation Cross for example) are reproduced at the Acadian Memorial as a means to express that connection a fact that confirms Grand Pré's place in the collective memory of all those of Acadian descent. It is of note that both sites were twinned with each other in 1996, a fact that confirms the importance of that connection. Finally, the Landscape of Grand Pré embodies the symbolic return to the homeland and the resulting sharing of a landscape with those who now live on those lands.

The comparison of the nominated property with the Acadian Memorial highlights that unlike memorials erected by diasporas in their new homes, such as the Acadian Memorial, the Landscape of Grand Pré exemplifies the successful symbolic reclamation of the homeland by a diaspora.

### ***Ligne acadienne and Musée de la ferme acadienne in Archigny (France)***

The *Ligne acadienne* is a large complex of 57 farmsteads located close to Archigny in the *département* of Vienne. The *Musée de la ferme acadienne* is one of those farmsteads located at the *hameau des Huit-Maisons*. It consists of a farm complex of buildings, including a farmhouse, a stable, and barn. These structures were built in 1773 on the orders of the local nobleman to host close to 1500 Acadians that had been scattered in the French ports along the west coast. Due to various administrative challenges and the difficulty of farming the poor soils of the area, some 1400 decided to leave for Louisiana in 1785 leaving behind 12 families of approximately 73 individuals to populate the settlement. In 1793, they were given the right to own their land and progressively integrated into French society, partly losing their connection with their relatives in Acadie and Louisiane.

The *Musée de la ferme acadienne* was founded in 1973 at the initiative of descendants of those Acadians that settled, the *Association Les Cousins acadiens du Poitou*. They sought the support of the local authorities to acquire the farm. Of the 57 original farms, 38 remain in various state of repair. All the remaining farms have been declared *Monument historique* by the French authorities. Many of these are still in use.

Visitors to the *Musée* are invited to discover exhibits inside the buildings, including period artefacts and furniture, as well as the landscape around it. The *Association* is in charge of the interpretation and carries out some outreach programs and events. Every year, it holds a *fête du 15 août* to celebrate the national day of the Acadians.

The *Ligne acadienne* and *Musée de la ferme acadienne* are similar to the Landscape of Grand Pré in that they play a role in the Acadians community's collective memory by exhibiting a landscape with tangible evidence associated to the deportation and to Acadian culture. In both cases, the memory of the events is present and authentic in the landscape in the form of cultural remains and agricultural fields. In both

cases as well, the initiative to identify those locations as significant for the Acadian community began as a desire from descendants of those affected by the Deportation. Furthermore, the authenticity of the places and objects associated to that experience provide a medium for reflecting on that experience, sharing a common heritage, and affirming their identity through regular celebrations.

The Landscape of Grand Pré contrasts with the *Ligne acadienne* and the *Musée de la ferme acadienne* in its defining role in shaping collective identity and its setting in the homeland. Where the *Ligne acadienne* and the *Musée de la ferme acadienne* contribute to the maintenance of the collective memory of Acadian refugees in France and of their descendants in France and Louisiana, the Landscape of Grand Pré is an active *lieu de mémoire* that continues to shape the identity of the diaspora. Its location in the homeland which includes the dykes and aboiteaux as defining elements of Acadian identity, makes it universally meaningful for all those of Acadian ancestry. In contrast, the landscape in Archigny is relevant specifically to the descendants in Louisiana and France of those settlers of 1773. Furthermore, the artistic, social, and political expressions tied to Grand Pré over 150 years, crystallize the aspiration of a people that was forcibly removed from their lands by providing an experience of the homeland and a symbolically meaningful place for all Acadians to gather and reaffirm their identity.

The comparison of the nominated property with the *Ligne acadienne* and the *Musée de la ferme acadienne* highlights that for the Acadian diaspora, connecting with its heritage is important to sustain its identity. It also highlights that the Landscape of Grand Pré's elements of the memorial experience are tied to the connection to the homeland, its attributes, and the symbolic reclamation of the landscape.

The following table (Table A) summarizes the main points of comparison between the Landscape of Grand Pré and the five other sites related to Acadian history worldwide.

**Table A: Comparison of Acadian Sites**

	<b>Landscape of Grand Pré (Canada)</b>	<b>Monument-Lefebvre National Historic Site of Canada (Canada)</b>	<b>Musée acadien in Bonaventure (Canada)</b>	<b>Acadian museum of Prince Edward Island (Canada)</b>	<b>Acadian Memorial in St.Martinville (United States of America)</b>	<b>Ligne acadienne and Musée de la ferme acadienne in Archigny (France)</b>
Association with the diaspora	Yes	Yes	Yes	Yes	Yes	Yes
Authenticity of location and setting in relation to the homeland	Yes	Yes	No	No	No	No
Elements of the memorial experience	Memorial structures and buildings Archaeological and historical evidence Continuing use	Building Continuing use	Artefacts Continuing use	Artefacts Continuing use	Memorials Artefacts Continuing use	Historical and archaeological evidence
Role of the site in collective memory	Character defining for <b>all</b> Acadians	Character defining for Acadians in Atlantic Canada	Significant	Significant	Character defining for Cajun	Significant
Sharing of the landscape	Yes	No	No	Yes, to some extent	No	No
Condition of the site	Excellent commemorative landscape Excellent connection with the dykelands Excellent condition of memorials Good condition of archaeological	Excellent condition of the building Ongoing use	Unknown condition of artefacts Ongoing use	Good condition of artefacts Ongoing use	Excellent condition of memorials Unknown condition of artefacts Ongoing use	Good condition of the archaeological and historical structures and artefacts

	heritage Ongoing use Regular and ongoing pilgrimage					
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#### 4. Conclusion and consolidation of the justification for criterion (vi)

As this in depth analysis of the sites that witness the history of the Acadians demonstrates, there are many sites of heritage and culture that foster the collective identity of a community of Acadian descent. Many of these sites highlight the way of life of the Acadians and of their descendants (e.g. The *Ligne acadienne* and the *Musée de la ferme acadienne* (France), the *Musée acadien* in Bonaventure (Canada), are memorials to their ordeals and accomplishments (e.g. Monument-Lefebvre NHSC (Canada), Acadian Memorial (USA), or serve as repositories of the historic memory of the community (e.g. Acadian Museum of Prince Edward Island (Canada). The hundreds of places around the world where Acadians originated, transited through, and resettled are all places that together illustrate eloquently the history, challenges, and accomplishments of that community. Some places acquire meaning for specific families (e.g. archaeological remains associated to a family settlement in Nova Scotia (Canada) others for local existing communities (e.g. *Musée acadien* in Bonaventure (Canada). Yet others are significant for the political and social milestones reached during the 19<sup>th</sup> century Acadian renaissance and later years (e.g. Monument-Lefebvre NHSC (Canada). Finally, some sites are located in the homeland (e.g. Monument-Lefebvre NHSC (Canada), yet most exist within the Acadian communities worldwide that continue to feel a sense of belonging and identity (e.g. Acadian Memorial (USA). However, as stated in the nomination proposal “none comes close to playing the role of Grand Pré as the most important *lieu de mémoire*” (section 3.c.v. – pp.95-96).

As this comparative analysis highlights, the Landscape of Grand Pré has four distinguishing characteristics that sets it apart from other Acadian sites and that confirms its role as the most important *lieu de mémoire* for the Acadian people:

- a) *Connection to the Acadian homeland*: the Landscape of Grand Pré emerges as the only site that enables and nurtures a connection to the homeland. This is a landscape with a sense of place and memorials that evoke the traditional landscape of the Acadian people prior to the deportation. This in effect highlights the link between the articulation of criteria 5 and 6.
- b) *Lieu de mémoire that evokes the Acadian people*: The Landscape of Grand Pré is the only site that combines and commemorates the characteristics of the Acadian traditional landscape together with the symbols of the people’s survival and renaissance. The historical and archaeological evidence of the events, the fact that there is no longer an Acadian community in Grand Pré, and the progressive peaceful symbolic reclamation of the landscape are evocative of the Acadian experience and the people themselves. The sharing of the landscape only serves to reinforce the consequence of the Deportation, the successful renaissance of the people, and the ongoing work of reconciliation.
- c) *A symbol in itself*: The Landscape of Grand Pré is the only site that has become a symbol in itself and is used in artistic representations, political discourses, and literary works for the past 160 years to evoke Acadian identity. This is the result initially of the Acadian community’s desire to return to their homeland, being communicated widely through Longfellow’s *Evangeline*. The setting described in the poem as well as the Acadian collective memory of the land left behind during the Deportation transformed the dykes and aboiteaux in Grand Pré in evocative symbols of the Acadian way of life and history. These attracted people in Grand Pré which along with the willows became the first ‘memorials’ of the homeland. The Acadian elite referred to Grand Pré as the homeland, as the place of tragic events, and as an inspiration for overcoming the consequences of those events. The progressive symbolic appropriation continued with the buying of land to create the memorial park and church, and the erection of monuments throughout the 20<sup>th</sup> century. Longfellow’s *Evangeline* was instrumental in bringing to the fore the story of the Deportation and of the Acadians, thus making it possible for Acadians to tell their story and mark the locations around the world that are associated to it. But it is *Evangeline*’s setting in Grand Pré

that made the story real because it gave it a tangible place and historical evidence for people to relate to and come on pilgrimages. Today, the symbols of Grand Pré, such as the Deportation Cross, are reproduced elsewhere in the world to evoke Acadian identity. There is no other Acadian site that has had this power of evoking identity and collective memory. This, in addition, highlights the link between the articulation of criteria 5 and 6 and the relationship between the agricultural landscape and the symbolic landscape.

- d) *A site for all Acadians*: the Landscape of Grand Pré is a site for all Acadians in part because there is no longer an Acadian community in Grand Pré, because it connects and commemorates the homeland as well as the renaissance, and because it followed the impulse of identifying unifying symbols for the Acadian community that began with the *Conventions nationales*.

As the comparative analysis in the nomination proposal has demonstrated, the desire to connect with one's homeland and the role in maintaining a sense of belong to a community is shared amongst numerous cultural groups. The Landscape of Grand Pré plays that role for the Acadian community and the experience illustrates universal values of connecting with the homeland, sharing a common heritage and belonging to a community.

This confirms in perpetuity the exceptional role of Grand Pré as the most important *lieu de mémoire* for the Acadian community. The evidence of that significance for the Acadians is not only in the antiquity of that connection and of its presence in the landscape itself (i.e. in the form of the memorials), it is in the way the memorials of Grand Pré are used to symbolically reclaim the locations associated to the deportation elsewhere in the world. The Landscape of Grand Pré remains the only place that evokes for the Acadians the unity of their people dispersed throughout the world and has served as the place of gathering and pilgrimage to share a common heritage, reaffirm their identity, and continue to build their sense of community.

## 5. List of maps

- Figure 2-34: Destinations and movements of the deportees during the Acadian Odyssey. Based on an original design by Robert LeBlanc. (already included in the nomination proposal in Chapter 2, fig. 2-34, p. 45)
- C – 5: Acadian settlements prior to the Deportation (1604 – 1755)
- C – 6: Acadian Odyssey: Places of Transit (1755 – 1816)
- C – 7: Acadian Settlements Post-Deportation, Prior to 1816: World Outside Canada
- C – 8: Acadian Settlements Post-Deportation, Prior to 1816: Maritimes and the Gulf of St Lawrence
- C – 9: Acadian Settlements Post-Deportation, Prior to 1816: Québec

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## II. Question: Buffer Zone and Protection of Visual Setting

*Consider the extension of the buffer zone in its northern maritime side, in order to ensure the preservation of the visual perspectives from Grand Pré and the protection of the natural resources of the Minas Basin.*

### State Party Answer to Question II

ICOMOS recommended that Canada consider two important environmental aspects for both conservation purposes and best expression of the proposed values. The first is the protection of the visual integrity of Grand Pré and its maritime setting and the second is the protection of the natural resources of the Minas Basin. After careful consideration of ICOMOS's suggestion and of the buffer modification submitted, Canada wishes to provide the following analysis and conclusion, based on the definitions included in the *Operational Guidelines*, the information already provided in the nomination proposal, and additional analysis of the legal and environmental characteristics of the nominated property's immediate setting.

#### 1. Definition of buffer zone applied by Canada

In its nomination of the Landscape of Grand Pré, Canada considered that the nominated property required a buffer zone based on its analysis applying the definition in the *Operational Guidelines* included in paragraphs 104 and 105:

**104.** For the purposes of effective protection of the nominated property, a buffer zone is an **area surrounding the nominated property which has complementary legal and/or customary restrictions placed on its use and development to give an added layer of protection to the property.** This should include **the immediate setting of the nominated property, important views and other areas or attributes that are functionally important as a support to the property and its protection.** The area constituting the buffer zone should be determined in each case through appropriate mechanisms. Details on the size, characteristics and authorized uses of a buffer zone, as well as a map indicating the precise boundaries of the property and its buffer zone, should be provided in the nomination. **[NB text in bold and italics emphasized by author of this report]**

**105.** A clear explanation of how the buffer zone protects the property should also be provided.

Furthermore, Canada implemented the direction provided under paragraph 112:

**112.** Effective management involves a cycle of short, medium and long-term actions to protect, conserve and present the nominated property. An integrated approach to planning and management is essential to guide the evolution of properties over time and to ensure maintenance of all aspects of their Outstanding Universal Value. This approach goes beyond the property to include any buffer zone(s), as well as the broader setting.

#### 2. Information included in the nomination proposal

In the determination of the appropriate buffer zone, Canada relied on its proposed articulation of outstanding universal value (Chapter 3, section 3.a. p.69-71) and of statement of Outstanding Universal Value (Chapter 3, section 3.b. p 71-73):

*Criterion (v): "an outstanding example of a traditional human settlement which is representative of a human interaction with the environment."*

*Grand Pré is a vibrant agricultural landscape, carved out of its harsh coastal environment three centuries ago by Acadian settlers. Working collectively, they applied an ingenious system of dyking and drainage to hold back the highest tides in the world, created extraordinarily fertile farmland, and began a tradition of collective management. This land reclamation system and this management tradition continue to ensure the livelihood of the local community today. The Landscape of Grand Pré is an outstanding example of a thriving farming community that interacts with its environment by using a successful land reclamation system and management tradition that predate the introduction of engineered drainage systems.*

*Criterion (vi): "a property that is tangibly associated with beliefs of outstanding universal significance."*

*Owing to the imposing presence of the dykelands, the Memorial Church and other memorials, and its enduring use by the Acadian people, the Landscape of Grand Pré is the most important lieu de mémoire for the Acadians, an evocative example of a homeland symbolically and peacefully reclaimed by a diaspora that has triumphed over hardships. The legacy of the Acadian people overcoming the tragedy of a forced removal, the Grand Dérangement, their renaissance, and the ongoing efforts of reconciliation are embodied in the Landscape of Grand Pré. Here, Acadians share their common heritage, reaffirm their identity, and continue to build their sense of community in a spirit of peaceful reconciliation with history. The Landscape*

*of Grand Pré provides a poignant and powerful living example of the universal human aspirations to belong to a community, to connect with one's homeland, and to seek reconciliation.*

The buffer zone is **currently described** as follows in the nomination proposal:

*"[...] The buffer zone is an area surrounding the nominated property. It has complementary legal requirements placed on its use and development to give an added layer of protection to the property. The nominated property of Grand Pré requires a buffer zone to ensure that the integrity of the dykelands and the continuity of its agricultural use are maintained.[...]" (Chapter 1, section 1.e.ii)*

Further information is found in the **management plan**, in particular in chapter 6, sections 6.1 and 6.2:

#### 6.0 Buffer Zone

##### 6.1 Purpose of the Buffer Zone

The purpose of the buffer zone is threefold:

- *To provide long-term capacity to maintain the agricultural economy:* most of the area within and outside the boundary is currently part of the agricultural district. As farmers and dyke landowners don't all live within the boundary, but most live in close proximity, the buffer would identify an area to focus attention to support the agricultural industry.
- *To identify areas to manage tourism access and services:* although the current main heritage attraction in the community is the national historic site which is located inside the property boundary, most of the services are located in North Grand Pré, in the hamlet outside the boundary and at exit 10 of highway 101. The existing infrastructure and services allows managing visitor traffic and tourism pressure inside the property. The concentration at the highway exit and in the hamlet focuses traffic along highway 1 and Grand Pré road and directs visitors towards the main tourism node at the national historic site.
- *To identify areas where activities may have an impact on the integrity of the dykes:* dykes are most vulnerable to coastal erosion. Activities to mitigate that impact have been left to the initiative of different departments and individuals. A holistic approach to monitoring and mitigating the effects of coastal erosion is required. A buffer would identify sensitive areas outside of the boundary that need to be included in the coordinated approach.

##### 6.2 Policies and Strategies

The buffer includes a number of controls that support and complement the policies and legislation in place inside the boundary of the proposed property.

These include:

- Municipal policies through the *Community Plan for Grand Pré and Area*;
- Provincial policies through the Department of Agriculture's policies regarding agricultural activities, the Department of Tourism, Culture, and Heritage through the *Special Places Protection Act* for archaeological sites, the Department of Natural Resources through the *Beaches Act*, and the Department of the Environment for the management of salt marshes;
- Federal policies and legislation concerning natural water management through the Department of Fisheries and Oceans; and,
- A number of other provincial and federal policies regarding protected natural heritage areas and heritage properties.

Canada considers that the current buffer aims to provide the nominated property with the necessary complementary legal policies to manage use and development outside of its boundaries that might affect the integrity and authenticity of a landscape characterized firstly by a particular land reclamation system and management tradition and secondly by its memorial value for the Acadian people. The immediate setting and areas that are functionally important as support to the property are considered to be related to:

- the maintenance of the agricultural use of lands outside the nominated property so as to sustain the farms that also own lands on the dykelands. This justifies the inclusion of the entire area covered by the communities of Grand Pré, North Grand Pré, Hortonville, and Lower Wolfville;
- the structural integrity of the dykes and aboiteaux and their protection from both the impact of the tides of the Minas Basin and potentially negative human activities. This justifies the inclusion of an area extending 500 metres into the Minas Basin so as to capture the shifting path of the Gaspereau River's channel, as well as the maximum extent of coastal changes and salt marsh regeneration that have an effect on the structural integrity of the dykes;
- the management of tourism activities so as to maintain and nurture the residents' ability to work and live in their community, as well as on the Acadian connection to Grand Pré. This justifies the



inclusion of the entire area covered by the communities of Grand Pré, North Grand Pré, Hortonville, and Lower Wolfville so as to have a broader view of the distribution of services, traffic management, and potential experiences for visitors.

### **3. Analysis of the legal and environmental characteristics of the nominated property's setting**

Canada carefully considered ICOMOS' suggested buffer extension, as illustrated in the map sent from ICOMOS to Canada on 5 January 2012. The entire area suggested by ICOMOS falls under the jurisdiction of the federal, provincial, and municipal governments.

Most of the land within ICOMOS' suggested buffer extension is privately owned with the balance being owned by the provincial government in the form of Blomidon Provincial Park, the dykes protecting the marshes designated under the *Agricultural Marshlands Conservation Act*, and roads. The provincial park is covered by the highest level of protection afforded by the *Provincial Parks Act* as a 'natural environment park' and is managed as an IUCN category III protected area. There are a number of protected environments that manage human interaction with wildlife under the provincial *Wildlife Act*, the provincial *Endangered Species Act*, and the provincial *Beaches Act* and under international initiatives such as the *North American Waterfowl Management Plan*.

Municipal zoning in the entire area consists of agricultural (A1), coastal shoreland (CS), environmental open space (O1), and hamlet zones. The entire area is subject to the *County of Kings Municipal Planning Strategy*. This includes policies regarding proposed development such as industrial densification and wind farms. The current setback for the erection of large-scale wind turbines is set through municipal regulation at 700 m from dwellings. There are no significant amounts of land within the proposed extended buffer zone that can welcome large-scale wind turbines and make it commercially viable (see Appendix C-10). The regulation is currently under review to strengthen it even further. This zoning and other policies are similar to those in force within the current buffer zone for the nominated property with the exception of large-scale wind turbines not being permitted within the Community Plan for Grand Pré and Area.

The maritime component is designated as a Ramsar site under the *Convention on Wetlands of International Importance* (Site 379;(WI Site 4CA029) *Southern Bight – Minas Basin* designated in 1987 under types A, D, E, F, G, and H of the Convention). The Management Plan for the Southern Bight – Minas Basin Ramsar site can be found in Appendix B-3. The designation provides protection on federal and provincial Crown lands. Impacts to other Ramsar sites in Nova Scotia have successfully been assessed and mitigation measures implemented which demonstrates due consideration from authorities for these designations. In addition, much of the maritime area around the nominated property is identified by BirdLife International, a global partnership of governmental and non-governmental conservation organizations that strives to conserve birds, their habitats and global biodiversity, as an *Important Bird Area* which refers to a science-based initiative to identify, conserve, and monitor a network of sites that provide essential habitat for Canada's bird populations. As such, while not a legislated form of protection, this demonstrates that the area is deemed significant by scientists and stakeholders groups from non-governmental organisations who are its active stewards.

Numerous species of birds, fish and marine mammals that nest, grow, or otherwise live in the Minas Basin are protected by federal and provincial acts. These include aquatic species listed under Schedule 1 (the list of species at risk in Canada) of the federal *Species at Risk Act* such as the inner Bay of Fundy population of Atlantic Salmon; Blue Whale; North Atlantic Right Whale; Fin Whale and Atlantic Wolfish. A listing makes it illegal to kill, harass, capture or harm these species in any way. Critical habitats associated to those species are also protected from destruction under that piece of legislation. The Act also requires that recovery strategies, action plans and management plans be developed for all listed species. Any proposed development would undergo federal and/or provincial environmental impact assessment that would consider the impact on these designations and on these protected species. In addition, there are traditional fisheries in the area on which the impact of new development and uses would have to be assessed.

In addition to the application of legal and policy protections, development in the area suggested by ICOMOS is limited by geophysical features and natural forces. Much of the land mass included in ICOMOS' boundary is subject to floods or is otherwise limited in its potential for development by ease of access and types of soil. The maritime component is affected by the highest tides in the world (100 billion tonnes of water twice a day) making it extremely challenging to build and maintain any permanent structure in that environment. To this day, no such structure exists above or under water.

The natural values of the Minas Basin are characterized by the ocean waters, tidal forces, fish and bird species, and the minerals and nutrients resulting from the movement of the tides and its effect on coastal erosion. The landscape of the marshlands, the Minas Basin and much of the surrounding land mass (within the boundary suggested by ICOMOS) is flat. It is framed by the hills of Grand Pré to the south which are already included in the buffer. From the highest point within the nominated property, the scope of the eye extends far into the horizon, stopping only when it reaches Cape Blomidon. The distance from the hills of Grand Pré to Cape Blomidon is close to 20kms.

