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**Item No. 15.1.5**  
**Halifax Regional Council**  
**July 9, 2024**

**TO:** Mayor Savage and Members of Halifax Regional Council

**FROM:** Cathie O'Toole, Chief Administrative Officer

**DATE:** June 24, 2024

**SUBJECT:** Halifax Memorial Library and Park Site - Repurposing and Approach to Park Development and Expansion

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**ORIGIN**

Regional Council approved the following motion on September 28, 2021 in a Private and Confidential meeting:

*THAT Halifax Regional Council: 1. Adopt the recommendations as outlined in the private and confidential staff report dated September 1, 2021; and 2. Release the private and confidential staff report dated September 1, 2021 to the public once the conditions as outlined in the report have been met.*

The recommendations, as approved by Regional Council, and outlined in the September 1, 2021 report are:

1. *Direct the CAO to terminate the exploration of a major redevelopment and repurposing of the former Memorial Library building with Dalhousie University and the Province of Nova Scotia that was to include a public atrium, educational space, HRM premises, commercial and retail space via a P3 arrangement.*
2. *Authorize the Mayor on behalf of Regional Council, to communicate with the Province of Nova Scotia to request that the Province:*
  - a. *accept title, subject to subdivision approval, to that portion of the property at 5381 Spring Garden Road that includes:*
    - i. *the Memorial Library building, in its existing condition, pursuant to the reversionary ownership interest reserved to the Crown in the 1882 Letters Patent, and*
    - ii. *the former 'Fire Engine House Property' within Grafton Park at a market value sale price, excluding Lot L-3, per survey shown in Attachment 2; and*
  - b. *release any reversionary interest to the southeast portion of Grafton Park, identified as Lot L-2 as shown in the survey at Attachment 2 to this report; and,*

**RECOMMENDATION ON PAGE 2**

3. *If the Province declines the request as per recommendation 2 of this report, then direct the CAO to:*
  - a. *investigate options that would repurpose the site in accordance with the Crown Grant and retain the heritage value of the former Halifax Memorial Library site and structure while meeting the recommendations of the Archaeological Resource Impact Assessment dated December 2020, and assess the Province's willingness to accommodate such options, and*
  - b. *return to Council with a recommendation report respecting the options.*

*It is further recommended that this report be released to the public after communications with the Province have been completed pursuant to recommendation 2 above.*

## **EXECUTIVE SUMMARY**

- This report details the history of the Halifax Memorial Library site and explores options for future use of the building and property.
- The recommendation is to go forward with hiring a consultant and use that work to create an inter-departmental plan.
- The consulting work is preliminarily estimated at \$300,000. Staff propose bringing this forward for consideration in the 2025/2026 capital budget.
- The library building is in a state of decay and presents risk and liability as it remains vacant.

## **RECOMMENDATION**

It is recommended that Halifax Regional Council direct the Chief Administrative Officer:

1. direct staff to bring forth the proposed consulting work, as set out in the discussion section of this report, for funding consideration within the 2025/26 capital budget, subject to standard evaluation and prioritization as part of the regular budget process;
2. using the consulting work as a base, prepare a plan for the Memorial Library site with a scope that includes:
  - (a) substantial and/ or full removal of the building;
  - (b) recognition of the importance of the site's culture and heritage attributes;
  - (c) balancing of requirements of the Crown Grant while respecting the recommendations of the 2020 Archaeological Resource Impact Assessment;
  - (d) recommending recreation and leisure needs; and,
  - (e) conceptual park design, uses, interpretation, and capital development;
3. upon completion of the plan, return to Regional Council with a staff report with recommendations for implementation, including any necessary steps for subsequent approvals, and including such items as funding allocations and a process to apply for either the substantial alteration or demolition of the building in accordance with the *Heritage Property Act*.

## **BACKGROUND**

The property's history and recent events are summarized in the following chronology:

### **18<sup>th</sup>/19<sup>th</sup> c. Public Burial Ground**

In the 18<sup>th</sup> and early 19<sup>th</sup> centuries, the site had formed part of the grounds for the poor asylum or poor house and was a public burial ground for the residents of those institutions since the late 1700s. The property also contains the graves of soldiers and victims of epidemics dating back to the early 1760s. Historical analysis has found that the remains of over 4,500 deceased people may be buried on the property, some of whom are likely of Mi'kmaw ancestry.

### 1882 Public Park

By 1882 the cemetery had been turned into a public park with a gravel walkway crossing the site from Grafton Street to Spring Garden Road and was referred to as Grafton Park.

