

Royal Gazette

Part II Regulations under the Regulations Act

Printed by the Queen's Printer

Halifax, Nova Scotia

Vol. 28, No. 26

December 24, 2004

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AVAILABLE SOON

The first issue of the 2005 subscription year of the Folio®-based Nova Scotia Regulations CD-ROM, containing the consolidated regulations of Nova Scotia and the quarterly sectional index of regulations, will soon be available from the Office of the Registrar of Regulations. For information or subscription please call (902) 424-6723 or visit our website at <www.gov.ns.ca/just/regulations/cd>.

N.S. Reg. 234/2004

Made: November 9, 2004

Filed: December 3, 2004

Total Production Quota Regulations

Order dated November 9, 2004
Regulations made by Dairy Farmers of Nova Scotia and
approved by the Natural Products Marketing Council
pursuant to clause 14(1)(e) of the *Dairy Industry Act*

Dairy Farmers of Nova Scotia

The Dairy Farmers of Nova Scotia, pursuant to clause 14(1)(e) of Chapter 24 of the Acts of 2000, the *Dairy Industry of Act*, at a meeting held on November 9, 2004, amended the *Total Production Quota Regulations* in the manner set out in the form attached to this certificate as Schedule "A", effective on and after November 9, 2004.

Dated and signed at Truro, Nova Scotia, November 12, 2004.

Sgd: *Brian Cameron*
Brian Camerson
General Manager
Dairy Farmers of Nova Scotia

Approved as to form only by the Natural Products Marketing Council at Truro, Nova Scotia, November 9, 2004.

Sgd: *G. Burris*
George D. Burris
General Manager
Natural Products Marketing Council

Schedule "A"

**Regulations Respecting Total Production Quota made by
the Dairy Farmers of Nova Scotia pursuant to clause 14(1)(e) of
Chapter 24 of the Acts of 2000, the *Dairy Industry Act***

Citation

1 These regulations may be cited as the *Total Production Quota Regulations*.

Interpretation

2 In these regulations,

- (a) "Act" means the *Dairy Industry Act*;
- (b) "complete dairy herd" means all the animals in the herd which have calved at least once and are required to support the Total Production Quota on that farm as determined by the Board;

- (c) “going concern” means a dairy enterprise, including land necessary for the dairy operation, buildings, dairy and farm equipment, and complete dairy herd;
- (d) “immediate member of the family” means a person who stands in a relationship to a producer, as determined by the Board;
- (e) “market sharing quota” or MSQ means production volume allotted to the Board to represent the Province’s share of the market for industrial milk in Canada, expressed in kilograms of butterfat per year;
- (f) “milk” means milk as defined in Act;
- (g) “market clearing price” means the price at which TPQ shall be deemed bought or sold on the TPQ exchange as defined in these regulations;
- (h) “non-saleable adjustment quota” or “NSAQ” means a quota allotted by the Board on or after April 1, 2003, in accordance with these regulations to represent a portion of an individual producer’s share, as a result of increases or decreases in the Provincial TPQ, and expressed in kilograms of butterfat;
- (i) “pay period” means the period customarily followed by the Board for the purposes of paying transporters and producers;
- (j) “producer” means a producer as defined in the Act, and to whom a TPQ has been allotted;
- (k) “provincial total production quota” or “Provincial TPQ” means the total annual butterfat required to meet Nova Scotia’s annual butterfat or equivalent milk volume requirements and supply Provincial demand for fluid milk, as allotted under the *Dairy Products Marketing Regulations* made pursuant to the *Canadian Dairy Commission Act*;
- (l) “Production Unit” means dairy farm, including land and buildings;
- (m) “Quota Committee” means the committee established under Section 11;
- (n) “total production quota” or “TPQ” means a quota allotted by the Board in accordance with these regulations to represent a portion of an individual producer’s share of the Provincial TPQ expressed in kilograms of butterfat;
- (o) “year” means the dairy year as determined by the Board.

Fixing, allotting and administering quota

- 3** (1) The supply of milk by producers to processors is regulated by a system of quotas.
- (2) Fixing, allotting and administering quotas is the responsibility of the Board.
- (3) The Board may allot TPQ and NSAQ to producers who
- (a) are eligible for registration with the Canadian Dairy Commission;
 - (b) have met licensing criteria in the Province; and
 - (c) are selling milk to the Board upon the terms and conditions of these regulations.

Registration of producers

- 4 (1) Each producer must be assigned a registration number by the Board.
- (2) There may be only one registration for one production unit and one producer may hold only one registration number regardless of whether the producer operates one or more farms.
- (3) The Board will fix and allot only one TPQ and one NSAQ for each producer that is assigned a registration number.

Shipments of milk not permitted

- 5 (1) Except as provided for in these regulations, a producer must not ship milk to a processor on the basis of
- (a) TPQ and NSAQ allotment registered in the name of another producer;
- (b) that producer's TPQ and NSAQ allotment, if the milk is from cows other than those located on that producer's farm or farms.
- (2) A producer must not ship milk to another registered producer for the purpose of shipment or reshipment to a processor.

Suspension of TPQ and NSAQ

- 6 If a producer contravenes these regulations, the Board may revoke or suspend any or all TPQ and NSAQ registered to that producer upon such terms and conditions as are considered appropriate in the circumstances by the Board.

Board order to dispose of NSAQ or TPQ

- 7 The Board may order a producer to dispose of the producer's NSAQ first and then their TPQ, after the producer's allocation of NSAQ has been reduced to zero, if
- (a) the producer's production is too low to provide satisfactory cooling, sampling or measurement; or
- (b) the producer has shipped at a rate of less than 110 litres per day for more than 2 consecutive pay periods.

Secured transactions

- 8 (1) Upon receiving a completed assignment of TPQ made between a recognized lending institution and a producer for the purpose of a secured transaction, the Board may consent to the secured transaction upon such terms and conditions as the Board may consider appropriate.
- (2) The consent of the Board to a secured transaction under subsection (1) does not in any circumstances, nor is it deemed to be, warrant as to the validity of the security nor is the Board liable for any loss or damage that may be suffered by the lending institution as a result of its reliance upon such security.

Calculating producer payment and quota utilization

- 9 For the purpose of calculating producer payment and quota utilization, each producer's monthly TPQ and NSAQ is calculated by multiplying the sum of the producer's daily TPQ and NSAQ by the number of days of milk production shipped during that month.

Fixing Provincial total production quota

- 10 (1) The Board is responsible for fixing the Provincial total production quota.

- (2) The Board is responsible for allotting TPQ and NSAQ in respect of producers.
- (3) The Board may make an interim adjustment in Provincial TPQ to ensure an adequate supply of milk is available to meet market requirements.
- (4) If the Board, after consulting with the Quota Committee, determines that a Provincial TPQ adjustment is required, the Board may
 - (a) increase the NSAQ of all producers as a percent of their TPQ and NSAQ holdings as of the date of the adjustment; or
 - (b) subject to subsection (5). [*sic*]
- (5) A producer's TPQ may only be reduced after the producer's allotment of NSAQ has been reduced to zero.