#### 4. Conclusion

In light of this analysis, which considers ICOMOS' suggestion and the information already provided in the nomination proposal and above, Canada is willing to consider a minor modification of the current buffer. Two elements pertain:

- **The proposed criteria and natural values:** as illustrated in Section 3.d of the nomination proposal, natural resources and natural values with any relationship to the nominated property are sufficiently protected by legislation and policies. Canada considers that the natural values of the Minas Basin beyond the area already included in the immediate vicinity of the coastline do not directly contribute to the maintenance of authenticity or integrity of the nominated property in light of the proposed criterion (v) as a 'successful land reclamation system and management tradition'. Canada considers first that the monitoring of coastal change and of the saltmarsh is sufficient to ensure the protection of the nominated property, and second that the connection with the maritime environment is sufficient to express the full value of both the land reclamation system (criterion v) and the memorial value to the Acadians (criterion vi).
- **The proposed criteria and visual perspectives:** Canada considers that in accordance with the direction of the *Operational Guidelines*, there is a possibility for defining two important views that are functionally important. One is from the highest point within the nominated property to the red bluff of Cape Blomidon and the other is from the Deportation Cross at Horton Landing to the red bluff of Cape Blomidon. This is consistent with the current statement included in the nomination proposal which reads "Dominating the distant background, beyond the nominated property, Cape Blomidon extends into the basin as an instantly recognizable landmark." (Chapter 2, section 2.a. p.9). The red bluff and land projecting off Cape Blomidon into the Minas Basin is a landmark that immediately serves to identify Grand Pré and has appeared in numerous artistic and literary representations from Henry Wadsworth Longfellow's *Evangeline a Tale of Acadie* ("[...] and away to the northward Blomidon rose, [...]), to early 19<sup>th</sup> century engravings (see fig. 1 and fig.2) to modern representations of Grand Pré and the Acadian Deportation (see fig 3, fig. 4). Cape Blomidon qualifies as a geographical feature that, while not directly related to the proposed criteria, distinguishes Grand Pré as a place and requires management attention. Figures 1, 2, 3 and 4 illustrate the role of Cape Blomidon in visual arts to identify Grand Pré as a location (Cape Blomidon is circled for ease of identification).



Figure 1 Cape-Blow-me-down, and the Basin of Mines, publ.1830 NSARM

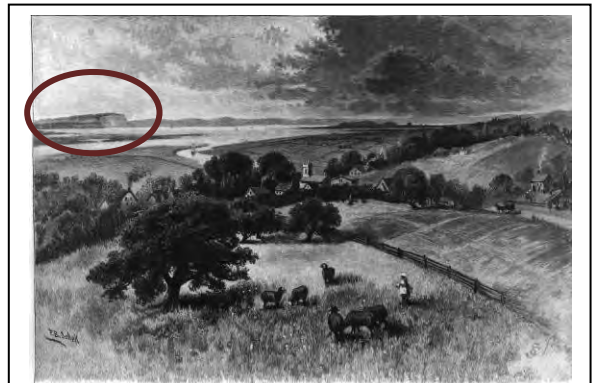


Figure 2 Grand Pré, and Basin of Minas, from Wolfville, publ.1882, F.B. Schell.



Figure 3 “The Expulsion of the Acadians”, George Craig, 1893 Collection du Musée acadien de Moncton

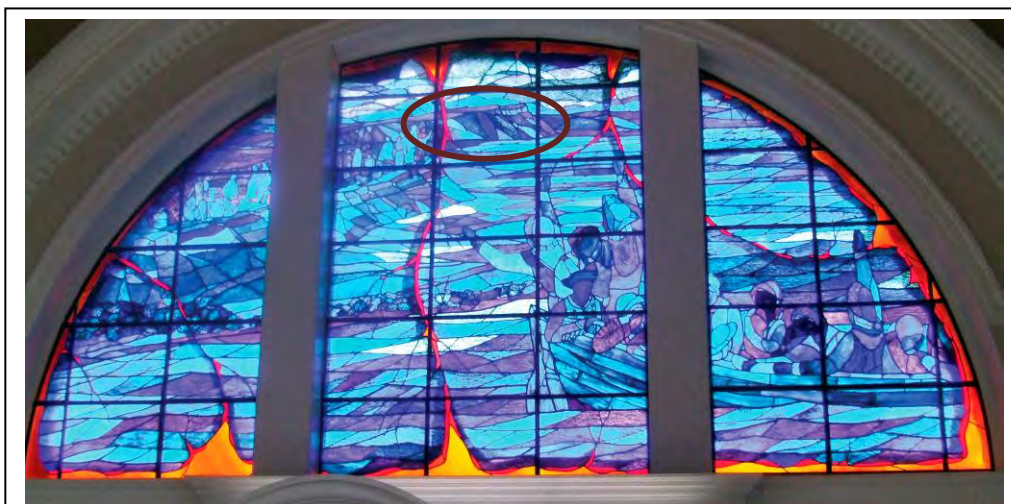


Figure 4 Stained glass in the Memorial Church Grand-Pré NHSC, 1986.

## 5. Proposal from the State Party

Based on this assessment, Canada wishes to propose a modification to the buffer in its northern maritime side to include visual perspectives from Grand Pré and Horton Landing to the red bluff of Cape Blomidon and protect the visual connection between those points (see map in Appendix C-1). Both the Grand Pré and the Horton Landing view points are located on publically accessible land. This would support the second purpose of the existing buffer zone which is to manage tourism pressure.

The visual perspective from Grand Pré begins from the highest point in the nominated property which is located on land owned and administered by Parks Canada and recognizes the visual connection between Grand Pré and Cape Blomidon enjoyed by visitors, residents, and artists. It captures the red bluffs of Cape Blomidon and the water of the Minas Basin (see Fig 5). Policies and regulations on land and water are consistent with managing development that will maintain that visual connection.

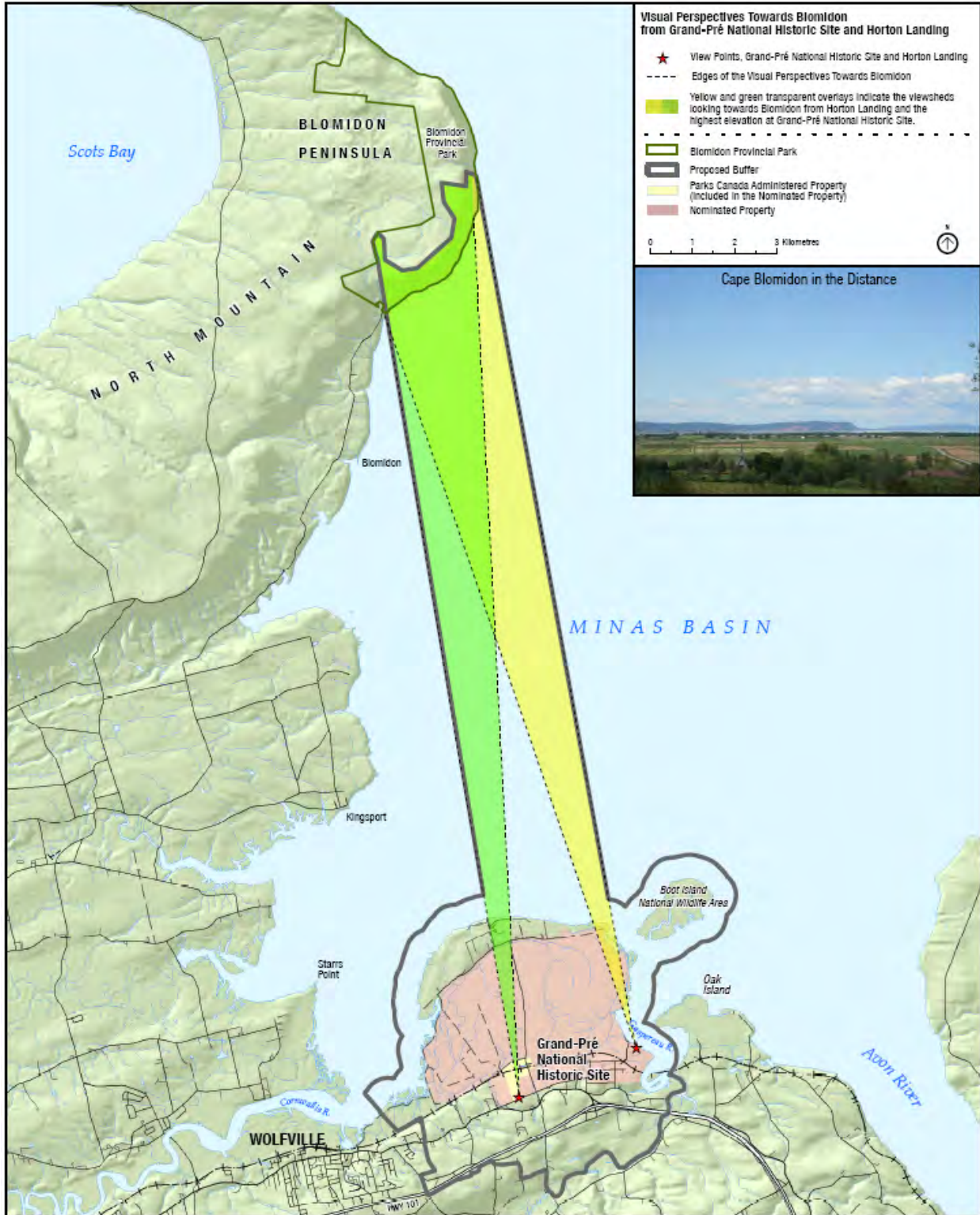
The visual perspective from Horton Landing begins at the location of the Deportation Cross located on land owned and administered by Parks Canada and recognizes the visual connection between the site where the Acadians were deported and Cape Blomidon. It captures the red bluffs of Cape Blomidon and the water of the Minas Basin (see Fig 6). Policies and regulations on land and water are consistent with managing development that will maintain that visual connection.



Figure 5 View from the highest point at Grand-Pré NHSC towards Cape Blomidon. All land visible in the foreground is included in the nominated property (Grand-Pré National Historic Site of Canada and dykelands) or in the buffer zone (the row of trees in the distance is North Grand Pré) already included in the original submission.



Figure 6 View from Horton Landing at the Deportation Cross towards Cape Blomidon



Elevation source: Provincial (NSGC) 1:10,000 points and contours.  
 Observer Height: 1.72 metres tall (or 5' 8").

As a result, the buffer zone is to extend into the Minas Basin and capture the section of Blomidon Provincial Park that is visible from those two view points. The following map illustrates this proposed modification to the boundaries of the buffer zone (Map C-1).



The exact description of the buffer zone in the nomination would therefore read as follows (clarification section 1.e.ii) **(in bold red is the new text to be added to existing text)**:

The boundary of the *Grand Pré and Area Community Plan* encompasses four communities: the hamlet of Grand Pré at the centre, and the communities of North Grand Pré to the north, Hortonville to the east, and Lower Wolfville to the west. Starting at the southern tip of Grand Pré Road as it meets the Gaspereau River (Point 3, see Map **"Boundary of the Nominated Property and Buffer Zone"** in Appendix C-1 for the location of points), the boundary follows the river counter-clockwise in the middle up to its mouth where it meets the Minas Basin at the former railway bridge. Then the boundary continues northward and follows the coastline, turns westward along Long Island and continues to follow the coastline. As it reaches the western tip of Long Island, it continues southward, still following the coastline. It then makes a sharp turn westward (Point 1) as it meets the corner of the dyke and continues westward until it meets the legal boundary of the town of Wolfville (Point 4). It turns southward following that boundary to the southern limit of the right-of-way of Highway 101.

It follows this right-of-way until it intersects the western right-of-way of Martin Cross Road. It continues south on Martin Cross Road 0.07 kilometres until it meets a point opposite the southwest corner of a property, PID #55222947 (Point 5). It then continues westward along the southern limit of several properties to the southeast corner of property PID #55222897 (Point 6). The boundary turns southward on Biggs Road by the middle to Hamilton Road (Point 7), continues eastward on Hamilton Road, in the middle, to Grand Pré Road, finally continuing southward on Grand Pré Road, in the middle, ending at the Gaspereau River.

The marine component of the buffer zone extends 500 metres from the water-facing boundary of the property and, where relevant, from the land buffer zone, **with the exception of the buffer component covering the visual perspectives to Blomidon Provincial Park**. On the eastern side of the property, the marine component of the buffer zone begins at Point 8 and extends north along the property extending from the edge of the nominated property. It then continues eastward around Boot Island following the coastline. At Point 9, the boundary for the buffer zone follows the edge of the coastline of Long Island westward until **Point A where it follows the edge of the visual perspective from Horton Landing in a straight line to Point B (see Map in Appendix C-1, and table of points below) where it intersects with Blomidon Provincial Park**. The boundary then follows Points C through S, in straight lines, staying within the boundary of Blomidon Provincial Park. Point R is the intersection of the visual perspective from the highest point on the Nominated Property (see visual perspective map in Appendix C-2) with Blomidon Provincial Park. The boundary then travels in a straight line, following the edge of the visual perspective, from Point R to Point S, where it runs 500 metres from the edge of the coastline of Long Island until Point 10, where it then follows the coastline of the nominated property at 500 metres. At Point 11 it turns westward following the edge of the area covered by the *Grand Pré and Area Community Plan*. At Point 12, the marine component of the buffer zone ends with a straight line southward, meeting with the land buffer zone. The marine component of the buffer zone includes salt marsh, beaches and mudflats.

Points defining the new buffer zone:

Point	Longitude	Latitude
A	64° 17' 14.576" W	45° 8' 31.676" N
B	64° 19' 36.343" W	45° 16' 55.597" N
C	64° 19' 37.075" W	45° 16' 57.176" N
D	64° 19' 47.160" W	45° 16' 59.939" N
E	64° 19' 46.523" W	45° 16' 49.599" N
F	64° 20' 10.926" W	45° 16' 51.651" N
G	64° 20' 8.556" W	45° 16' 38.419" N
H	64° 19' 57.665" W	45° 16' 26.560" N
I	64° 20' 0.542" W	45° 16' 13.082" N
J	64° 20' 34.016" W	45° 15' 51.335" N
K	64° 20' 48.839" W	45° 15' 49.720" N
L	64° 21' 5.928" W	45° 15' 57.030" N
M	64° 21' 7.136" W	45° 16' 11.696" N



N	64°21' 13.359" W	45°16' 15.686" N
O	64°21' 18.524" W	45°16' 10.215" N
P	64°21' 12.614" W	45°15' 55.671" N
Q	64°21' 3.598" W	45°15' 19.673" N
R	64°21' 7.362" W	45°15' 13.437" N
S	64°19' 18.050" W	45° 8' 33.251" N

A modification to the total extent of the buffer zone is required (Chapter 1, section 1.f). The area would now stand at:

- **Land component:** 1248 hectares + 204 hectares (Blomidon area) = **1448 hectares**
- **Marine component:** 945.09 hectares + 3475 hectares (extension into the Minas Basin) = **4420.09 hectares**
- **Total area of the new proposed buffer zone: 5868.09 hectares**

A fourth purpose would be added to the purpose of the buffer zone as described in the management plan (section 6.1) that would read as:

- To protect the visual connection between Grand-Pré NHSC and Cape Blomidon and Horton Landing and Cape Blomidon, a recognizable nearby landmark that contributes to the sense of place for the nominated property.

The legal and policy tools that ensure the protection of the visual perspectives extending from Grand-Pré NHSC and Cape Blomidon and Horton Landing and Cape Blomidon and the management of development and uses in this area are ensured by existing protections within the boundaries of the nominated property and the land buffer zone. Focusing on the extension suggested by ICOMOS, Canada confirms that legal and policy tools are in place to ensure the protection of the visual perspectives within the Minas Basin and on Cape Blomidon, namely :

- The *Provincial Parks Act* (Nova Scotia) which protects Cape Blomidon (copy provided in this document as Appendix B-1);
- The *Convention for Wetlands of International Importance (Ramsar)* which designates the Southern Bight of the Minas Basin (copy provided in this document as Appendix B-2);
- The *Canadian Environmental Assessment Act* (Canada) that manages the environmental impact assessment process under federal jurisdiction (copy provided in the nomination proposal as appendix 3B); and,
- The *Species at Risk Act* (Canada) which protects species at risk in the area and their habitat (copy provided in the nomination proposal appendix 3E).

These legal and policy tools ensure the protection of the visual perspectives by limiting densification and restricting development and inappropriate land use in protected areas under federal and provincial jurisdiction. Effective management will be ensured by engaging the federal and provincial agencies responsible for the implementation of these acts in the work of the Stewardship Board. This will consist of information exchange, consultation on proposed activities, and recommendations to the agencies. This approach is identical to the one applicable in the current buffer zone.

### III. Question: Stewardship Board: Implementation, role, responsibilities, and resources

*Est-ce qu'il serait possible de confirmer la mise en place du Comité d'intendance ? de préciser sa composition, ses responsabilités, ses moyens humains et matériels de gestion ainsi que ses relations avec la Société de promotion de Grand-Pré (sic)? (would it be possible to confirm the setting up of the Stewardship Board? to clarify its composition, responsibilities, human and financial resources, and its relationship with the Société de Promotion de Grand Pré? (sic)*

#### State Party Answer to Question III

##### 1. [...] confirmer la mise en place du Comité d'intendance [...] (confirm the setting up of the Stewardship Board)

Canada can confirm that the Stewardship Board will be put in place immediately upon successful inscription. This is based on the following information already provided in Chapter 5 of the nomination proposal (Chapter 5, introduction, p.151 and section 5.c.v. pp.164) and the Memorandum of Understanding (MOU) in Appendix 2G:

- The MOU signed between the authorities and the key stakeholders indicates that “If the World Heritage Committee inscribes the Nominated Property on the World Heritage List, the Stewardship Board will act as the WHS manager in accordance with the Operational Guidelines and as described in its terms of reference.” (6.2.1)
- The MOU also indicates that “If the Nominated Property is inscribed on the World Heritage List by the World Heritage Committee, the Nomination Board will cease to exist” (6.1.3) and “If the Nominated Property is inscribed on the World Heritage List, the Parties agree to create the Grand Pre World Heritage Site Stewardship Board.” (6.1.4)

##### 2. [...] préciser sa composition [...] (clarify its composition)

The Stewardship Board will include representatives from the organisations that signed the MOU as well as other key stakeholders that will, first, best ensure the preservation, interpretation, and promotion of the nominated property and, second, maintain the active engagement of residents and the Acadian community in the management of the nominated property. (Chapter 5 p.151, section 5.c.v pp. 164; MOU )

The details of the composition of the Stewardship Board are included in the Terms of Reference (ToR) included as appendix 2F of the nomination proposal.

The Stewardship Board will be co-chaired by a representative from the Société nationale de l'Acadie and by a representative from the Grand Pré and Area Community Association. The members are the following organizations (section 5.1 of the ToR):

As voting members

- Councillor of District 12, Municipality of the County of Kings (“County of Kings”);
- Kings Regional Development Agency (“Kings RDA”);
- Grand Pré Marsh Body (“Marsh Body”);
- Société nationale de l'Acadie (“SNA”);
- Société Promotion Grand-Pré (“SPGP”);
- Glooscap First Nation (“Glooscap”);
- Destination Southwest Nova (“DSWN”);
- Grand-Pré and Area Community Association (“Community Association”); and,
- Parks Canada Agency (“Parks Canada”).

As ex-officio and non voting members

- Staff, the Municipality of the County of Kings (“County of Kings”);
- Atlantic Canada Opportunity Agency (“ACOA”);
- Department of Tourism, Culture and Heritage of the Province of Nova Scotia (“DTCH”);
- Office of Acadian Affairs of the Province of Nova Scotia (“OAA”);

- Department of Agriculture of the Province of Nova Scotia (“Agriculture”); and,
- Nova Scotia Economic and Rural Development (“NSERD”).

Each organization shall delegate one representative and one alternate (section 5.2 of the ToR)

The Stewardship Board will set up two subcommittees to ensure the effective implementation of the Management Plan: a Technical Advisory Committee and an Education and Marketing Committee. It may set up any other committee it deems necessary to achieve its mandate (section 8.5 of the ToR).

The Technical Advisory Committee will provide technical advice on the protection of the property's OUV and assist in reporting on the condition of the WHS (section 11.2 of the ToR). The membership of the Technical Advisory Committee may include representatives of the federal, provincial and municipal governments, ICOMOS Canada, outside experts and stakeholders (section 11.3 of the ToR). The Technical Advisory Committee will review Requests For Input within a time frame of no longer than four weeks. It will provide comprehensive, accurate, and objective information to the Board through the Site Management Coordinator in the form of reports (section 11.5 of the ToR). The Technical Advisory Committee will provide an annual report on its activities (section 11.7 of the ToR).

The Education and Marketing Committee will advise the Board on issues relating to promotion, interpretation, and education, as well as to coordinate the development of products, activities and messages related to the WHS (section 12.1 of the ToR). The membership of the Education and Promotion Committee will include representatives of the government and non government agencies responsible for tourism, interpretation, and regional economic development, outside experts and local area stakeholders (section 12.2 of the ToR). The Education and Marketing Committee will provide an annual report on its activities (section 12.4 of the ToR).

### 3. ... [préciser] ses responsabilités... (**clarify its responsibilities**)

The mandate and responsibilities of the Stewardship Board are described in Chapter 5 of the nomination proposal, in the MOU included in the original submission as appendix 2G and in the ToR included in the submission as appendix 2F.

“The mandate of the Stewardship Board is to ensure the conservation, protection, presentation and transmission to future generations of the property’s OUV through implementation of the Management Plan through a coordinated management approach between all Regulatory Authorities, advice to ensure the integrity of the WHS, promotion of the WHS’s OUV, engagement of the stakeholders in the stewardship of the WHS, and reporting on the condition of the WHS. If it is necessary to report to the World Heritage Centre about the condition of the WHS, the Canadian Delegation to the World Heritage Committee will work cooperatively with the Stewardship Board to provide the necessary information.” (section 6.2.4 of the MOU)

The responsibilities of the Board will be to:

- Act as the manager of the WHS;
- Implement the Management Plan through a coordinated management approach between all Regulatory Authorities;
- Engage the stakeholders in the stewardship of the WHS;
- Consult its members on key issues;
- Promote the WHS's Outstanding Universal Value;
- Foster and facilitate research and information sharing for the benefit of the WHS;
- Report on the condition of the property, including, as necessary, to the World Heritage Centre through the Canadian Delegation to the World Heritage Committee;
- Appoint a Site Management Coordinator;
- Obtain the support of relevant authorities;
- Oversee the management of the finances of the WHS, including adopting business plans, receiving financial reports, and approve spending; and,
- Review and approve contracts and other forms of agreements.” (section 4.1 of the ToR)

4. ... [préciser] ses moyens humains et matériels de gestion... **(clarify the human and other resources for its operations)**

The information relating to the resources provided to the Stewardship Board is included in Chapter 5, section 5.f, 5.g and 5.j, as well as in the Management Plan, MOU, the ToR, and the letter confirming the financial contribution from the Municipality of the County Kings (Appendix 10A of the original submission). In addition, the Government of Nova Scotia officially announced on November 14<sup>th</sup> 2011, the creation upon successful inscription of a 2.5 million dollar public trust fund to support the operations and work of the Stewardship Board. This will ensure the stability of the operations and is based on the requirements outlined in the Strategic Plan. Canada is providing ICOMOS with confirmation from the Government of Nova Scotia that those financial resources will be made available to the Stewardship Board for its operations (Appendix D-1).