### 1882 Grant

On the 31<sup>st</sup> day of October 1882, Her Majesty the Queen in Right of the Province of Nova Scotia, granted to the City of Halifax, one and one-quarter acres of land on the corner of Spring Garden Road and Grafton Street in Halifax. The Grant specifically stipulated that:

*...the lands be protected by the City of Halifax and held for the use and enjoyment of the citizens of Halifax, as a public square or gardens forever and for no other purposes whatsoever.*

The land grant was also subject to the following additional reservation to the Crown:

*...and further reserving all rights, privileges, and easements heretofore granted by Us, or lawfully, acquired in, to, or upon the said Lands and premises provided always that if at any time hereafter the lot of land hereby granted or any part thereof shall be built upon conveyed away or used for any purpose than as a Public Square or Garden, or if the City of Halifax or its successors shall cease to protect the same and keep it in order for the use and enjoyment of the Citizens these presents **shall thereupon be and become void and of no effect and the land and premises hereby granted shall revert to us our heirs and successors.** [emphasis added]*

### 1949 Memorial Library

In 1949 the City of Halifax petitioned the Province of Nova Scotia to allow the building of a public library on Grafton Park as a living memorial to the deceased soldiers of the First and Second World Wars. Pursuant to section 60 of "An Act to Amend the Law Relating to the City of Halifax", passed on the 14<sup>th</sup> day of April 1949, the Province granted the City's request as follows:

*60 Notwithstanding the restrictions set out on Letters Patent bearing date the 31<sup>st</sup> of October, A.D. 1882, granted by Her Majesty the Queen in the right of the Province of Nova Scotia, to the City, and recorded in the Registry of Deeds for the County of Halifax on the 29<sup>th</sup> day of May, A.D. 1884, whereby the lands now comprising Grafton Park are required to be held for the use and enjoyment of the citizens of Halifax as a Public Square or Garden forever and for no other purposes whatsoever, the City may erect upon the said lands in a location north-west of the southeastern margin of the existing diagonal walk across the said Park, a public library for use by the citizens of the City.*

Further, pursuant to section 59 of this legislative amendment, the Province declared that a lot of land on the corner of Hastings Street (now Brunswick Street) and Spring Garden Road containing an area of 42 feet by 41.9 feet, which was the site of the 'Fire Engine House', be vested in the City of Halifax. This parcel is delineated on plans within Attachments 2 and 3 to this Report [see staff report dated September 1, 2021]. That parcel of land was also conveyed subject to the following restrictive covenant:

*(2) No new building, structure or other work whatsoever shall be constructed or made upon the said property and the building presently situate thereon shall be removed within a period of ten years from the 1<sup>st</sup> day of May, 1949, after such removal the said property shall be held by the City as a part of Grafton Park for the use and enjoyment of the citizens of Halifax as a Public Square or*

*Garden forever and for no other purposes whatsoever.*

### **2011 War Memorial Rededication**

In anticipation of the Memorial Library closing in 2014, the Halifax Regional Library Board committed to preserving the memorial aspect of the Library. Discussions with the Royal Canadian Legion began, and working principles were developed to ensure a smooth transition of the war memorial before the new Halifax Central Library was completed (the recommendations were approved at the Command's Executive Council meeting on Sept. 17, 2011.)<sup>1</sup>

### **2014 Memorial Library Closure**

With the opening of the new Halifax Central Library in the fall of 2014, the Halifax Memorial Library closed. The building has since been decommissioned and is fully winterized. A series of Regional Council reports regarding the Halifax Memorial Library have articulated the limitations which exist on re-use of the Memorial Library portion of the Grafton Park property and discussed the need to examine the options available to HRM.

### **2018 Partnership to Explore Reuse**

Regional Council requested a staff report on November 13, 2018 to explore reuse and redevelopment of the former Memorial Library building in partnership with the Province of Nova Scotia and Dalhousie University that would include a major redevelopment and repurposing of the building to include a public atrium, educational space, HRM premises, commercial and retail space. The proposal was to consider a public-private-partnership (P3) arrangement and an HRM design-build-own alternative. If no appropriate use could be found, staff was to then proceed with the removal of the former library building, as had previously been approved by Council in March 2013. As a result, several potential uses for the building were considered over the past few years, including HRM occupancy, use by not-for-profits, and use by the Nova Scotia Assembly of First Nations Chiefs as a seat of government, among others. All potential interests felt it was uneconomical and thus inviable.

### **2020 Municipal Heritage Designation**

Planning and Development staff received an application to consider registering the building. Upon considering the application and staff recommendation report, the Heritage Advisory Committee (HAC) brought forward to Council a recommendation to designate the entire property as a municipal heritage property, part of which included the former library building as a Character Defining Element (CDE), among other CDEs<sup>2</sup>. It is noteworthy that HAC commented on the building relative to the property's historical significance, "While the building evaluation criteria speaks more to the value of the architectural elements of the structure itself, evaluation as a site would place more emphasis on the heritage value of the entire property and its historic associations over a broader period of time."<sup>3</sup>

After holding a hearing, Council approved the property's heritage status in February 2020. The impact of the designation means that if HRM Heritage staff determine that a proposed change is not substantial, then staff can approve it. However, a substantial alteration needs to be reviewed by HAC and approved by

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<sup>1</sup> Website: <https://www.halifaxcentrallibrary.ca/building-design/sgr-war-memorial/>

<sup>2</sup> Character-Defining Elements (CDE) of the Grafton Park/memorial library site include:

- mature trees, diagonal walkway and publicly accessible open space of Grafton Park;
- stone retaining wall encircling the site; (*this list of CDEs continues on next page*)
- statue of Winston Churchill erected in 1979;
- mass gravesite of the early town and poor asylum;
- commemorative associations with the Second World War; and
- Modern-Classical library building with limestone façade, two semi-circular bays and decorative central entrance with classical detailing and inscriptions.