Quota Committee

- 11** (1) A Provincial quota committee shall be established to administer Sections 13, 27 and 28 of these regulations on behalf of the Board, and to make recommendations to the Board on the remainder of these regulations.
- (2) The Quota Committee is composed of the Executive Committee of the Board.
 - (3) Each member of the Quota Committee has one vote.
 - (4) The Quota Committee must appoint one of its members as Chair.

TPQ flexibility for individual producers

- 12** (1) Production is deemed to be in-quota when cumulative production is equal to or less than 20 times the sum of daily TPQ and NSAQ.
- (2) Cumulative production which exceeds cumulative TPQ and NSAQ by more than 20 times the sum of daily TPQ and NSAQ ~~be~~ is classed as over-quota production, and is paid at the over-quota price in the month it is produced.
 - (3) The limit of cumulative under-production is 20 times the sum of daily TPQ and NSAQ.
 - (4) Under-production up to the limit may be carried forward indefinitely.
 - (5) Under-production in excess of the limit can not be carried forward.
 - (6) When a producer sells the entire TPQ on the TPQ exchange or during a farm transfer as a going concern pursuant to subsection 7(3)
 - (a) all cumulative production in excess of cumulative TPQ and NSAQ at the time of the quota transfer, is deemed to be over-quota production; and
 - (b) the selling producer must reimburse the Board for all over-quota production described in clause (a), based on the difference between the most recent component prices and over-quota component prices.

Transfers of TPQ or NSAQ

- 13** (1) Except as provided for in these regulations, TPQ and NSAQ must not be sold, assigned, leased or transferred.
- (2) A transfer of TPQ or NSAQ is not effective until authorized by the Board.
- (3) All transfers of TPQ must take place on the quota exchange, except for
- (a) the transfer of TPQ with a farm as a going concern;
 - (b) a transfer of TPQ among immediate members of a family that is approved by the Board upon application of the transferor;
 - (c) a transfer of TPQ to a partnership or to a corporation in which the transferring producer is to be actively involved in the enterprise as a partner or a shareholder;
 - (d) a transfer of TPQ from a partnership or a corporation, (in which the receiving producer was actively involved as a partner or a shareholder), to a producer or producers who were actively involved in the partnership or the corporation.
- (4) No transfers of NSAQ are permitted, except for
- (a) the transfer of NSAQ with a farm as a going concern;
 - (b) a transfer of NSAQ among immediate members of a family that is approved by the Board upon application of the transferor;
 - (c) a transfer of NSAQ to a partnership or to a corporation in which the transferring producer is to be actively involved in the enterprise as a partner or a shareholder;
 - (d) a transfer of NSAQ from a partnership or a corporation, (in which the receiving producer was actively involved as a partner or a shareholder), to a producer or producers who were actively involved in the partnership or the corporation.
- (5) A new or current producer purchasing or acquiring a dairy farm as a going concern must acquire the TPQ and NSAQ allotted to the previous owner.
- (6) Unless otherwise approved by the Board, all transfers of TPQ and NSAQ must occur at the beginning of the pay period.

TPQ and NSAQ of producer who ceases producing

- 14** (1) A producer who ceases production must sell their TPQ within 4 TPQ exchanges following the date of the last milk shipment, or the TPQ will be cancelled by the Board.
- (2) Upon selling all of their TPQ, a producer's allocation of NSAQ become unallocated and the Board will
- (a) retain it;
 - (b) apply it against a provincial TPQ reduction; or
 - (c) allocate it among active producers, or any combination thereof.

Two step transfers

- 15** (1) If authorized by the Board, a producer completing a transfer under subsection 13(3) may complete the transfer in 2 steps, with part of the TPQ being transferred in step 1 and the balance of the TPQ and the NSAQ being transferred in step 2.
- (2) During the period in time between step 1 and step 2 of a 2-step transfer,
- (a) the producer and the partnership or corporation is deemed to be one producer;
 - (b) there is deemed to be one production unit between the producer and the partnership or corporation; and
 - (c) there is deemed to be one farm between the producer and the partnership or corporation.
- (3) A producer must undertake a 2-step transfer by
- (a) submitting a written request for approval to the Board;
 - (b) completing the 2-step transfer of the farm within not more than 5 business days; and
 - (c) completing the 2 steps within the same calendar month.

TPQ exchange

- 16** (1) A producer, or an authorized designate of the producer, may offer to sell or buy quota on a TPQ exchange administered by the Board.
- (2) A TPQ exchange for quota may operate in any month of the year.
- (3) Quota which is sold on a TPQ exchange transfers at the beginning of the month following the operation of the exchange.
- (4) Units of quota to be transacted on a TPQ exchange are in units of kilograms of butterfat per day.

Offers to buy and sell

- 17** (1) A producer wishing to participate on a TPQ exchange must submit an offer to buy a quota or an offer to sell a quota in writing to the Board, an application form or a letter signed by the registered quota holder and the offers shall include the following information:
- (a) whether the offer is to buy or sell quota;
 - (b) the amount of quota the offer is for, expressed as a number of kilograms or as a portion of a kilogram expressed in tenths offered;
 - (c) the offer price per kilogram rounded to the nearest cent value;
 - (d) the name of the registered quota holder, their signature, if applicable, and their Federal Registration number or Patron number;
 - (e) the month of the TPQ exchange to which the offer applies.
- (2) Each offer to buy quota must be accompanied by

- (a) a personal cheque, certified cheque or other form of payment made payable to the Board covering the full amount of the bid; and
 - (b) a \$10.00 non-refundable service fee.
- (3) Each offer to sell quota must be accompanied by a non-refundable service fee, as follows:

Quota offered for sale	Fee
Up to 1.0 kg	\$100.00
1.1 to 10 kg	\$200.00
More than 10 kg	\$300.00

- (4) An offer to buy quota or sell quota must be received by the Board by the last business day before the 19th day of the month of the TPQ exchange.
- (5) A producer shall not be permitted to offer to sell and purchase quota on the same TPQ exchange in the same pay period.

NSF cheques

- 18 (1) If a cheque that is submitted to the Board is returned marked “insufficient funds”, the quota purchased with the NSF cheque returns to the Board and may be sold on a later TPQ exchange.
- (2) A producer attempting to purchase quota with an NSF cheque is liable for all costs incurred by the Board as a result of the NSF cheque, and the costs must be paid before any future offers are accepted.
- (3) A producer who has attempted to purchase quota with an NSF cheque must submit a certified cheque with any offer to buy quota on a TPQ exchange for the next 12 months.

Withdrawal or amendment of offer

- 19 A producer may withdraw or amend an offer by submitting the amendment in writing in the form of a letter signed by the registered quota holder, an application form or a facsimile of either by the deadline identified in subsections 17(4).

When money to be paid out by Board

- 20 (1) Before the 28th day of the month of a TPQ exchange the Board must return
- (a) money to unsuccessful purchasers in that TPQ exchange; and
 - (b) refunds due to successful purchasers as a result of the difference between the bid amount and the market clearing price.
- (2) Before the 10th day of the month immediately after the month of a TPQ exchange, the Board must pay producers any money due to them as a result of selling quota on that TPQ exchange.

