

Report and Recommendation to the Executive Council



Number: 19-0539
Dept.: Lands & Forestry
Date: August 23, 2019

Title: Crown Lands Act – [Redacted]

Submitted By: Honourable Iain Rankin, Minister of Lands and Forestry *IR* 13(1)

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Land Services Branch, Department of Lands and Forestry

Reviewed By: Remi MacDonell, Director, Financial Advisory Services - Resources *RM*
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Deputy Minister: Julie Towers *JT*

Approvals	
Attorney General Approved as to Form and Authority	
<i>Sean Rooney</i> Sean Rooney, Solicitor Aug 20, 2019	
Registrar of Regulations Approved as to Form	
Date _____	
Clerk of the Executive Council	
Date Rec'd. _____	
Treasury and Policy Board	
Date Rec'd. _____	
Executive Council	
Approved _____	
Withdrawn _____	
Referred to _____	
Date _____	

Summary: 13(1) 14(1)



Legal Authority:
The undersigned has the honour to refer to subsection 8(1) of Chapter 114 of the Revised Statutes of Nova Scotia, 1989, the *Crown Lands Act*, which reads as follows:

8(1) With the approval of the Governor in Council, the Minister may accept the transfer of the administration and control of land from the Government of Canada or an agency thereof.

CURRENT SITUATION AND PURPOSE FOR THIS REQUEST**BACKGROUND**

Public Services and Procurement Canada, on behalf of Her Majesty Queen in right of Canada (Canada), notified the Department on November 13, 2018 that it had declared the Land surplus to its requirements and was initiating procedures to dispose of the Land. The letter stated that the characteristics of the Land may make it conducive to the Province, including indigenous and official language minority communities in the area for public purpose. The letter states that "if that is the case, we would like to know your interests for the site for these stakeholders to better manage the site's integration into the surrounding community before it is offered to the public."

Canada provided a survey of the Land, which is attached as Schedule "A". If the transaction proceeds, Canada would retain the area identified as Parcel 2017-1, which is approximately 900 square metres and includes a helicopter pad used by the Coast Guard, and the remains of a lighthouse. The Land would be legally subject to a clearing easement identified as Parcel 2017-E on the attached Schedule "A". Canada asserts that the Province owns the pond shown on Schedule "A" (approximately 2,768 square metres). Research has not been conducted to confirm if that is accurate, but research will be done if the transaction proceeds.

Canada advised the Department that the Land was valued in December 2017 at \$167,500.00, supported by an appraisal provided by an Appraiser with an Accredited Appraisal Canadian Institute (AACI) level designation.

Canada can sell surplus Federal Crown land for a nominal amount of \$1.00 when it is being sold for a "public purpose". For sales to provinces and municipalities, Canada uses "public purpose" generally to refer to sales of roads, utilities and parks, but can include other public purposes if they are non-commercial and for the "common good" of all citizens. If Canada transfers surplus land for a "public purpose", the land is subject to restrictive covenants to preserve the public purpose and to prevent land from being resold or "flipped" for profit or used for an alternative purpose. In this case, the Department would have to pay the appraised value for the Land as it is not being acquired for public purpose as defined by Canada. If the Department does not acquire the Land, Canada will move to the next step in its surplus process, which includes offering the Land for sale on the open market.

Canada advised that it acquired the Lands in 1911 from private owners for the purposes of a lighthouse. The land has not been migrated. The Land is undeveloped coastal lands. The Department has not completed an Integrated Resource Management (IRM) review and is unable to provide full details regarding: the potential of the Land for species habitat; if it meets Department program benefits; if there are safety issues or environmental concerns; any additional survey requirements; or any additional considerations. A full IRM report would be completed prior to the transaction proceeding.

Canada advised that in February 2011, it completed Phase I and II Environmental Site Assessments (ESAs) of the Land. Canada advised that it completed a Phase III Environmental Site Assessment in 2018, which included a Human Health and Ecological Risk Assessment. The Phase III final report identified small amounts of lead and carcinogens present on the Land, primarily near the helipad site. However, the report concluded that the likelihood of negative effect on known wildlife species to be negligible. The Phase III final report states that a "toddler visitor may be exposed to lead and carcinogenic PAHs in surface soil through ingestion and dermal contact, and particulate inhalation". A risk management plan for these findings was included in the Phase III ESA and would be assessed along with a detailed review of the ESA reports as part of the IRM review.

The Phase III report identified the potential for Boreal Felt Lichen on the Land. No Species at Risk were identified during the monitoring, but the report identified the Land as a likely site for nesting and breeding of species at risk (birds).

