

Royal Gazette

Part II Regulations under the Regulations Act

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In force date of regulations: As of March 4, 2005*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

N.S. Reg. 190/2006

Made: August 17, 2006

Filed: October 18, 2006

Conferral of Crown Corporation Status on Harbourside
Commercial Park Inc. and Nova Scotia Lands Inc.

Order in Council 2006-370 dated August 17, 2006
Regulations made by the Governor in Council
pursuant to clause 70(a) and Section 71 of the *Provincial Finance Act*

The Governor in Council on the report and recommendation of the Minister responsible for Sydney Steel Corporation dated August 15, 2006, and pursuant to clause 70(a) and Section 71 of Chapter 365 of the Revised Statutes of Nova Scotia, 1989, the *Provincial Finance Act*, and subclause 20(b)(i) of Chapter 377 of the Revised Statutes of Nova Scotia, 1989, the *Public Service Superannuation Act*, is pleased to:

- (a) confer the status of crown corporation on both Harbourside Commercial Park Inc. and Nova Scotia Lands Inc.;
- (b) determine that the service of the employees with Harbourside Commercial Park Inc. and Nova Scotia Lands Inc. (the “employees”) be deemed to be service in the public service of the Province for the purposes of the *Public Service Superannuation Act*;
- (c) determine that the employees be covered under an appropriate Group Life Assurance Plan and Group Health Plan of the Province of Nova Scotia, that the employees be provided with like benefits accorded to civil servants, and that the employer’s portion of the contributions required under the *Public Service Superannuation Act* and the plans referenced herein be paid by either Harbourside Commercial Park Inc. or Nova Scotia Lands Inc. as the employer of the employees, as the case may be.

N.S. Reg. 191/2006

Made: May 25, 2006

Approved: October 17, 2006

Filed: October 18, 2006

Total Production Quota Regulations

Order dated May 25, 2006
Amendment to regulations made by the Dairy Farmers of Nova Scotia
and approved by the Natural Products Marketing Council
pursuant to clause 14(1)(e) of the *Dairy Industry Act*

**Amendment made by the Dairy Farmers of Nova Scotia and approved by
the Natural Products Marketing Council pursuant to clauses 9(1)(ai) and 14(1)(e)
of the *Dairy Industry Act***

Dairy Farmers of Nova Scotia

At a meeting held on May 25, 2006, the Dairy Farmers of Nova Scotia, pursuant to clause 14(1)(e) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, and subsection 2(1) of the *Delegation of Power to Dairy Farmers of Nova Scotia Regulations*, amended the *Total Production Quota Regulations*, N.S. Reg. 234/2004, in the manner set out in the form attached to this Certificate as Schedule “A”, effective on and after October 17, 2006.

Dated and signed at Truro, Nova Scotia on Oct. 11, 2006.

Dairy Farmers of Nova Scotia

Sgd.: *Brian Cameron*
Brian Cameron
General Manager

Approved by the Natural Products Marketing Council at Truro, Nova Scotia, on October 17, 2006.

Natural Products Marketing Council

Sgd.: *E. A. Crouse*
Elizabeth Crouse
General Manager

Schedule "A"

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

- 1 (1) Section 2 of the *Total Production Quota Regulations*, N.S. Reg. 234/2004, made by the Dairy Farmers of Nova Scotia on November 9, 2004, and approved to form by the Natural Products Marketing Council on November 9, 2004, is amended by adding the following clauses immediately after clause (a):
 - (aa) "adjusted TPQ" means the amount of a producer's TPQ, exclusive of any purchases or sales of TPQ by that producer on the quota exchange after February 1, 2006, or for new producers after February 1, 2006, the TPQ held at the time of commencing production;
 - (ab) "base TPQ" means the amount of a producer's TPQ on February 1, 2006, or for new producers after February 1, 2006, the TPQ held at the time of commencing production;
- (2) Section 2 of the regulations is further amended by repealing clause (h) and substituting the following clause:
 - (h) "non-saleable adjustment quota" or "NSAQ" means a quota designated as such by the Board and allotted by the Board in accordance with these regulations to represent a portion of an individual producer's share of the Provincial TPQ, and expressed in kilograms of butterfat;
- 2 Section 10 of the regulations is amended by repealing subsections (4) and (5) and substituting the following subsections:
 - (4) The Board may, after consulting with the Quota Committee, allot any adjustment to the Provincial TPQ to producers based on the following conditions:
 - (a) if a producer has NSAQ, an increase in Provincial TPQ will be allotted to their NSAQ as a percentage of the producer's total TPQ and NSAQ holdings as of the date of the adjustment;

