

**Memorandum  
to the Executive Council**



Number:

Dept.:

Date:

**Title:** Decision on whether to withdraw Crown lands at Owls Head identified for protection in the Parks and Protected Areas Plan

**Submitted By:** Honourable Iain Rankin, Minister of Lands and Forestry  
Honourable Margaret Miller, Minister of Environment

**Prepared By:** Matt Parker, Director, Parks, Outreach and Service Delivery

**Reviewed By:** Walter Fanning, Executive Director, Regional Services, L&F  
Leslie Hickman, Land Services, L&F  
Peter Geddes, Executive Director, Policy, Planning and Support Services, L&F  
Andrew Murphy, Executive Director, Sustainability and Applied Sciences, NSE  
Weldon Myers, Director, Finance Corporate Service Unit

**Deputy Minister:** Julie Towers, Department of Lands and Forestry  
Frances Martin, Department of Environment

**SUMMARY:**

A decision is sought whether to withdraw Crown lands identified for potential protection as "Owls Head Provincial Park" under the 2013 Parks and Protected Areas Plan. The Crown lands at Owls Head have never been legally designated as a "park reserve" or a "provincial park". Owls Head has not been identified as a priority site for designation and there are no plans to develop park infrastructure at this site. The Department of Lands and Forestry received an application to sell the Crown lands for a development project. If Executive Council decides to withdraw these lands from protection consideration under the Parks and Protected Areas Plan, the required review processes would be conducted to assess the request, including consultation with the Mi'kmaq of Nova Scotia, and a subsequent approval to sell the Crown lands would need to be submitted to Cabinet.

**CURRENT SITUATION AND PURPOSE FOR THIS REQUEST**

Lighthouse Links Development Corporation (the Company) submitted an application requesting to acquire approximately 662 acres of Crown lands at Little Harbour, Halifax County to build a golf course complex. The Crown lands requested by the Company are currently identified on Property Online as PIDs 00489591 (approx. 605 acres), 40747578 (approx. 20 acres), 40751273 (approx. 35 acres), and 41307992 (approx. 2 acres island in Long Cove) and are shown shaded in grey on the map attached as Schedule "A". If the Crown lands are conveyed for the development project, the following PIDs, also shown in grey on the Schedule "A", would be included in the review for the proposed sale to the Company to ensure that the Department of Lands and Forestry (L&F) is not left with remnant parcels: PIDs 41308008 (approx. 0.12 acre); 41308016 (approx. 0.1 acre) and 40747586 (approx. 1 acre).

The 2013 Parks and Protected Areas (PAPA) Plan includes potential provincial park lands identified as Owls Head Provincial Park (Owls Head), site number 694. The related map on the website for Nova Scotia Environment (NSE) shows Owls Head as the lands shown in grey and outlined in bold on the attached Schedule "A" (PIDs: 00489591, 40747578, 40751273, and 40747586). The NSE map does not include three islands in Long Cove currently identified as PIDs 41307992, 41308008 and 41308016.

The Crown lands at Owls Head have not been designated as either a "park reserve" or a "provincial park" under the *Provincial Parks Act*. They were thought to be legally designated as a "park reserve" when they were included in the PAPA Plan. Although not formally designated, the Crown lands are managed as a park reserve under the provincial parks program. Owls Head has not been identified as a priority site for designation as a "provincial park" through the PAPA Plan implementation process and there are no plans to develop park infrastructure at this site given the proximity of other parks, that the area is currently underutilized, and due to operational constraints to run a new park.

An adjacent parcel of land currently identified as PID 00555284 (approx. 40 acres) is owned by Transport Canada

*Redacted*

Redacted

L&F has not assessed the high-level development proposal provided by the Company. An evaluation of the proposal would be conducted as a next step. In addition, any Crown lands transactions related to the Company's development proposal and the Federal surplus lands will follow the usual processes for the disposal, sale and/or acquisition of Crown Lands under the *Crown Lands Act*, including consultation with the Mi'kmaq, and would be submitted as separate submissions to Executive Council. This request is solely focused on seeking direction on whether to withdraw Crown lands at Owls Head from consideration for protection as outlined in the PAPA Plan.

Withdrawal of Owls Head for consideration for protection as outlined in the PAPA Plan, does not inhibit Government from maintaining its land protection goals under *Environmental Goals and Sustainable Prosperity Act (2007)* (EGSPA) and commitment to move towards 13% protected land across the province made in the 2017 Mandate Letter for the Minister of Environment, working with the Minister of Lands and Forestry.