<sup>3</sup> P.2 of H00469: *Registration of 5381 Spring Garden Rd., Heritage Advisory Committee Report - 2 - September 25, 2019.*

Regional Council, as per the *Heritage Property Act*. If a designated property's Character Defining Elements change significantly over time, then HRM could amend the property's statement of significance; a change does not require an amendment.

### **2020 Building Assessment**

The Halifax Memorial Library was originally constructed in 1949 with an addition built in 1974. The gross floor area of the building is roughly 39,600 square feet. Despite having been designated a Municipal Heritage Property in 2020, the facility has been unused for several years (since 2014) and has been decommissioned by HRM's Property, Fleet, and Environment business unit on the basis that it has reached its end-of-life and is therefore beyond any practical investment or recapitalization.

### **2020 Archaeological Resource Impact Assessment**

The Archaeological Resource Impact Assessment (ARIA) was completed in December 2020. The ARIA was conducted under the terms of the Heritage Research Permit issued through Nova Scotia Special Places. The process involved a background study, Mi'kmaq engagement, and consultation with HRM and Nova Scotia Special Places. Based on the background study, the archaeologist confirmed there is a high potential for encountering human remains during any subsurface disturbance on the property.

The property and surroundings served as the Poor House Burying Ground for over 80 years. Based on a previous archaeological assessment in the vicinity, and recent findings of Mi'kmaw ancestral remains—discovered during the neighbouring Grafton Park development on the St. David's Presbyterian Church property—it is possible that additional Mi'kmaw ancestral remains may have been interred on the property. Principles of Mi'kmaw Ancestral Remains Protocol indicate the remains of Mi'kmaw ancestors are not to be disturbed.

The ARIA concluded the following recommendations, which are paraphrased for brevity (see Attachment 2 for the full record):

1. Given the cultural sensitivity of the Poor House Burying Grounds, it is recommended that no ground-disturbing activities occur within the study area [the property].
2. In the event of *necessary* ground disturbance, additional archeological investigation is recommended in advance to further assess the proposed impacted areas. This should first involve non-invasive forms.
3. According to the Principles of Mi'kmaw Ancestral Remains Protocol, distributed by KMKNO-ARD<sup>4</sup> on behalf of the Assembly of Nova Scotia Mi'kmaw Chiefs, Mi'kmaw ancestors are not to be disturbed. Based on the likelihood of Mi'kmaw ancestral remains having been discovered on the adjacent property, ground disturbance to the study area would not be supported without justification and consultation with the Assembly of Nova Scotia Mi'kmaw Chiefs through KMKNO.
4. Any future site alteration or development [should] involve engagement with numerous parties, including, but not limited to: Special Places, KMKNO-ARD, Sipekne'katik First Nation, Mi'kmaw Native Friendship Centre, Office of African Nova Scotian Affairs, Office of L'nu Affairs, Office of Acadian Affairs and Francophonie, the Black Cultural Centre for Nova Scotia, and the Atlantic Jewish Council.
5. In the event that archaeological deposits or human remains are encountered...all work should be halted, and immediate contact made with the Special Places Program.

### **2021 Council Direction**

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<sup>4</sup> Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO) – Archaeology Research Division (ARD)

Regional Council approved the following motion on September 28, 2021 in a Private and Confidential meeting, which staff have been pursuing:

1. *Direct the CAO to terminate the exploration of a major redevelopment and repurposing of the former Memorial Library building with Dalhousie University and the Province of Nova Scotia that was to include a public atrium, educational space, HRM premises, commercial and retail space via a P3 arrangement.*
2. *Authorize the Mayor on behalf of Regional Council, to communicate with the Province of Nova Scotia to request that the Province:*
  - a. *accept title, subject to subdivision approval, to that portion of the property at 5381 Spring Garden Road that includes:*
    - i. *the Memorial Library building, in its existing condition, pursuant to the reversionary ownership interest reserved to the Crown in the 1882 Letters Patent, and*
    - ii. *the former 'Fire Engine House Property' within Grafton Park at a market value sale price, excluding Lot L-3, per survey shown in Attachment 2; and*
  - b. *release any reversionary interest to the southeast portion of Grafton Park, identified as Lot L-2 as shown in the survey at Attachment 2 to this report; and,*
3. *If the Province declines the request as per recommendation 2 of this report, then direct the CAO to:*
  - a. *investigate options that would repurpose the site in accordance with the Crown Grant and retain the heritage value of the former Halifax Memorial Library site and structure while meeting the recommendations of the Archaeological Resource Impact Assessment dated December 2020, and assess the Province's willingness to accommodate such options, and*
  - b. *return to Council with a recommendation report respecting the options.*