“The Stewardship Board will be assisted in its work by a Secretariat and a Site Management Coordinator whose mandate is to coordinate the management of the nominated property. The Stewardship Board will rely on three sources of expertise to provide advice on matters of protection, promotion, and education. The first is a Technical Advisory Committee, which will provide professional advice on matters pertaining to the protection of the dykelands and of the memorials. The second is the Education and Marketing Committee, which will provide direction and coordination between partners for matters relating to interpretation, promotion, marketing, and education. The third will be a variety of outside sources of expertise in government agencies, non-governmental organizations, and consultancies when required” (p. 18, Management Plan)

The Stewardship Board’s key staff will consist of a Site Management coordinator, whose responsibilities include:

- Coordinate the implementation of the Management Plan for the WHS;
- Coordinate the implementation of the decisions of the Board;
- Coordinate the review of Requests For Input;
- Chair the Technical Advisory Committee;
- Chair the Education and Marketing Committee;
- Chair any other committees created by the Board;
- Prepare a five-year business plan for the Board with annual statements of implementation;
- Prepare reports, position papers and recommendations to the Board;
- Coordinate media, public, and stakeholder relations with key partners;
- Seek and facilitate partnerships to pursue the goals of implementing the Management Plan, particularly for activities relating to research, protection, promotion, and sustainability;
- Report annually on the implementation of the Management Plan and on the condition of the World Heritage Site;
- Coordinate and prepare the report on the condition of the WHS for Canada’s Periodic Report under the guidance of the Canadian Delegation to the World Heritage Committee;
- Review the Management Plan and any other management related document;
- Represent the WHS on the Canadian Network of World Heritage Sites;
- Liaise with the Canadian Delegation to the World Heritage Committee, in particular on matters relating to media relations, project reviews, pressures on the WHS, and, as necessary, communication with the World Heritage Centre. (section 9.2 of the ToR)

The technical expertise will be provided specifically by Parks Canada, the Government of Nova Scotia, the Municipality of the County of Kings, the Kings Regional Development Agency and other key partners as required. (section 6.2.7 of the MOU)

The Kings Regional Development Agency will be responsible for the Secretariat and all administrative matters (sections 6.5.2, 6.5.5, 6.5.6, and 6.5.7 of the MOU)

Parks Canada will provide support for managing visitors and tourism, interpretation and resource management (sections. 6.7.5, 6.7.7, 6.7.10, 6.7.11)

The Government of Nova Scotia through its departments of Tourism, Culture, and Heritage AND Agriculture, AND Rural and Economic Development AND the Office of Acadian Affairs will provide support for the promotion, preservation, and interpretation of the nominated property (sections 6.8.3, 6.8.4, and 6.8.7)

The Municipality of the County of Kings, the Grand Pré Marsh Body, the Grand Pré and Area Community Association will provide support as required based on its expertise available (section 6.3.4, 6.4.4, 6.6.2, 6.6.5,).

In terms of financial resources, the nominated property benefits from a number of ongoing operational investments as described in section 5.f of the nomination proposal. In addition, the Stewardship Board will benefit from direct financial contributions. In early 2011, the Municipality of the County of Kings committed to contributing \$ 25 000 per annum for 10 years to the operations of the Stewardship Board (see Appendix 10A in the original nomination proposal). In late 2011, the Government of Nova Scotia announced the creation of a public trust of \$ 2 500 000 to be created by the government immediately following a successful inscription (see Appendix D-1). Both these significant contributions ensure financial stability for the operations of the Stewardship Board.

**5. ... [préciser] ses relations avec la Société de promotion de Grand-Pré (sic). (clarify its relationship to the Société Promotion Grand-Pré)**

The information regarding the mandate of the Société Promotion Grand-Pré (SPGP) and its relationship with the Stewardship Board are included in Chapter 5, section 5.d, 5.f and 5.j, as well as in the MOU, the ToR, and the SPGP's business plan included as appendix 5D. In addition, Canada is submitting the following clarification as to the role and mission of the SPGP.

As described in the MOU with Parks Canada, the main goal of the Société Promotion Grand-Pré is to promote Acadian culture and history related to Grand-Pré. In order to fulfill this goal, the Société Promotion Grand-Pré has as priority the co-management of Grand-Pré National Historic Site in collaboration with Parks Canada. (excerpt from its MOU with Parks Canada) **(original in French: *L'objectif premier de la Société Promotion Grand-Pré est de promouvoir la culture et l'histoire acadiennes se rattachant à Grand-Pré. Pour rencontrer cet objectif, la Société Promotion Grand-Pré a comme priorité la cogestion, en collaboration avec Parcs Canada, du lieu historique national du Canada de Grand-Pré.*)**

The mission of Société Promotion Grand-Pré is to promote Grand-Pré as the symbolic and authentic place of the Deportations of the Acadians, at the national and international level. **(Original in French: *La mission de la Société Promotion Grand-Pré est de promouvoir Grand-Pré comme lieu symbolique et authentique des déportations du peuple acadien à l'échelle nationale et internationale.*)**

As such the primary responsibility and scope of work of the SPGP is with regards to Grand-Pré NHSC.

As one of the key organisations with a responsibility within the nominated property, the SPGP has actively participated in the preparation of the nomination proposal. In addition, it will play a role in the management of the nominated property.

The SPGP will be a member of the Stewardship Board upon its creation (section 6.9.1 of the MOU) and one of the key partners in the implementation of the management plan. It will support promotional activities in relation to the WHS (section 6.9.2 of the MOU). The SPGP will be a member of the Education and Marketing Committee to ensure the values and importance of the WHS are communicated to target audiences (section 6.9.3 of the MOU). The SPGP will support and contribute to the development, distribution and display of educational products related to the WHS (section 6.9.4 of the MOU).

#### IV. Question: Management Plan: implementation timeline

*Est-ce qu'il serait possible de dresser un programme récapitulatif des actions prévues par le Plan de gestion avec un calendrier de leur mise en œuvre ? Quelle place y tient le programme d'action de la Société de promotion de Grand-Pré ? Quelle est la programmation concernant la conservation du bien ? (would it be possible to summarize the management plan actions in an implementation timeline? Where does the Société Promotion Grand-Pré's business plan fit? What are the site conservation activities?)*

#### State Party Answer to Question IV

The information concerning the management plan actions are included in the management plan itself which was appended to the original submission (Appendix 2A).

Other management documents associated with the management plan that focus on specific aspects of the nominated property's management were also included in the original submission in 2011. These include the *Strategy for the Management and Conservation of Archaeological Heritage in the Landscape of Grand Pré* (Appendix 2B), the *Risk Preparedness Framework* (Appendix 2C), and the *Coastal Change Monitoring Programme* (Appendix 2D).

Finally, there are other plans which detail the implementation of work within the jurisdiction of specific groups. These include the *Grand-Pré National Historic Site of Canada Management Plan* (Appendix 2I), the *Grand Pré and Area Community Plan* (Appendix 2J), the *Plan d'action de la Société Promotion Grand-Pré* (Appendix 5D), and the Nova Scotia Department of Agriculture's Business Plan (Appendix 5C).

As the management plan focuses on the overarching direction for the management of the nominated property, this response to ICOMOS' question will focus on that document's timeline. Since the Stewardship Board will be responsible for coordinating the implementation of the management plan, the Strategic Plan for the Stewardship Board (Appendix 5A) provides the framework for that timeline and will be the focus of Canada's answer.

1. ... dresser un programme récapitulatif des actions prévues par le Plan de gestion avec un calendrier de leur mise en œuvre... **(summary of the management plan actions and implementation timeline)**

The Management Plan identifies three goals (Management Plan pp.38-39):

1. providing for the protection, continuing community and agricultural use and appreciation of the nominated property.
2. enriching the existing tourism destination by promoting wide recognition, understanding and appreciation of the educational and cultural values represented by the nominated property.
3. instilling a strong sense of shared community pride and stewardship in the protection, interpretation and promotion of the nominated property.

These goals set the framework for the action of the Stewardship Board, the regulatory authorities, and the partners to manage the protection, promotion, and interpretation of the nominated property.

In addition to these goals, the Stewardship Board has added two further goals as found in its Strategic Plan (Strategic Plan, p. 3):

4. fostering increased economic, tourism and agricultural opportunities through partnerships at the nominated property.
5. ensuring the long-term sustainability of the nominated property's governance

These two last goals focus on capitalizing on the opportunities that a World Heritage inscription may bring to the local and Acadian communities to contribute to their sustainable development. They also focus on acquiring the tools necessary to ensure the long-term stability and sustainability of the Stewardship Board. Based on these goals, the following implementation timeline was included in the Strategic Plan

(p.13). This timeline includes the priority actions described in the management plan and described here as activities (section 11, p. 62). The goals and activities are set for a ten-year period in three-year phases.

<b>Vision</b>				
<i>The Landscape of Grand Pré will be maintained as an outstanding and sustainable living heritage landscape, a shared legacy connecting the communities that care for it for the world to appreciate.</i>				
<b>Mission</b>				
<i>On behalf of people of the world and of the communities that care for the Landscape of Grand Pré, the Stewardship Board will work cooperatively with each government authority and engage the communities to protect, promote, interpret, and foster the sustainable development of this outstanding area for present and future generations.</i>				
<b>Key Strategies</b>				
<i>Protecting an outstanding heritage asset</i>	<i>Creating an outstanding and sustainable experience</i>	<i>Engaging the communities to build strong stewardship</i>	<i>Facilitating economic opportunities for stakeholder communities</i>	<i>Sustaining the management of the nominated property</i>
<b>Goals</b>				
To provide for the protection, continuing community and agricultural use and appreciation of the Nominated Property	To promote recognition, understanding and appreciation of the values represented by the Nominated Property	To instill a strong sense of shared community pride and stewardship in the protection, interpretation and promotion of the Nominated Property	To foster increased economic, tourism and agricultural opportunities through partnerships at the Nominated Property	To ensure the long-term sustainability of the nominated property's governance
<b>Activities</b>				
<i>Phase 1: years 1 – 3: Development and Capacity Building</i>				
<ul style="list-style-type: none"> <li>Hire Site Management Coordinator</li> <li>Organize forum on research priorities and partnerships</li> <li>Implement outcome of the forum on research priorities</li> <li>Set up the Technical and Advisory Committee</li> <li>Prepare training</li> <li>Respond to requests for information</li> <li>Monitor condition</li> <li>Conserve key attributes</li> </ul>	<ul style="list-style-type: none"> <li>Set up the Education and Promotion Committee</li> <li>Prepare and implement website</li> <li>Prepare and implement promotion and branding strategy</li> <li>Prepare and implement interpretation strategy</li> <li>Organize forum on creating an outstanding and sustainable experience with key stakeholders based on the Tourism Management Study</li> <li>Establish institutional and tourism partnerships</li> <li>Provide an opportunity to experience the World Heritage Site</li> </ul>	<ul style="list-style-type: none"> <li>Establish the Stewardship Board</li> <li>Prepare and implement communications and engagement strategy</li> <li>Prepare and implement Board policies</li> <li>Prepare residents' kit</li> <li>Organize annual events around heritage and community values</li> <li>Prepare outreach and communication materials</li> <li>Administer and prepare the Board, committee, and public meetings</li> <li>Support media relations</li> <li>Liaise with key stakeholders</li> <li>Engage the communities</li> <li>Prepare business plans</li> </ul>	<ul style="list-style-type: none"> <li>Incorporate the nominated property into the brand for Eastern Kings County</li> <li>Participate in the Commission du tourisme acadien du Canada Atlantique</li> <li>Develop cross marketing strategy with the 2 other World Heritage sites in Nova Scotia</li> <li>Organize a forum on agricultural issues relevant to the sustainability of the nominated property</li> <li>Work with the CDENE to articulate economic opportunities for the Acadian community of Nova Scotia</li> <li>Prepare a paper on agrotourism in Nova Scotia</li> </ul>	<ul style="list-style-type: none"> <li>Explore fundraising strategies for the long term management of the nominated property</li> <li>Identify resources to develop and implement the preferred fundraising strategy</li> <li>Develop options for financial model</li> <li>Submit funding applications to provincial and federal agencies for specific projects</li> </ul>
<i>Phase 2: years 4 – 6: Transition</i>				
<ul style="list-style-type: none"> <li>Coordinate output of the research units</li> <li>Manage resources and stakeholder relations for the survey and conservation of the property's values</li> <li>Review management plan and other management related documents</li> <li>Coordinate the information for preparing the report to the World Heritage Committee</li> <li>Respond to requests for information</li> <li>Monitor condition</li> <li>Conserve key attributes</li> </ul>	<ul style="list-style-type: none"> <li>Maintain website</li> <li>Maintain the Education and Promotion Committee</li> <li>Develop tourism products in partnership</li> <li>Sustain institutional and tourism partnerships</li> <li>Provide an opportunity to experience the World Heritage Site</li> </ul>	<ul style="list-style-type: none"> <li>Maintain presence in the communities</li> <li>Support local initiatives</li> <li>Maintain community engagement</li> <li>Support media relations</li> <li>Liaise with key stakeholders</li> <li>Engage the communities</li> <li>Prepare business plans</li> </ul>	<ul style="list-style-type: none"> <li>Contribute to the implementation of the local, regional branding strategies</li> <li>Contribute to the development of a World Heritage tourism package with World Heritage Sites in Atlantic Canada</li> <li>Implement the outcome of the forum on agricultural issues as they are relevant to the sustainability of the nominated property</li> <li>Identify opportunities for leadership from the nominated property in agrotourism in Atlantic Canada</li> </ul>	<ul style="list-style-type: none"> <li>Implement the fundraising strategy</li> </ul>
<i>Phase 3: years 7 – 10 : Full operations</i>				
<ul style="list-style-type: none"> <li>Maintain the Technical Advisory Committee</li> <li>Monitor research activities, development pressures, policy development</li> <li>Work with partners to ensure the protection of the nominated property.</li> <li>Respond to requests for information</li> <li>Monitor condition</li> <li>Conserve key attributes</li> </ul>	<ul style="list-style-type: none"> <li>Maintain the Education and Promotion Committee</li> <li>Review website</li> <li>Maintain website</li> <li>Reviewing products and interpretation</li> <li>Work with partners to promote and interpret the nominated property.</li> <li>Provide an opportunity to experience the World Heritage Site</li> </ul>	<ul style="list-style-type: none"> <li>Review communications strategy</li> <li>Update communication materials</li> <li>Work with stakeholders and other partners to manage the property effectively in a sustainable manner.</li> <li>Support media relations</li> <li>Liaise with key stakeholders</li> <li>Engage the communities</li> <li>Prepare business plans</li> </ul>	<ul style="list-style-type: none"> <li>Carry out regular events regarding agricultural issues</li> <li>Nurture partnerships with World Heritage sites in Atlantic Canada and abroad</li> </ul>	<ul style="list-style-type: none"> <li>Carry out fundraising activities</li> <li>Implement financial model</li> </ul>

2. ... quelle place y tient le programme d'action de la Société de promotion de Grand-Pré ?...  
(Where does the Société Promotion Grand-Pré's business plan fit?)

The Management Plan identifies five principles (Management Plan p.38, Chapter 5 section 5.e p.168, :

*Principle 1:* Management of the nominated property will meet or exceed World Heritage standards regardless of inscription.

*Principle 2:* The primary focus of the *Management Plan* is to address issues directly related to the management and conservation of the site's outstanding universal value and attributes by providing a framework for advice from the Stewardship Board and for decision-making for the regulatory authorities.

*Principle 3:* The *Management Plan* recognizes that the nominated property is set within an active agricultural community where people continue to live and work. People have created, lived and worked on this land for generations and have been responsible stewards of the land. The *Management Plan* also recognizes that this is an area of great importance for the Acadians, who have a strong emotional attachment to it.

*Principle 4:* Management of the nominated property in relation to World Heritage guidelines will be a shared responsibility between the different owners, communities, and government agencies with regulatory responsibilities for the nominated property. The *Management Plan* recognizes that actions undertaken by an owner, community, or government agency with regulatory responsibilities may have a detrimental impact on the nominated property, and that communication, coordination, and collaboration are essential to its long-term protection.

*Principle 5:* Management and protection will be delivered through existing boards, bodies, and government authorities, supplemented by technical advice, interpretation, and education from the Stewardship Board and procedures developed to accommodate a designated World Heritage Site.

Based on principles 4 and 5 each member of the Stewardship Board has a role in the implementation of the management plan. As such, the Société Promotion Grand-Pré will contribute to the promotion and interpretation of the World Heritage site within its mandate at Grand-Pré National Historic Site (MOU, section 6.9). Following a successful inscription, its future business plans will reflect that role in accordance with the terms of the MOU.

3. ... Quelle est la programmation concernant la conservation du bien ?... (What are the site conservation activities?)

Conservation activities fall under the jurisdiction of four levels of government as described in Chapter 5 of the nomination proposal. The following table summarizes their jurisdiction and the activities undertaken to preserve the nominated property. Specific information about conservation activities are found in Chapter 4 (section 4a, pp-137-140), Chapter 5 (section 5.c., pp. 162-164), Chapter 6 (section 6.a. p.181), the Management Plan for the nominated property (Appendix 2A), the Strategy for the Management and Conservation of Archaeological Heritage (Appendix 2B), the Grand-Pré NHSC Management Plan (Appendix 2I), and the Grand Pré and Area Community Plan (Appendix 2J).

	Jurisdiction	Type of activities	Attribute affected	Frequency
<b>Federal government (Parks Canada)</b>	• Property owned and administered (nomination proposal, Map 9, p.155)	• Maintenance	• Commemorative gardens • Memorial Church • Other memorials	• Annual
		• Archaeological investigation	• Archaeological resources	• As required for impact assessment • Research programs (as developed)
		• Monitoring of condition	• Memorial Church • Other memorials • Commemorative gardens	• Every five years, synchronized with the development of a state of the site report
<b>Government of Nova Scotia</b>	• All areas, except federally owned land (nomination proposal, Map 8, p.153)	• Archaeological site protection	• Archaeological sites	• Based on permit issuance
		• Maintenance	• Dykes and drainage • Roads	• Annual (inspection and regular maintenance) • As needed (more significant repairs and structural reinforcements)
		• Monitoring of	• Dykes and drainage	• Annual



		condition	• Roads	
<b>Municipality of the County of Kings</b>	<ul style="list-style-type: none"> <li>• All areas except federally and provincially owned land (nomination proposal, Map 8, p.153)</li> </ul>	<ul style="list-style-type: none"> <li>• Zoning enforcement</li> </ul>	<ul style="list-style-type: none"> <li>• Land use</li> </ul>	<ul style="list-style-type: none"> <li>• As required</li> </ul>
<b>Grand Pré Marsh Body</b>	<ul style="list-style-type: none"> <li>• Designated marshland (nomination proposal, Map 18, Appendix Volume 7)</li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance</li> </ul>	<ul style="list-style-type: none"> <li>• Dykes and drainage</li> <li>• Private roads</li> </ul>	<ul style="list-style-type: none"> <li>• Annual (inspection and regular maintenance)</li> <li>• As needed (more significant repairs and structural reinforcements)</li> </ul>

## Appendix A – 1: Tables of locations associated with the Acadian community

**Table 1. Settlements prior to the deportation (1604 – 1755)**

<b>Name in Acadie</b>	<b>Contemporary name</b>
<b>Acadie – Nova Scotia</b>	<b>Nova Scotia</b>
Babin	Falmouth
Beaubassin	Fort Lawrence
Beaulieu	Upper Granville
Belle-Isle	Bellisle
Bernard Godet	Bridgetown
Chezzetcook	Chezzetcook
Cobeguit	Truro
Grand-Pré	Grand Pré
La Butte	Amherst
La Paroisse	Masstown
Le Cap	Lequille
Le Nantois	Granville Ferry
Melanson	Melanson
Menoudie	Minudie
Michel	Avonport Station
Mirliguèche	Lunenburg
Paradis-Terrestre	Paradise
Piguit	Windsor
Pobomcoup	Pubnico
Pointe-aux-Chênes	Melanson Settlement
Port-Royal	Annapolis Royal
Pré-Ronde	Round Hill
Rivet	Mount Denson
Rivière-aux-Canards	Chipman's Corner
Tatmagouche	Tatamagouche
Tebogue	Chebogue
Thibodeau	Newport Landing
Trahan	Sweets Corner
Village des Antoine	New Minas
Vincent	Poplar Grove
<b>Acadie – Ile Royale</b>	<b>Cape Breton Island (part of Nova Scotia)</b>
Arichat	Arichat
Louisbourg	Louisbourg
Port-Toulouse	St Peter's
<b>Acadie – Île-Saint-Jean</b>	<b>Prince Edward Island</b>
Havre-aux-Sauvages	Savage Harbour

Malpèque	Malpeque
Port-Lajoie	Charlottetown Rocky Point
<b>Acadie</b>	<b>New Brunswick</b>
Baie-Verte	Baie Verte
Beauséjour	Aulac
Chipoudie	Riverside-Albert
Memramcook	Memramcook / Dorchester
Petcodiac	Hillsborough
Pré-des-Bourque	Sackville
Sainte-Anne-des-Pays-Bas	Fredericton
Terre Rouge	Moncton
Tintamarre	Upper Sackville

Table 2.1 Settlements after the deportation until 1816 (Canada)

Nova Scotia				New Brunswick			Prince Edward Island	Québec				
Par-en-Bas	Baie Sainte-Marie	Isle-Madame	Cape Breton and northern Nova Scotia	Halifax area – Eastern Nova Scotia	Southeastern New Brunswick	Madawaska	Acadian peninsula	Montréal, areas the St-Laurence River to Trois-Rivières, and Vallée du Richelieu (southeastern Québec)	Québec and areas along the St-Laurence River (from Trois-Rivières to Baie-Saint-Paul)	Québec and areas along the St-Laurence River (from Trois-Rivières to Baie-Saint-Paul)	Gaspésie and Conté de Bonaventure	Iles-de-la-Madeleine
Pomboupe (Pubnico)	Anse-des-Bellevue	Aïchât	Chéticamp	Chesletcook	Baie-des-Quines (Baie-Sainte-Anne)	Grande Rivière (Saint-Léonard)	Baie-Caraquet	L'Azade	Ardenne-Lorette	Bonaventure		Havre-Aubert
Saint-Anne-du-Ruisseau	Grosses-Croques	D'Escousse	Havre-Boucher		Barachois	Rivière-Verte	Bertrand	L'Assomption	Baie Saint-Paul	Caspédia		Havre-aux-Maisons
Saint-Michel-de-Toussaint (Westport)	Mategnan	Petit-Degrât	L'Ardoise		Boucrauche	Saint-Basile	Caraquet	Louiseville	Baïscan	Maria		Laverrière
	Pointe-de-l'Église		Mégré (Mar garee)		Cannécaquiche (Kinnibecassis)	Sainte-Anne-de-Madawaska	Néguac	Miscouche	Beaumont	Paspébiac		
	Rivière-aux-Saumons		Menouille		Cocagne		Shippagan	Montréal	Bécanour	Rimouski		
	Sauferville		Pomquet		Grande-Digue		Tracadie	Nicolet	Cap-Saint-Ignace	Tracadie (Carleton)		
			Tracadie		Merrimack		Lamèque	Pointe-aux-Trembles	Cap-Saint			
			Rivière-Bourgeois		Nipisigut (Bathurst)			Pointe-du-Lac	Champlain			
					Petoudiac (Dieppe et Saint-Anselme)			Saint-Antoine-sur-Richelieu	Charlesbourg			
					Petit-Rocher			Saint-Charles-sur-Richelieu	Ile d'Orléans			
					Pis-d'en-Haut			Saint-Cuthbert	Kamouraska			
					Richibouctou-Village			Saint-Denis-sur-Richelieu	L'Ange Gardien			
					Kagibougouet (Saint-Louis-de-Kent)			Sainte-Thérèse-de-Blainville	L'Île-Verte			
					Sainte-Anne-des-Pays-Bas (Frédéricton)			Saint-François-du-Lac	Lobinière			
					Albouane			Saint-Grégoire(-de-Nicolet)	Montmagny			
					Scoubeuc			Saint-Jacques(-de-l'Adigien)	Québec			
					Shédiac			Saint-Luc	Rivière-Ouelle			
					Cap-Pelé			Saint-Ours	Saint-Charles-de-Bellechasse			
					Stemouge			Saint-Philippe-de-Laprairie	Sainte-Anne-dela-Pérade			
								Sorel	Saint-François-de-Beauce			
									Saint-François-du-Sud			
									Saint-Gervais-de-Bellechasse			
									Saint-Isidore			
									Saint-Michel-de-Bellechasse			
									Saint-Michel-d'Yamaska			
									Saint-Pierre-du-Sud			

**Table 2.2 Settlements after the deportation until 1816 (World excluding Canada)**

United States of America		France			Haïti
Maine	Louisiana	France	Saint-Pierre et Miquelon	French Guyana	
Saint-Bruno (Van Buren)	Attakapas (region)	Archigny (Ligne Acadienne)	Miquelon	Sinnamary	Jean-Rabel
Saint-David	Bâton-Rouge (Baton Rouge)	Belle-Île-en-Mer			La Bombarde
	Côte-Gelée (Broussard)	Boulogne-sur-Mer			Le Mirebalais
	Nouvelle-Orléans (New Orleans)	Cherbourg			Môle Saint-Nicolas
	Opelousas	Nantes			Port-au-Prince
	Plattenville				Port-de-Paix
	Pointe-Coupée				
	Saint-Gabriel-d'Iberville (St Gabriel, Iberville Parish)				
	Saint-Jacques-de-Cabahannocer (St. James, St. James Parish)				
	Saint-Martinville				
	Ascension (Donaldsonville, Ascension Parish)				

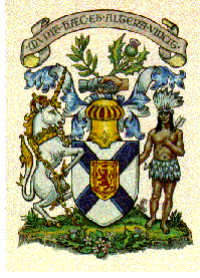
Table 3. Places of transit (1755 – 1816)

Canada			Anglo-American colonies * *(exact ports of call requires additional research)	United Kingdom	France
Nova Scotia	New Brunswick	Québec			
Fort Amherst, Port-Lajoie	Ristigouche	Québec	Connecticut	Bristol	Bordeaux
Fort Anne, Annapolis Royal	Sainte-Anne-des-Pays-Bas		South Carolina	Falmouth / Penryn	Boulogne-sur-Mer
Fort Cumberland, Beauséjour	Miramichi		Georgia	Liverpool	Châtelleraut
Fort Edward, Pigouit (Windsor)			Maryland	Southampton	Cherbourg
Fort Frederick, Saint-Jean			Massachusetts		La Rochelle
Halifax			New York		Miquelon
			Pennsylvania		Nantes
					Saint-Malo
					Les Malouines (Falkland Islands) *
					Guyane Française (French Guyana)
					Haiti (French colony until 1804 year of the declaration of independence)

**\*NB:** The Acadian settlement on the Falkland Islands was short-lived as it only lasted for about four years (1764-1768). France had surrendered the 'Iles malouines' to Spain in 1766 and, while some individuals may have remained on the 'Islas Malvinas', most made their way to other more suitable locations.

