

Law Amendments Committee of the Government of Nova Scotia  
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Dear Members of the Law Amendments Committee,

Thank you for receiving this written submission regarding Bill No. 149, Mineral Resources Act, which the Honourable Lloyd Hines, Minister of Natural Resources, introduced to the Nova Scotia Legislature. I hope this is not too late to be a part of your deliberations.

Every property that the Province of Nova Scotia, the Nature Conservancy of Canada and the Nova Scotia Nature Trust put into trust has a distinct character as well as abundant ecological treasures that have been preserved for all Nova Scotians today and, we hope, for many future generations. I am writing to you because I believe that any property placed in trust should be afforded permanent protection.

Our family has been privileged to own Great Island, in Medway Harbour, Queens County, for nearly 45 years. We lived on the island year round for almost 18 years and today our adult son has chosen to make Great Island his primary residence.

If you are willing "to listen" I would like to share a bit of our story that reflects the unique qualities of one particular trust property put under a forever-wild easement with the Nova Scotia Nature Trust in 2010. For our family, the story begins, as I have said, less than 45 years ago. But this is a land rich in history and as regards human activity, it may have begun many thousands of years ago.

Members of the area Mi'kmaq Nation were known to migrate down the Medway River to traditional summer fishing grounds on the island where even in the 70s Atlantic salmon were still caught in abundance. By the mid-80s, it was determined that acid rain had destroyed this river's salmon-supporting capability entirely. We witnessed this. The Medway had been a record-breaking salmon river in its day. We were also told that one particular part of the island had been a Mi'kmaq burial ground which the Nova Scotia Museum has explored, and elder settler residents of Port Medway told us of the olden days when the chanting of the Mi'kmaq could be heard as they journeyed down river by canoe, out into the harbour and across to the island. I myself have found two arrowheads in the area where the salmon had once run on their way to the river.

We have located seven wells on the island dating from the 1800s into the 20th century. These were at early settler dwelling locations (on 19th century "school maps"), at a logging camp site, where mainland residents stayed as they tended island sheep in season, near the homesite of one who the locals in the day called "a witch" (*her* well is square!). The list also includes two (one "hand bored" by a local resident for 75¢ / day) at the site of the illustrious Tuna Inn, established in the first decade of the 20th century to provide accommodation and charters for tuna fishing off the island into the Atlantic beyond. Zane Grey was said to have stayed at the inn and there are photographs of ladies in Edwardian dress upon rustic bridges that crossed the narrow fjords along the island's south coast where the inn was built.

In our time, we arrived with a unique geodesic dome (meant to be a greenhouse) that we had designed and built from scratch (over 50 translucent triangular panels to assemble, that looked like green wax). It became our initial residence (with a driftwood cabin and a \$10. secondhand wood stove inside). I was known for having cherry tomatoes growing in December after I pollinated the blossoms with an artist's paintbrush. The Dome was only supposed to last for seven years but miraculously, it is still standing to this day! We also constructed a solar still as an experiment to convert saltwater. Our home which we built with no power (and with the help of a friend) is passively solar heated (with a wood stove) and was featured in a CBC *Land & Sea* programme and various magazine and newspaper articles of the day. By the early 80s we had a small wind generator. While wind is still an option, our son installed two photovoltaics last June so that he can always work from the island if he chooses.

So many stories could be shared! The human adventures of island living could be a book in itself. The joys of nature another. Picture: 52 blue herons stalking in the flats below the house one October day; a *huge* silvery sunfish, single eyed and glaring as it floated one hot July (observed during a harbour crossing); an extraordinary luna moth resting on a second floor window; the Perseid Meteor Showers in the east each August; a trail of phosphorescent glow as our oars pull through summer's night waters; the aurora borealis.