- (b) if a producer does not have NSAQ and their adjusted TPQ is less than their base TPQ, an increase in Provincial TPQ will be allotted as follows:
 - (i) first to their TPQ as a percentage of their TPQ holdings as of the date of the adjustment up to the point that their adjusted TPQ is equal to their base TPQ; and
 - (ii) then to their NSAQ;
- (c) if a producer has NSAQ, a decrease in Provincial TPQ will be deducted as follows:
 - (i) first from their NSAQ allotment as a percentage of their TPQ and NSAQ holdings as of the date of the adjustment; and
 - (ii) then from their TPQ after the producer's allotment of NSAQ has been reduced to zero;
- (d) if a producer does not have NSAQ, a decrease in Provincial TPQ will be deducted as a percentage of the producer's TPQ holdings as of the date of the adjustment.

3 Section 13 of the regulations is amended by adding:

(3A) After a transfer of TPQ as described in clauses 13(3)(a) to (c) takes place, the recipient's resulting TPQ is calculated as follows:

- (a) the recipient's base TPQ is the sum of the recipient's base TPQ immediately before the transfer plus the transferor's base TPQ; and
- (b) the recipient's adjusted TPQ is the sum of the recipient's adjusted TPQ immediately before the transfer plus the transferor's adjusted TPQ.

(3B) After a transfer of TPQ as described in clause 13(3)(d) takes place, the recipient's resulting TPQ is calculated as follows:

- (a) the base TPQ of the recipient becomes the base TPQ of the transferor immediately before the transfer multiplied by a fraction, the numerator of which is the recipient's TPQ after the transfer, and the denominator of which is the TPQ of the transferor immediately before the transfer; and
- (b) the adjusted TPQ of the recipient becomes the adjusted TPQ of the transferor immediately before the transfer multiplied by a fraction, the numerator of which is the recipient's TPQ after the transfer, and the denominator of which is the TPQ of the transferor immediately before the transfer.

4 Section 14 of the regulations is amended by repealing subsection (1) and substituting the following subsection:

(1) producer who ceases production must sell their TPQ before the 5th TPQ exchange after the date of the producer's last milk shipment, except, if the 4th TPQ exchange after the date of the last milk shipment is pro-rated for sellers, the producer must sell all their TPQ in the next TPQ exchange that is not pro-rated for sellers.

(1A) If a producer fails to comply with the time limits set out in subsection (1), their TPQ will be cancelled by the Board.

N.S. Reg. 192/2006

Made: October 17, 2006

Filed: October 18, 2006

Sales Tax Act Regulations

Order in Council 2006-434 dated October 17, 2006
Amendment to regulations made by the Governor in Council
pursuant to Section 13 of the *Sales Tax Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated September 22, 2006, and pursuant to Section 13 of Chapter 31 of the Acts of 1996, the *Sales Tax Act*, is pleased to amend the *Sales Tax Act Regulations*, N.S. Reg. 33/97, made by the Governor in Council by Order in Council 97-208 dated April 1, 1997, to implement the federal reduction in the harmonized sales tax blended rate and to correct the rebate amount for firefighting equipment, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after July 1, 2006.