Cancelling TPQ exchange

- 21 (1) The Board may cancel a TPQ exchange for a particular pay period if there are insufficient offers.
- (2) Producers who submitted offers for a TPQ exchange that was cancelled may resubmit their original offer or an amended offer for a later exchange.

Clearing TPQ exchange

- 22 (1) At the time a particular TPQ exchange is to operate, the Board must match the volumes and prices that have been submitted by the producers in the offers to sell and buy and must determine the point at which offers to buy and offers to sell most closely match on the basis of price and volume according to the following table:

TPQ					
\$Price Lowest to Highest	Kg Sales At Price	Cumulative Sales	Difference	Cumulative Buys	Kg Buys At Price

- (2) The procedure described in this Section is known as “clearing” the TPQ exchange.
- (3) The market clearing price as determined by clearing the TPQ exchange is the price that the quota is deemed to be sold or bought for on the TPQ exchange.
- (4) If a producer offers to buy quota at a price equal to or higher than the market clearing price, then that offer is deemed to be successful and the transaction will take place at the market clearing price.
- (5) If a producer offers to sell quota at a price equal to or lower than the market clearing price, then that offer is deemed to be successful and the transaction will take place at the market clearing price.
- (6) Upon clearing the TPQ exchange, any imbalance of quota offered may be adjusted by the Board to financially balance the exchange.

Notification of results of offer

- 23 All participants on a TPQ exchange will be individually advised in writing whether or not their offer was successful.

When transfer of quota effective

- 24 Quota purchased on a TPQ exchange is transferred to the new owner effective the beginning of the following pay period.

Interprovincial quota exchange

- 25 A TPQ exchange, may operate Provincially, or in conjunction with one or more additional provinces with the approval of the Board and Natural Products Marketing Council as authorized in the *Interprovincial Milk Quota Regulations* made under Section 10 of the Act.

Entry of producers

- 26 (1) New producers approved by the Board to become producers may participate on a TPQ exchange.
- (2) If a purchaser is not a current producer, the producer must
- (a) be located within a reasonable area for bulk milk pickup and must have the approval of a processor to become a milk shipper;
 - (b) be able to qualify for a licence to produce milk under the Act.

Leasing TPQ

- 27 (1) TPQ leases are not effective until approved by the Board.

- (2) Only active, registered producers may enter into a lease of TPQ and the TPQ that they may lease is a maximum of 25% of the sum of their TPQ and NSAQ.
- (3) All TPQ leases must be submitted to the Board in writing and on the standard form supplied by the Board, and must be accompanied by a non-refundable administrative fee set by the Board.
- (4) All TPQ leases start at the beginning of a pay period and end on the last day of that same pay period.
- (5) Leased TPQ must be transferred back to the original owner upon expiry of the lease.
- (6) Any adjustments to Provincial TPQ will apply to all TPQ leased.
- (7) Subject to subsection (6), at the termination of a lease, the adjusted amount of the leased TPQ will be returned to the lessor.
- (8) A producer cannot be both a lessor and a lessee at the same time.

Catastrophes affecting leases

- 28** (1) If, because of a catastrophe, a producer reduces production or discontinues production temporarily, the producer may lease up to 100% of their TPQ and NSAQ, to one or more producers.
- (2) For the purpose of this Section, a catastrophe may include, but is not limited to,
 - (a) severe injury;
 - (b) severe illness or death of the quota holder or the person(s) responsible for the dairy herd; or
 - (c) sudden death or loss of a significant part of the milking herd or destruction of the production facilities.
 - (3) A notice of application must include evidence of the catastrophe that is satisfactory to the Board and must be received by the Board as soon as possible, and no later than the end of the pay period at the start of the lease.

Over quota milk price

- 29** All milk shipments that are deemed to be over quota must be paid at the over-quota price for that pay period, as determined by the Board.

Additional production days

- 30** (1) Producers may receive an additional monthly allocation of TPQ, if the producers are active and have fully utilized their TPQ, NSAQ, and any TPQ leased by them under Section 27 for the current month.
- (2) Despite the allowance for carrying over under production in subsections 12(3), (4) and (5), any additional monthly allocation of TPQ that is not utilized in the month in which it is issued, may not be carried forward for future use.
 - (3) A producer who is leasing TPQ to another producer or producers under Section 27 is not eligible to receive additional production days for the current month.

Nova Scotia Agricultural College

31 The following Section and subsections do not apply to the Nova Scotia Agricultural College:

- (a) Section 7, respecting Board orders to dispose of NSAQ and TPQ;
- (b) subsections 12(3), (4) and (5), respecting the limit of cumulative under production and the carrying forward of under production.

N.S. Reg. 235/2004

Made: December 3, 2004

Filed: December 7, 2004

Proclamation, S. 22, S.N.S. 2004, c. 14

Order in Council 2004-468 made December 3, 2004

Proclamation made by the Governor in Council
pursuant to Section 22 of

An Act to Amend Chapter 277 of the Revised Statutes, 1989, the Mechanics' Lien Act

The Governor in Council on the report and recommendation of the Minister of Justice dated November 4, 2004, pursuant to Section 22 of Chapter 14 of the Acts of 2004, *An Act to Amend Chapter 277 of the Revised Statutes, 1989, the Mechanics' Lien Act*, is pleased to order and declare by proclamation that Chapter 14 of the Acts of 2004, *An Act to Amend Chapter 277 of the Revised Statutes, 1989, the Mechanics' Lien Act*, come into force on and not before January 1, 2005.

PROVINCE OF NOVA SCOTIA

Sgd: *Myra A. Freeman*

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 22 of Chapter 14 of the Acts of 2004, *An Act to Amend Chapter 277 of the Revised Statutes, 1989, the Mechanics' Lien Act*, it is enacted as follows:

- 22** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 14 of the Acts of 2004, *An Act to Amend Chapter 277 of the Revised Statutes, 1989, the Mechanics' Lien Act*, come into force on and not before January 1, 2005;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 14 of the Acts of 2004, *An Act to Amend Chapter 277 of the Revised Statutes, 1989, the Mechanics' Lien Act*, come into force on and not before January 1, 2005, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these our Letters to be made Patent and the Great Seal of Nova Scotia to be hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour the Honourable Myra A. Freeman, Lieutenant Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 3rd day of December, in the year of Our Lord two thousand and four and in the fifty-third year of Our Reign.