The 2013 Parks and Protected Areas (PAPA) Plan includes potential provincial park lands identified as Owls Head Provincial Park (Owls Head) as site number 694. Those Crown lands are adjacent to the Land but were never designated as either a "park reserve" or a "provincial park" under the Provincial Parks Act. [REDACTED]

[REDACTED]

[REDACTED]

The Department regularly purchases and sells Crown land as part of its regular business, which is consistent with the legislative authority of the Department as set out in the Crown Lands Act. [REDACTED]

[REDACTED]

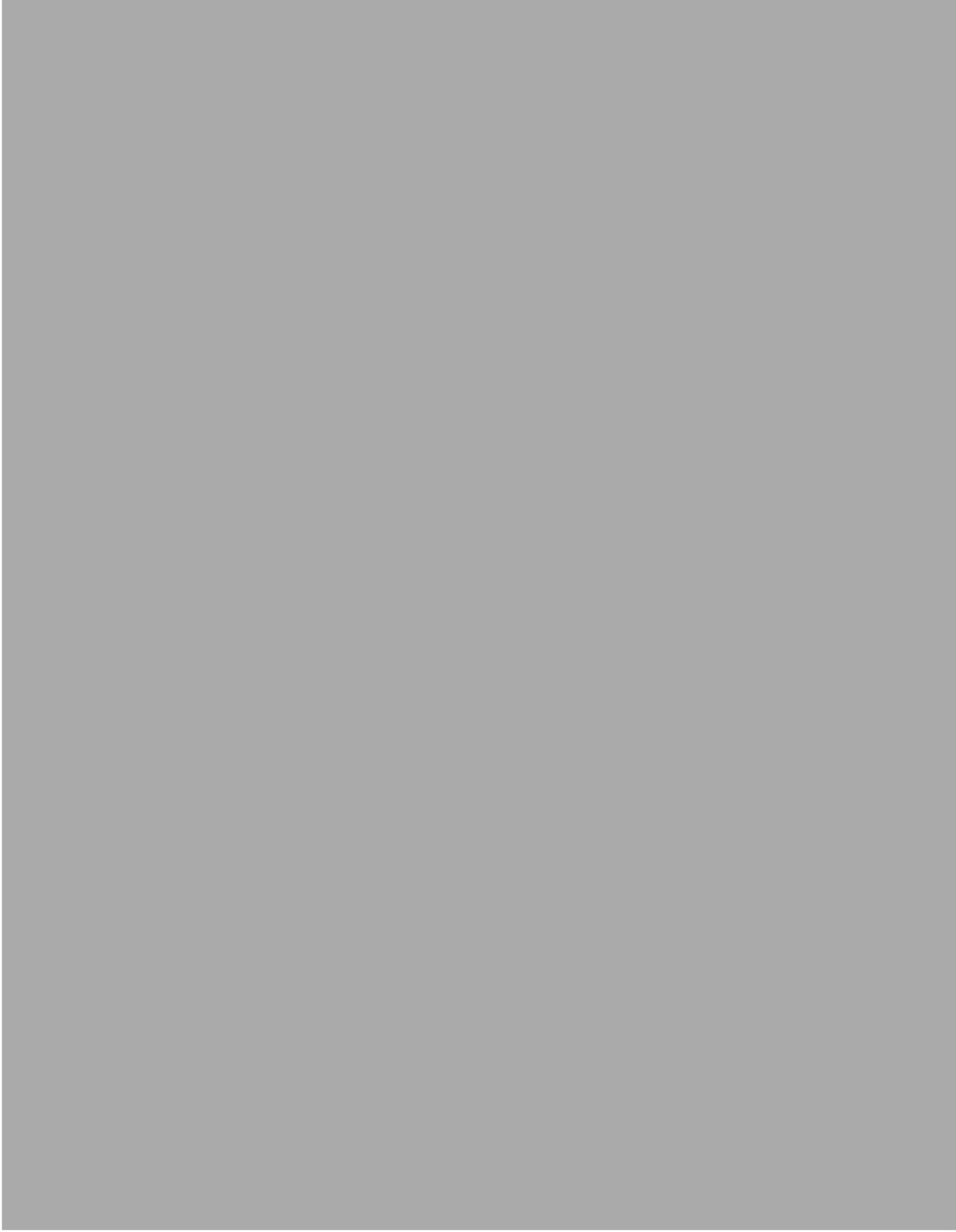
KEY ISSUE

[REDACTED]

JURISDICTIONAL REVIEW N/A

ASSESSMENT OF ALTERNATIVES / RISK ASSESSMENT / MITIGATION

Option 1:				
Risk	Probability (H/M/L)	Impact (H/M/L)	Risk Level (H/M/L)	Mitigation



Option 2: [REDACTED]				
Risk	Probability (H/M/L)	Impact (H/M/L)	Risk Level (H/M/L)	Mitigation

[REDACTED]

PROPOSED ACTION AND TIMING

[REDACTED]

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*)

[REDACTED]

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

[REDACTED]

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

[REDACTED]

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

[REDACTED]

4. Is new operating funding required?

[REDACTED]

5. Is new capital funding required?

[REDACTED]

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?



GOVERNMENT-WIDE IMPLICATIONS N/A

CONSULTATION

Is Aboriginal consultation required?



Indicate what consultations, if any, that were undertaken with



EFFICIENCY/PRODUCTIVITY N/A

LEGAL IMPLICATIONS N/A

POLICY LENSES



RECOMMENDATION



FORM OF ORDER



Halifax, Nova Scotia

Date *Aug 21/19*

Respectfully submitted,

Iain Rankin
Iain Rankin
Minister of Lands and Forestry