Schedule "A"

**Amendment to the *Sales Tax Act Regulations*
made by the Governor in Council pursuant to
Section 13 of Chapter 31 of the Acts of 1996,
the *Sales Tax Act***

Section 11 of the *Sales Tax Act Regulations*, N.S. Reg. 33/97, made by the Governor in Council by Order in Council 97-208 dated April 1, 1997, is repealed and the following Section substituted:

- 11 (1)** The Minister may, upon application, authorize a rebate of the tax paid by the applicant on the purchase of a motor vehicle or heavy equipment used for fire fighting of an amount equal to
- (a) if the applicant is a volunteer fire department, the lesser of
 - (i) \$7400, and
 - (ii) 50% of the amount of the tax paid under subsection 165(2) of the *Excise Tax Act* (Canada); or
 - (b) if the applicant is a municipality, the lesser of
 - (i) \$6343, and
 - (ii) 42.86% of the amount of the tax paid under subsection 165(2) of the *Excise Tax Act* (Canada).
- (2)** Every application for a rebate under subsection (1) shall be accompanied by a copy of the agreement under which the motor vehicle or heavy equipment was purchased, showing the total purchase price and the amount of tax paid on the purchase.
- (3)** No rebate shall be made under subsection (1) unless the application for the rebate is made within 24 months after the payment of tax in respect of which the rebate is claimed.

N.S. Reg. 193/2006

Made: October 17, 2006

Filed: October 18, 2006

Off-Highway Vehicles Closed Courses Regulations

Order in Council 2006-437 dated October 17, 2006
Regulations made by the Governor in Council
pursuant to subsection 25(1) of the *Off-highway Vehicles Act*

The Governor in Council on the report and recommendation of the Minister of Health Promotion and Protection and the Minister of Natural Resources dated September 27, 2006, and pursuant to subsection 25(1) of Chapter 323 of the Revised Statutes of Nova Scotia, 1989, the *Off-highway Vehicles Act*, is pleased to make regulations respecting the design and maintenance of closed courses for off-highway vehicles in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after October 17, 2006.

Schedule "A"
Regulations Respecting Closed Courses for Off-highway Vehicles
made under Section 25 of Chapter 323 of the Revised Statutes of Nova Scotia,
the *Off-highway Vehicles Act*

Citation

1 These regulations may be cited as the *Off-Highway Vehicles Closed Courses Regulations*.

Definitions

2 In these regulations,

- (a) "Act" means the *Off-highway Vehicles Act*;
- (b) "closed course" means a closed course as defined in the *Off-highway Vehicles Safety and Training Regulations* made under the Act;
- (c) "*Designing and Maintaining Closed Courses in Nova Scotia*" means the most recent version of the standards for designing and maintaining closed courses as published by the Government of Nova Scotia;
- (d) "maintaining" includes developing and operating.

Accrediting organization

- 3 (1) The Minister may accredit an organization to design and maintain a closed course and must maintain a list of organizations that are accredited.
- (2) An organization applying for accreditation must
- (a) submit an application on a form approved by the Minister together with any additional information the Minister considers necessary; and
 - (b) meet the following requirements:
 - (i) the organization is a body incorporated and in good standing under the *Companies Act* or the *Societies Act*,

- (ii) the organization's proposed closed course is in compliance with *Designing and Maintaining Closed Courses in Nova Scotia*.

Conditions on accreditation

4 To remain accredited, an organization must

- (a) remain in good standing under its incorporating statute; and
- (b) design and maintain its closed courses in accordance with *Designing and Maintaining Closed Courses in Nova Scotia*.

Revoking accreditation

- 5 (1) The Minister may revoke an organization's accreditation if the organization fails to comply with the Act or these regulations, or for any other reason the Minister considers appropriate.
- (2) If the Minister revokes an organization's accreditation, the Minister must
- (a) immediately inform the organization in writing, sent by registered mail, that the accreditation has been revoked; and
 - (b) remove the name of the organization from the list referred to in subsection 3(1).
- (3) A person is not entitled to compensation, financial or otherwise, for any losses suffered directly or indirectly because an accreditation is revoked.

N.S. Reg. 194/2006

Made: October 17, 2006

Filed: October 18, 2006

Fire Safety Regulations

Order in Council 2006-439 dated October 17, 2006
Amendment to regulations made by the Governor in Council
pursuant to Section 51 of the *Fire Safety Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated September 26, 2006, and pursuant to Section 51 of Chapter 6 of the Acts of 2002, the *Fire Safety Act*, is pleased to amend the *Fire Safety Regulations*, N.S. Reg. 48/2003, made by the Governor in Council by Order in Council 2003-83 dated February 28, 2003, to adopt the 2005 edition of the National Fire Code, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after October 31, 2006.