People gravitated to Great Island—to get away from the hustle and bustle of everyday life—to be inspired by the flora and fauna in a range of habitats, the marine life, salt air, sound of surf pounding on Cherry Hill Beach, the peace. Once members of a local women's centre came out for a weekend retreat to problem-solve issues between their board and their employees. They were our guests. But the artists and groups of artists were particularly drawn to the island. Before long, “an informal artists-in-residence programme” had developed. Visual artists, playwrights, photographers, small theatre companies, authors, dancers, filmmakers, musicians—came and stayed with us in our home (what I good-humouredly called, “glorified camping”). They worked and created and ate at our table with no cost to them. The only rule was: “You have to eat what we serve!” This welcoming came naturally to us because we never really felt we *owned* this land. From the earliest days, it was for us a place always *to be shared*. We were stewards of the land rather than owners; we wanted the island to be accessible to all. *And it was*. People kayaked, canoed or motored out. They hiked, swam, picnicked, camped, clammed, snorkelled, picked up webs of muscles at low tide, gathered eight different kinds of berries in season, bird-watched, mushroomed. The local lighthouse keeper, his wife and family camped on one of the beaches every Labour Day weekend. They had 12 children and many more grandchildren. Quite an outing!

So as early as the the late 70s, having already recognized this role of stewardship in ourselves, we contacted a lawyer to explore our ability to preserve this land in its natural state forever, excluding the very small corner where we had built a home and out-buildings. The island is nearly 300 acres and we had altered the natural environment on less than three. We began to explore the possibility of setting up a trust that could help us do this. We got as far as discussions and having several people who agreed to be on a board, were we to succeed. Without the internet, neither we (nor the lawyer) had yet heard of the Nature Conservancy of Canada, which had acquired its first trust land in 1968 (Ontario) and had put its first Nova Scotian land under trust in 1971.

We had a child in 1985 and when our lad was almost ten we read about the formation of the Nova Scotia Nature Trust (NSNT). We contacted them to see if they would be interested in helping us fulfill our dream of preservation while allowing this island to be available for all Nova Scotians to experience, explore and enjoy as well. They were interested but it was too early for any decisive action at their end and we were adamant that no decisions about this land's future would be made from our end until our legal heir was in a position to understand and express his point of view. Throughout the 80s, a number of people (from Europe, Canada and the USA) had contacted us about purchasing the island, including a Californian who seriously offered us a million dollars! Maybe our son would prefer the money? It would be his right to choose. Thus, it was not until he was 22 that we broached the subject once again and he assured us that he shared our vision for the island and fully endorsed a trust arrangement. As a family, we agreed to contact the Nova Scotia Nature Trust. Three years later Great Island was under a forever-wild easement with NSNT.

We knew when we were negotiating this agreement that the Crown's mineral rights held precedence over any easement. Knowing the geology and the geography of the land, however, it seemed a long shot that anyone would choose to explore it let alone excavate. So we took a chance, wanting this special place to be as close as legally possible to being forever-wild during our lifetimes and also *publicly* accessible to others. What we also understood with much sadness, however, was that all land put in trust by others (aside from the province itself) would always be vulnerable to a potential threat under the Mineral Resources Act of Nova Scotia.

After sharing with you herein but a wee fraction of detail about the rich history and equally rich ecosystem of just one parcel of land in trust, can you imagine the wealth of heritage and bounty of ecological treasure that can be found in each of the others? Under the forever-wild easement we have with NSNT, no damaging equipment or vehicles of *any kind are even permitted on* Great Island. Not even a tree can be cut except to remove it from trails for safety reasons. Just think of the disruption that exploration and mining would wreak upon the entire eco-system. Can you understand the dismay of trust-land property holders who have consciously chosen to preserve and protect their land (severely reducing its value on the real estate market by doing so) while at the same time generously opening it up to Nova Scotians and tourists alike for rare opportunities and enjoyment? And yet they have no protection for these choices they have made.

Bill No. 149 *could* remove this threat. Could you see your way clear to do so? I wanted to take this opportunity to speak up for *all lands* put into “forever-wild easements” that lack the full force of the law because of the Crown's mineral rights. This is a built-in vulnerability that trust lands should not have to bear. I believe it is time to bring consistency and continuity to these lands in The Act. Could you recommend making “forever-wild easements” truly *forever*? This is a path that would put Nova Scotia at the forefront in Canada with regards to land preservation. Dare we become a Province of foresight?

Thank you, most sincerely, for reading this submission and for considering its contents as you discuss Bill No. 149.

S. J. Hauer