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Item No. 4
Halifax Regional Council
May 9, 2023

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed

Cathie O'Toole, Chief Administrative Officer

DATE: April 26, 2023

SUBJECT: Protected Areas Registry PID 00506428

INFORMATION REPORT

ORIGIN

February 8, 2022 Regional Council motion (Item 16.1)

MOVED by Deputy Mayor Lovelace, seconded by Councillor Cuttell

THAT Halifax Regional Council direct the Chief Administrative Officer (CAO) to prepare a staff report the purpose of which is to request the Province of Nova Scotia consider the protection of the 27 acres of French Village Conservation Woodland (PID 00506428) from St. Paul's Anglican Church, 71 St. Paul's Lane, French Village to the wetlands east of Brine Lake and include it in the registry of Nova Scotia Protected Areas.

MOTION PUT AND PASSED

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, S.N.S. 2008, c. 39.:

61 (1) The Municipality may acquire, and own property granted or conveyed to the Municipality either absolutely or in trust for a public or charitable purpose.

233 (1) The Municipality may

(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.

BACKGROUND

St. Paul's Anglican Church owns PID 00506428, which is a long, narrow rectangular parcel, approximately 13-15 hectares in size, extending off St. Paul's Lane in the community of French Village. The property (subject lands) is pre-dominantly forested and includes a provincial wetland on the eastern portion of the parcel and a watercourse that feeds into Brine Lake (Attachment A). The Church itself is located on a smaller abutting property to the northwest. The Church is recognized for its historic importance and is designated as both a municipal and provincial heritage property.

The subject lands are referred to as the French Village Conservation Woodland. A group representing the Church presented to the Community Planning and Economic Development Standing Committee (CPED) on November 18, 2021, and outlined its plans for future use of the property, including:

- establishing recreation opportunities on the property, including the installation of outdoor exercise equipment accessible to seniors and other members of the public, and the development of ecologically sensitive walking trails for nature education, appreciation, and interpretation; and
- establishing the property as a certified green burial cemetery site.

The Church group is looking for a conservation easement to be registered upon the subject lands. This would be a legal restriction, placed on title that would require the subject lands to be retained in a specified natural state, for recreational use and as a burial site in perpetuity.

The Church group highlighted to CPED that securing a conservation easement would allow for the subject site to be designated as a conservation green burial cemetery under a certification program administered by the Green Burial Society of Canada (Attachment B). The Church group identified that it had discussions with both provincial officials and with conservation groups regarding this objective.

CPED did not make a motion following the Church group's presentation. However, on February 8, 2022, Regional Council requested a staff report on the possibility of requesting the Province of Nova Scotia consider the environmental protection of the subject lands, through its potential inclusion on the Registry of Nova Scotia Protected Areas.

DISCUSSION

The remainder of this report provides additional information on green burial recognition and the legislative framework for conservation easements in Nova Scotia. Where the February 2022 motion had cited supporting the property's proposed inclusion on the Registry of Nova Scotia Protected Areas, the distinction between that particular type of provincial designation and what the Church group is actively seeking under different legislation is outlined.

Green Burial Recognition

The Green Burial Society of Canada (GBSC) is an organization that promotes natural burials as an environmentally sustainable practice, in which unembalmed bodies are placed directly into the ground to decompose naturally; where individual memorialization is discouraged; and where the interment area respects the existing environment, with little alteration to the natural landscape. The GBSC certifies cemeteries that either wholly, or partially, have areas identified for natural burials.

There are four types of certifications associated with the GBSC:

- Green Burial Society Provider
- Green Burial Cemetery (Small)
- Green Burial Cemetery (Large)
- Green Burial Conservation Cemetery

At present, there are twelve burial sites in Canada identified with GBSC certification, including Sunrise Park

Inter-faith Cemetery in Hatchet Lake. Eleven of these twelve are recognized as Green Burial Society Providers, where they offer green burial services as one part of their overall operations. One site on Salt Springs Island, British Columbia, is exclusive in providing for green burials only. The highest category of GBSC certification ("Green Burial Conservation Cemetery") requires that the cemetery site be retained in its natural state through a conservation easement, to remove the possibility of it being converted to another use.