#### **BACKGROUND**

##### Company's Proposal

The Company is proposing to build two or three world-class oceanfront links public golf courses, a clubhouse, inn and other related facilities. The balance of the land will be used to develop a destination residential or resort community and provide public access to environmental/recreational features on the lands, with the intent of encouraging more tourists to visit and people to live in the Eastern Shore.

G.S. Beckwith Gilbert, President of the Company, and his wife, own approx. 304 acres abutting Owls Head, including lands currently identified as PIDs 40692683, 40710725, 00555854 and 40630733 shown in hatching on the attached Schedule "A". They also own lands shown outlined in bold on the attached Schedule "B". The Company requested to acquire the Crown lands and the Transport Canada lands to consolidate with its private lands to use for the proposed development project. The combined property would have over 12.6 kilometers of oceanfront land and is approximately 50-75 minutes from Dartmouth, Halifax, and Stanfield Airport. The Company's proposal claims that acquisition of the Crown lands is essential for the project to be economically feasible. The Company indicates that a successful real estate development project is expected to be necessary to offset the high costs of the golf course construction.

The Company states that the proposal would have economic benefits for the area by enhancing tourism and increasing employment on the Eastern Shore. The Company projects that the golf courses could attract industry and provide additional jobs for 150-200 people on an ongoing basis. The Company anticipates spin-off businesses and the development of a bedroom community to result in the creation of additional jobs to construct the residential and commercial buildings, and further economic benefits for the area.

##### Parks and Protected Areas (PAPA) Plan

Prepared jointly by NSE and L&F and approved by Executive Council in 2013, the PAPA Plan was developed to support government in meeting and maintaining the EGSPA goal to legally protect at least 12% of the total land mass of the province by 2015. The PAPA Plan includes enough lands to also achieve government's more recent mandate to move towards 13% protected land across the province while ensuring a balance so there are no negative recreational or economic effects. The PAPA Plan further supports government in achieving commitments for provincial parks that are included in *The Path We Share: A Natural Resources Strategy for Nova Scotia 2011-2020* (released Aug 2011).

The development of the PAPA Plan took into account scientific research, consultations involving members of the public and Nova Scotia's Mi'kmaq, and work with key stakeholders. NSE and L&F sought feedback on a proposed PAPA Plan (February 2013) to determine how well the plan reflected what was heard in the past and to find out what changes various groups and individuals wanted for a final parks and protected areas plan for Nova Scotia.

The PAPA Plan is being implemented in a phased approach working towards the Province's protected lands commitment. Government indicated to the public that all provincially owned lands included in the PAPA Plan will be managed under interim guidelines until they are legally protected or released from further protection consideration. As sites come forward for designation, NSE and L&F undertake additional planning, legal, and survey work prior to the final legal designation of the lands under protection legislation. The *Provincial Parks Act* sets out the process required to obtain legal status as a "park reserve" through Governor in Council approval.

In the approved PAPA Plan, Owls Head was proposed for designation as a provincial park. The protection values for Owls Head identified in the PAPA Plan include a variety of coastal barrens and wetlands; exceptional bedrock-ridged topography; coastal access; and, occurrences of nesting Piping Plovers. L&F biologists have identified two occurrences of Species at Risk - the Piping Plover (listed endangered provincially and nationally) and the Barn Swallow (listed as provincially endangered; nationally threatened). Part of Owls Head was confirmed as significant habitat for nesting Piping Plovers. Occurrences of other species of conservation concern include Ruby-crowned Kinglet and Common Eider. Owls Head includes one of nine sites in the province for the globally rare *Coastal Broom Crowberry Heathland Ecosystem*. Broader ecological values of the

area are similar to other coastal areas of Nova Scotia, offering foraging, breeding and migratory habitat for birds and other faunal species, as well as unique boreal and temperate plants and lichens.

There are local interests in land conservation and community-based economic development associated with the natural and cultural assets along the Eastern Shore, including those of the Wild Islands Tourism Advancement Partnership (WITAP).

**KEY ISSUE**

**JURISDICTIONAL REVIEW**

N/A

**ASSESSMENT OF ALTERNATIVES / RISK ASSESSMENT/MITIGATION**

Option 1:

| Risk | Probability<br>(H/M/L) | Impact<br>(H/M/L) | Risk Level<br>(H/M/L) | Mitigation |
|------|------------------------|-------------------|-----------------------|------------|
|------|------------------------|-------------------|-----------------------|------------|

Option 2:

| Risk | Probability<br>(H/M/L) | Impact<br>(H/M/L) | Risk Level<br>(H/M/L) | Mitigation |
|------|------------------------|-------------------|-----------------------|------------|
|------|------------------------|-------------------|-----------------------|------------|

Option 3:

| Risk | Probability<br>(H/M/L) | Impact<br>(H/M/L) | Risk Level<br>(H/M/L) | Mitigation |
|------|------------------------|-------------------|-----------------------|------------|
|------|------------------------|-------------------|-----------------------|------------|

#### PROPOSED ACTION AND TIMING

#### FINANCIAL IMPACT

1. Does this submission require either of the following approvals under the *Finance Act*?

Section 77 requires a report from the Minister of Finance and Treasury Board before entering into a net debt obligation (formerly 59C of the *Provincial Finance Act*)

Section 78 requires Treasury and Policy Board approval before undertaking an operating obligation.