**Table 4. Places of commemoration, cultural identity, and heritage**

	Canada				United States		France			
	Nova Scotia	New Brunswick	Prince Edward Island	Québec	Newfoundland and Labrador	New England States	Louisiana	France	French territory	
<b>National historic significance (Canada)</b>	<ul style="list-style-type: none"> <li>Bloody Creek National Historic Site of Canada, Bridgetown</li> <li>Attack at Grand-Pré, Grand Pré</li> <li>Beaubassin, Fort Lawrence</li> <li>Expulsion of the Acadians, Grand Pré</li> <li>Melanson Settlement, Lower Granville</li> <li>Fort Anne, Annapolis Royal</li> <li>Fort Edward, Windsor</li> <li>Fort Lawrence, Fort Lawrence</li> <li>Fortress of Louisbourg, Louisbourg</li> <li>Grand-Pré, Grand Pré</li> <li>George's Island, Halifax</li> <li>Iroquois at Annapolis Royal, Annapolis Royal</li> <li>Rouincur's Mill, Lequille</li> <li>Ignonish - French River</li> <li>Portage Lower Onslow</li> <li>Portage Upper Onslow</li> <li>Parish(?), Miramichi</li> <li>Port-Royal, Port Royal</li> <li>St. Peter's, St. Peter's</li> </ul>	<ul style="list-style-type: none"> <li>Battle of Petitcodiac, Hillborough</li> <li>Boishebert, Miramichi</li> <li>Fort Beauséjour - Fort Cumberland, Aulac</li> <li>Fort Charmissay, Saint John</li> <li>Fort Gaspareaux, Port Elgin</li> <li>Fort La Tour, Saint John</li> <li>Fort Nerepis, Woodmens Point</li> <li>Hôtel-Dieu Saint-Joseph de Tracadie, Tracadie</li> <li>Tongue's Island, Aulac</li> <li>Ste-Croix Island, Saint Croix Island, United States of America</li> <li>Mag. Jean-Baptiste de La Croix de Chevérières de Saint-Vallier in Acadia, Grand Falls</li> <li>Monument-Lerebvre, Memramcook</li> <li>Acadian Odyssey, Memramcook</li> <li>Beaubassin / Ancien Indian</li> <li>Portage, Fosdy Hollow</li> <li>Missagouash - Baie Verte</li> <li>Portage / Pré-contact Indian</li> <li>Portage, Baie Verte</li> <li>Portage, Viasalademack</li> <li>Portage, Petitcodiac</li> <li>Return of the Acadians, Sainte-Anne-du-Bocage</li> <li>System of Tide Gates (Aboliteaux), Memramcook</li> <li>La Petite-Rochelle, Campbellton</li> <li>La résistance acadienne, Dieppe</li> <li>Le camp d'Espérance, Miramichi</li> <li>Les Acadiens au Madawaska, Saint-Basile</li> <li>Les Acadiens de la région de Caraquet, Caraquet</li> </ul>	<ul style="list-style-type: none"> <li>Farmer's Bank of Rustico, South Rustico</li> <li>Ten Acadian National Conventions (1881-1937), Miscouche</li> <li>Jean-Pierre Roma at Three Rivers, Brudenell Point</li> <li>Portia-Joye - Fort Amherst, Rocky Point</li> </ul>	<ul style="list-style-type: none"> <li>Battle of the Restigouche, Pointe-à-la-Croix</li> <li>Marquis de Malauze (vessel), Restigouche</li> <li>Temiscouata Cabano</li> </ul>	<ul style="list-style-type: none"> <li>Les Acadiens de Terre-Neuve, Cap-Saint-George</li> </ul>		<ul style="list-style-type: none"> <li>Les Acadiens en Louisiane, Houma</li> </ul>	<ul style="list-style-type: none"> <li>Les Acadiens à Miquelon</li> </ul>		
<b>Monument to the Acadian Odyssey</b>	<ul style="list-style-type: none"> <li>Les Acadiens à Halifax</li> </ul>									
<b>Other</b>										
<b>Places of culture and identity</b>	<ul style="list-style-type: none"> <li>Chéticamp, Les Trois Pignons</li> <li>Petit-Dégrad, La Picaise</li> <li>Pointe-de-l'Église, Université Sainte-Anne, Festival acadien</li> <li>Pubnico, Village historique acadien</li> </ul>	<ul style="list-style-type: none"> <li>Bertrand, Village historique acadien</li> <li>Caraquet, Festival acadien, Musée acadien</li> <li>Edmundston, Université de Moncton, Musée du Madawaska</li> <li>Memramcook, Monument Leleivre</li> <li>Moncton, Université de Moncton, Musée acadien, Monument de la Reconnaissance acadienne</li> <li>Shippagan, Université de Moncton</li> </ul>	<ul style="list-style-type: none"> <li>Miscouche, Musée acadien</li> <li>Région Evangéline, Festival acadien</li> </ul>	<ul style="list-style-type: none"> <li>Bonaventure, Musée acadien</li> <li>Havre-Aubert, Îles-de-la-Madeleine, Musée de la Mer</li> </ul>		<ul style="list-style-type: none"> <li>Île Sainte-Croix, Saint-Croix Island, Université du Maine, Archives acadiennes</li> <li>Van Buren, Village acadien</li> </ul>	<ul style="list-style-type: none"> <li>Le Monument acadien, Saint-Martinville</li> <li>Erath, Musée acadien</li> <li>Lafayette, Université de la Louisiane, Village acadien</li> </ul>	<ul style="list-style-type: none"> <li>Archigny, Musée de la Ferme Acadienne</li> <li>Châtelierault, Musée acadien</li> <li>La Chaussée, La Maison de l'Acadie en-Mer, La Citadelle</li> <li>Angers, Université de Nantes, Institut d'Etudes acadiennes et Québécoises</li> </ul>		



# Provincial Parks Act

CHAPTER 367

OF THE

REVISED STATUTES, 1989

amended 1992, c. 30; 1993, c. 9, s. 7; 2007, c. 22; 2010, c. 2, s. 140

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## An Act Respecting Provincial Parks

### Short title

1 This Act may be cited as the Provincial Parks Act. *R.S., c. 367, s. 1.*

### Purpose

2 (1) The purpose of this Act is to develop and operate provincial parks to

- (a) provide opportunities for a wide variety of outdoor recreational opportunities ranging from relatively high intensity near-urban facilities to low intensity wildland experiences;
- (b) preserve unique, rare, representative or otherwise significant elements of the natural environment and historic resources of Nova Scotia;
- (c) provide opportunities for exploration, understanding and appreciation of Nova Scotia's natural and cultural heritage through interpretation, information and educational programs;
- (d) provide resident travellers and out-of-Province visitors with opportunities to discover, experience and enjoy Nova Scotia's distinctive outdoor recreational and heritage resources; and



(e) assemble and maintain, within a system of provincial parks and park reserves, a land base adequate to meet present and future needs of Nova Scotians for outdoor recreation and heritage resource protection.

(2) All provincial parks are dedicated in perpetuity for the benefit of present and future generations of Nova Scotians. *R.S., c. 367, s. 2.*

## **Interpretation**

3 In this Act,

(a) "bow" means a tool for projecting arrows which consists of a handle and one or more flexible limbs which are held bent by a string or cable which is drawn, pulled or released or held in a drawn position by hand or hand-held release and not by any mechanical device attached to any portion of the bow other than the bowstring;

(b) "concession" means a right granted by the Minister to operate a building, installation, service or facility within a provincial park;

(c) "conservation officer" means a person appointed or holding office pursuant to this Act;

(d) "Crown land" means land, whether or not covered by water, and includes an interest in land vested in Her Majesty in right of the Province;

(e) "Department" means the Department of Lands and Forests;

(f) "Director" means the Director of Parks and Recreation appointed pursuant to this Act;

(g) "domestic animal" means an animal that is kept under human control or by habit or training lives in association with man;

(h) "firearm" means a barrelled weapon from which a shot, bullet or other missile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes a frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm and includes a bow;

(i) "Minister" means the Minister of Lands and Forests;

(j) "park reserve" means land set aside as park reserve land pursuant to Section 6;

(k) repealed 1993, c. 9, s. 7.

(l) "provincial park" means land designated pursuant to Section 8 and a provincial park continued by Section 36;

(m) "vehicle" means a vehicle propelled or driven otherwise than by muscular power, whether or not the vehicle is registered pursuant to the Motor Vehicle Act, and includes an airplane;

(n) "vessel" means a means of conveyance of a kind used on water and includes an accessory to the vessel;

(o) "wildlife" means a species of animal which is wild by nature and hence not normally dependent on man to directly provide its food, shelter or water and, where appropriate, includes wild plants. *R.S., c. 367, s. 3; 1992, c. 30, s. 1; 1993, c. 9, s. 7.*

## **Supervision of Act**

4 (1) The Minister is responsible for the general supervision, administration and management of this Act and the regulations.

(2) The Minister may, from time to time, designate a person to act on behalf of the Minister. *R.S., c. 367, s. 4.*

## **Powers of Minister**

5 The Minister, with the approval of the Governor in Council, may

(a) acquire by purchase or gift, expropriate or otherwise acquire title to land, whether or not covered by water, or an interest in land for the purpose of a provincial park;

(b) exchange Crown land for privately owned land for the purpose of a provincial park;

(c) acquire an easement or right of way across privately owned land to gain access to or provide an exit from a provincial park; or

(d) accept the transfer of the administration and control of land from the Government of Canada or an agency thereof. *R.S., c. 367, s. 5.*

## **Park reserves**

6 (1) The Governor in Council may set aside and reserve Crown land as park reserve for the purpose of protecting those lands that have the potential to be a provincial park.

(2) The Minister may develop programs and policies deemed necessary to control and develop a park reserve.

(3) No person shall grant or transfer any Crown land constituted as a park reserve unless permitted by the regulations or authorized by the Minister.

(4) The Governor in Council may, by regulation, declare any provision of this Act or the regulations to be applicable to a park reserve as if it were a provincial park. *R.S., c. 367, s. 6.*

## **Provincial Parks Trust Fund**

7 (1) There is hereby established a Provincial Parks Trust Fund for the purpose of funding programs to establish, develop and operate provincial parks throughout the Province.

(2) There shall be paid into the Provincial Parks Trust Fund

(a) money acquired by gift, donation and bequest or by disposition of any land acquired for the purpose of the Fund;

(b) income accruing to the Fund; and

(c) in accordance with the Finance Act, money that accrues from any programs of the Province, including programs conducted under agreements with other governments, entered into for any of the purposes for

which the Fund is established.

(3) Real property may be donated to the Provincial Parks Trust Fund.

(4) The Minister may expend, in accordance with the Finance Act, money from the Provincial Parks Trust Fund for

(a) the acquisition of land, with the approval of the Governor in Council, for a provincial park or park reserve;

(b) the enhancement of a provincial park or park reserve;

(c) research and studies pertaining to a provincial park or park reserve. *R.S., c. 367, s. 7; 2010, c. 2, s. 140.*

### **Powers of Governor in Council**

8 The Governor in Council may

(a) designate land owned, leased or otherwise acquired by Her Majesty in right of the Province as a provincial park and make such regulations as may be necessary for the control thereof;

(b) increase or decrease the size of a provincial park;

(c) terminate the status of a provincial park or any part thereof;

(d) declare the name by which a provincial park is to be known. *R.S., c. 367, s. 8.*

### **Procedure on designation**

9 Where the Governor in Council designates an area of land as a provincial park, the Minister shall

(a) publish a notice containing a description of the provincial park in the Royal Gazette and in a newspaper circulating in the county or counties where the provincial park is located; and

(b) deposit a description and plan of the provincial park in the office of the registrar of deeds for the registration district in which the provincial park is located. *R.S., c. 367, s. 9.*

### **Jerry Lawrence Provincial Park**

9A The Lewis Lake Provincial Park is renamed as "Jerry Lawrence Provincial Park". *2007, c. 22, s. 1.*

### **Classification system**

10 The Minister may, with the approval of the Governor in Council, develop a classification system for provincial parks. *R.S., c. 367, s. 10.*

### **Studies and research**

11 The Minister may undertake studies and carry out research on matters relating to provincial parks. *R.S., c.*

367, s. 11.

### **Promotion of provincial parks**

12 In an effort to promote greater public awareness and understanding of provincial parks, the Minister may

- (a) promote education programs with regard to provincial parks;
- (b) co-operate with the private sector and encourage an exchange of information between the public and private sectors;
- (c) provide for the establishment of interpretative facilities and programs to enhance the quality of park-user experiences and their appreciation of park resources;
- (d) develop promotional programs, literature and market opportunities provided in parks;
- (e) encourage use of provincial parks as outdoor educational resources available to educational institutions and organized groups. *R.S., c. 367, s. 12.*

### **Powers of Minister**

13 The Minister, or any person designated to act on behalf of the Minister in respect of a provincial park, may

- (a) co-ordinate and implement provincial park policies and programs in co-operation with federal, provincial or municipal governments or agencies thereof or other persons;
- (b) construct and operate buildings and facilities for the convenience of the public and necessary for the purposes of a provincial park;
- (c) construct and operate food concessions and other facilities for the convenience of the public;
- (d) construct and operate buildings, compounds and other facilities for the public display of exhibits;
- (e) construct, renovate, restore, repair and improve any building, structure or site in order to preserve its historical significance;
- (f) construct and operate recreation facilities that the Minister considers necessary for the convenience or benefit of the public;
- (g) prescribe the use to be made of a provincial park by erecting, posting or otherwise displaying notices and signs;
- (h) initiate conferences and meetings respecting provincial parks;
- (i) declare the dates in any year when a provincial park is opened and closed to the public;
- (j) dispose of flora or fauna in a provincial park;
- (k) issue permits for scientific, historic and educational research within a provincial park;
- (l) take such measures as the Minister deems necessary to protect flora and fauna within a provincial park;

- (m) prepare a management plan to guide the long-term development and operation of a provincial park;
- (n) prohibit or regulate the cutting and removal of forest products in a provincial park;
- (o) undertake matters that may be assigned to the Minister pursuant to this Act and the regulations. *R.S., c. 367, s. 13.*

### **Prohibition**

13A Notwithstanding anything contained in this Act, no person shall remove forest products from a provincial park except for the purpose of development or management of the park. *1992, c. 30, s. 2.*

14 repealed *1993, c. 9, s. 7.*

### **Personnel**

15 (1) The Minister may appoint a Director of Parks and Recreation to administer and enforce this Act and the regulations.

(2) The Director, conservation officers and other persons required for the administration of this Act and the regulations shall be appointed in accordance with the Civil Service Act.

(3) Notwithstanding subsection (2), the Minister may utilize, upon such terms and conditions as the Minister deems fit, the services of such persons as the Minister considers necessary for the efficient carrying out of the purpose of this Act.

(4) A member of the Royal Canadian Mounted Police or a police officer appointed by a city, incorporated town or municipality of a county or district is by virtue of office a conservation officer pursuant to this Act and has the powers of a conservation officer.

(5) A conservation officer appointed pursuant to the Wildlife Act, the Forests Act or the Crown Lands Act is by virtue of office a conservation officer pursuant to this Act.

(6) A conservation officer, in carrying out duties pursuant to this Act and the regulations, has and may exercise in any part of the Province all the powers, authorities and immunities of a peace officer as defined in the Criminal Code (Canada).

(7) The protection afforded by this Act and any other enactment to a conservation officer extends to any other person while and to the extent that that person is in the course of assisting a conservation officer under the conservation officer's direction. *R.S., c. 367, s. 15.*

### **Oath of office**

16 (1) A conservation officer, before commencing duties pursuant to this Act, shall take an oath or affirmation of office.

(2) Subsection (1) does not apply to members of the Royal Canadian Mounted Police, National Park wardens, conservation officers or peace officers who have already taken and subscribed an oath or affirmation of office.

(3) A copy of an identification card purporting to be signed by the Minister is prima facie proof in any court of law that the individual named therein is a conservation officer pursuant to this Act or the regulations without any further proof. *R.S., c. 367, s. 16.*

### **Grant of rights**

17 (1) The Minister may grant a licence, privilege or concession with respect to a provincial park or any part thereof or any land, building, installation or facility therein.

(2) No licence, privilege or concession shall extend beyond five years without the approval of the Governor in Council. *R.S., c. 367, s. 17.*

### **Grant of easement**

17A The Minister may, with the approval of the Governor in Council, grant an easement with respect to a provincial park or a part thereof. *1992, c. 30, s. 3.*

### **Agreement by Minister**

18 (1) The Minister may, for the effective management of provincial parks or park reserve, enter into agreements with the Government of Canada or an agency thereof, with a provincial or municipal government or an agency thereof or with a person for any purpose coming within the provisions of this Act or the regulations.

(2) Without restricting the generality of subsection (1), the Minister may enter into an agreement with the owner or occupier of land adjacent to a provincial park or park reserve to manage or preserve those lands so that they complement the provincial park or park reserve.

(3) Regulations made pursuant to this Act are, if they so provide, applicable to the lands which are the subject of an agreement made pursuant to subsection (2). *R.S., c. 367, s. 18; 1992, c. 30, s. 4.*

### **Parks committee**

19 The Minister may appoint a parks committee to perform such advisory functions as are considered necessary or desirable in connection with the planning and management of one or more provincial parks and establish the terms of reference and procedures for such committees. *R.S., c. 367, s. 19.*

### **Regulations respecting activities in parks**

20 (1) The Governor in Council may make regulations

- (a) prescribing a zoning system within a provincial park;
- (b) prescribing activities that may or may not be carried on within a zone.

(2) The Minister may determine the boundaries of a zone within a provincial park. *R.S., c. 367, s. 20.*

### **Roads in parks**

21 (1) Notwithstanding any other enactment, the Minister may

(a) construct, maintain and administer any roads, other than a public highway, situate within a provincial park;

(b) open or close to travel the whole or any part of any highway, road, trail or other area, except a public highway, situate within a provincial park;

(c) control the mode of travel in a provincial park.

(2) Notwithstanding any other enactment, no road shall be built within the boundaries of a provincial park without the consent of the Minister. *R.S., c. 367, s. 21.*

### **Use of park**

22 (1) Except as provided in this Act and the regulations, no person shall use or occupy any land, building, installation or facility in a provincial park or park reserve.

(2) No person acquires a right or title to land contained within a provincial park or park reserve through the use, possession or occupation of the land. *R.S., c. 367, s. 22.*

### **Regulations respecting hunting, fishing, trapping, firearms and bows**

23 Notwithstanding any other enactment, the Governor in Council may make regulations

(a) prohibiting or regulating hunting, fishing and trapping in a provincial park;

(b) prohibiting or regulating the possession, discharge, use and conveyance of a firearm or bow in a provincial park. *R.S., c. 367, s. 23.*

### **Waste**

24 No person shall transport garbage, refuse or domestic, hazardous or industrial waste through, over or in any provincial park or deposit such material in or on a provincial park, except as may be authorized by permit issued by the Minister. *R.S., c. 367, s. 24.*

### **Obstruction or assault**

25 No person shall

(a) obstruct;

(b) cause to obstruct;

(c) incite others to obstruct; or

(d) assault,

a conservation officer while the conservation officer is exercising authority pursuant to this Act or the

regulations or any person assisting that conservation officer. *R.S., c. 367, s. 25.*

### **Offences**

26 (1) It is an offence for a person to refuse or fail to comply with an order, visible sign or direction of a conservation officer.

(2) It is an offence for a person to engage in an activity which is prohibited in a provincial park or park reserve by a sign or notice.

(3) It is an offence for a person to remove, deface or destroy a sign posted in a provincial park or park reserve. *R.S., c. 367, s. 26.*

### **Search and seizure without warrant**

27 (1) A conservation officer, who has reasonable and probable grounds to believe that a vehicle, vessel or receptacle of any description has been used by, or is in the possession of, a person in violation of this Act or the regulations or any other enactment, if the offence is committed in a park or park reserve, may, without warrant, stop and search the vehicle, vessel or receptacle.