GBSC certification is not regulation. In Nova Scotia, cemetery sites and burial procedures are regulated by the provincial government through various statutes. All private burial sites within the Municipality are the responsibility of the private property owner and the Municipality has no ongoing role or involvement with them, other than administering local land use by-laws. The Municipality does have a Cemeteries By-law which applies to seven sites that the Municipality currently owns and maintains. The Municipality has also adopted policy (Administration Order 2016-007-OP) with respect to acquiring additional properties identified as cemeteries or burial sites.

Conservation Easements in Nova Scotia

While Regional Council's motion referenced supporting the potential recognition of the subject lands within the Province's Registry of Protected Areas, such designations are applied to significantly larger ecosystems and to provincially owned lands. While privately owned lands can be designated wilderness area under the *Wilderness Areas Protection Act* or as a Nature Reserve under the *Special Places Protection Act*, the subject lands do not abut an existing designated area, so securing any protected status under those pieces of provincial legislation is not applicable in this case.

The Church group has expressed that it would not want the subject lands to be registered as a Special Place, as that would not allow activities such as natural burials. Rather, it has cited an interest in securing a conservation easement to align with the GBSC certification process.

Conservation Easements in Nova Scotia are:

"a legally binding agreement between a landowner and a conservation organization (such as a land trust) or government conservation agency that attaches to the title to the land. The land remains the private property of the owner and the decision to place a conservation easement on a property is strictly a voluntary one, however once the easement is in place it restricts future use of the land. Development restrictions contained in the agreement are registered with the property deed and apply to both current and future landowners.

Generally, a Conservation Easement is made for the purpose of protecting, restoring or enhancing land that contains rare or outstanding species, important habitats, natural ecosystems, land forms or landscapes that the owner and the province would like to protect for future generations."¹

Conservation easements are regulated in Nova Scotia through the *Conservation Easement Act*, which enables certain organizations identified in the (related) *Designation of Eligible Bodies Regulations* to hold easements upon private lands. There are, at present, twelve organizations identified under the regulations, which the Church group could engage with in advancing this initiative.

A number of the listed organizations, such as the Nova Scotia Nature Trust and Nature Conservancy of Canada, have established programs to consider conservation easements on private property, depending on such factors as the presence of valued ecological features, identified species-at-risk, and whether the lands provide for greater ecological connectivity. These organizations work with interested property owners throughout the province in preparing property assessments and, where it is considered warranted, negotiate

¹ Conservation Easements, NS Natural Resources and Renewables, <https://novascotia.ca/natr/land/conservation-easements.asp>

a transaction, and achieve a registration on title. The ecological attributes of the lands would be the primary values that would be assessed in determining applicability.

There may be challenges for certain conservation organizations in considering the incorporation of the proposed future burial activities in relation to their own organizational objectives. The Church group shared where there was an investigation of the lands by the Nova Scotia Nature Trust, but ultimately no arrangement was formed. Should securing a conservation easement with one of the existing organizations under *Regulations* ultimately not be possible, the proponent may pursue, and would most likely achieve, certification with GSBC as a Green Burial Service Provider.

There are provisions within the province's statutes for either a municipality or for the province itself to be more involved with holding specific conservation easements. However, where the Church group's intent in establishing an easement is linked with the GBSC certification process to ensure the lands are retained as a future green burial site, this objective is not considered part of the municipality's mandate, specifically as it pertains to the delivery and resourcing of parkland objectives.

HRM has supported the Church's various activities, including its community-based recreation projects through community grants and other programs. These continue to be available to contribute to initiatives that are being undertaken by the Church.

FINANCIAL IMPLICATIONS

No financial impacts are identified.