The private and confidential report, which appeared at Council on September 8, 2021 (Item 17.3), has been declassified and is publicly accessible: <https://www.halifax.ca/city-hall/regional-council/september-28-2021-halifax-regional-council-meeting>

## **DISCUSSION**

### **Reversion to Province**

In summary, the 1882 Crown Grant allows the property to be used by the City as either a public square or garden (i.e., park), or per revised legislation in 1949, as a public library. Whereas the building has remained vacant since 2014, only the property's southeast [park] portion now complies with the Crown Grant.

Pursuant to Council's approved motion of September 28, 2021, HRM staff engaged the Province of Nova Scotia about the potential of property title reverting to the Province. Specifically, three provincial departments considered the option directly, and other departments had been notified, internally through NS Public Works. None committed to the opportunity. As the Province's reversionary interest is not a legal imposition upon the Province—and rather a choice—the Province, upon due consideration, declined the Municipality's offer in writing in February 2023.

### **Building Status and Options**

Considering the constraints as articulated within the 2020 ARIA (Attachment 2), and the end-of-life condition of the building, staff had recommended in 2021 that there were no reasonably viable options to be explored for the re-development and use of the building. Regional Council, at its September 28, 2021, In Camera

meeting (the report of which is now declassified and available publicly), debated the issue of reconstruction of the building, which would require ground-disturbing, underground utility work, *versus* the Archaeological Resource Impact Assessment (ARIA), which recommends ground disturbance be avoided.

No clear, practical options related to the structure could be identified due to the constraints. It is therefore recommended that, as an outcome of the consultant's report, a process be initiated to substantially alter or remove the building under the *Heritage Property Act* and to then restore the property to its pre-1949 condition as a full park as consistent with the Crown Grant of 1882, with historical interpretation.

To further underscore the Municipality's obligation, Section 61 of the *Halifax Regional Municipality Charter* states the following:

“(2) Where property is conveyed to the 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.”

### Heritage Process

The following discussion presents staff's recommendation to address Council's request from 2021 to investigate options that would repurpose the site in accordance with the Crown Grant and retain the heritage value of the property while meeting the recommendations of the Archaeological Resource Impact Assessment (ARIA), dated December 2020.

To assist with this direction, staff propose to engage a consultant to advance consultation, design and interpretation options with a view to deconstruction of the building (i.e., to minimally impact the park surroundings) and reinstatement of the property as a park. Site concepts and park design options may include acknowledgement and interpretation of the war memorial, park-related heritage features, and recognize cultural backgrounds (e.g., Indigenous, Acadian), of those interred on the property, consistent with the 2020 Archaeological Resource Impact Assessment. The consultant would further provide direction on any further, necessary archaeological requirements, scheduling and phasing of the entire project, supporting the heritage alteration process, or any other aspect that staff deem necessary to assist in the process of restoring the property to the use as a public heritage park and site of interpretation.

Potentially, this work would substantially alter the former library building under the *Heritage Property Act* to permit deconstruction of the structure. One alternative may be to preserve a portion of the building as a memorial or park feature, thereby retaining some of its heritage value, while expanding the park over the entire property with additional, appropriate heritage and cultural interpretation and commemoration reflecting the property's past (i.e., prior to it hosting a library.) However, any references to the conceptual option of *partial building removal or retention of a portion of the building* does not intend—nor should it be inferred—as recapitalization or reconstruction for reuse of interior spaces; rather, any conceptual surviving portion of the building would be intended as a park or commemorative landscape feature. Further, through the proposed park plan project, it may be determined that it is advantageous to remove the building entirely to consider open space options.

The heritage registration that was approved by Regional Council in 2020 identifies the former library building as a Character Defining Element (CDE), along with other significant landscape features, including the burial ground. A process to substantially alter the registered heritage site will be required under the *Act*.

The *Standards and Guidelines* are found at Schedule B-1 of By-law H-200, the *Heritage Property By-law*. There are 14 standards which provide direction on appropriate means of conservation and preserving heritage value. Any proposal for a substantial alteration of the former library building, would be evaluated by heritage planning staff, and a report with recommendations would be forwarded to the Heritage Advisory Committee (HAC) for its consideration as based on the proposal's consistency with the *Standards and Guidelines*. HAC would subsequently provide a recommendation to Regional Council. The timeline for this process would typically be about six months and would require consultation with HAC, not the public at-large. Adding to, changing, or removing portions of the building—while retaining its intact architectural features—would constitute a substantial alteration requiring approval through this process.