(2) A conservation officer may seize anything, including a vehicle or vessel, that the conservation officer believes on reasonable and probable grounds is evidence of an offence contrary to this Act or the regulations. *R.S., c. 367, s. 27.*

### **Search and seizure with warrant**

28 (1) Every conservation officer who has reasonable and probable grounds to believe that a contravention of this Act or the regulations has occurred and that there is evidence of the contravention to be found in a place to be searched may, with a search warrant,

(a) enter and search the premises in or on which evidence of a contravention of this Act or the regulations is located; and

(b) seize and take possession of any article or document that may constitute evidence of a contravention of this Act or the regulations.

(2) A conservation officer shall not enter a building or other place that is actually being used as a dwelling place without a search warrant unless the occupant of the dwelling place consents to the entry. *R.S., c. 367, s. 28.*

### **Detention and disposal of item seized**

29 (1) Subject to subsection (2), anything seized pursuant to this Act may be detained for a period of six months following the time of seizure or, if proceedings are instituted within the two months following seizure, until the proceedings are concluded.

(2) Anything seized pursuant to this Act shall

(a) upon application be released to the owner thereof



(i) after the expiration of two months from the date of seizure, where no proceedings have been instituted, or

(ii) after a verdict of acquittal has been handed down, where proceedings have been instituted;

(b) be returned to the owner upon the Minister ordering its return, if it is not required for evidence in a court of law;

(c) be disposed of in accordance with subsection (3), where a conviction is obtained against a person committing an offence pursuant to this Act; or

(d) be deemed to be forfeited to the Crown where, after a period of six months from the date of seizure, no application has been made and no proceedings have been instituted, in which case the Minister may dispose of the item at public auction or in any manner and at such time as the Minister considers fit.

(3) Where a judge convicts a person of an offence pursuant to this Act or the regulations, the judge shall order anything seized to be

(a) returned to the owner as soon as practicable; or

(b) forfeited to the Crown, in which case it shall be disposed of at public auction or in such manner and at such time as the Minister considers fit. *R.S., c. 367, s. 29.*

### **Arrest**

30 A conservation officer may arrest without warrant a person whom the conservation officer finds committing an offence pursuant to this Act or the regulations or may arrest without a warrant a person whom the conservation officer finds, in a provincial park or park reserve, committing an offence pursuant to any enactment. *R.S., c. 367, s. 30.*

### **Order of Minister or conservation officer**

31 (1) Where the Minister or a conservation officer has reasonable and probable grounds for believing that a person has violated or is about to violate this Act or the regulations, or that the entry upon or remaining within a provincial park or park reserve by any person may be detrimental to the safety of other park users or their enjoyment of the provincial park or park reserve and its facilities, the Minister or a person authorized to act on the Minister's behalf may, without notice or hearing, issue an order in writing prohibiting that person from entering upon or being within a provincial park or park reserve specified in the order for a period specified therein.

(2) Every person having knowledge of an order made pursuant to subsection (1) shall observe that order and, in the event the person is within a provincial park or park reserve when the order is made, shall leave forthwith. *R.S., c. 367, s. 31.*

### **Forfeiture of lost or abandoned property**

32 (1) Any lost, mislaid or abandoned property coming into the custody of a person in charge of a provincial park or park reserve and not claimed by the owner within three months is forfeited to Her Majesty in right of the Province and may be disposed of at public auction or in such manner and at such time as the Minister

considers fit .

(2) Where a person establishes to the satisfaction of the Minister within one year of the date of sale that that person was the owner of property sold pursuant to subsection (1), the Minister may direct the payment to such person of an amount equal to the price received for the property less the cost of the sale and other expenses incurred in connection with the property. *R.S., c. 367, s. 32.*

### **Prohibited behaviour in park**

33 While in a provincial park or park reserve, no person shall

- (a) be impaired by alcohol or drugs;
- (b) act in a noisy or disorderly manner;
- (c) create a disturbance;
- (d) pursue a course of conduct which is detrimental to the safety of other park users or their enjoyment of the park and its facilities;
- (e) wilfully destroy park property or trees and other natural resources;
- (f) dump or deposit garbage or other material in a provincial park other than in a receptacle so provided; or
- (g) engage in any other activity prohibited by regulation. *R.S., c. 367, s. 33.*

### **Proof**

34 (1) In a prosecution for a contravention of this Act or the regulations,

- (a) the existence of a sign or notice is prima facie proof that the sign or notice was properly placed and maintained by the proper authorities; and
- (b) evidence that the sign or notice was in existence, both before and after the conduct in question, is prima facie proof that the sign or notice was in existence at all material times,

without further proof thereof.

(2) In a prosecution for a contravention of this Act or the regulations, where an act that the accused is proven to have done is alleged to have been done in a provincial park or park reserve, the accused is, in the absence of evidence to the contrary, deemed to have done the act within the provincial park or park reserve.

(3) The Minister, or a person designated to act on the Minister's behalf, may prepare a certified copy of an order, record, permit, letter or other document, the production of which is not regarded by the Minister as being contrary to public policy, and any document purporting to be signed by the Minister or the Minister's designate shall be received as prima facie proof of the contents thereof in any court in the Province without proof of office or of the signature thereon. *R.S., c. 367, s. 34.*

### **Additional powers of court**

35 In addition to a penalty imposed pursuant to the Summary Proceedings Act, the court may order a person convicted of an offence pursuant to this Act or the regulations to restore the land to a condition as near as practicable as it was before the offence was committed and pay an amount equal to twice the market value of park property which was damaged or destroyed. *R.S., c. 367, s. 35.*

### **Existing regulations and parks**

36 (1) Regulations made by the Governor in Council pursuant to Chapter 244 of the Revised Statutes, 1967, remain in force until otherwise determined.

(2) All provincial parks declared pursuant to said Chapter 244 are and are deemed to be provincial parks until otherwise determined pursuant to this Act. *R.S., c. 367, s. 36.*

### **General regulations**

37 (1) The Governor in Council may make regulations

- (a) for the care, preservation, improvement, control and management of provincial parks;
- (b) prohibiting or regulating the occupation of land within provincial parks;
- (c) regulating the use of lands in provincial parks;
- (d) prohibiting the erection of buildings or installations in provincial parks or regulating the nature, cost, type of construction or location of buildings or installations that may be erected therein;
- (e) prohibiting or regulating the conduct of persons using any building, installation, equipment or facility in a provincial park;
- (f) prohibiting or regulating the erection, posting or other display of notices, signs, signboards and other advertising devices in provincial parks;
- (g) prohibiting or regulating the use, setting and extinguishing of fires in provincial parks;
- (h) prohibiting or regulating pedestrian, vehicular or vessel traffic in provincial parks;
- (i) providing for the issuance of permits to persons to enter and travel in provincial parks, to occupy campsites therein or to otherwise use any land, buildings, installations or facilities within a provincial park;
- (j) prescribing the fees or rent payable for any permit given in respect of a provincial park or for any use of land, buildings, installations or facilities within a provincial park for which a permit is not required;
- (k) prohibiting or regulating trades, businesses, amusements, sports, occupations and other activities or undertakings in provincial parks;
- (l) prescribing the maximum periods of stay of persons, vehicles or vessels in a provincial park;
- (m) providing for the imposition and collection of fees for entrance into a provincial park of persons, vehicles or vessels;

- (n) prohibiting or regulating the use or keeping of domestic animals in provincial parks;
  - (o) prohibiting or regulating any activity carried on within any waters contiguous to a provincial park or on the shoreline thereof, to the extent that the activity could be prohibited or regulated pursuant to this Act if carried on within the limits of the provincial park;
  - (p) respecting the removal of sand, earth, stone and other materials from a provincial park;
  - (q) respecting the use of a provincial park for agricultural purposes;
  - (r) providing for the issuance of permits for pasturing and grazing of livestock in a provincial park;
  - (s) respecting leases;
  - (t) respecting the use of vessels or water craft in a provincial park;
  - (u) for the prevention of damage to or destruction, removal or defacement of park property;
  - (v) respecting the management or preservation of areas adjacent to provincial parks;
  - (w) respecting the classification and zoning of parks;
  - (x) prescribing a minimum penalty of not less than fifty dollars and a maximum penalty of not more than one thousand dollars for an offence pursuant to the regulations;
  - (y) defining any word or expression used in this Act and not defined herein;
  - (z) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.
- (2) Any regulation made pursuant to subsection (1) may be made applicable to all provincial parks or to any provincial park or to any part of a provincial park. *R.S., c. 367, s. 37.*

## Regulations Act

38 The exercise by the Governor in Council of the authority contained in Sections 20, 23 and 37 shall be regulations within the meaning of the Regulations Act. *R.S., c. 367, s. 38.*



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## **Convention on Wetlands of International Importance especially as Waterfowl Habitat**

Ramsar, Iran, 2.2.1971  
as amended by the Protocol of 3.12.1982  
and the Amendments of 28.5.1987

Paris, 13 July 1994  
Director, Office of International Standards and Legal Affairs  
United Nations Educational, Scientific and Cultural Organization (UNESCO)

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### **The Contracting Parties,**

RECOGNIZING the interdependence of Man and his environment;

CONSIDERING the fundamental ecological functions of wetlands as regulators of water regimes and as habitats supporting a characteristic flora and fauna, especially waterfowl;

BEING CONVINCED that wetlands constitute a resource of great economic, cultural, scientific, and recreational value, the loss of which would be irreparable;

DESIRING to stem the progressive encroachment on and loss of wetlands now and in the future;

RECOGNIZING that waterfowl in their seasonal migrations may transcend frontiers and so should be regarded as an international resource;

BEING CONFIDENT that the conservation of wetlands and their flora and fauna can be ensured by combining far-sighted national policies with co-ordinated international action;

### **Have agreed as follows:**

#### **Article 1**

1. For the purpose of this Convention wetlands are areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres.

2. For the purpose of this Convention waterfowl are birds ecologically dependent on wetlands.

#### **Article 2**

1. Each Contracting Party shall designate suitable wetlands within its territory for inclusion in a List of Wetlands of International Importance, hereinafter referred to as "the List" which is maintained by the bureau established under Article 8. The boundaries of each wetland shall be precisely described and also delimited on a map and they may incorporate riparian and coastal zones adjacent to the wetlands, and islands or bodies of marine water deeper than six metres at low tide lying within the wetlands, especially where these have importance as waterfowl habitat.
2. Wetlands should be selected for the List on account of their international significance in terms of ecology, botany, zoology, limnology or hydrology. In the first instance wetlands of international importance to waterfowl at any season should be included.
3. The inclusion of a wetland in the List does not prejudice the exclusive sovereign rights of the Contracting Party in whose territory the wetland is situated.
4. Each Contracting Party shall designate at least one wetland to be included in the List when signing this Convention or when depositing its instrument of ratification or accession, as provided in Article 9.
5. Any Contracting Party shall have the right to add to the List further wetlands situated within its territory, to extend the boundaries of those wetlands already included by it in the List, or, because of its urgent national interests, to delete or restrict the boundaries of wetlands already included by it in the List and shall, at the earliest possible time, inform the organization or government responsible for the continuing bureau duties specified in Article 8 of any such changes.
6. Each Contracting Party shall consider its international responsibilities for the conservation, management and wise use of migratory stocks of waterfowl, both when designating entries for the List and when exercising its right to change entries in the List relating to wetlands within its territory.

### **Article 3**

1. The Contracting Parties shall formulate and implement their planning so as to promote the conservation of the wetlands included in the List, and as far as possible the wise use of wetlands in their territory.
2. Each Contracting Party shall arrange to be informed at the earliest possible time if the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely to change as the result of technological developments, pollution or other human interference. Information on such changes shall be passed without delay to the organization or government responsible for the continuing bureau duties specified in Article 8.

## **Article 4**

1. Each Contracting Party shall promote the conservation of wetlands and waterfowl by establishing nature reserves on wetlands, whether they are included in the List or not, and provide adequately for their wardening.
2. Where a Contracting Party in its urgent national interest, deletes or restricts the boundaries of a wetland included in the List, it should as far as possible compensate for any loss of wetland resources, and in particular it should create additional nature reserves for waterfowl and for the protection, either in the same area or elsewhere, of an adequate portion of the original habitat.
3. The Contracting Parties shall encourage research and the exchange of data and publications regarding wetlands and their flora and fauna.
4. The Contracting Parties shall endeavour through management to increase waterfowl populations on appropriate wetlands.
5. The Contracting Parties shall promote the training of personnel competent in the fields of wetland research, management and wardening.

## **Article 5**

1. The Contracting Parties shall consult with each other about implementing obligations arising from the Convention especially in the case of a wetland extending over the territories of more than one Contracting Party or where a water system is shared by Contracting Parties. They shall at the same time endeavour to coordinate and support present and future policies and regulations concerning the conservation of wetlands and their flora and fauna.

## **Article 6**

1. There shall be established a Conference of the Contracting Parties to review and promote the implementation of this Convention. The Bureau referred to in Article 8, paragraph 1, shall convene ordinary meetings of the Conference of the Contracting Parties at intervals of not more than three years, unless the Conference decides otherwise, and extraordinary meetings at the written requests of at least one third of the Contracting Parties. Each ordinary meeting of the Conference of the Contracting Parties shall determine the time and venue of the next ordinary meeting.
2. The Conference of the Contracting Parties shall be competent:
  - a) to discuss the implementation of this Convention;
  - b) to discuss additions to and changes in the List;

- c) to consider information regarding changes in the ecological character of wetlands included in the List provided in accordance with paragraph 2 of Article 3;
- d) to make general or specific recommendations to the Contracting Parties regarding the conservation, management and wise use of wetlands and their flora and fauna;
- e) to request relevant international bodies to prepare reports and statistics on matters which are essentially international in character affecting wetlands;
- f) to adopt other recommendations, or resolutions, to promote the functioning of this Convention.

3. The Contracting Parties shall ensure that those responsible at all levels for wetlands management shall be informed of, and take into consideration, recommendations of such Conferences concerning the conservation, management and wise use of wetlands and their flora and fauna.

4. The Conference of the Contracting Parties shall adopt rules of procedure for each of its meetings.

5. The Conference of the Contracting Parties shall establish and keep under review the financial regulations of this Convention. At each of its ordinary meetings, it shall adopt the budget for the next financial period by a two-third majority of Contracting Parties present and voting.

6. Each Contracting Party shall contribute to the budget according to a scale of contributions adopted by unanimity of the Contracting Parties present and voting at a meeting of the ordinary Conference of the Contracting Parties.

## **Article 7**

1. The representatives of the Contracting Parties at such Conferences should include persons who are experts on wetlands or waterfowl by reason of knowledge and experience gained in scientific, administrative or other appropriate capacities.

2. Each of the Contracting Parties represented at a Conference shall have one vote, recommendations, resolutions and decisions being adopted by a simple majority of the Contracting Parties present and voting, unless otherwise provided for in this Convention.

## **Article 8**

1. The International Union for Conservation of Nature and Natural Resources shall perform the continuing bureau duties under this Convention until such time as another organization or government is appointed by a majority of two-thirds of all Contracting Parties.

2. The continuing bureau duties shall be, *inter alia*:



- a) to assist in the convening and organizing of Conferences specified in Article 6;
- b) to maintain the List of Wetlands of International Importance and to be informed by the Contracting Parties of any additions, extensions, deletions or restrictions concerning wetlands included in the List provided in accordance with paragraph 5 of Article 2;
- c) to be informed by the Contracting Parties of any changes in the ecological character of wetlands included in the List provided in accordance with paragraph 2 of Article 3;
- d) to forward notification of any alterations to the List, or changes in character of wetlands included therein, to all Contracting Parties and to arrange for these matters to be discussed at the next Conference;
- d) to make known to the Contracting Party concerned, the recommendations of the Conferences in respect of such alterations to the List or of changes in the character of wetlands included therein.

## **Article 9**

1. This Convention shall remain open for signature indefinitely.
2. Any member of the United Nations or of one of the Specialized Agencies or of the International Atomic Energy Agency or Party to the Statute of the International Court of Justice may become a Party to this Convention by:
  - signature without reservation as to ratification;
  - signature subject to ratification followed by ratification;
  - accession.
3. Ratification or accession shall be effected by the deposit of an instrument of ratification or accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization (hereinafter referred to as "the Depositary").

## **Article 10**

1. This Convention shall enter into force four months after seven States have become Parties to this Convention in accordance with paragraph 2 of Article 9.
2. Thereafter this Convention shall enter into force for each Contracting Party four months after the day of its signature without reservation as to ratification, or its deposit of an instrument of ratification or accession.

## **Article 10 bis**

1. This Convention may be amended at a meeting of the Contracting Parties convened for that

purpose in accordance with this article.

2. Proposals for amendment may be made by any Contracting Party.

3. The text of any proposed amendment and the reasons for it shall be communicated to the organization or government performing the continuing bureau duties under the Convention (hereinafter referred to as "the Bureau") and shall promptly be communicated by the Bureau to all Contracting Parties. Any comments on the text by the Contracting Parties shall be communicated to the Bureau within three months of the date on which the amendments were communicated to the Contracting Parties by the Bureau. The Bureau shall, immediately after the last day for submission of comments, communicate to the Contracting Parties all comments submitted by that day.

4. A meeting of Contracting Parties to consider an amendment communicated in accordance with paragraph 3 shall be convened by the Bureau upon the written request of one third of the Contracting Parties. The Bureau shall consult the Parties concerning the time and venue of the meeting.

5. Amendments shall be adopted by a two-thirds majority of the Contracting Parties present and voting.

6. An amendment adopted shall enter into force for the Contracting Parties which have accepted it on the first day of the fourth month following the date on which two thirds of the Contracting Parties have deposited an instrument of acceptance with the Depositary. For each Contracting Party which deposits an instrument of acceptance after the date on which two thirds of the Contracting Parties have deposited an instrument of acceptance, the amendment shall enter into force on the first day of the fourth month following the date of the deposit of its instrument of acceptance.

## **Article 11**

1. This Convention shall continue in force for an indefinite period.

2. Any Contracting Party may denounce this Convention after a period of five years from the date on which it entered into force for that party by giving written notice thereof to the Depositary. Denunciation shall take effect four months after the day on which notice thereof is received by the Depositary.

## **Article 12**

1. The Depositary shall inform all States that have signed and acceded to this Convention as soon

as possible of:

signatures to the Convention;

a) deposits of instruments of ratification of this Convention;

b) deposits of instruments of accession to this Convention;

c) the date of entry into force of this Convention;

d) notifications of denunciation of this Convention.

2. When this Convention has entered into force, the Depositary shall have it registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter.

IN WITNESS WHEREOF, the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at Ramsar this 2nd day of February 1971, in a single original in the English, French, German and Russian languages, all texts being equally authentic\* which shall be deposited with the Depositary which shall send true copies thereof to all Contracting Parties.

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\* Pursuant to the Final Act of the Conference to conclude the Protocol, the Depositary provided the second Conference of the Contracting Parties with official versions of the Convention in the Arabic, Chinese and Spanish languages, prepared in consultation with interested Governments and with the assistance of the Bureau.

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**MANAGEMENT PLAN**  
**FOR THE**  
**RAMSAR/WHSRN SITE**  
**AT**  
**SOUTHERN BIGHT, MINAS BASIN**  
**BAY OF FUNDY**

25 March 1992



Environment  
Canada

Canadian Wildlife  
Service

Environnement  
Canada

Service canadien  
de la faune

MANAGEMENT PLAN  
for the  
RAMSAR/WHSRN SITE  
at  
SOUTHERN BIGHT-MINAS BASIN  
BAY OF FUNDY  
(25 March, 1992)

1.0 INTRODUCTION:

The Southern Bight of the Minas Basin, Bay of Fundy (Figure 1), has long been recognized as wetland of great importance to waterfowl and shorebirds. Large flocks of ducks and geese migrate through the area each spring and fall and massive numbers of shorebirds congregate in the wetland in late summer and early autumn.

Initial steps to protect some of the key habitats associated with the site began in 1977 when the province of Nova Scotia created the Minas Basin Wildlife Management Area (Figure 2), to protect agricultural and coastal lands important to migrant Canada Geese *Branta canadensis*. Similarly, in 1982, the province established the Dewey Creek Wildlife Management Area for the protection of waterfowl at a small inland wetland closely associated with the marine wetlands. In 1977, the federal government purchased a key habitat at Boot Island and established the Boot Island National Wildlife Area. The NWA is an important site for colonial nesting waterbirds as well as a migration stopover for waterfowl and shorebirds.

In 1987, the entire Southern Bight of the Minas Basin was given international prominence by being added to the List of Wetlands of International Importance under the RAMSAR Convention (Figure 3). One year later on August 10, 1988, the same area was declared a Hemispheric Shorebird Reserve as part of the Western Hemisphere Shorebird Reserve Network (WHSRN). The WHSRN is an organization which encourages the voluntary collaboration of private and government organizations committed to protecting millions of shorebirds and the wetlands they depend upon. WHSRN gives international recognition to critical shorebird habitats like the Southern Bight and promotes cooperative management and protection of these sites. The primary rationale behind the WHSRN designation (and RAMSAR) is the more than 500,000 migrant shorebirds which feed there each year to put on fat reserves which fuel the birds' transatlantic migration from eastern Canada to South America.

Although habitat protection afforded by the aforementioned designations is significant, many of the critical habitats within the Ramsar/WHSRN designated area are unprotected and unregulated in any way. The Southern Bight-Minas Basin together with Shepody Bay in New Brunswick (also a Ramsar/WHSRN site) are considered to be the most important shorebird migration habitats in eastern North America and have, through the WHSRN, been twinned with Reserves on the coast of Suriname in South America.

Sixteen species of migratory shorebirds stop in the Minas Basin during their fall migration. At peak times, the area supports flocks of over 100,000 Semipalmated Sandpipers Calidris pusilla with

up to 10,000 Least Sandpipers C. minutilla also present. The Semipalmated Sandpiper is by far the most abundant species making up 95% of the 1-2 million shorebirds which migrate to the Bay of Fundy each year in late summer and fall (Hicklin,1987). Large numbers (thousands) of Short-billed Dowitcher Limnodromus griseus, Semipalmated Plover Charadrius semipalmatus and Black-bellied Plover Pluvialis squatarola are also present each year.

The Ramsar Convention promotes the conservation of the wetlands listed by the Convention as "Wetlands of International Importance" but, more importantly, the Contracting Parties have an obligation to maintain "the ecological character of the wetlands, which has important implications for wetland conservation measures" (Ramsar Convention Bureau, 1990). The provincial government has recently initiated actions to protect a key portion of this valuable wetland for migratory birds. In 1989, the Wildlife Habitat Advisory Committee of the Nova Scotia Department of Lands and Forests (now DNR) proposed the designation of Evangeline Beach and its neighbouring mudflats as a Wildlife Habitat Area under the Wildlife Act (1987). This new designation will hopefully become a reality in 1992.

The primary reason that migrant shorebirds are attracted to the intertidal habitats is the great abundance of food, especially the tiny "mud shrimp" Corophium volutator and numerous species of polychaete worms. However, since about 1987, a baitworm industry which "harvests" polychaetes for sale to fisherman in the United States has expanded into the flats of Minas Basin thus creating a conflict between man and birds competing for the same resource.