BY COMMAND:

Sgd: *Michael G. Baker*
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 236/2004

Made: December 3, 2004

Filed: December 7, 2004

Great Barren & Quinan Lakes Nature Reserve Ecological Site Designation

Order in Council 2004-472 dated December 3, 2004
Regulations made by the Minister of Environment and Labour
and approved by the Governor in Council
pursuant to Section 14 of the *Special Places Protection Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated October 26, 2004, pursuant to Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, is pleased to approve the designation by the Minister of Environment and Labour of an ecological site, which shall be known as Great Barren & Quinans Lakes Nature Reserve, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

Designation of an ecological site at Quinan, Yarmouth County, by the Minister of Environment and Labour and approved by the Governor in Council pursuant to subsections (1), (2), (3), and (4) of Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*

I hereby designate as an ecological site pursuant to subsections (1), (2), (3), and (4) of Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, the land described in Appendix "A" and shown on the map attached as Appendix "B", which ecological site shall be managed in accordance with the Great Barren & Quinan Lakes Nature Reserve Management Plan dated September 29, 2004, and filed at the office of the Department of Environment and Labour at Halifax, a summary of which is

attached as Appendix “C”, all appendices being attached to and forming part of the designation, which shall be known as the Great Barren & Quinan Lakes Nature Reserve, effective on the date of publication of the designation in the Royal Gazette.

Sgd: *K. Morash*
Kerry Morash
Minister of Environment and Labour

Dated and signed at Halifax, Nova Scotia
October 26, 2004.

Appendix “A” Great Barren & Quinan Lakes Nature Reserve

All that certain tract of land and land covered by water shown outlined in bold line and identified as Parcels 1, 2, 3, 4, and 5 on Compiled Plan Showing Great Barren & Quinan Lakes Nature Reserve, filed at Department of Natural Resources Office at Halifax, under Field Plot P-027/04, said tract of land located at Great Barren & Quinan Lake, Yarmouth County, Province of Nova Scotia.

Saving and excepting a 0.4-hectare (1-acre), more or less, parcel of land situated on shore of Great Barren Lake near the inflow from Quinan Lake, shown on Field Plot P-027/04 as Campsite Lease No. 4292, and more precisely described in Schedule “A” of Lease No. 4292, issued on February 6, 2001, by the Minister of Natural Resources to William Andrew Wallace, George Percy King, and W. Daniel Goodwin.

Containing an approximate area of 355 hectares.

Appendix “B”

[The map contained in Appendix “B” was not provided to the Registry of Regulations in electronic format and therefore publication of it has been dispensed with under subsection 3(5) of the *Regulations Act*. For a hard copy of the map, contact the Registry of Regulations or the Department of Environment and Labour.]

Appendix “C” Summary of Great Barren & Quinan Lakes Nature Reserve Management Plan

Introduction

The management plan for Great Barren & Quinan Lakes Nature Reserve describes the outstanding natural features, boundaries, and management prescription for this reserve, which is located approximately 30 km east of Yarmouth, Yarmouth County, Nova Scotia. The management plan gives guidance to those charged with maintaining the ecological integrity of the reserve, emphasizing the most fundamental principle of nature reserve management—that protection must take priority over use.

Description

Great Barren & Quinan Lakes Nature Reserve encompasses approximately 355 ha, consisting of both mainland and island parcels on Great Barren & Quinan Lakes. Both lakes have a history of water-level manipulation for hydro-electricity generation; flowages are not included within the reserve boundary.

The reserve includes ridges supporting outstanding examples of mature, Red Oak-dominated forest. The Red Oak is mixed with varying amounts of Yellow Birch, White Pine, Red Maple, Witch-hazel, Striped Maple, and Balsam Fir. Eastern portions of the reserve also contain Red Spruce, Large-toothed Aspen, and Eastern Hemlock.

The reserve also includes islands in Quinan Lake containing old-growth and mature climax, mixed Acadian forest. The islands support a mosaic of pure groves and mixed forest types of Eastern Hemlock-Red Spruce-Sugar Maple-Yellow Birch and American Beech-White Pine-Balsam Fir-Red Maple. The islands host large populations of Canada Yew, a species which was once common but which has disappeared from much of the province.

Management objectives

As provided for in the *Special Places Protection Act*, Great Barren & Quinan Lakes Nature Reserve is to be managed to a high standard of protection, equivalent to IUCN Class Ia (Strict Nature Reserve), in keeping with the overriding goal of maintenance and restoration of ecological integrity.

The reserve is remote and receives little visitation. Access to the reserve for environmental education and nature appreciation purposes will be permitted to the extent that protection goals are not compromised. Motorized and non-motorized vehicle access (including ATVs, motorcycles, and mountain bikes) will not be permitted. With the exception of forest fires, natural processes will be allowed to take place in the absence of any direct human interference.

Staff will carry out regular (at least annual or more frequently if specifically warranted) and opportunistic inspections to assess compliance with the Act and the management plan.

N.S. Reg. 237/2004

Made: December 3, 2004

Filed: December 7, 2004

Quinns Meadows Nature Reserve Ecological Site Designation

Order in Council 2004-470 dated December 3, 2004
Regulations made by the Minister of Environment and Labour
and approved by the Governor in Council
pursuant to Section 14 of the *Special Places Protection Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated October 26, 2004, pursuant to Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, is pleased to approve the designation by the Minister of Environment and Labour of an ecological site, which shall be known as Quinns Meadows Nature Reserve, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

Designation of an ecological site near Clyde River, Shelburne County, by the Minister of Environment and Labour and approved by the Governor in Council pursuant to subsections (1), (2), (3), and (4) of Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*

I hereby designate as an ecological site pursuant to subsections (1), (2), (3), and (4) of Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, the land described in Appendix "A" and shown on the map attached as Appendix "B", which ecological site shall be managed in accordance with the Quinns Meadow Nature Reserve Management Plan dated September 24, 2004, and filed at the office of the Department of Environment and Labour at Halifax, a summary of which is attached as

Appendix “C”, all appendices being attached to and forming part of the designation, which shall be known as the Quinns Meadow Nature Reserve, effective on the date of publication of the designation in the Royal Gazette.

Sgd: *K. Morash*
Kerry Morash
Minister of Environment and Labour

Dated and signed at Halifax, Nova Scotia
October 26, 2004.

Appendix “A” Quinns Meadow Nature Reserve

All that certain tract of land and land covered by water shown outlined in bold line on Compiled Plan Showing Quinns Meadow Nature Reserve, filed at Department of Natural Resources Office at Halifax, under Field Plot P-028/04, said tract of land located at Quinns Meadow, Shelburne County, Province of Nova Scotia.

Containing an approximate area of 337 hectares.

Appendix “B”

[The map contained in Appendix “B” was not provided to the Registry of Regulations in electronic format and therefore publication of it has been dispensed with under subsection 3(5) of the *Regulations Act*. For a hard copy of the map, contact the Registry of Regulations or the Department of Environment and Labour.]

Appendix “C” Summary of Quinns Meadow Nature Reserve Management Plan

Introduction

The management plan for Quinns Meadow Nature Reserve describes the outstanding natural features, boundaries, and management prescription for this reserve, located approximately 16 km southwest of Shelburne, Shelburne County, Nova Scotia. The management plan gives guidance to those charged with maintaining the ecological integrity of the reserve, emphasizing the most fundamental principle of nature reserve management—that protection must take priority over use.

Description

Quinns Meadow is a large (376-hectare), *Sphagnum*-sedge-dominated bog/fen located along the lower Clyde River. It is one of four bogs in Canada known to contain a nationally endangered coastal plain plant species, Thread-leaved Sundew (*Drosera filiformis*). Quinn’s Meadow also contains a population of Long’s Bulrush (*Scirpus longii*), a species of national special concern.