## Consulting Scope

Staff propose that a consultant prepare a plan under the direction of an inter-departmental staff project committee composed of:

- Strategic Planning & Design (Parks & Recreation)
- Strategic Projects - Heritage (Planning & Development)
- Facility, Design & Construction (Property, Fleet, & Environment)
- Diversity & Inclusion (Indigenous Services)

The consultant's preliminary scope of work is envisioned to include, but to not be limited to:

- Reviewing the ARIA and other studies, documents, etc., as directed by the Staff Project Committee.
- Understanding site constraints.
- Recommending an approach to heritage interpretation (i.e., substantial alteration, namely partial or full removal of the building, and recommending interpretation options).
- Developing conceptual park options supporting the future park's design, uses, interpretation, and capital development.
- Recommending building removal and reinstatement of the building site with turf, initially on an interim basis, which will allow time for next steps toward the park's detail design and construction.
- Interpretation of the history of the area prior to and after Halifax's establishment, and incorporation of such themes into the park's concept options.
- Additionally engage the public in the development of the park's design.
- Engaging specific groups identified by the 2020 ARIA, about park concept options, impacts and approach.
- Recommendations regarding timing, approach, and scope of further archaeological work necessary to inform, permit and complement the park options and recommended approach.
- Final report with recommendations to advance the park plan; public engagement: archaeological work: timing: approach: consulting and capital funding, and reporting back to Council.

For budget purposes only, \$300,000 is proposed to be identified in the upcoming Capital Budget (fiscal year 2025/26). This amount may be revisited once staff delve further into the development of the scope of work.

## Conclusion

Given the building's deteriorated state, the limitations imposed on site development by recommendations within the 2020 ARIA, requirements under the *Heritage Property Act*, and limitations on site use as prescribed by the 1882 Crown Grant (underscored by Section 61(2) of the *Halifax Regional Municipality Charter*), the broad direction and options are few, but with complex and sensitive implications. Staff therefore recommend Council approve the following policy direction for the preparation of a plan with a scope that includes:

- (a) substantial and/or full removal of the building;
- (b) recognition of the importance of the site's culture and heritage attributes;
- (c) balancing of requirements of the Crown Grant while respecting the recommendations of the 2020 Archaeological Resource Impact Assessment;
- (d) recommending recreation and leisure needs; and,
- (e) conceptual park design, uses, interpretation, and capital development.

Following the completion of this work, staff would return to Council with recommendations supporting budget and implementation, including any necessary steps for subsequent approvals, for example, via the Heritage Advisory Committee, potential substantial alteration to the building as a Character Defining Element pursuant to its registered heritage designation.



## **FINANCIAL IMPLICATIONS**

The proposed consulting work, preliminarily estimated at \$300,000, is currently unfunded in fiscal 2024/25. Staff recommend bringing forth the proposed consulting work for consideration within the 2025/26 capital budget. It is not currently included in the four-year plan. The project will be evaluated as part of the regular budget process and will be prioritized based on relative ranking and readiness to proceed.

## **RISK CONSIDERATION**

The building envelope and its interior systems are at their end-of-life. Continued decay of the structure increases the liability and risk of holding the vacant building.

## **COMMUNITY ENGAGEMENT**

Any future program would be subject to public and stakeholder engagement as part of the work of staff and the consultant in developing a strategy for the property.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications arising from this report, currently. The historical and cultural significance of the site, namely the burial grounds, would be assessed going forward by further undertaking archaeological work if and when necessary.

## **ALTERNATIVES**

Council may revisit the building's recapitalization and future uses, but based on the investigations and evidence to date those actions are not recommended.

## **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.

(2) Where property is conveyed to the 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 the 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 the Municipality does not give an estate, right or title to the property.

(5) The 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.