Schedule "A"

**Amendment to the *Fire Safety Regulations*
made by the Governor in Council under Section 51 of
Chapter 6 of the Acts of 2002, the *Fire Safety Act***

- 1 (1) The *Fire Safety Regulations* made by the Governor in Council by Order in Council 2003-83 dated February 28, 2003, are amended by striking out "8" in clause 2(1)(c) and substituting "5".

- (2) Clause 2(1)(e) of the regulations is repealed.
 - (3) Clause 2(1)(f) of the regulations is repealed and the following clause substituted:
 - (e) “National Fire Code” means the National Fire Code of Canada 2005 issued by the National Research Council of Canada, as amended.
- 2 Sections 3, 4, 5, 6, 8, 9, 10 and 11 are repealed and the following Sections substituted:

Part 1 - Council and Committees

Fire Safety Advisory Council

3 (1) The Council must be composed of the following members:

- (a) the Fire Marshal or the Fire Marshal’s representative;
 - (b) 1 representative from the Building Code Advisory Committee established by the *Building Code Act*, as selected by that committee;
 - (c) 1 representative from the Union of Nova Scotia Municipalities, as selected by that association;
 - (d) 1 representative from the Fire Inspectors Association of Nova Scotia, as selected by that organization;
 - (e) 1 representative from the Nova Scotia Building Officials Association, as selected by that organization;
 - (f) 1 representative from the Insurers Advisory Organization, as selected by that organization;
 - (g) 1 representative from the Insurance Bureau of Canada, as selected by that organization;
 - (h) 1 representative from the Design and Construction Institute of Nova Scotia, as selected by that organization;
 - (i) 1 representative from the Fire Service[§] Association of Nova Scotia, as selected by that organization;
 - (j) 1 representative from the Nova Scotia School Board Association, as selected by that organization;
 - (k) up to 3 additional members, as selected by the Minister;
 - (l) 1 representative from the Public Safety Division of the Department of Environment and Labour who is knowledgeable about the Building Code, as selected by the Minister.
- (2) If an organization specified in subsection (1) is unable to select a representative, the Minister may appoint a member selected by a similar organization that the Minister determines to be a replacement organization.
- (3) A Council member’s term of appointment must not exceed 3 years.

- (4) The Minister must designate 1 member of the Council as Chair and that member must preside as Chair at meetings of the Council.
- (5) Members of the Council must serve without remuneration.

Role of Council

- 4 It is the role of the Council to receive and hear petitions, briefs, and comments from individuals or groups with respect to the Act.

Fire Services Advisory Committee

- 5 (1) The Committee must be composed of the following members:
 - (a) the Fire Marshal or the Fire Marshal's representative;
 - (b) 1 representative from Service Nova Scotia and Municipal Relations, as selected by the Deputy Minister of that Department;
 - (c) 1 representative from the Fire Inspectors Association of Nova Scotia, as selected by that organization;
 - (d) 3 representatives from the Fire Service Association of Nova Scotia, as selected by the membership of that organization;
 - (e) 1 representative of the firefighters in Nova Scotia who are unionized, as selected by the Minister;
 - (f) 1 representative of Halifax Regional Fire and Emergency, as selected by the Regional Council of the Halifax Regional Municipality;
 - (g) 1 representative of the Cape Breton Regional Fire Service, as selected by the Regional Council of the Cape Breton Regional Municipality;
 - (h) 1 representative of the industrial fire brigades, as selected by the Industrial Fire Brigades Committee;
 - (i) up to 3 additional members, as selected by the Minister.
- (2) If an organization specified in subsection (1) is unable to select a representative, the Minister may appoint a member selected by a similar organization that the Minister determines to be a replacement organization.
- (3) A Committee member's term of appointment must not exceed 3 years.
- (4) The Minister must designate 1 member of the Committee as Chair and that member must preside as Chair at meetings of the Committee.
- (5) Members of the Committee must serve without remuneration.