Quinns Meadow Nature Reserve encompasses approximately 337 hectares, consisting of that portion of an upstream bog which feeds Quinns Meadow, as well as slopes adjacent to both Quinns Meadow and the feeder bog. The reserve also includes a narrow southeastward extension towards Bowers Meadows Wilderness Area. Significant portions of Quinns Meadow are located on private lands. These areas amount to over 300 hectares, the largest being a 200-hectare portion of the southern end of the bog. These areas are not included in the designated nature reserve but are critical areas for private land stewardship or acquisition. A significant portion of Quinns Meadow and adjacent slope, amounting to over 100 hectares is claimed by both the Province and private parties. These lands may eventually be added to the nature reserve, should a resolution be found.

Management objectives

As provided for in the *Special Places Protection Act*, Quinns Meadow Nature Reserve is to be managed to a high standard of protection, equivalent to IUCN Class Ia (Strict Nature Reserve), in keeping with the overriding

goal of maintenance and restoration of ecological integrity.

Private land stewardship and securement are critical to the protection of Quinns Meadow and the rare and endangered species it contains. Access to the reserve for environmental education and nature appreciation purposes will be permitted to the extent that protection goals are not compromised. Motorized and non-motorized vehicle access (including ATVs, motorcycles, and mountain bikes) will not be permitted. With the exception of forest fires, natural processes will be allowed to take place in the absence of any direct human interference.

Staff will carry out regular (at least annual or more frequently if specifically warranted) and opportunistic inspections to assess compliance with the Act and the management plan.

N.S. Reg. 238/2004

Made: December 3, 2004

Filed: December 7, 2004

Spinneys Heath Nature Reserve Ecological Site Designation

Order in Council 2004-471 dated December 3, 2004
Regulations made by the Minister of Environment and Labour
and approved by the Governor in Council
pursuant to Section 14 of the *Special Places Protection Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated October 26, 2004, pursuant to Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, is pleased to approve the designation by the Minister of Environment and Labour of an ecological site, which shall be known as Spinneys Heath Nature Reserve, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

Designation of an ecological site at Argyle, Yarmouth County, by the Minister of Environment and Labour and approved by the Governor in Council pursuant to subsections (1), (2), (3), and (4) of Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*

I hereby designate as an ecological site pursuant to subsections (1), (2), (3), and (4) of Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, the land described in Appendix "A" and shown on the map attached as Appendix "B", which ecological site shall be managed in accordance with the Spinneys Heath Nature Reserve Management Plan dated July 14, 2004, and filed at the office of the Department of Environment and Labour at Halifax, a summary of which is attached as Appendix "C", all appendices being attached hereto and forming part of the designation, which shall be known as the Spinneys Heath Nature Reserve, effective on the date of publication of the designation in the Royal Gazette.

Sgd: K. Morash
Kerry Morash
Minister of Environment and Labour

Dated and signed at Halifax, Nova Scotia
October 26, 2004.

Appendix "A" Spinneys Heath Nature Reserve

All that certain tract of land and land covered by water shown outlined in bold line on Compiled Plan Showing Spinneys Heath Nature Reserve, filed at the Department of Natural Resources Office at Halifax, under Field Plot P-024/04, said tract of land located at Spinneys Heath, Yarmouth County, Province of Nova Scotia.

Saving and excepting a 0.4-hectare (1-acre), more or less, parcel of land situated east of East Goose Lake, shown on Field Plot P-024/04 as Campsite Lease No. 3581, and more precisely described in Schedule "A" of Lease No. 3581, issued on August 19, 1988 by the Minister of Lands and Forests to Everett Greene, Jackie Greene, Gary Greene, Merrill Greene, Walter Spinney, and Durward Greene.

Containing an approximate area of 640 hectares.

Appendix "B"

[The map contained in Appendix "B" was not provided to the Registry of Regulations in electronic format and therefore publication of it has been dispensed with under subsection 3(5) of the *Regulations Act*. For a hard copy of the map, contact the Registry of Regulations or the Department of Environment and Labour.]

Appendix "C" Summary of Spinneys Heath Nature Reserve Management Plan

Introduction

The management plan for Spinneys Heath Nature Reserve describes the outstanding natural features, boundaries, and management prescription for this reserve, which is located approximately 25 km east-southeast of Yarmouth, Yarmouth County. The management plan gives guidance to those charged with maintaining the ecological integrity of the reserve, emphasizing the most fundamental principle of nature reserve management—that protection must take priority over use.

Description

Spinneys Heath is a large, open, flat bog covering approximately 250 hectares, with a catchment area (watershed + bog) of nearly 500 hectares. It was identified by the International Biological Program in 1971 as an excellent example of an open *Sphagnum* bog exhibiting little sign of human disturbance. It is also considered to be a candidate area for harbouring endangered coastal plain flora because of its proximity and similarity to other bogs containing endangered plants. Vegetation of Spinneys Heath is dominated by sedge (*Carex exilis*) and rush (*Scirpus caespitosus*) on *Sphagnum* (spp.) moss, with hummocks of *Sphagnum* and Ground Juniper (*Juniperus communis*).

Spinneys Heath Nature Reserve encompasses approximately 640 hectares, including approximately 95% of Spinneys Heath bog, and nearly 90% of the entire catchment of Spinneys Heath.

Management objectives

As provided for in the *Special Places Protection Act*, Spinneys Heath Nature Reserve is to be managed to a high standard of protection, equivalent to IUCN Class Ia (Strict Nature Reserve), in keeping with the overriding goal of maintenance and restoration of ecological integrity.

Spinneys Heath Nature Reserve is somewhat remote and receives little visitation. Access to the reserve for environmental education and nature appreciation purposes will be accommodated to the extent that protection goals are not compromised. Motorized and non-motorized vehicle access (including ATVs, motorcycles, and mountain bikes) will not be permitted. With the exception of forest fires, natural processes will be allowed to take place in the absence of any direct human interference. The research function of the area will be served by encouraging scientific study of the area on permit basis.

Staff will carry out regular (at least annual or more frequently if specifically warranted) and opportunistic inspections to assess compliance with the Act and the management plan.

N.S. Reg. 239/2004

Made: December 3, 2004

Filed: December 7, 2004

Duncans Cove Nature Reserve Ecological Site Designation

Order in Council 2004-473 dated December 3, 2004
Regulations made by the Minister of Environment and Labour
and approved by the Governor in Council
pursuant to Section 14 of the *Special Places Protection Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated October 26, 2004, pursuant to Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, is pleased to approve the designation by the Minister of Environment and Labour of an ecological site, which shall be known as Duncans Cove Nature Reserve, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"**Designation of an ecological site at Duncans Cove, Halifax County, by the Minister of Environment and Labour and approved by the Governor in Council pursuant to subsections (1), (2), (3), and (4) of Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act***

I hereby designate as an ecological site pursuant to subsections (1), (2), (3), and (4) of Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, the land described in Appendix "A" and shown on the map attached as Appendix "B", which ecological site shall be managed in accordance with the Duncans Cove Nature Reserve Management Plan dated July 15, 2004, and filed at the office of the Department of Environment and Labour at Halifax, a summary of which is attached as Appendix "C"; all appendices being attached to and forming part of the designation, which shall be known as the Duncans Cove Nature Reserve, effective on the date of publication of the designation in the Royal Gazette.