COMMUNITY ENGAGEMENT

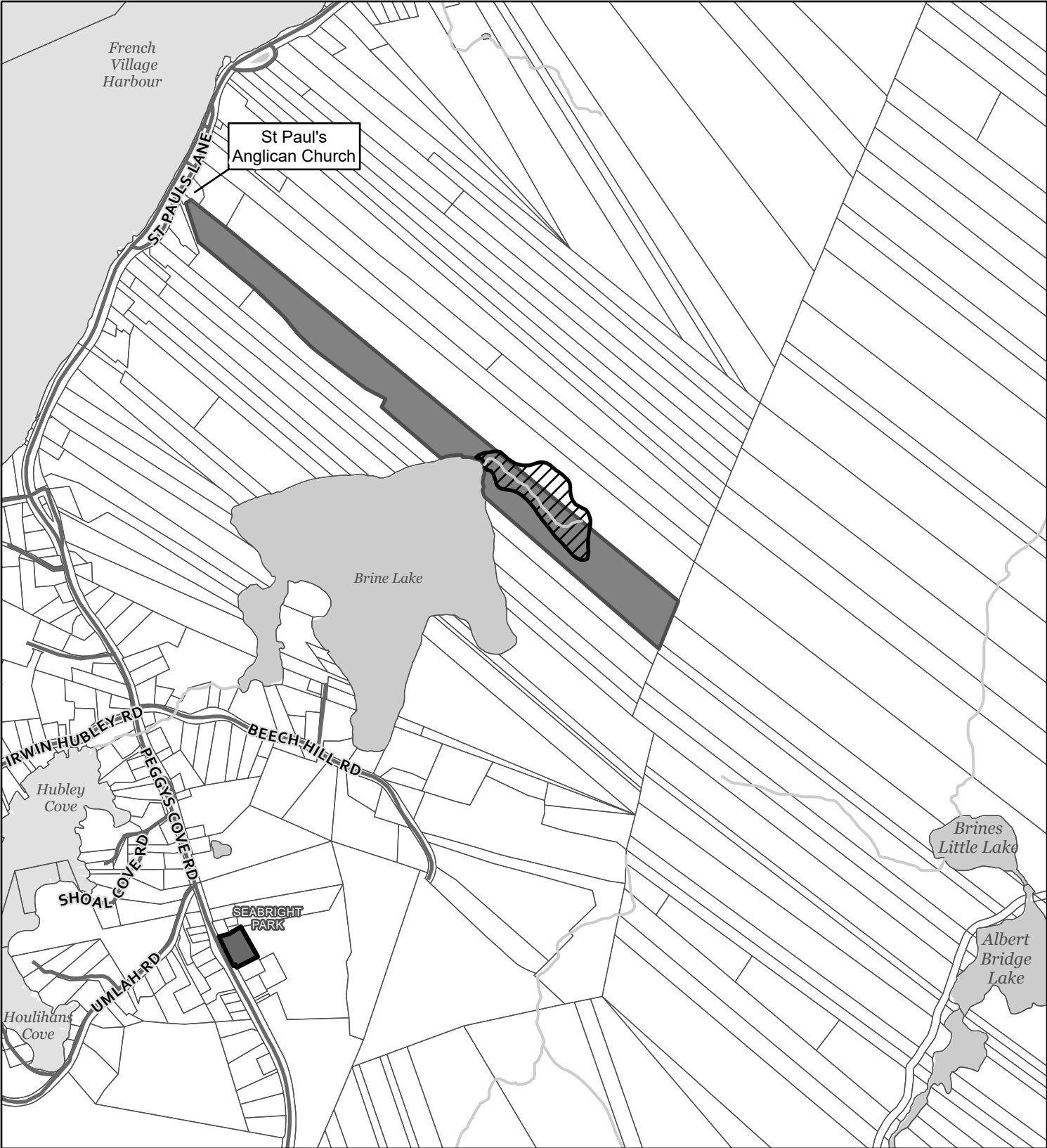
No community engagement was undertaken in preparing this Report. Staff met with the project proponents during a site visit and communicated with the project proponent lead who presented this initiative at CPED.