This Management Plan was prepared to help focus actions required to further protect habitats within the Ramsar/WHSRN site and to address current and developing conflicts associated with increasing human use of the wetland.

The implementation of recommendations contained in this Plan will hopefully ensure that the natural resources of this internationally important wetland are adequately protected and managed.

## 2.0 OBJECTIVES AND GOALS

### 2.1 Objective:

To contribute to the maintenance of the ecological balance and integrity of the Southern Bight of the Minas Basin.

### 2.2 Goals:

- (a) To provide for additional protection for key habitats by;
  - creating the Evangeline Beach Wildlife Habitat Area under the provincial Wildlife Act.
  - declaring major shorebird roosting beaches under the Beaches Act.
  - securing key saltmarshes
- (b) To regulate the baitworm harvesting industry.
- (c) To institute controls to minimize human disturbance to wildlife.
- (d) To establish a joint federal-provincial monitoring program.

### 3.0 NATURAL RESOURCES AND PRESENT STATUS

#### 3.1 The Southern Bight

The area is characterized by a high tidal range averaging 11.5 metres resulting in an expansive intertidal zone. At low tide, 7,800 hectares of intertidal mud and sand is exposed. The high tidal range and fine sediments which make up this habitat result in very turbid waters. As a result, there is little phytoplankton present in this marine system. However, large populations of invertebrates thrive on algae (which grows rapidly on the flats when exposed to sunlight at low tide) and on particles of detritus, coated with bacteria, brought in by the tides from the salt marshes. Of particular importance are the small tube-dwelling amphipod Corophium volutator and various species of polychaete worms which populate the mud and sand flats. Both invertebrate groups attain maximum abundance in July and August which coincides with the arrival of southbound migrating shorebirds. At low tide, the birds feed on the invertebrates in the mudflats and, during high tide, they roost on Evangeline Beach, Kingsport Beach, Avonport Beach or on neighbouring agricultural lands (Elliot, 1977). Evangeline Beach is by far the most important site for roosting shorebirds in the Southern Bight (Hicklin, 1987).

Much of the area of the Southern Bight is inter or sub-tidal and is thus undeeded and technically Provincial crown land. Boot Island (144 ha.) is owned by the federal government and scheduled as a National Wildlife Area. Much of the salt marsh area in the Southern Bight is privately owned. In addition to Boot Island, the only portions of the Southern Bight area with protected status are the Minas Basin and Dewey Creek Wildlife Management Areas (186.2 and 55.4 hectares, respectively) protected under Schedules "A" and "B" of the Lands and Forests Act (1987). Boot Island NWA is administered by the Canadian Wildlife Service through the Wildlife Area Regulations under the Canada Wildlife Act (1973).

The Ramsar and Hemispheric Shorebird Reserve designations are not linked with any legislated protection which can be enforced. Both organizations, however, do support and encourage wetland conservation and "the maintenance of the ecological character" (Ramsar Convention Bureau, 1990) of the wetlands they recognize as being of international importance to waterfowl.

#### 3.2 Human Activities

##### a) Hunting

Reclaimed agricultural lands at Grand Pre and along the Canard, Habitant, Cornwallis and Gaspereau rivers are used as resting and feeding areas by up to 1500 Canada Geese (D. Toews, pers.comm.) and, consequently, goose hunting is a common

autumn activity at these sites. About 400-500 Canada Geese also use the marshlands and agricultural fields along the Avon River near Windsor and geese are hunted there as well.

Teal and Black Ducks, the latter numbering up to 3200 birds in September-November (Pearce and Smith, 1974), are also commonly hunted along the Canard, Habitant, Cornwallis and Avon River estuaries. The mouth of the Avon River estuary supports large numbers of overwintering Black Ducks as well.

Pheasant hunting is also a common activity in reclaimed agricultural lands, such as the Grand Pre dykelands, bordering the Southern Bight, Minas Basin.

The American Crow, a species not protected by law, is commonly hunted (presumably for target practice) in Grand Pre.

#### b) Agricultural Use

Agricultural lands which border the Cornwallis, Canard and Habitant River estuaries are used for growing crops such as grains and hay, apples, peas, beans and potatoes. These areas are typically sprayed with herbicides, insecticides and fungicides ( see Clair and Bailey, 1987). As a result, water and sediment samples have shown the presence of herbicides 2,4-D and atrazine in water and the pesticide DDT and the fungicides mancozeb and dichlone in sediments (Clair and Bailey, 1987).

#### c) Birdwatching

Many birdwatchers congregate at Evangeline Beach in late July and August each year to watch the large numbers of shorebirds which roost on the beach at high tide. Following the 1988 declaration of the site as a Western Hemispheric Shorebird Reserve this activity has increased substantially and will continue to grow as the conservation and educational activities of WHSRN, the Canadian Wildlife Service, and the Nova Scotia Department of Natural Resources, continue.

#### d) Beach Use

The Evangeline Beach area is lined with summer cottages owned by private citizens. A private campground operated by Mr. Wilford Tracy overlooks the beach where large flocks of shorebirds (100,000+) roost. The area from, and including, Mr. Tracy's campground to the eastern extent of Long Island, is all privately owned and zoned as "Recreational Commercial". The general public is therefore allowed to freely use the beach for recreational purposes. Although the province of Nova Scotia has the Beaches Act (1975) "to protect the physical integrity of beaches", Evangeline Beach is not protected under this legislation. Under the Act, no sand, gravel, stone or other material may be removed from a beach below or above the mean high water mark.

#### e) Baitworm Harvesting

The bloodworm Glycera dibranchiata is a large polychaete worm which can reach a maximum length of 34 cm (Klawe and Dickie, 1957). It is a favourite bait of saltwater sport fishermen on both



coasts of North America. In the Maritimes, commercial harvesting of bloodworms began in the Yarmouth area around 1950 (P.J.Austin-Smith, pers.comm.). With an increase in the salt water sport fishery in the United States in recent years, the harvesting of this bait species expanded to the intertidal areas of Minas Basin about 1986. There are indications from areas along the south shore of Nova Scotia that harvesters remove a major portion of the populations of Glycera which take a number of years to repopulate to former levels. The adult worms breed only in their third year and they die soon after spawning (Klawe and Dickie, 1957). Hence, the process of recovery would be expected to be slow. There is also concern as to how well worm populations do recover, even if harvesting proceeds at intervals of a few years, as has been done at some sites in southern Nova Scotia. Some observers and harvesters have concluded that some harvested flats along the coast of Maine have been decimated. For example, from a 1975 peak of 1.6 million pounds, Maine's annual harvest of large polychaetes had dropped to 300,000 pounds in 1991. A longtime worm dealer from Wiscasset, Maine, has recently stated that the "lack of conservation regulations has depleted the entire New England coast of worms"(Kageleiry, 1991).

Equally important, from the standpoint of protecting the integrity of the Minas Basin intertidal wetland habitat, is the possibility that the process used to harvest bloodworms may have negative impacts on the mudflat sediments and their stability. Consequently, this may adversely affect associated invertebrate communities and populations as well as the populations of the large worms which are being harvested. For example, Jackson and James (1979) have suggested that the increase in bait-digging at Blakeney Point in England during the 1950's and 1960's was responsible for the loss of the local cockle fishery. In similar fashion, the fish, such as flounder Liopsetta putnami, and birds which occupy those habitats in the Southern Bight and use the invertebrates as food, may also be similarly affected in the long run.

f) The Flounder Fishery

The Basin supports a small fishery for flounder with six draggers operating from the wharf at Delhaven. In early summer each year up to 15 additional flounder draggers come into the Southern Bight from other areas. Some of these draggers remain in the area for up to two months (Brylinski, 1991).

Damage to the intertidal habitat due to this fishery is limited to i) the physical disturbance to the sediment caused by the drag, ii) changes in chlorophyll "a" and iii) in macrofauna biomass. Preliminary research to monitor the impact of this activity on the intertidal sediment and polychaete populations therein indicate that dragging has no significant effect on the biological community although the rate of recovery in the variables measured, over a two-month study period, was low (Brylinski, 1991).

#### 4.0 KEY HABITATS

##### a) Boot Island

This island supports considerable numbers of breeding birds such as the Great Black-backed Gull Larus marinus (1351 pairs), Herring Gull L. argentatus (527 pairs), Double-crested Cormorant (181 pairs) and Great Blue Heron (46 pairs; field census conducted by CWS in May, 1990.) The large expanse of salt marsh attached to the small upland portion of the island supports waterfowl in spring and fall and shorebirds in summer.

Boot Island was also well-known for supporting an unusually large winter roost of American Crows Corvus brachyrhynchos in the 1980's, numbering about 25,000 birds (Milton, 1983), but which has not been used by crows since 1990 because of changing agricultural practices in the surrounding area (C. MacKinnon, pers. comm.). This change in roosting patterns by crows may be temporary.

##### b) Evangeline Beach

This sandy beach is the main roosting site currently used by migrant shorebirds during high tide periods in the Southern Bight during late summer and early fall. The recorded number of shorebirds using the site has increased since the mid-1970s, when numbers peaked at 35,000 birds, to numbers of 150,000 sandpipers in 1990 (Mawhinney, 1990). These numbers bring the status of this beach for migrant shorebirds in the Bay of Fundy equivalent in importance to roosting sites at Mary's Point and Dorchester Cape in Shepody Bay (see Hicklin, 1987). For the Semipalmated Sandpiper in particular, this beach takes on increasing importance at the international level since the peak numbers recorded in recent years (e.g. 150,000), amount to over 10% of the total number of this species which migrates annually through the Bay of Fundy (Hicklin, 1987). Thus a significant portion of the world population of Semipalmated Sandpipers occurs on this one beach each day at high tide during a short period in late summer.

The beach is also heavily used by vacationers in summertime. The best time for swimming by campers at the campground at Evangeline Beach is during the high tide period when birds are also roosting. Beyond the public beach, there are many summer cottages, the owners of which utilize the beach area for sunbathing and other summertime activities. Birds are often displaced to the easternmost rocky portion of the Evangeline (Long Island) shoreline at East Point (Figure 2). There are no cottages on that portion of beach and less public use because of the rocky substrate.

##### c) Starr's Point and Avonport Mudflats

Overall, the mudflats of the Southern Bight are biologically very productive and contain high densities of invertebrates (Hicklin

et al. 1980). However, the levels of production and the densities of invertebrates vary between mudflats (see Hicklin, 1981). In turn, some mudflats are used more extensively by the sandpipers than others and are thus significantly more important to shorebirds (Gilliland, 1992).

The highest densities of Corophium volutator occur at Avonport and Starr's Point and as a result, the densities of foraging birds are greatest at those two sites. Furthermore, the sandpipers which feed on those flats put on more fat and are in better body condition than those feeding on the Evangeline Beach mudflat (Gilliland, 1992). The Starr's Point flat is the most important, with significantly greater rates of fat deposition in Semipalmated Sandpipers that forage there (ibid.). Mawhinney (1990) clearly shows that these two mudflats are of key importance to shorebirds in the Southern Bight, and are thus in need of protection.

#### d) Kingsport/Blomidon mudflats

The Kingsport mudflats extending to Lower Blomidon are used by shorebirds for foraging although the flats adjacent Kingsport are more important in this respect than the areas which extend further north. The flats beyond Kingsport are populated primarily by polychaetes, especially the bloodworm G. dibranchiata.

The flounder drag fishery, described earlier, occurs primarily in this location, over these mudflats, during high tide periods.

## 5.0 HABITAT PROTECTION

### 5.1 Existing Protection

Of the key habitats mentioned in the previous section only Boot Island has any protective status (National Wildlife Area). The Dewey Creek and Minas Basin Wildlife Management Areas (241.6 ha) are technically not within the boundaries of the Ramsar/WHSRN site but are closely associated with it. Thus to date only a small portion (144 ha or 1.5%) of the 9,300 ha of intertidal mudflats and salt marshes in the Southern Bight, which are of importance to wildlife, enjoy any substantial degree of protection.

### 5.2 Proposals for Increased Protection

(a) The NSDNR has proposed the creation of the Evangeline Beach Wildlife Habitat Area to protect, under provincial law, upland sites and intertidal lands important to shorebirds for roosting and foraging. The proposed designation of portions of the the Southern Bight as the Evangeline Beach Wildlife Habitat Area would be legislated under the Wildlife Act (1987). Such designation under the Act will allow for the joint management of wildlife, establishment

of such regulations as may be necessary, mutual assistance in the enforcement of regulations and the joint management of wildlife habitats.

(b) The NSDNR has also proposed that Evangeline Beach be protected under the Beaches Act (1975). The Beaches Act is designed to protect the physical integrity of beaches, as well as the natural processes affecting them.

## 6.0 ISSUES AND THREATS:

### 6.1 Fundy Tidal Power

The issue of the environmental threats posed by the proposal to build a power barrage across the Bay of Fundy has been exhaustively reviewed (see Gordon and Dadswell, 1984). With regard to this proposal, Smith and Hicklin (1984) stated that the construction of a power dam across the Bay would be detrimental to migratory shorebirds, waterfowl and wintering Bald Eagles Haliaeetus leucocephalus.

The primary concern regarding shorebirds is that sandpipers and plovers, which normally feed in the proposed headpond area (Cobequid Bay), would be displaced to the Southern Bight where already large numbers of shorebirds forage. Such considerable increases in foraging densities could be detrimental to the birds and reduce their ability to deposit fat reserves (Smith and Hicklin, 1984).

### 6.2 Disturbance at Shorebird Roost Sites

Vacationers using Evangeline Beach for recreation (swimming, sun-bathing, walking dogs, driving all-terrain vehicles etc.) disturb large flocks of roosting shorebirds at high tide. Protection under the Beaches Act and the Wildlife Act (1987), once the Evangeline Beach Wildlife Habitat Management Area is approved, should help alleviate these problems.

### 6.3 Bait Harvesting

Baitworm harvesting is substantial. For example, it has been estimated that a crew of 15 men remove an average of 16,000 worms per day (Kentville Advertiser, 1990). In 1991, on a single day, 49 men were seen harvesting polychaetes on the Starrs Point Flat, the most important mudflat to shorebirds for fat deposition, within the confines of the Bay of Fundy Western Hemispheric Shorebird Reserve (Mawhinney, 1991). The worms harvested are the primary prey of Short-billed Dowitchers and Black-bellied Plovers (Hicklin and Smith, 1979). How many worms are actually required on a daily basis for those shorebird species is unknown and the research needs have been identified (see section 7.3).

It has been noted by harvesters (Kageleiry, 1991) and others (Goodspeed, 1991; The Sunday Capital, Annapolis, Maryland, September 22, page C14) that some flats in Maine are overharvested and that the polychaete populations in those areas are not returning to pre-harvest levels. As this species only breeds in its third year of life and adults die soon after reproduction, replenishment of severely-reduced populations may be a difficult process.

Beyond the reduction of polychete numbers, an observable and measurable phenomenon in the Southern Bight, additional threats to the intertidal environment may be due to the process of harvesting itself. The process of "turning over" a large volume of sediment when actually digging for worms, each year, may have some impact on less obvious aspects of the intertidal ecosystem, such as gradual changes to the sedimentation regime and the particle-size composition of the substrates. Fine silts may be brought into suspension and deposited elsewhere thus altering the existing particle-size composition, and substrate stability, which many invertebrate species depend on. The physical disturbance caused by the harvesters themselves to the mudflats (by walking and digging), as well as the impacts on the sediments (changes in particle-size composition) and sedimentation rates, may have long-term impacts on the invertebrate communities inhabiting them. In such a case, negative impacts on shorebirds may be inevitable.

## **7.0 RECOMMENDATIONS**

### **1.) Designate the Southern Bight as the "Evangeline Beach Wildlife Habitat Area".**

The federal government should assist the government of Nova Scotia in appropriate ways to implement the province's proposal to create the Evangeline Beach Wildlife Habitat Area under the Wildlife Act (S.N.S. 1987) for the protection of the beaches and intertidal wetlands used by shorebirds for roosting and foraging (see the "Evangeline Beach Wildlife Habitat Management Area Strategy"; Draft #4, September, 1989).

### **2.) Schedule Evangeline Beach, Kingsport, and Avonport Beaches under the protective legislation of the Beaches Act.**

Wardening may be required during the first few years to advise of regulations and show enforcement presence.

### **3.) Control baitworm harvesting via a permit system and prohibit harvesting from the Starr's Point mudflat.**

Under the Wildlife Act (1987), establish a permit system (as in the state of Maine, see U.S. Dept of Commerce Report, NOAA Tech. Report NMFS SSRF-767, 1983) to control bait

harvesting in the Southern Bight with the necessary enforcement personnel assigned the task of monitoring bait diggers with/without permits. The Starr's Point mudflat should be closed to harvesters because of its great importance to sandpipers. Since there is only one location from which harvesters can gain access to Starr's Point, preventing access would be a feasible proposition. Apparently, a local farmer who owns lands at this site, has already attempted to stop bait-harvesters from using his land for access to the flats by putting up a gate at the site (K. Gilliland, pers.comm.).

Bait harvesters using the important intertidal flats of the Southern Bight, Minas Basin can harvest an estimated 1000-2000 polychaetes per day per harvester. The first priority for the protection of the resource, would be to control the number of harvesters using the Southern Bight. Based on the evidence now available (Gilliland, 1992) we know that some mudflats are more important to shorebirds than others and, for the benefit of both harvesters and birds, certain flats should be left undisturbed. By leaving at least one mudflat unharvested, polychaetes in the Southern Bight may have a better chance of recovering from any overharvesting with a "seed" population left undisturbed to repopulate the surrounding mudflats regularly harvested by man and used by birds.

The permit system, to be administered by the Nova Scotia Department of Natural Resources, should issue up to 50 permits for the Southern Bight. If, in the first year, controlling and checking the numbers of harvesters using the flats is unmanageable, then fewer permits (e.g. 30) should be issued. Through experience in restricting the number of harvesters in initial years, and as research data becomes available, effective and practical controls should be developed to ensure the prevention of any long-term damage to this valuable wildlife habitat.

#### 4.) Secure key salt marshes.

Purchase salt marshes near Kingsport at the mouth of the Habitant River and the extensive intertidal marshlands at the mouth of the Cornwallis River. Funding sources such as the Eastern Habitat Joint Venture may be accessible and the acquired wetlands could be incorporated into the Boot Island National Wildlife Area and regulated via the Wildlife Area Regulations.

5.) Institute a joint program of research and monitoring.

a) Shorebirds and Waterfowl

In cooperation with the Acadia Biology Department and the Center for Estuarine Research at Acadia University, funds should be made available annually through NSDNR surveys programs and the CWS Habitat Program to conduct regular surveys of roosting shorebirds and wintering staging/waterfowl during August - December each year. But in most years, CWS staff could conduct censuses of staging ducks and geese in the salt marshes as part of biannual censuses of migratory birds in the National Wildlife Areas, of which important salt marshes in the Southern Bight could become a part. Such censuses are needed in the long term in order to recognize any declines in populations which might occur so that management initiatives can be put in place.

b) Bait Harvesting

A study should be conducted to determine the impact of bait-harvesting on the invertebrate communities of the intertidal mudflats of the Bay of Fundy. The most appropriate research would be a study conducted partly in the Southern Bight, where bait-harvesting is concentrated, and in a control area where birds are abundant but no harvesting occurs. Based on this research, habitat managers would better understand the impacts that harvesting exerts on polychaete populations, as well as on foraging shorebirds, by comparing the shorebird species foraging in both areas. Any differences would suggest which species might be more seriously affected by impacts on the food resources due to harvesting.

c) Toxic Chemicals

In cooperation with the Inland Waters Directorate (Environment Canada, Conservation and Protection), sample biannually the waters of the Habitant, Canard and Cornwallis Rivers and sediments of the Southern Bight for the presence and/or levels of agricultural toxic chemicals and submit a report to CWS and NSDNR.

d) Ecological Impacts

As was indicated earlier, impacts of harvesting methods on sedimentation rates and particle-size composition of the substrates should be conducted in order to determine if any long-term changes to the intertidal habitat might be occurring.

## 8.0 REFERENCES

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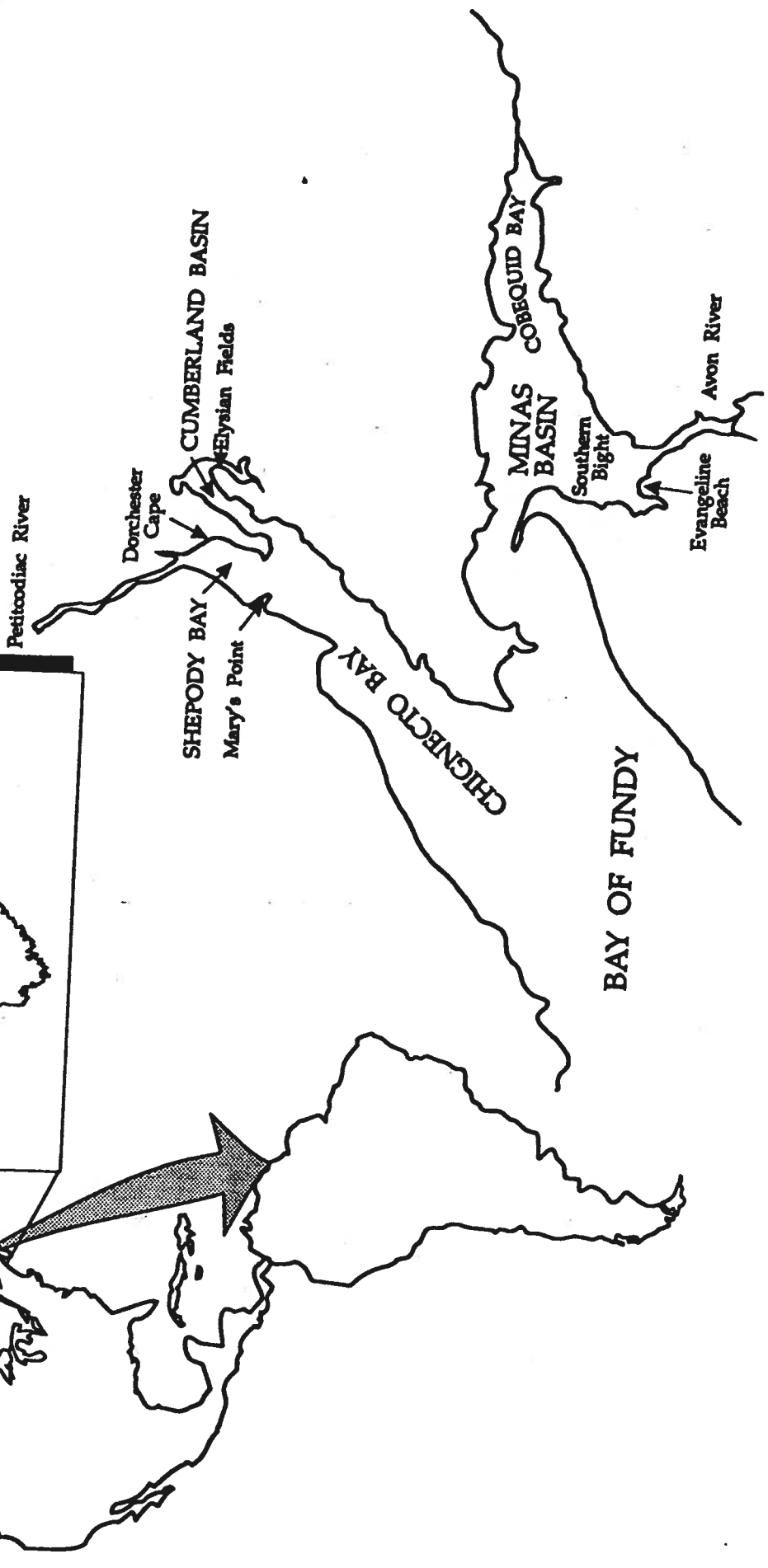
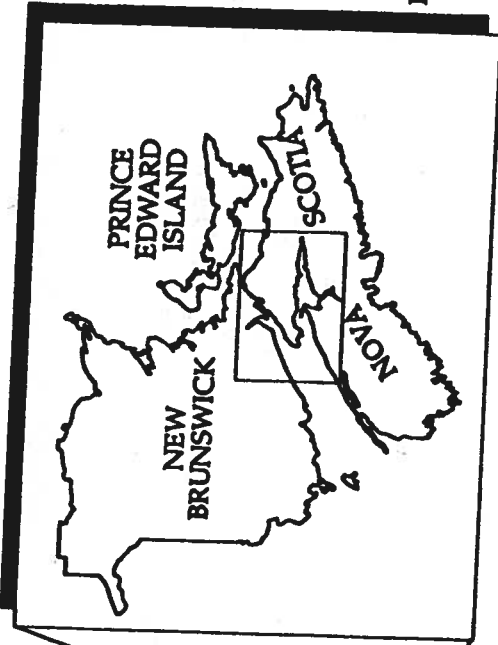
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### List of Figures

Figure 1. The migratory route of the Semipalmated Sandpiper from the breeding grounds to the Western Hemisphere Shorebird Reserve locations in the Bay of Fundy during fall migration.