Sgd: K. Morash
Kerry Morash
Minister of Environment and Labour

Dated and signed at Halifax, Nova Scotia
October 26, 2004.

Appendix "A"
Duncans Cove Nature Reserve

All that certain tract of land and land covered by water shown outlined in bold line and identified as Parcel DC-1 and Parcel DC-2 on Compiled Plan Showing Duncans Cove Nature Reserve, filed at the Department of Natural Resources Office at Halifax, under Field Plot P-026/04, said tract of land located at Duncans Cove, Halifax County, Province of Nova Scotia.

Containing an approximate total area of 369 hectares.

Appendix “B”

[The map contained in Appendix “B” was not provided to the Registry of Regulations in electronic format and therefore publication of it has been dispensed with under subsection 3(5) of the *Regulations Act*. For a hard copy of the map, contact the Registry of Regulations or the Department of Environment and Labour.]

Appendix “C”

Summary of Duncans Cove Nature Reserve Management Plan

Introduction

The management plan for Duncans Cove Nature Reserve describes the outstanding natural features, boundaries, and management prescription for this reserve, which is located approximately 17 km south of Halifax. The management plan gives guidance to those charged with maintaining the ecological integrity of the reserve, emphasizing the most fundamental principle of nature reserve management—that protection must take priority over use.

Description

Duncans Cove Nature Reserve encompasses approximately 369 ha, and includes almost all Crown-owned portions of the coastal headland, barren, and bog complex east of Route 349 between Portuguese Cove and Ketch Harbour in Halifax Regional Municipality.

Duncans Cove Nature Reserve is an excellent example of a representative coastal headland, barren, and bog complex, and is particularly valued because of its proximity to the Halifax metropolitan area and its popularity as a natural area. It is also the only known mainland Nova Scotia locality supporting the provincially rare Arctic Blueberry (*Vaccinium uliginosum*).

Management objectives

As provided for in the *Special Places Protection Act*, Duncans Cove Nature Reserve is to be managed to a high standard of protection, equivalent to IUCN Class Ia (Strict Nature Reserve), in keeping with the overriding goal of maintenance and restoration of ecological integrity.

Nature-based education and recreation activities will be accommodated to the extent that protection goals are not compromised. Motorized and non-motorized vehicle access (including ATVs, motorcycles, and mountain bikes) will not be permitted. With the exception of forest fires, natural processes will be allowed to take place in the absence of any direct human interference.

There is recognition that unmanaged trail use at Duncans Cove has led to trail conditions becoming degraded and impacts of trail use being spread over unnecessarily large areas. These issues will be addressed through an examination of use patterns, documentation of associated damage, and evaluation of options for reducing trail-use impacts and improving trail conditions. More generally, the need to manage visitation through the provision and maintenance of marked trails, observation areas, parking, and waste receptacles will be evaluated periodically on the basis of inspections by staff and volunteers and inquiries from the public. Protection of Duncan Lake from uses which jeopardize its value as a water source for the village of Duncans Cove will be a priority in any planning to manage recreational use of the area.

Staff will carry out regular (at least annual or more frequently if specifically warranted) and opportunistic inspections to assess compliance with the Act and the management plan.

N.S. Reg. 240/2004

Made: December 3, 2004

Filed: December 7, 2004

MacFarlane Woods Nature Reserve Ecological Site Designation

Order in Council 2004-474 dated December 3, 2004
Amendment to regulations made by the Minister of Environment and Labour
and approved by the Governor in Council
pursuant to Section 14 of the *Special Places Protection Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated October 26, 2004, pursuant to Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, is pleased to approve the designation by the Minister of Environment and Labour of certain additional lands to the ecological site known as MacFarlane Woods Nature Reserve, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

Designation of certain lands at Mull River, Inverness County, as an addition to MacFarlane Woods Nature Reserve ecological site by the Minister of Environment and Labour and approved by the Governor in Council pursuant to subsections (1), (2), (3), and (4) of Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*

Pursuant to subsections (1), (2), (3), and (4) of Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, I hereby designate certain lands as an addition to the ecological site known as MacFarlane Woods Nature Reserve, which was designated under O.I.C. 88-605 on June 7, 1988. The additional lands hereby designated, together with lands previously designated under O.I.C. 88-605, are described in Appendix "A" and shown as Parcel MW-1 and Parcel MW-2 on Compiled Plan Showing Parcel MW-1 and Parcel MW-2 MacFarlane Woods Nature Reserve, attached as Appendix "B". The written consents of landowners for the designation of privately owned portions of these additional lands are attached as Appendices "C" and "D". MacFarlane Woods Nature Reserve shall continue to be managed in accordance with the MacFarlane Woods Nature Reserve Management Plan dated November 5, 1987, and filed at the office of the Department of Environment and Labour at Halifax, a summary of which is attached as Appendix "E". All appendices attached hereto form part of the designation, which shall be effective on its date of publication in the Royal Gazette.

Sgd: *K. Morash*
Kerry Morash
Minister of Environment and Labour

Dated and signed at Halifax, Nova Scotia
October 26, 2004.

Appendix "A"
MacFarlane Woods Nature Reserve

All that certain tract of land and land covered by water shown outlined in bold line and identified as Parcel MW-1 and Parcel MW-2 on Compiled Plan Showing MacFarlane Woods Nature Reserve, filed at the Department of Natural Resources Office at Halifax, under Field Plot P-025/04, said tract of land located at Mull River, Inverness County, Province of Nova Scotia.

Containing an approximate total area of 132 hectares.

Appendix "B"

[The map contained in Appendix "B" was not provided to the Registry of Regulations in electronic format and therefore publication of it has been dispensed with under subsection 3(5) of the *Regulations Act*. For a hard copy of the map, contact the Registry of Regulations or the Department of Environment and Labour.]

Appendix "C"**Consent to Designation of Certain Lands Owned by Mr. James O. St. Clair
as an Addition to MacFarlane Woods Nature Reserve**

Mull River
Mabou, Nova Scotia
B0E 1X0

19 December 2003

Re: MacFarlane Woods

Mr. David MacKinnon
Protected Areas Division
N.S. Department of Environment and Labour
Halifax, Nova Scotia

Dear Mr. MacKinnon:

By this letter, I hereby consent to having the wood land as shown as field plot P-013/02 protected as an ecological site and a proposed addition to the already protected MacFarlane Woods.