Role of Committee

- 6 It is the role of the Committee to

- (a) advise the Minister on Provincial legislation and policies with respect to the delivery of fire services;
- (b) receive and hear petitions, briefs and comments from individuals or groups with respect to Provincial fire services;
- (c) recommend legislation, policies, and practices to promote efficiency in the administration and operation of emergency fire services; and
- (d) advise the Council on matters with respect to the delivery of fire services.

3 The regulations are amended by adding the following heading and Section immediately after Section 15:

Prescribed expenditure amount for orders

15A For the purpose of clause 30(1)(e) of the Act, \$2000 is prescribed as the maximum amount of an expenditure in respect of an order made under Section 25 of the Act that may be carried out or caused to be carried out by a fire official without further authorization.

4 Subsection 23(3) of the regulations is repealed and the following subsection substituted:

(3) A licence is valid until the expiry date shown on the licence, for a term of up to 3 years from the date it is issued, unless suspended or cancelled sooner.

5 Section 29 of the regulations is amended by striking out “CAN/ULC-S102-M88” in ~~added~~ Clause 3) a) and substituting “CAN/ULC-S102-03”.

6 Section 31 of the regulations is amended by striking out “Article 2.14.1.3.” and substituting “Article 2.14.1.1.”.

7 Section 32 of the regulations is repealed and the following Section substituted:

32 Article 5.1.1.3. of the National Fire Code is replaced by the following Article:

5.1.1.3. Handling and Discharge of Fireworks and Pyrotechnics

1) The handling and discharge of fireworks and pyrotechnics shall conform to the “Display Fireworks Manual” and the “Pyrotechnics Special Effects Manual”, as published by the Explosives Regulatory Division, Natural Resources Canada.

8 (1) Section 35 of the regulations is amended by striking out “Subsection 9.10.17.” in Sentence 2) of replacement Article 8.1.1.19. and substituting “Subsection 9.10.18.”.

(2) Section 35 of the regulations is further amended by striking out “Subsection 9.10.18.” in Sentence 3) of replacement Article 8.1.1.19. and substituting “Subsection 9.10.19.”.

9 The regulations are further amended by striking out “municipal unit” wherever it appears and substituting “municipality”.

N.S. Reg. 195/2006

Made: October 18, 2006

Filed: October 19, 2006

Prescribed Petroleum Products Prices

Order dated October 18, 2006
made by Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 14 to 18 of the *Petroleum Products Pricing Regulations*

**In the Matter of Section 14 of Chapter 11 of the Acts of 2005
the *Petroleum Products Pricing Act***

- and -

**In the Matter of Sections 14 to 18 of the *Petroleum Products Pricing Regulations*
made by the Governor in Council
pursuant to Section 14 of the *Petroleum Products Pricing Act***

- and -

**In the Matter of an Order Prescribing Prices for Petroleum Products
made by the Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 14 to 18 of the *Petroleum Products Pricing Regulations***

Order

I, Jamie Muir, Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia, pursuant to Section 14 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing Act*, and Sections 14 to 18 of the *Petroleum Products Pricing Regulations*, hereby

- (a) repeal the Order dated October 4, 2006, which prescribed prices for petroleum products in the Province effective on and after 12:01 a.m. on October 5, 2006; and
- (b) prescribe prices for petroleum products in the Province as set forth in the tables in Schedule "A".

This Order is effective on and after 12:01 a.m. on October 19, 2006.

Made at Halifax, in the Halifax Regional Municipality, Nova Scotia, on October 18, 2006.

Sgd.: *Greg Keefe for*
Honourable Jamie Muir
Minister of Service Nova Scotia and Municipal Relations

Schedule "A"
Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on October 19, 2006

Table 1: Benchmark Prices for Regulated Petroleum Products (cents/litre)	
Regular unleaded gasoline	44.5
Mid-grade unleaded gasoline	47.5
Premium unleaded gasoline	50.5
Ultra low-sulfur diesel oil	53.7