2. Is this an In-Year Funding request (is there a current year impact which cannot be absorbed in the existing appropriation)?

3. Briefly describe the financial request by completing the following table:

4. Is new operating funding required?

5. Is new capital funding required?

6. Is there third party funding associated with this request?

7. Will this proposal impact a Revenue stream of the Province?

8. Are additional FTEs required?

9. Provide any further comments on the financial impact that have not been covered above.



**INFORMATION TECHNOLOGY**

Is there a technology component to this request?

[Redacted]

**GOVERNMENT-WIDE IMPLICATIONS**

N/A

**CONSULTATION**

[Redacted]

Indicate what consultations, if any, that were undertaken with

[Redacted]

If yes to either of the above, has the Department of Intergovernmental Affairs been consulted?

[Redacted]

**EFFICIENCY/PRODUCTIVITY**

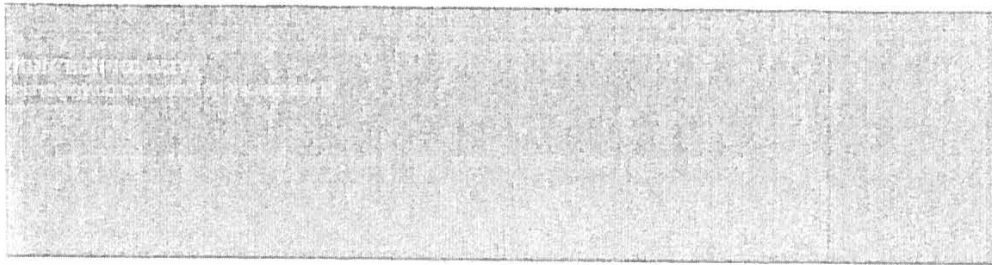
N/A

**LEGAL IMPLICATIONS**

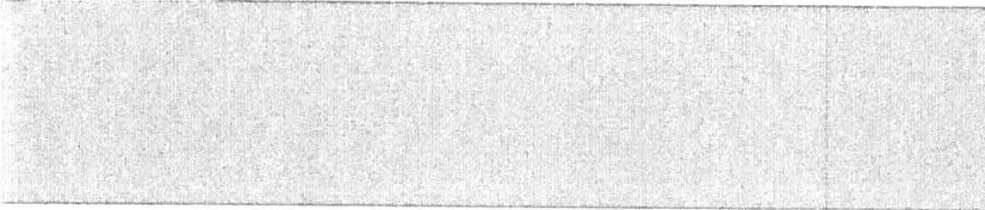
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**POLICY LENSES**

[Redacted]



**RECOMMENDATION**



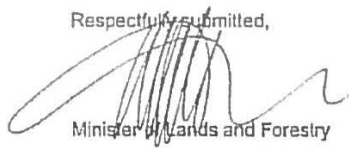
Halifax, Nova Scotia

Date *Feb. 26, 2019*

Halifax, Nova Scotia

Date

Respectfully submitted,



Minister of Lands and Forestry



Minister of Environment

# SCHEDULE "A"



Plan Showing

2/15/2019 / D:\NRH\FX\DNR\Work\LSBrnch\CartTasks\Mapping\GIS\Carto\DO104045\_LittleHarbour\MXD\104045\_LittleHarbour\_SchedA.mxd

## Crown Lands (a.k.a. Owls Head) Little Harbour Road, Little Harbour

Guysborough County  
Province of Nova Scotia

Surveys Division  
GIS/Cartography Section

- Lands of G S Beckwith Gilbert
- PAPA (Crown Land)
- Federal Lands
- Crown Lands (Lands and Forestry)
- Wilderness Areas and Nature Reserves
- Watercourses and Waterbodies