Sincerely yours,

Sgd: *James O. St. Clair*
James O. St. Clair

Appendix "D"**Consent to Designation of Certain Lands Owned by the Nature Conservancy of Canada
as an Addition to MacFarlane Woods Nature Reserve**

The Nature Conservancy of Canada
Atlantic Regional Office
924 Prospect St., Suite 2
Fredericton, NB E3B 2T9
Phone: (506) 450-6010
Fax: (506) 450-6013

May 14, 2004

David MacKinnon
Systems Planning Coordinator
Protected Areas Branch
Nova Scotia Department of
Environment and Labour
5151 Terminal Road, 5th floor, PO Box 697
Halifax, NS B3J 2T8

Dear Mr. MacKinnon,

The Nature Conservancy of Canada wishes to have our properties at MacFarlane's Woods (PID # 50271832 and # 50231059) designated under the *Special Places Protection Act*. I have attached legal descriptions for

both parcels to this letter. If you have any questions or require additional information, please contact me at the address above. Thank you.

Sincerely,

Sgd: *Darla Saunders*
Darla Saunders
Land Securement Officer, Atlantic Region

Schedule "A"

All and singular that certain lot piece or parcel of land lying being and situate at Mull River, County of Inverness, Province of Nova Scotia and being a portion of the lands of Arnold Finlay Rankin as shown on a plan of survey showing lands of Arnold Finlay Rankin as prepared by D. Jerome MacEachern N.S.L.S. and dated June 5th, 1998 and being revised October 15th, 1998. Said portion being more particularly described as follows:

Commencing at Crown Land Survey Post No. I-3318 located at the intersection of the northwest boundary of the "MacFarlane Woods Ecological Site" (Crown Land) with the western margin of the Mull River Road.

Thence N 59E 25' 50" W a distance of 1494.85' feet along the northeast boundary of the "MacFarlane Woods Ecological Site" (Crown Land) to a survey marker, said survey marker being hereinafter referred to as the **point of beginning**;

Thence N 26E 49' 02" E a distance of 811.28' feet to a survey marker set on the southwest boundary of the lands of the heirs of James Allan Beaton;

Thence N 59E 25' 15" W a distance of 1125.09' feet along the southwest boundary of the lands of the heirs of James Allan Beaton to a survey marker;

Thence N 59E 25' 15" W a distance of 220.41' feet along the southwest boundary of the lands of the heirs of James Allan Beaton to a survey marker;

Thence N 26E 49' 05" W a distance of 811.48' feet along the southeast boundary of lands previously conveyed to the Nature Conservancy of Canada to a survey marker;

Thence S 59E 25' 35" E a distance of 380.53' feet along the northeast boundary of the "MacFarlane Woods Ecological Site" (Crown Land) to a survey marker Post I-3319;

Thence S 59E 25' 50" E a distance of 964.97' feet along the northwest boundary of the "MacFarlane Woods Ecological Site" (Crown Land) to the point of beginning.

Containing an area of 25 acres more or less;

Together with a 66 foot wide right-of-way leading from the western margin of the Mull River Road along the northeast boundary of "MacFarlane Woods Ecological Site" (Crown Land) to the most southerly boundary of the above described parcel;

All bearings are referred to Grid North based on the Nova Scotia Co-ordinate System, 3E MTM Projection, Zone 4, Central Meridian 61E 30' Longitude West (1979 Adjustment);

Being and intended to be a portion of lands of Arnold Finlay Rankin as recorded in Book 374, Page 43 at the Registry of Deeds Office Port Hood, Nova Scotia;

Further registry reference: Book 59, Page 719.

Schedule "A"

All and singular that certain lot, piece or parcel of land lying, situate and being a Mull River, County of Inverness, Province of Nova Scotia, and being a portion of the lands of Arnold Finlay Rankin as shown on a Plan of Survey showing lands of Arnold Finlay Rankin as prepared by D. Jerome MacEachern N.S.L.S and dated June 5th, 1998.

Being more particularly described as follows:

Commencing at Nova Scotia Coordinate Monument No. 16906;

Thence N 74E 07' 13" E, a distance of 9403.62 feet to a Crown Land Survey Marker I-3320 found at the intersection of the south eastern boundary of land of Arnold Finlay Rankin (Bk. 374, Pg. 43, Lot 1) with the north western corner of Crown Lands (MacFarlane Woods Ecological Site), said survey marker being hereinafter referred to as the **point of beginning**;

Thence N 26E 49' 05" E, a distance of 811.74 feet along said land of Arnold Finlay Rankin to a survey marker;

Thence S 59E 25' 15" E, a distance of 2683.12 feet along land of the heirs of James Allan Beaton to a point;

Thence S 26E 49' 05" W, a distance of 811.48 feet along said land of Arnold Finlay Rankin to a point;

Thence N 59E 25' 35" W, a distance of 2683.10 feet along Crown Land (MacFarlane Woods Ecological Site) to the **point of beginning**;

Containing an area of **50 acres** more or less.

Together with a 66' wide right-of-way leading from the western margin of the Mull River Road along the northeastern boundary of Crown Lands (MacFarlane Woods Ecological Site) to the south western corner of the above described parcel land;

All bearings are referred to grid north based on the Nova Scotia Coordinate System, 3E MTM Projection, Zone 4, Central Meridian 61E 30' Longitude West (1979 Adjustment).

Being and intended to be a portion of the lands of Arnold Finlay Rankin as recorded in Book 374, Page 43 at the Registry of Deeds Office at Port Hood, N. S.

Registry reference: Book 59, Page 719.

Appendix "E"

Summary of MacFarlane Woods Nature Reserve Management Plan

Purpose

The purpose for designation is to provide for the preservation, protection, regulation, and study of an ecological site that is a representative example of a natural ecosystem within the Province.

Description

The upper slopes and high ridges of the Ainslie Uplands are characteristically covered by a climax deciduous forest composed of Sugar Maple, Yellow Birch, and Beech. The forest type is common throughout parts of Nova Scotia and is best known for its colourful autumn foliage and the extraction of sap from the Sugar Maples. The deciduous forests of Cape Breton are at the northern and eastern limits of its range in North America.

The hardwood forest of MacFarlane Woods is part of a virgin stand. It will serve as the core of a nature reserve where human disturbance will be kept to a minimum. The forest in the buffer zone is comprised of a variety of early successional stands which will be utilized to promote natural history education for visitors.

Designation of the site is at the invitation of the landowner, Mr. James O. St. Clair, of Mull River, Inverness County. He is taking this action to ensure that the forest that he has enjoyed is retained for the benefit of future generations.

Objectives

The short-term objectives are to:

1. Increase public awareness.
2. Establish a research area.
3. Establish rudimentary infrastructure

The long-term objectives are to:

1. Protect a climax forest ecosystem.
2. Maintain the gene pool.
3. Monitor environmental change.
4. Promote natural history education.

Summary

The MacFarlane Woods Nature Reserve is established to preserve a representative example of a climax deciduous forest. The site's potential for passive ecological research and natural history education will be developed. The private stewardship arrangement with the landowner will serve as a model for future designations on private land.

N.S. Reg. 241/2004

Made: December 3, 2004

Filed: December 7, 2004

Proclamation, S. 13, S.N.S. 2004, c. 26

Order in Council 2004-476 made December 3, 2004

Proclamation made by the Governor in Council

pursuant to Section 13

of the *French-language Services Act*

The Governor in Council on the report and recommendation of the Minister of Acadian Affairs dated October 29, 2004, pursuant to Section 13 of Chapter 26 of the Acts of 2004, the *French-language Services Act*, is pleased to order and declare by proclamation that Chapter 26 of the Acts of 2004, the *French-language Services Act*, come into force on and not before December 9, 2004.