## **ATTACHMENTS**

1. Site Plan

2. 2020 Archaeological Resource Impact Assessment (Excerpts)
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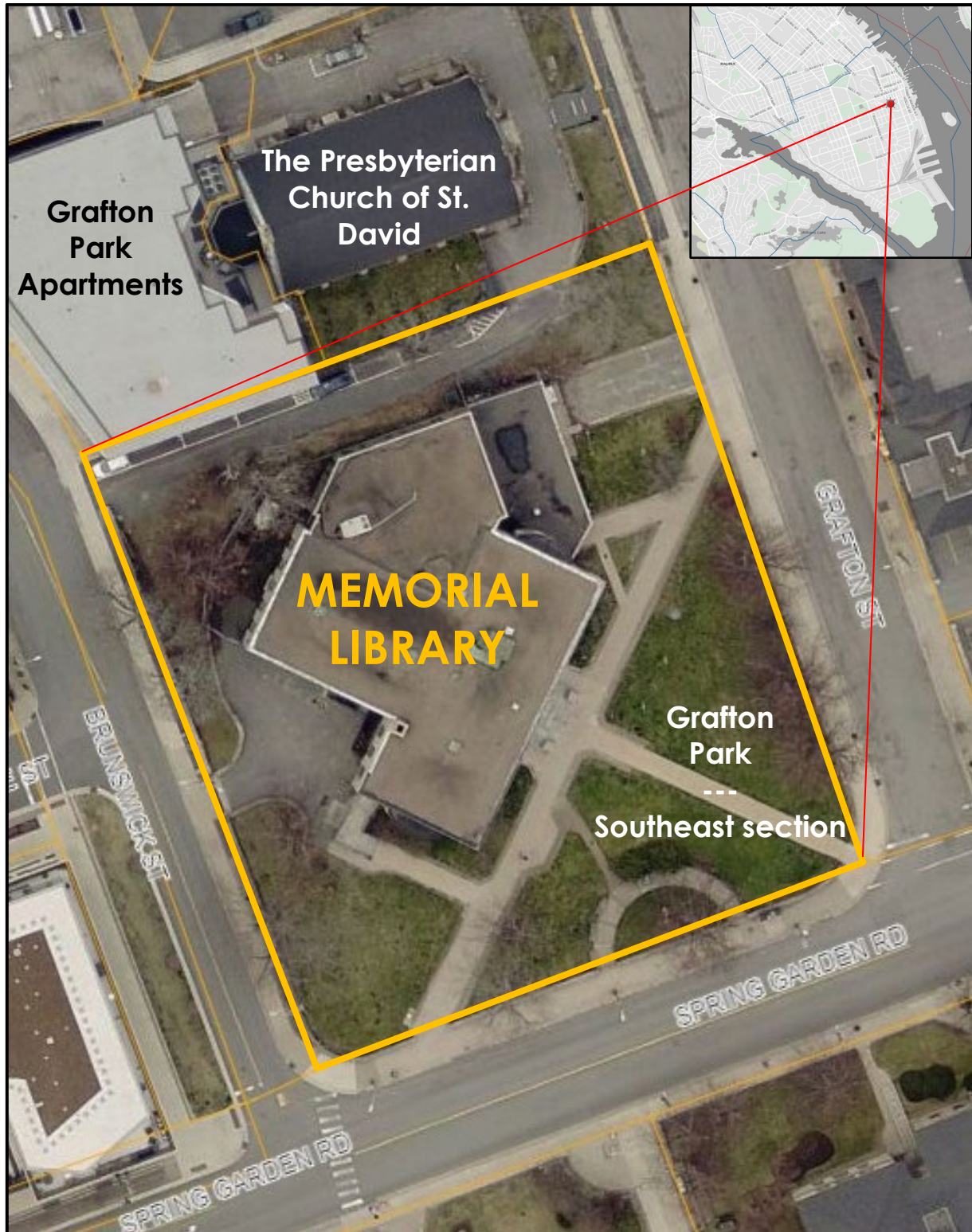
Report Prepared by: Rudy Vodicka, Project Manager, Corporate Real Estate, PFE

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# HALIFAX

## ATTACHMENT 1

### Site Plan



# HALIFAX

## ATTACHMENT 2

### 2020 Archaeological Resource Impact Assessment (Excerpts)

**FORMER HALIFAX MEMORIAL LIBRARY  
ARCHAEOLOGICAL RESOURCE IMPACT ASSESSMENT 2020  
HALIFAX, NOVA SCOTIA**

**FINAL REPORT**

Submitted to:  
**Halifax Regional Municipality**  
and the  
**Special Places Program of the  
Nova Scotia Department of Communities, Culture, and Heritage**

Prepared by:  
**Cultural Resource Management Group Limited**  
Ten Mile House  
1519 Bedford Highway  
Bedford, Nova Scotia  
B4A 1E3

Consulting Archaeologist: Kiersten Green  
Report Preparation: Kiersten Green and Kyle Cigolotti

Heritage Research Permit Number: A2020NS077  
CRM Group Project Number: 20-0008-01

DECEMBER 2020



*The following report may contain sensitive archaeological site data.  
Consequently, the report must not be published or made public without  
the written consent of Nova Scotia's Coordinator of Special Places,  
Department of Communities, Culture and Heritage.*



## EXECUTIVE SUMMARY

Cultural Resource Management Group Limited (CRM Group) was retained by Halifax Regional Municipality (HRM) to undertake an Archaeological Resource Impact Assessment (ARIA) of the former Halifax Memorial Library Heritage Property on the corner of Spring Garden Road and Grafton Street in Downtown Halifax. Given the historical background of the property, the ARIA was designed to assess the potential for potential burials, disarticulated human remains, or related cultural artifacts in advance of potential development planning. This approach was taken so that a management strategy could be developed and implemented swiftly and effectively in consultation with the Special Places Program of Nova Scotia's Department of Communities, Culture and Heritage (Special Places).

The ARIA was directed by CRM Group Partner and Archaeologist, Kiersten A. Green, with the assistance of CRM Group Managing Partner and Archaeologist, Kyle G. Cigolotti. Technical input on the project was provided by CRM Group Senior Technical Advisor, W. Bruce Stewart.