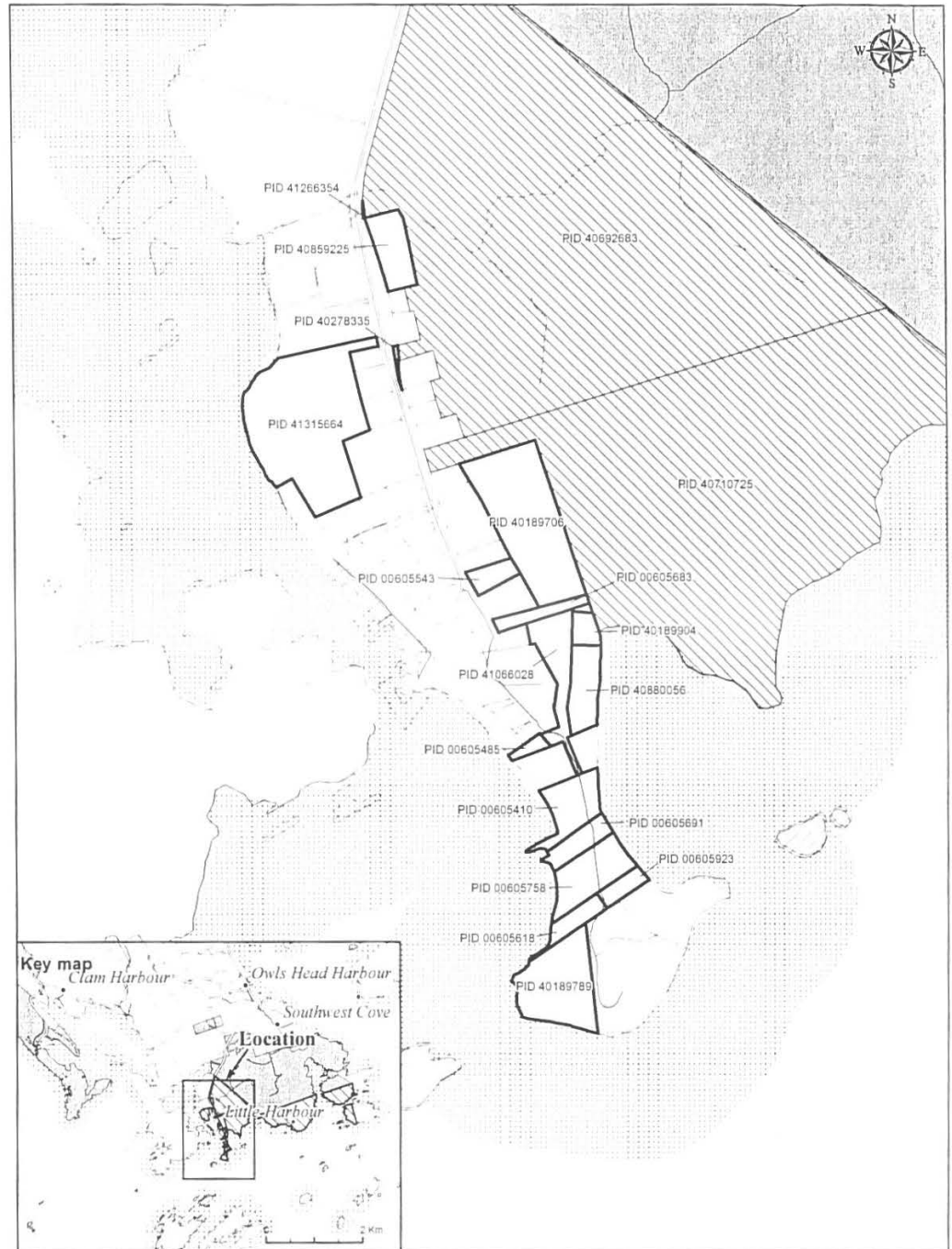
Copyright Province of Nova Scotia. The Provincial mapping is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Care has been taken to ensure the best possible quality, however, this map is not a land survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area. The Provincial mapping is not conclusive as to the location, boundaries or extent of a parcel. (Land Registration Act subsection 21(2))  
THIS IS NOT AN OFFICIAL RECORD



NOVA SCOTIA



## SCHEDULE "B"



Plan Showing

### Additional Lands of G.S. Beckwith Gilbert Little Harbour Road, Little Harbour

Guysborough County  
Province of Nova Scotia

Surveys Division  
GIS/Cartography Section

#### Legend

- Lands of G S Beckwith Gilbert
- Additional Lands owned by G S Beckwith Gilbert
- Crown Lands (Lands and Forestry)
- Wilderness Areas and Nature Reserves
- Watercourses and Waterbodies

Copyright Province of Nova Scotia. The Provincial mapping is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Care has been taken to ensure the best possible quality; however, this map is not a land survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area. The Provincial mapping is not conclusive as to the location, boundaries or extent of a parcel. (Land Registration Act subsection 21(2)) THIS IS NOT AN OFFICIAL RECORD



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