Figure 2. Location of federal and provincial lands protected for wildlife within the boundaries of the Western Hemisphere Shorebird Reserve and Ramsar Site in the Southern Bight, Minas Basin. The entire intertidal area shown in this map is recognized by Ramsar as a wetland of international significance as well as a shorebird reserve of hemispheric significance.

Figure 3. Boundaries of the Western Hemisphere Shorebird Reserve and Ramsar Site in the Southern Bight, Minas Basin. The site includes aquatic habitat to the mean high water mark.



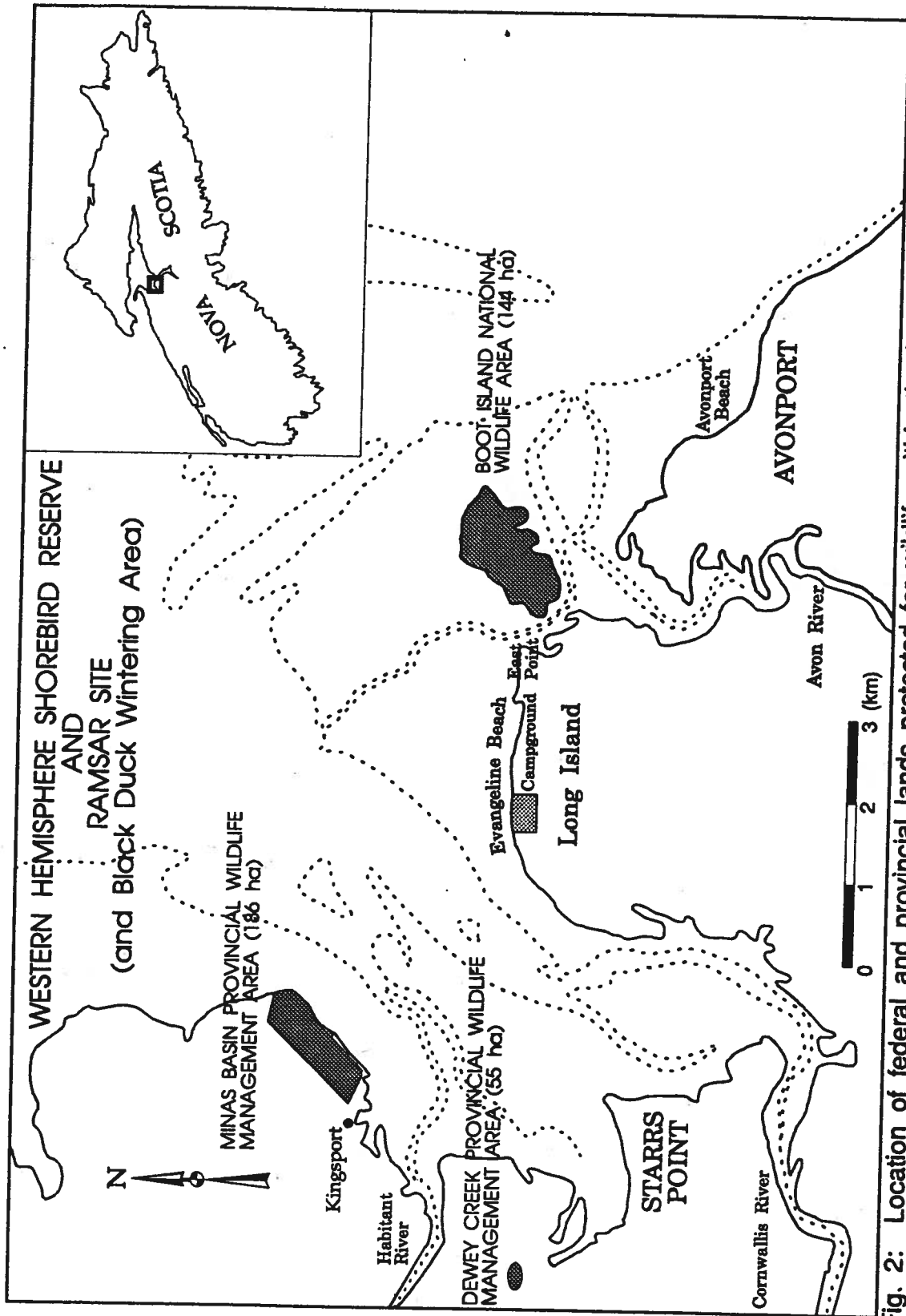
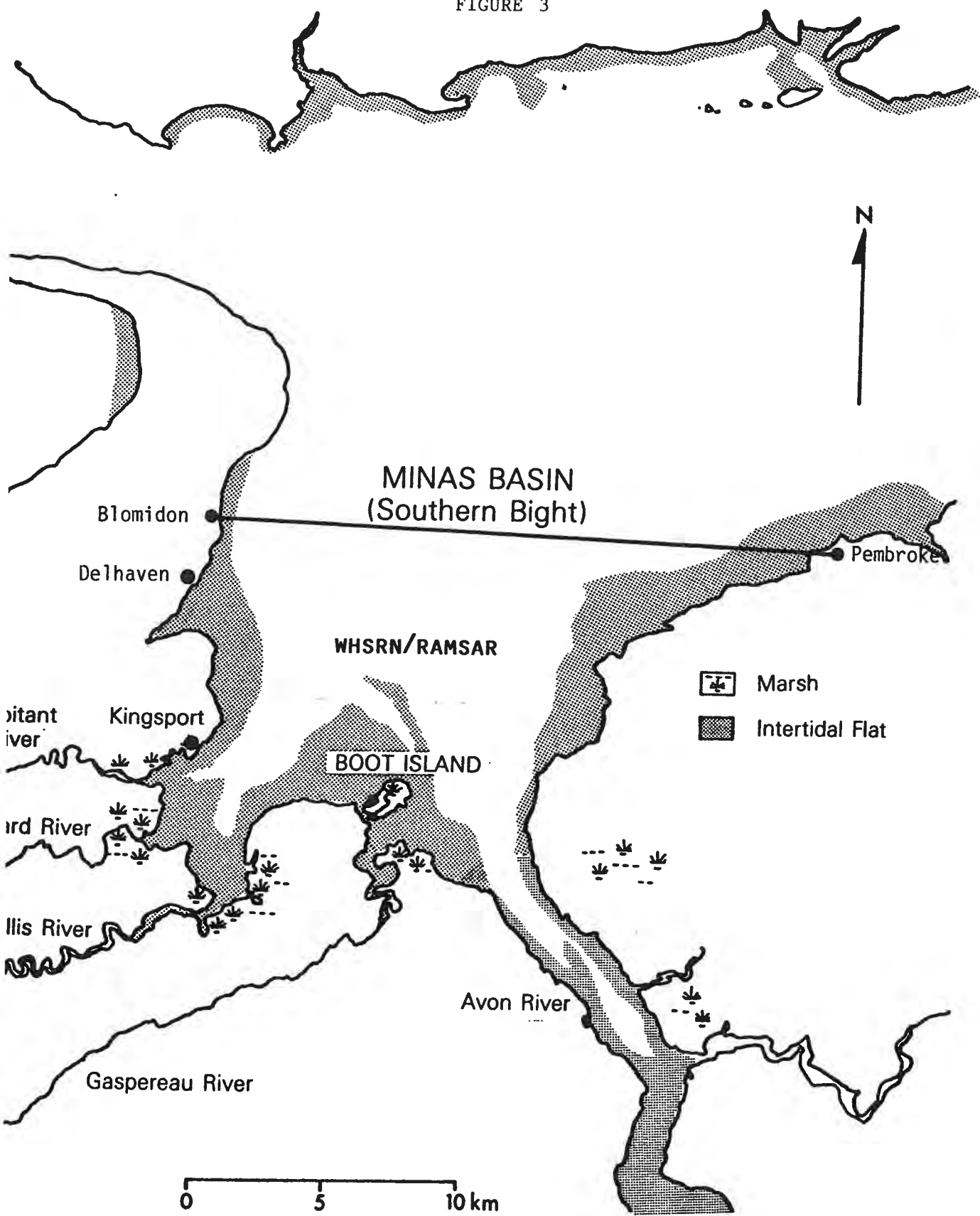
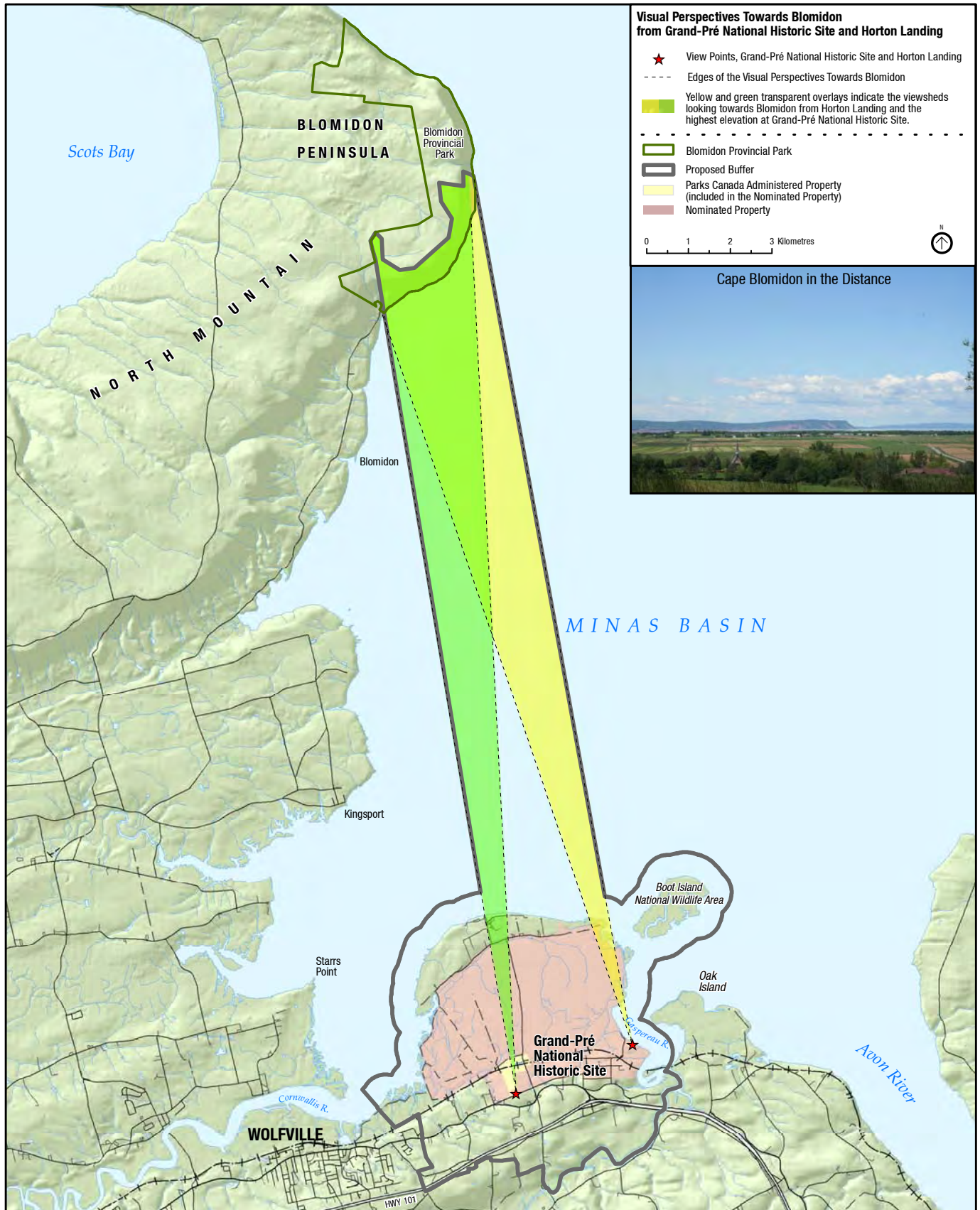


Fig. 2: Location of federal and provincial lands protected for wildlife within the boundaries of the Western Hemisphere Shorebird Reserve and Ramsar Site in the Southern Bight, Minas Basin.

FIGURE 3







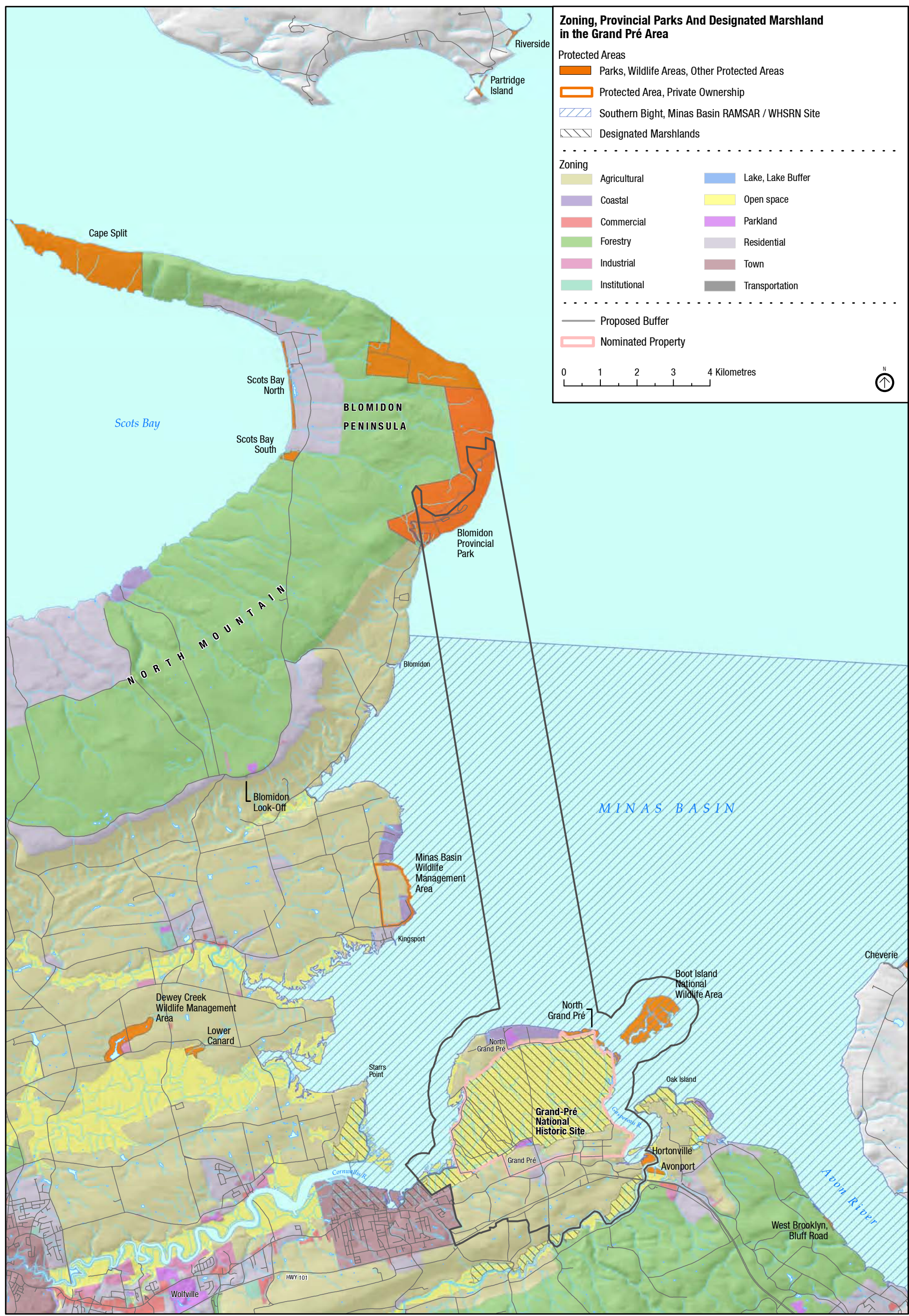
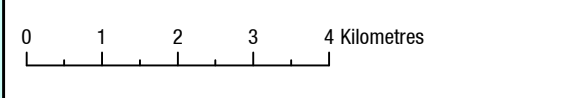
Elevation source: Provincial (NSGC) 1:10,000 points and contours.  
 Observer Height: 1.72 metres tall (or 5' 8").

### Zoning, Provincial Parks And Designated Marshland in the Grand Pré Area

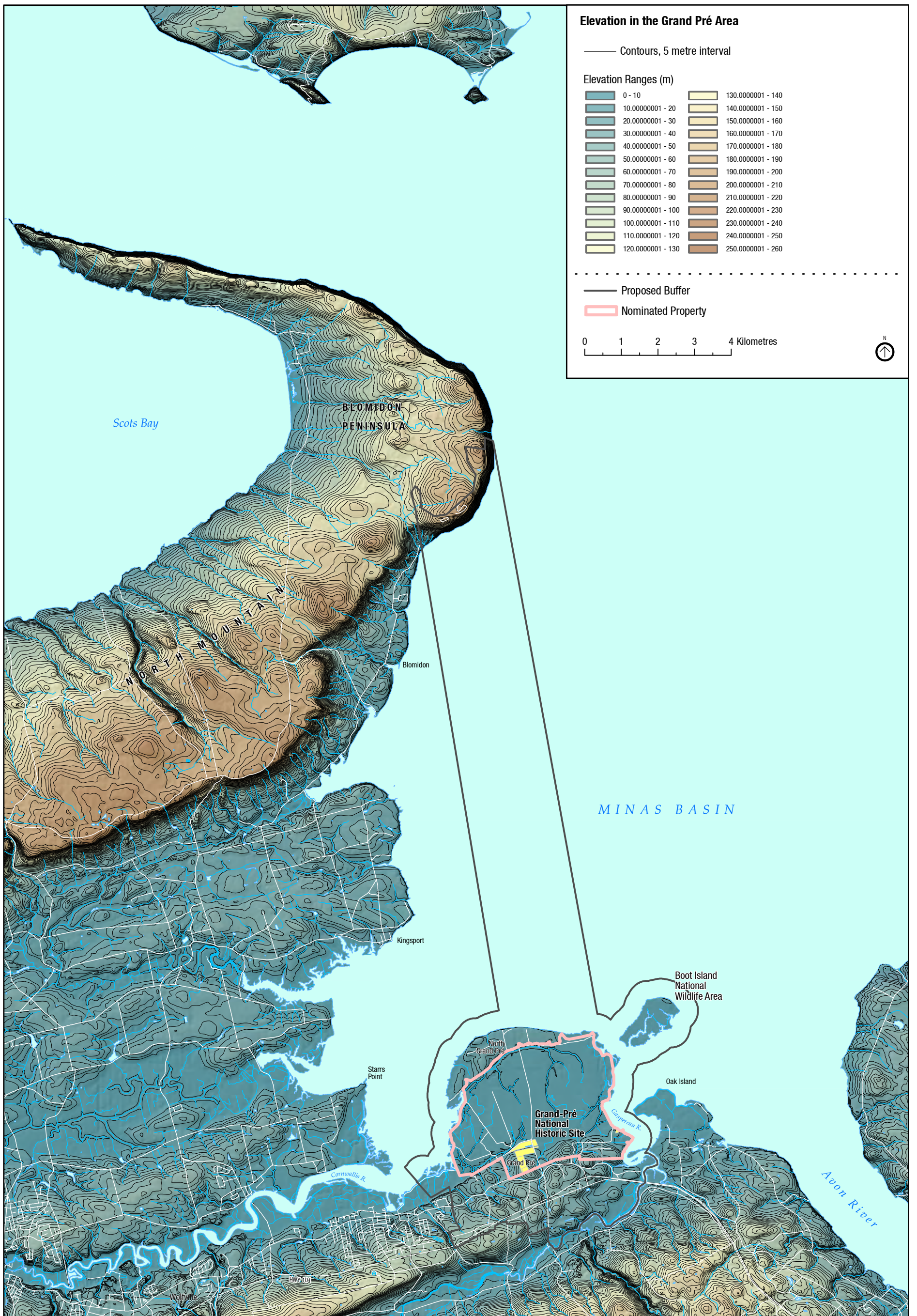
- Protected Areas**
- Parks, Wildlife Areas, Other Protected Areas
  - Protected Area, Private Ownership
  - Southern Bight, Minas Basin RAMSAR / WHSRN Site
  - Designated Marshlands

- Zoning**
- |  |  |
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| <span style="display: inline-block; width: 15px; height: 10px; background-color: #c6584c; border: 1px solid black; margin-right: 5px;"></span> Coastal       | <span style="display: inline-block; width: 15px; height: 10px; background-color: #fff2cc; border: 1px solid black; margin-right: 5px;"></span> Open space        |
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| <span style="display: inline-block; width: 15px; height: 10px; background-color: #5cb85c; border: 1px solid black; margin-right: 5px;"></span> Forestry      | <span style="display: inline-block; width: 15px; height: 10px; background-color: #d9d2e9; border: 1px solid black; margin-right: 5px;"></span> Residential       |
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- Proposed Buffer
- Nominated Property







# Acadian Settlements Prior to the Deportation (1604-1755)



# Acadian Odyssey: Places of Transit (1755 - 1816)



CANADA

NORTH AMERICA

Québec

New Brunswick

Newfoundland

Prince Edward Island

Nova Scotia

Anglo-American colonies

South Carolina

Georgia

French Guyana

Les Malouines (Falkland Islands)

Saint-Domingue (Haiti)

UNITED KINGDOM

EUROPE

FRANCE

ATLANTIC OCEAN

AFRICA

Québec

Ristigouche

Miramichi

Fort Cumberland

Beauséjour

Sainte-Anne-des-Pays-Bas

Fort Frederick, Saint-Jean

Fort Amherst

Port-Lajoie

Halifax

Fort Edward, Piguigt (Windsor)