ATTACHMENTS

Attachment A Location Map
Attachment B French Village Conservation Woodland Information Sheet
presented to CPED, Item 10.3.1, November 18, 2021

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Douglas Reid, Real Property Planning Coordinator, Policy and Planning, 902.237.7856



French Village Conservation Woodland – Location Map

- Subject Property PID #00506428
- HRM Parkland
- Provincial wetland

HALIFAX
 Parks & Recreation
 Policy & Planning

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 Date: 1/12/2023

FRENCH VILLAGE CONSERVATION WOODLAND

→ 5 Principles of Green Burial



1. No embalming
2. Direct earth burial
3. Ecological conservation and restoration

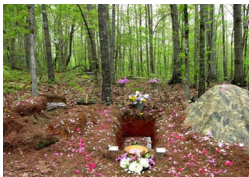
4. Communal memorialization
5. Optimum land use

→ Who wants Green Burial?

1. Environmentalists - who want their remains to have a purpose - and a low carbon footprint
2. Traditionalists - who embrace the ways of our ancestors and want to revive those simple approaches
3. DIYers - do-it-yourself people who want to be personally engaged in burial and reclaim practices
4. Cost conscious people - who want a simple, local solution

→ Our Team

Ray Mattholie, Bay resident with a long-time passion for green burial



Louisa Horne, Halifax based entrepreneur, end-of-life doula and green burial advocate

Trudy Stephenson, Bay resident, end-of-life doula and green burial enthusiast.

We seek to establish the French Village Conservation Woodland on property owned by St. Paul's Church – a site that can offer a wide range of outdoor experiences within the city of Halifax, operated by a not-for-profit organization that we are creating.

One intended specific activity on the site is green burial and our goal is to have the first urban certified green burial conservation site in Canada – and this requires a designated conservation site (i.e., land with a conservation easement from the NS Department of Lands and Forestry, and certified for conservation green burial by the Green Burial Society of Canada).

The land behind St. Paul's Anglican Church in French Village has conservation value. Yellow birch trees, possibly rare lichens, and habitat for moose all contribute to the value of this beautiful site. We believe the site lends itself to many experiences of nature with green burial being only one of the possibilities. Unlike traditional cemeteries, we see a destination where people would want to spend time enjoying nature, close to home.

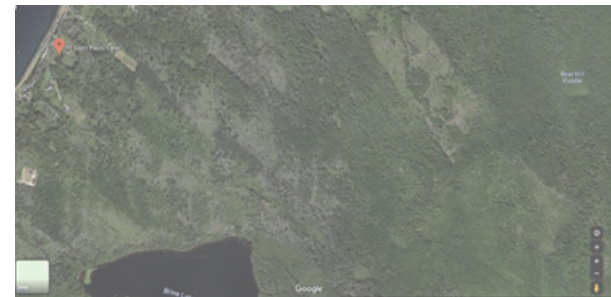
Green burial is a growing global movement and interest in this environmentally sensitive approach to disposition of one's body in a way that has a useful purpose is rapidly increasing.

We look forward to presenting the concept to you. We are confident that we have the team to implement this initiative and we are enthusiastic about collaborating with community groups on an ongoing basis as part of the effort to ensure appropriate planning and use of the conservation site.



The site is a 27 acre, long narrow piece of land that extends back approximately 2 kilometres from the heritage church building with its traditional cemetery and includes a corner of beautiful Brine Lake. It has a variety of trees and lakeshore areas and we believe it is of high conservation value.

We have had initial reviews of the site with Dr. David Patriquin and Mike Lancaster. David was impressed with the yellow birch trees that add value to the property's conservation potential. Mike noted evidence of wildlife - their habitat protection is a valuable aspect of conservation opportunity. A variety of plants, including possibly some rare lichens, are other important features.



The French Village Conservation Woodland gives nature lovers and those who love St. Margaret's Bay an opportunity to experience nature, close to home, including the option for cost effective green burial, a first in Canada!

The land has many potential uses – imagine walking trails, play areas, picnic space, seniors' exercise paths, outdoor theatre and art space – maybe even a labyrinth and a forest school – and the heritage church building could serve as a community space and interpretation centre as well as an event location!