The archaeological investigation was conducted according to the terms of Heritage Research Permit A2020NS077 (Category 'C'), issued to Green through Special Places. This report describes the ARIA of the former Halifax Memorial Library property, presents the results of these efforts, and offers cultural resource management recommendations.

In order to meaningfully address the anticipated potential of encountering human remains and associated grave-related cultural material within the former Memorial Library property, the 2020 ARIA of the Former Halifax Memorial Library consisted of a background study, Mi'kmaw engagement, consultation with HRM and Special Places and a site visit. Based on the background study, CRM Group has determined there is a high potential for encountering human remains during any subsurface activity or disturbance within and immediately surrounding the study area. Prior to its use as a public park and construction of the library, the study area was used as the Poor House Burying Ground for over eighty years. The historical record indicates that the Mi'kmaq had a considerable presence on peninsular Halifax and previous archaeological assessment in the vicinity indicates that Mi'kmaw ancestral remains may be included with those individuals interred on the study area property during its use as the Poor House Burying Ground.

It is recommended that no ground-disturbing activities occur within the study area. If subsurface ground impacts to the property cannot be avoided during any future proposed maintenance, upgrades, or development, it is recommended that additional archaeological investigation occur in advance to further assess the proposed impact area(s). The investigation should first include Remote Sensing such as Ground Penetrating Radar (GPR) or Electromagnetic Induction. Formal consultation with KMKNO-ARD on behalf of the Assembly of Nova Scotia Mi'kmaw Chiefs is also recommended as well as community engagement with other parties, including, but not limited to, Special Places, Sipekne'katik First Nation, Mi'kmaw Native Friendship Centre, Office of African Nova Scotian Affairs, Office of Aboriginal Affairs, Office of Acadian Affairs and Francophonie, the Black Cultural Centre for Nova Scotia, and the Atlantic Jewish Council.

## 5.0 CONCLUSIONS AND RECOMMENDATIONS

CRM Group's 2020 ARIA of the former Halifax Memorial Library study area consisted of a background study, Mi'kmaw engagement, and a site visit. It did not involve sub-surface testing. The background study indicates that the land use of the study area and the surroundings began with the Mi'kmaq and their ancestors. The historical record indicates that the Mi'kmaq had a considerable presence on peninsular Halifax and background research, as well as previous archaeological assessment in the vicinity, indicates that Mi'kmaw ancestral remains may have been interred on the study area property. Prior to its use as a public park and construction of the library, the study area was used as the Poor House Burying Ground for over eighty years. As such, there is a high potential for encountering human remains during any subsurface activity or disturbance within and immediately surrounding the study area. Due to the discrepancy in the size of the lot used for human internments over the years, the sidewalks and roads surrounding the current study area should also be considered as high potential for encountering human remains.

Based on the results of the ARIA, CRM Group offers the following management recommendations for the study area:


1. Given the cultural sensitivity of the Poor House Burying Grounds, it is recommended that no ground-disturbing activities occur within the study area, as defined by, and depicted in this report (*Figures 1 and 2*).
2. In the event that some form of ground disturbance is necessary in conjunction with the future management of the Halifax Memorial Public Library property, additional archaeological investigation is recommended in advance to further assess the proposed impact area(s). Investigation should first include a non-invasive form of archaeological investigation such as Remote Sensing. Involving scanning using geophysical fields such as Ground Penetrating Radar (GPR) or Electromagnetic Induction, Remote Sensing can be used to detect subterranean features such as utilities, buried foundation walls and graves, however, its success can be dependent on soil type, moisture content, stone content, terrain, and physical obstacles. A combined approach using both mentioned methods of Remote Sensing should be used to provide a broader picture of the subterranean spectrum.
3. According to the Principles of Mi'kmaw Ancestral Remains Protocol (APPENDIX B), distributed by KMKNO-ARD on behalf of the Assembly of Nova Scotia Mi'kmaw Chiefs, Mi'kmaw ancestors are not to be disturbed. Based on the likelihood of Mi'kmaw ancestral remains being interred within the study area, as well as Mi'kmaw ancestral remains having been discovered on the adjacent property, ground disturbance to the study area would not be supported without justification and consultation with the Assembly of Nova Scotia Mi'kmaw Chiefs through KMKNO as well as Sipekne'katik First Nation.
4. Recognizing that the former Halifax Memorial Library property was used as a cemetery between approximately 1780 and 1844, it is recommended that any future site alteration or development involve engagement with numerous parties, including, but not limited to, Special Places, KMKNO-ARD, Sipekne'katik First Nation, Mi'kmaw Native Friendship Centre, Office of Aboriginal Affairs, Office of African Nova Scotian Affairs, Office of Acadian Affairs and Francophonie, the Black Cultural Centre for Nova Scotia, and the Atlantic Jewish Council.
5. In the event that archaeological deposits or human remains are encountered in the interim during activities associated with the maintenance of the property, all work in the associated area(s) should be halted and immediate contact made with the Special Places Program (Anna Cross: 902-424-6475).