(GRAND PRÉ)

Fort Anne, Annapolis Royal

Massachusetts

Connecticut

New York

Pennsylvania

Maryland

Miquelon (France)

Liverpool

Bristol

Southampton

Falmouth / Penryn

Cherbourg

Boulogne-sur-Mer

Saint-Malo

Nantes

Châtellerault

La Rochelle

Bordeaux

# Acadian Settlements Post-Deportation, Prior to 1816: World Outside Canada



CANADA

Québec

See detail map:  
Acadian Settlements  
Post-Deportation,  
Prior to 1816:  
Québec

Saint-Bruno  
(Van Buren)  
Saint-David  
Maine

See detail map: Acadian Settlements  
Post-Deportation, Prior to 1816:  
Maritimes and the Gulf of St Lawrence

Saint-Pierre  
et Miquelon  
Miquelon

(GRAND PRÉ)

UNITED STATES OF AMERICA

Louisiana

*Attakapas (region)*

Ascension (Donaldsonville, Ascension Parish)

Bâton-Rouge (Baton Rouge)

Côte-Gelée (Broussard)

Nouvelle-Orléans (New Orleans)

Opelousas

Plattenville

Pointe-Coupée

Saint-Gabriel-d'Iberville (St Gabriel, Iberville Parish)

Saint-Jacques-de-Cabahannocer (St. James, St. James Parish)

Saint-Martinville

ATLANTIC OCEAN

HAÏTI

Jean-Rabel

La Bombarde

Le Mirebalais

Môle Saint-Nicolas

Port-au-Prince

Port-de-Paix

FRENCH GUYANA

Sinnamary

UNITED  
KINGDOM

Boulogne-sur-Mer

Cherbourg

FRANCE

Belle-Île-en-Mer

Nantes

Archigny

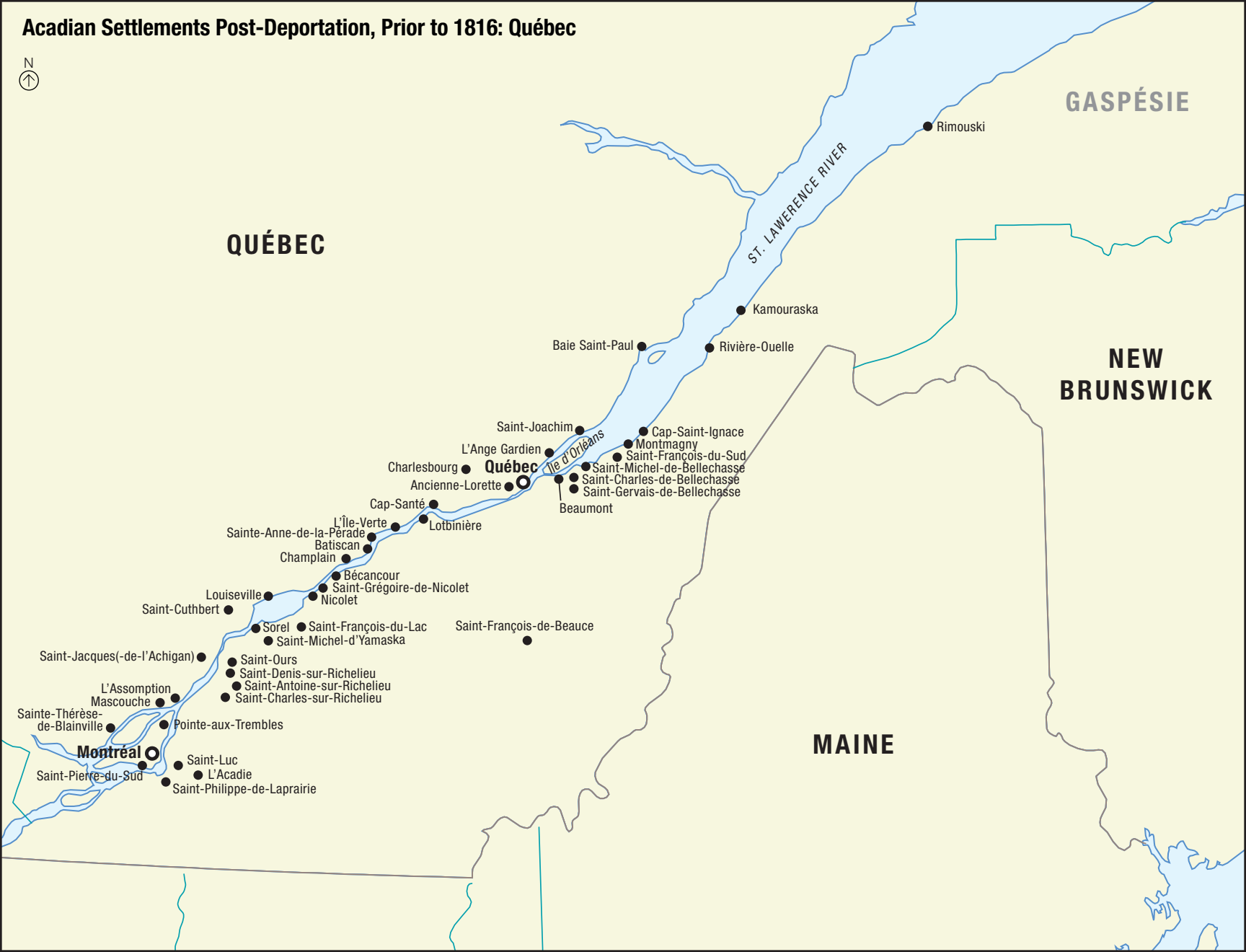
(Ligne Acadienne)

ATLANTIC OCEAN

# Acadian Settlements Post-Deportation, Prior to 1816: Maritimes and the Gulf of St Lawrence



# Acadian Settlements Post-Deportation, Prior to 1816: Québec





NOVA SCOTIA

**Communities, Culture and Heritage  
Office of the Minister**

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World Trade and Convention Centre, 1800 Argyle Street, PO Box 456, Halifax, Nova Scotia, Canada B3J 2R5  
Telephone 902 424-4889 Fax 902 424-4872 • [www.gov.ns.ca](http://www.gov.ns.ca)

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**FEB 09 2012**

Mr. Peter Herbin, Co-chair  
Dr. Gérald C. Boudreau, Co-chair  
Nomination Grand Pré Advisory Board  
C/O Kings RDA  
35 Webster Street  
Kentville, Nova Scotia B4N 1H4

Dear Mr. Herbin and Mr. Boudreau:

Thank you for your inquiry regarding the Trust to be established for the Grand Pré UNESCO World Heritage Site.

I am pleased to confirm that the Province is committed to provide \$2.5 million to the Grand Pré Trust upon the successful inscription of the site on the World Heritage list. It is our understanding that these funds will be used to implement the Strategic Plan for the site developed and approved by the Nomination Grand Pré Advisory Board.

Should you have any questions about this Trust, please do not hesitate to contact William (Bill) Greenlaw at (902) 424 4986, or [greenlbe@gov.ns.ca](mailto:greenlbe@gov.ns.ca).

Once again, we are pleased to provide this support and look forward to the successful designation of the site in July 2012.

Sincerely,

David A. Wilson

Minister

## Appendix E – 1: Lists of photographs and map resources

### Map Resources:

Nova Scotia Protected Areas and Limited Use Lands data source:  
Nova Scotia Department of Natural Resources

Provincial Digital Topographic Data source:  
Nova Scotia Digital Topographic Database,  
scale 1:10,000, Nova Scotia Geomatics Centre.

Grand Pré area LiDAR source:  
Applied Geomatics Research Group (AGRG)  
Centre of Geographic Sciences (COGS),  
Nova Scotia Community College

Kings County Digital Thematic Data Layer source:  
David Poole  
Municipality of the County of Kings

### Photo Identification Table:

Id. No	Format	Caption	Date	Photographer	Copyright owner	Contact info	Non exclusive cession of rights
Cover page	Digital	[none]	06/2009	Christophe Rivet	Parks Canada Agency	Parks Canada Agency, Atlantic Service Centre; 1869 Upper Water St; 902-426-9799; julien.leblanc@pc.gc.ca	Y
Figure 1	Digital	Cape-Blow-me-down, and the Bason of Mines, publ.1830 NSARM	1830	Courtesy of Nova Scotia Archives and Records Management, NSARM Library: AK F100 M78 Captain W. Moorsom, <i>Letters from Nova Scotia; comprising sketches of a young country</i> , London		Nova Scotia Archives 6016 University Avenue Halifax, Nova Scotia B3H 1W4 CANADA	N
Figure 2	Digital	Grand Pré, and Basin of Minas, from Wolfville, publ.1882, F.B. Schell.	1882	Artist: F.B. Schell	Public domain		Y
Figure 3	Digital	"The Expulsion of the Acadians", George Craig, 1893	1893	Artist: George Craig	Courtesy of Université de Moncton: Collection du Musée acadien de l'Université	Université de Moncton Campus de Moncton Pavillon Léopold-Tailon 18, avenue Antonine-Maillet Moncton, NB	N



		Collection du Musée acadien de Moncton			de Moncton.	Canada E1A 3E9	
Figure 4 – nomination proposal figure 2-33							
Figure 5 – cover photo							
Figure 6 – nomination proposal, figure 2-21							



United Nations  
Educational, Scientific and  
Cultural Organization

Organisation  
des Nations Unies  
pour l'éducation,  
la science et la culture

Organización  
de las Naciones Unidas  
para la Educación,  
la Ciencia y la Cultura

Организация  
Объединенных Наций по  
вопросам образования,  
науки и культуры

منظمة الأمم المتحدة  
للتربية والعلم والثقافة

联合国教育、  
科学及文化组织

## The Culture Sector World Heritage Centre

H. E. M. Jean-Pierre  
Blackburn  
Ambassador  
Permanent Delegate of  
Canada to UNESCO  
UNESCO House

Ref: CLT/WHC/PSM/12/EUR/237

16 August 2012

Subject: **Inscription of *Landscape of Grand Pré (C 1404)*, Canada, on the World Heritage List**

Dear Ambassador,

I have the pleasure to inform you that the World Heritage Committee, at its 36th session (Saint Petersburg, Russian Federation, 24 June – 6 July 2012), examined the nomination of the ***Landscape of Grand Pré*** and decided to **inscribe** the property on the World Heritage List. The decision of the Committee concerning the inscription is attached.

I am confident that your Government will take the necessary measures for the effective conservation of this new World Heritage property. The World Heritage Committee and its Secretariat, the World Heritage Centre, will do everything possible to collaborate with you in these efforts.

The *Operational Guidelines for the Implementation of the World Heritage Convention* (paragraph 168), request the Secretariat to send to each State Party with a newly inscribed property a map of the area(s) inscribed. Please examine the attached map and inform us of any discrepancies in the information by **1 December 2012**.

The inscription of the property on the World Heritage List is an excellent opportunity to draw the attention of visitors to, and remind local residents of, the *World Heritage Convention* and the outstanding universal value of the property. To this effect, you may wish to place a plaque displaying the World Heritage emblem and the UNESCO logo at the property. You will find suggestions on this subject in the *Operational Guidelines for the Implementation of the World Heritage Convention*.

In many cases States Parties decide to hold a ceremony to commemorate the inscription of a property on the World Heritage List. Upon request to the World Heritage Centre by the State Party, a World Heritage Certificate can be prepared for such an occasion.

I would be grateful if you could provide me with the name, address, telephone and fax numbers and e-mail address of the person or institution responsible for the management of the property so that we may send them World Heritage publications.

Please find attached the brief descriptions of the property, prepared by ICOMOS and the World Heritage Centre, in both English and French. As these brief descriptions will be used in later publications, as well as on the World

Heritage website, we would like to have your full concurrence with their wording. Please examine these descriptions and inform us, by **1 December 2012** at the latest, if there are changes that should be made. If we do not hear from you by this date, we will assume that you are in agreement with the text as prepared.

Furthermore, as you may know, the World Heritage Centre maintains a website at <http://whc.unesco.org/>, where standard information about each property on the World Heritage List can be found. Since we can only provide a limited amount of information about each property, we try to link our pages to those maintained by your World Heritage property or office, so as to provide the public with the most reliable and up-to-date information. If there is a website for the newly inscribed property, please send us its web address.

All the Decisions adopted by the 36th session of the World Heritage Committee are available at the following web address of the World Heritage Centre:  
<http://whc.unesco.org/archive/2012/whc12-36com-19e.pdf>.

As you know, according to paragraph 172 of the *Operational Guidelines for the Implementation of the World Heritage Convention*, the World Heritage Committee invites the States Parties to the *Convention* to inform the Committee, through the World Heritage Centre, of their intention to undertake or to authorize in the area protected under the *Convention* major restorations or new constructions which may affect the outstanding universal value of the property.

May I take this opportunity to thank you for your co-operation and for your support in the implementation of the *World Heritage Convention*.

Please accept, dear Ambassador, the assurances of my highest consideration.

  
Kishore Rao  
Director

cc: Canadian Commission for UNESCO  
ICOMOS

**Extract of the Decisions adopted by the 36th session of the World Heritage Committee (Saint Petersburg, 2012)**

**Decision: 36 COM 8B.27**

The World Heritage Committee,

1. Having examined Documents WHC-12/36.COM/8B and WHC-12/36.COM/INF.8B1,
2. Inscribes the **Landscape of Grand Pré, Canada**, on the World Heritage List as a cultural landscape on the basis of **criteria (v) and (vi)**;
3. Adopts the following Statement of Outstanding Universal Value:

**Brief synthesis**

The Grand Pré 'marshland' and the remains of the associated old villages constitute a cultural landscape bearing testimony to a remarkable effort, over many centuries, using the polder technique to develop agricultural farmland, in a maritime location with extreme tides. In particular, it demonstrates the permanency of its hydraulic drainage system using dykes and aboiteaux and its agricultural use through a community-based management system established by the Acadians and then taken over by the Planters and their modern successors. Grand Pré is also testimony to the history of the Acadians in the 17th and 18th centuries and their deportation.

Grand Pré forms a vast area of polders or marshlands, in which the land division and crop farming methods have continued for three centuries. It is the most important example of its type in North America. The farming landscape is complemented by the strip land division method along the coastal area, bearing testimony to 17th century French colonization. The hydraulic system is based on an exemplary ensemble of dykes, aboiteaux to evacuate the water, and a drainage network. These techniques and community-based management have continued through to today. The property includes archaeological remains of the villages of Grand Pré and Hortonville that testify to the settlements and lifestyles of the Acadian settlers and their successors. The property and its landscape include traces of the major pathways that crossed the marshland and organized the adjacent coastal area. The locations of Grand Pré village and Horton Landing have memorial buildings and monuments erected in the 20th century in homage to the Acadian ancestors and their deportation, starting in 1755. The overall property forms the symbolic reference landscape for the Acadian memory and the main site for its commemoration.

**Criterion (v):** The cultural landscape of Grand Pré bears exceptional testimony to a traditional farming settlement created in the 17th century by the Acadians in a coastal zone with tides that are among the highest in the world. The polderisation used traditional techniques of dykes, aboiteaux and a drainage network, as well as a community-based management system still in use today. The resultant rich alluvial soil enabled continuous and sustainable agricultural development.

**Criterion (vi):** Grand Pré is the iconic place of remembrance of the Acadian diaspora, dispersed by the Grand Dérangement, in the second half of the 18th century. Its polder landscape and archaeological remains are testimony to the values of a culture of pioneers able to create their own territory, whilst living in harmony with the native Mi'kmaq people. Its memorial constructions form the centre of the symbolic re-appropriation of the land of their origins by the Acadians, in the 20th century, in a spirit of peace and cultural sharing with the English-speaking community.

**Integrity**

The conditions of integrity of the material and landscape ensemble formed by the property are met, as well as for the memorial and symbolic values. However, the coastal instability due to the tidal currents makes this integrity fragile in the long term. Also, the possibility of

wind farm projects being developed in the maritime and coastal environment could also affect it.

### **Authenticity**

The conditions of authenticity are met for the component material elements of the marshland and its landscapes, and for the hydraulic, regional and agrarian management of the marshland. They are also met for the memorial aspects of the Acadian culture and for the symbolic dimension of these landscapes.

### **Protection and management requirements**

The property's protection measures are appropriate and they are effective because they correspond to clear directions and choices that are well accepted by both the inhabitants and the Acadian diaspora. They are applied to the main place of remembrance by the Federal Government's Parks Canada Agency, and elsewhere by the other stakeholders in the property's practical management: regional technical authorities, the municipality, the Grand Pré Marsh Body and farmers. The maritime component of the buffer zone has been extended to guarantee the visual integrity of the property viewed from the coastal area of the old village of Grand Pré at Horton Landing.

The property's management system is in place and acts effectively. It involves a series of specialist entities, either public, such as the Federal Parks Canada, provincial, or traditional bodies such as the Grand Pré Marsh Body. Overarching coordination of the various stakeholders has been confirmed by the implementation of the Stewardship Board and its personnel, together with a schedule for the implementation of actions programmed in the Management Plan. The property's memorial dimension is handled by the Société Promotion Grand Pré.

4. Recommends the State Party give consideration to the following:
  - a) Applying without delay the Archaeological Management Plan announced for the overall property, and consider extending it to the property's buffer zone and surrounding coastal areas,
  - b) Expanding the property's monitoring system with a regular assessment of changes to farmland and building use.

**Surface and coordinates of the property inscribed on the World Heritage List by the 36th session of the World Heritage Committee (Saint Petersburg, 2012) in accordance with the Operational Guidelines.**

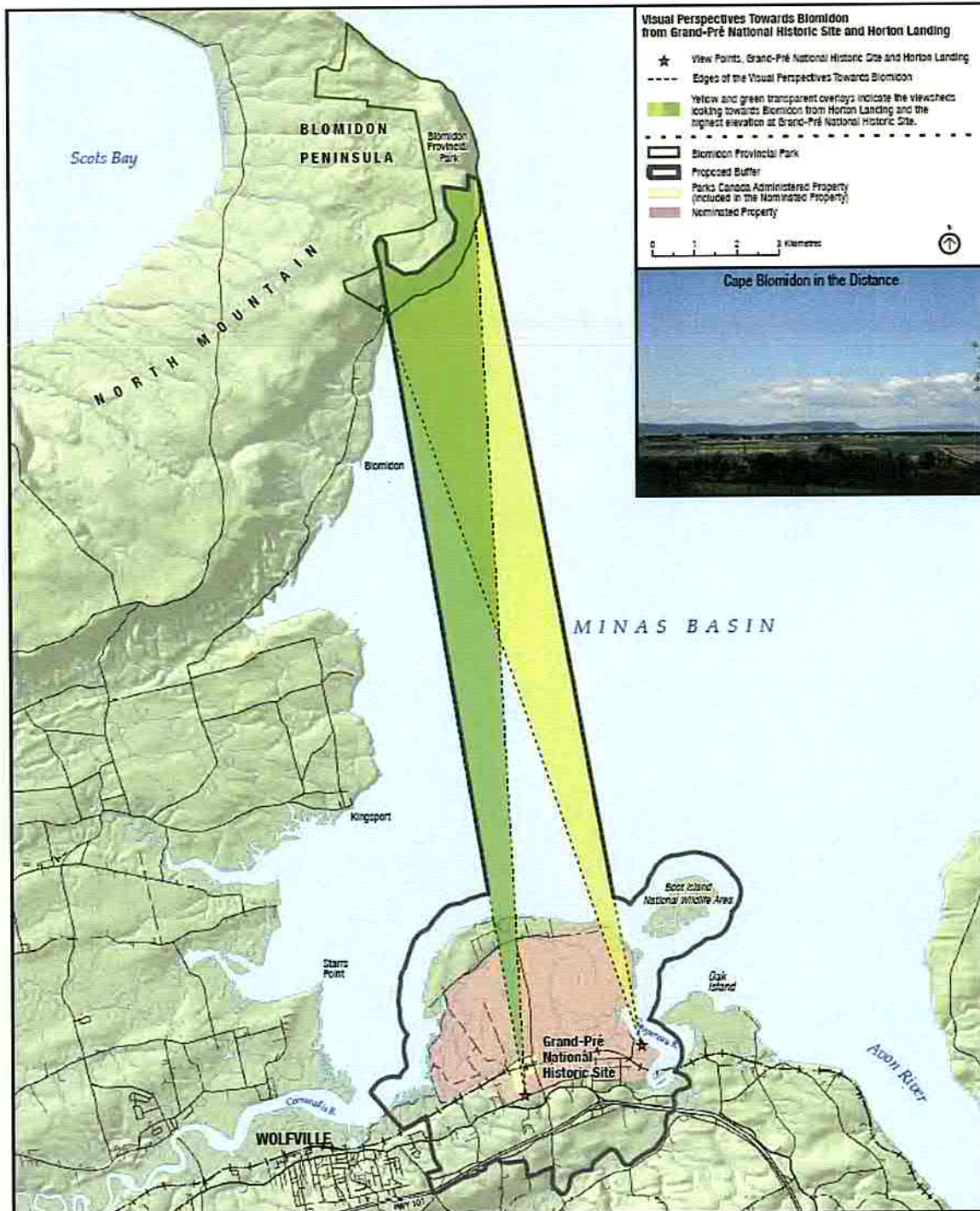
State Party		ID N	Area	Buffer zone	Centre point coordinates
Canada	Landscape of Grand Pré	1404	1 323.24	5 865	N45 07 06 W64 18 26

### **Brief Description in English**

Situated in the southern Minas Basin of Nova Scotia, the Grand Pré marshland and archaeological sites constitute a cultural landscape bearing testimony to the development of agricultural farmland using dykes and the aboiteau wooden sluice system, started by the Acadians in the 17th century and further developed and maintained by the Planters and present-day inhabitants. Over 1,300 ha, the cultural landscape encompasses a large expanse of polder farmland and archaeological elements of the towns of Grand Pré and Hortonville, which were built by the Acadians and their successors. The landscape is an exceptional example of the adaptation of the first European settlers to the conditions of the North American Atlantic coast. The site – marked by one of the most extreme tidal ranges in the world, averaging 11.6 m – is also inscribed as a memorial to Acadian way of life and deportation, which started in 1755, known as the Grand Dérangement.

## Brief Description in French

Le « marais » de Grand-Pré et les sites archéologiques, situés dans la partie méridionale de la baie Minas en Nouvelle-Ecosse, constituent un paysage culturel qui témoigne du développement de la poldérisation agricole réalisée – à base de digues et d'aboiteaux (buses de bois pour l'évacuation des eaux) – par les Acadiens au XVII<sup>e</sup> siècle et poursuivie par les Planters et les habitants actuels. L'endroit – marqué par une amplitude des marées parmi les plus fortes au monde : 11,6 mètres en moyenne – est aussi un lieu mémoriel et symbolique majeur pour les Acadiens dont la déportation, à partir de 1755, est connue comme le Grand Dérangement. Sur 1 300 hectares, le paysage culturel comprend un polder agricole étendu et des éléments archéologiques des villes de Grand-Pré, fondée par les Acadiens, et de Hortonville, bâtie par leurs successeurs anglais. Le paysage constitue un exemple exceptionnel de l'adaptation des premiers colons européens aux conditions de la côte atlantique nord-américaine.



Elevation source: Provincial (NSGC) 1:10,000 points and contours.  
 Observer Height: 1.72 metres tall (or 5' 8").