PROVINCE OF NOVA SCOTIA

Sgd: *Myra A. Freeman*

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 13 of Chapter 26 of the Acts of 2004, the *French-language Services Act*, it is enacted as follows:

- 13** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 26 of the Acts of 2004, the *French-language Services Act*, come into force on and not before December 9, 2004;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 26 of the Acts of 2004, the *French-language Services Act*, come into force on and not before December 9, 2004, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the
Great Seal of Nova Scotia to be
hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour
the Honourable Myra A. Freeman, Lieutenant
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional
Municipality, this 3rd day of December, in the
year of Our Lord two thousand and four and in
the fifty-third year of Our Reign.

BY COMMAND:

Sgd: *Michael G. Baker*
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 242/2004

Made: December 9, 2004

Filed: December 13, 2004

By-laws of the Association of Professional Engineers of Nova Scotia

Order in Council 2004-480 dated December 9, 2004

Amendment to regulations made by the Association of Professional Engineers of Nova Scotia
and approved by the Governor in Council
pursuant to Sections 6 and 32 of the *Engineering Profession Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated November 16, 2004, and pursuant to Sections 6 and 32 of Chapter 148 of the Revised Statutes of Nova Scotia, 1989, the *Engineering Profession Act*, is pleased to approve the making by the Association of Professional Engineers of Nova Scotia of amendments to the by-laws of the Association approved by the Governor in Council by Order in Council dated May 29, 1946, to permit engineers-in-training to vote in elections, to remove the category of non-active membership and to amend fees and related provisions in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 9, 2004.

Schedule "A"

Be it resolved that the following be and the same is hereby adopted as a By-law of the Association of Professional Engineers of Nova Scotia and that the Secretary be and he is hereby authorized and instructed to forward the same to the Governor in Council for approval.

2004

**A By-law to Amend the By-laws of
the Association of Professional Engineers of Nova Scotia
made pursuant to clause 6(l) and Section 32 of Chapter 148 of the
Revised Statutes of Nova Scotia, 1989, the *Engineering Profession Act***

- 1 (1) Subsection 4(1) of the By-laws of the Association of Professional Engineers of Nova Scotia approved by the Governor in Council by Order in Council dated May 29, 1946, is amended by striking out "Fifty members" and substituting "A total of fifty members and engineers-in-training".
- (2) Subsection 4(4) of the By-laws is repealed.
- 2 (1) Clause 6(2)(b) of the By-laws is amended by striking out the first and second sentences and substituting the following:

"The Secretary shall, not later than the 10th day of June in each year, advise the members and engineers-in-training by letter, by any Association publication, or by electronic or other alternative means or combination of means determined by resolution of the Council, that nominations from members and engineers-in-training will be received by the Secretary of the Association up to the 10th day of July of the same year. Any ten members and engineers-in-training may submit nominations for candidates for any or all of the offices of President, Vice-President and members of Council".
- (2) Subsection 6(3) of the By-laws is amended by striking out the third, fourth and fifth sentences and substituting the following:

“The Council shall then instruct the Secretary to prepare a ballot of the approved list of nominees and send a copy thereof, bearing an impress of the seal of the Association, to each member and engineer-in-training before the 1st day of August with the request to indicate thereon, their choice of officers of the Association and members of the Council and to return the list unsigned to the Secretary before the first day of September following. The ballot shall be so prepared that members and engineers-in-training shall be instructed to vote for not more than one member for President, one member for Vice-President, two members resident within the City of Halifax and two members resident in Nova Scotia outside the City of Halifax for Councillors. A member or engineer-in-training may substitute the name of any member for Councillor and the name of any member having previous experience on Council for President or Vice-President, and vote for such member, but shall not vote for more than one President, one Vice-President and four Councillors in the manner herein provided”.

(3) Subsection 6(4) of the By-laws is amended by striking out “from the members” in the first sentence.

3 (1) The heading immediately before Section 15 of the By-laws is repealed and the following heading substituted:

Honorary life membership and life membership

(2) Clause 15(2)(c) of the By-laws is repealed and the following clause substituted:

(c) any person holding the status of a non-active member when this clause comes into force.

(3) Subsections 15(3), (4), (5) and (6) of the By-laws are repealed.

4 (1) Subsection 21(1) of the By-laws is amended by striking out “nil” opposite “engineers-in-training” and substituting “\$95.00”.

(2) Clause 21(2)(b) of the By-laws is repealed.

(3) Clause 21(2)(c) of the By-laws is amended by

(a) striking out “six months or more in arrears” and substituting “not paid by March 31 in any year”; and

(b) striking out “as an engineer-in-training”.

(4) Subsection 21(3) of the By-laws is amended by adding the following clause immediately after clause (b):

(c) waive the registration fee for an engineer-in-training where the engineer-in-training applies for enrolment within thirty days of graduating from a college, university or school of engineering or science approved by the Council.

This is to certify that the By-law to amend the By-laws of the Association of Professional Engineers made May 29, 1946, of which the foregoing is a true copy, was duly passed by a majority of over two-thirds of the valid ballots in accordance with the provisions of Section 32 of Chapter 148, R.S.N.S. 1989, the *Engineering Profession Act*.

Given under the hands of the President and the Secretary of the Association of Professional Engineers of Nova Scotia under the corporate seal of the said Association this 7th day of July, A.D. 2004.

Sgd: *Mike Topley*
President
Association of Professional Engineers of
Nova Scotia

Sgd: *Len White*
Secretary
Association of Professional Engineers of
Nova Scotia

N.S. Reg. 243/2004

Made: December 9, 2004

Filed: December 13, 2004

Pension Benefits Regulations

Order in Council 2004-487 dated December 9, 2004
Amendment to regulations made by the Governor in Council
pursuant to Section 105 of the *Pension Benefits Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated November 24, 2004, and pursuant to Section 105 of Chapter 340 of the Revised Statutes of Nova Scotia, 1989, the *Pension Benefits Act*, is pleased to amend the *Pension Benefits Regulations*, N.S. Reg 164/2002, made by Order in Council 2002-607 dated December 20, 2002, to remove the “grow-in” provisions from the solvency valuation in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after December 9, 2004.

Schedule “A”

**Amendments to the *Pension Benefits Regulations*
made by Governor in Council pursuant to Section 105 of Chapter 340 of the
Revised Statutes of Nova Scotia, 1989,
the *Pension Benefits Act***

- 1 Clause 16(1)(a) of the *Pension Benefits Regulations*, N.S. Reg 164/2002, made by Order in Council 2002-607 dated December 20, 2002, is amended by striking out “but taking into account” and substituting “or”.
- 2 Section 37 of the regulations is amended by adding the following subsection immediately after subsection (7):
 - (8) If a pension plan is wound up in whole or in part, the benefits provided under Section 79 of the Act must be paid only if the full amount of all pensions, deferred pensions, ancillary benefits or other benefits to which persons are entitled have been paid.