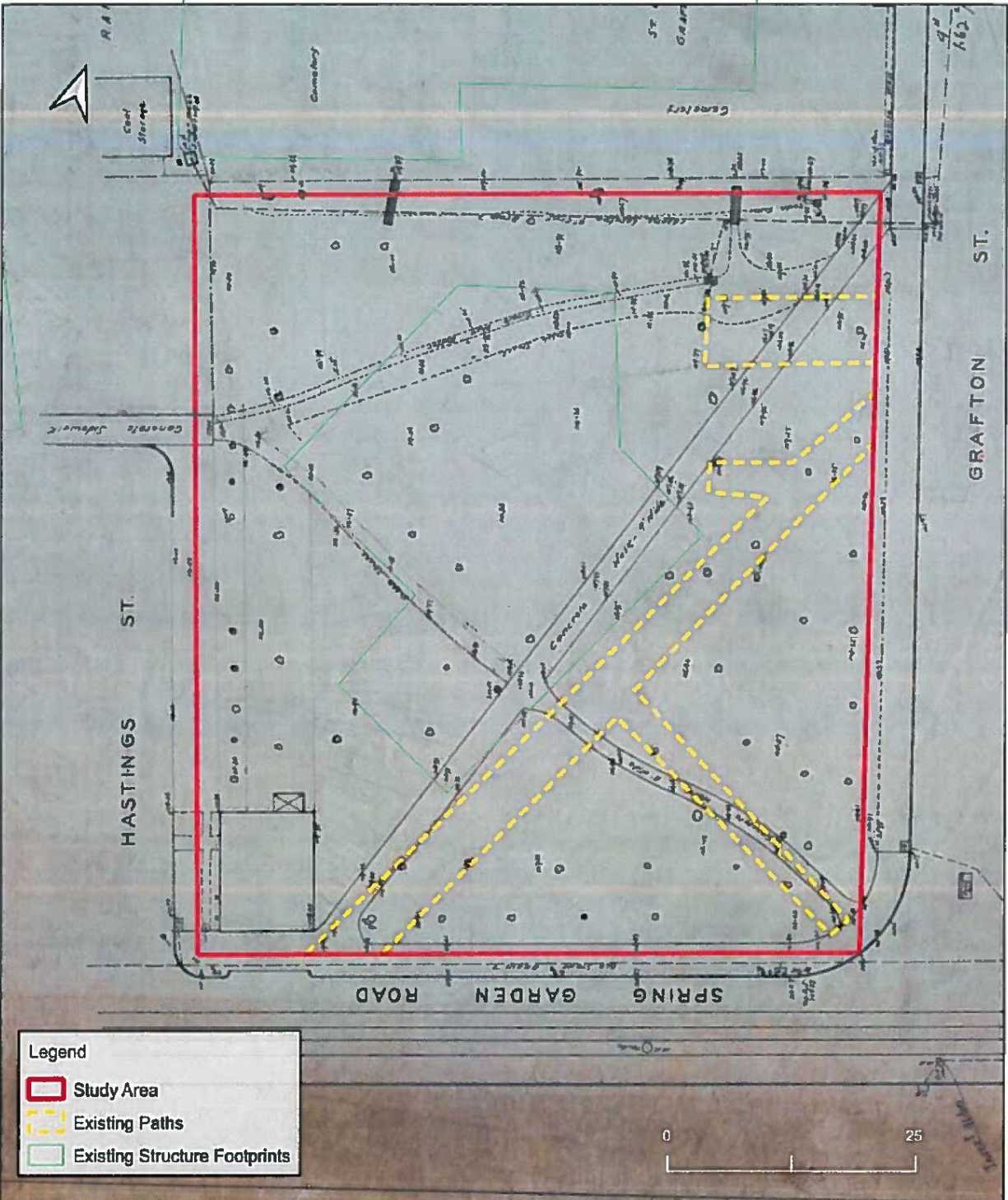


Legend  
 Study Area

25 50 m


	Detailed Study Area	Figure 2
	FORMER HALIFAX MEMORIAL LIBRARY ARCHAEOLOGICAL RESOURCE IMPACT ASSESSMENT 2020 HALIFAX REGIONAL MUNICIPALITY, NOVA SCOTIA	
		December 2020
		Scale 1:1000





**Legend**

- Study Area
- Existing Paths
- Existing Structure Footprints

	1934 Plan of Grafton Park	Figure 14
	<b>FORMER HALIFAX MEMORIAL LIBRARY</b> ARCHAEOLOGICAL RESOURCE IMPACT ASSESSMENT 2020 HALIFAX REGIONAL MUNICIPALITY, NOVA SCOTIA	
	December 2020 Scale 1:500	