Table 2: Wholesale Margins, Fixed Wholesale Prices, Retail Mark-ups and Retail Prices for Regulated Petroleum Products (cents/litre)										
			Retail Mark-up				Retail Price (includes all taxes)			
			Self-Service		Full-Service		Self-Service		Full-Service	
	Wholesale Margin (excludes GST)	Fixed Wholesale Price (excludes GST)	Min	Max	Min	Max	Min	Max	Min	Max
Zone 1										
Regular Unleaded	6.3	76.3	4.0	5.5	4.0	7.5	91.5	93.3	91.5	95.5
Mid-Grade Unleaded	9.3	79.3	4.0	5.5	4.0	7.5	95.0	96.7	95.0	99.0
Premium Unleaded	12.3	82.3	4.0	5.5	4.0	7.5	98.4	100.1	98.4	102.4
Ultra Low-Sulfur Diesel	6.3	79.4	4.0	5.5	4.0	7.5	95.1	96.8	95.1	99.1
Zone 2										
Regular Unleaded	6.7	76.7	4.0	5.5	4.0	7.5	92.0	93.7	92.0	96.0
Mid-Grade Unleaded	9.7	79.7	4.0	5.5	4.0	7.5	95.4	97.1	95.4	99.4
Premium Unleaded	12.7	82.7	4.0	5.5	4.0	7.5	98.8	100.5	98.8	102.8
Ultra Low-Sulfur Diesel	6.7	79.8	4.0	5.5	4.0	7.5	95.5	97.2	95.5	99.5
Zone 3										
Regular Unleaded	7.2	77.2	4.0	5.5	4.0	7.5	92.6	94.3	92.6	96.6
Mid-Grade Unleaded	10.2	80.2	4.0	5.5	4.0	7.5	96.0	97.7	96.0	100.0
Premium Unleaded	13.2	83.2	4.0	5.5	4.0	7.5	99.4	101.0	99.4	103.4
Ultra Low-Sulfur Diesel	7.2	80.3	4.0	5.5	4.0	7.5	96.1	97.8	96.1	100.1
Zone 4										
Regular Unleaded	7.2	77.2	4.0	5.5	4.0	7.5	92.6	94.3	92.6	96.6
Mid-Grade Unleaded	10.2	80.2	4.0	5.5	4.0	7.5	96.0	97.7	96.0	100.0
Premium Unleaded	13.2	83.2	4.0	5.5	4.0	7.5	99.4	101.1	99.4	103.4
Ultra Low-Sulfur Diesel	7.2	80.3	4.0	5.5	4.0	7.5	96.1	97.8	96.1	100.1

Zone 5										
Regular Unleaded	7.2	77.2	4.0	5.5	4.0	7.5	92.6	94.3	92.6	96.6
Mid-Grade Unleaded	10.2	80.2	4.0	5.5	4.0	7.5	96.0	97.7	96.0	100.0
Premium Unleaded	13.2	83.2	4.0	5.5	4.0	7.5	99.4	101.1	99.4	103.4
Ultra Low-Sulfur Diesel	7.2	80.3	4.0	5.5	4.0	7.5	96.1	97.8	96.1	100.1
Zone 6										
Regular Unleaded	8.0	78	4.0	5.5	4.0	7.5	93.5	95.2	93.5	97.5
Mid-Grade Unleaded	11.0	81	4.0	5.5	4.0	7.5	96.9	98.6	96.9	100.9
Premium Unleaded	14.0	84	4.0	5.5	4.0	7.5	100.3	102.0	100.3	104.3
Ultra Low-Sulfur Diesel	8.0	81.1	4.0	5.5	4.0	7.5	97.0	98.7	97.0	101.0

N.S. Reg. 196/2006 to 197/2006

Made: October 16, 2006

Filed: October 19, 2006

Lake George Watershed Protected Water Area Designation and
Lake George Watershed Protected Water Area Regulations

Order dated October 16, 2006
made by the Minister of Environment and Labour
pursuant to Section 106 of the *Environment Act*

Canada
Province of Nova Scotia

In the matter of: the *Environment Act*, S.N.S. 1994-95, c. 1, s. 106

In the matter of: the designation of an area surrounding Lake George, Yarmouth County, as a Protected Water Area, to be known as the "Lake George Watershed Protected Water Area"

**Designation of the Lake George Watershed Protected Water Area
and the Making of Regulations with Respect Thereto**

Whereas by order dated November 2, 1964, and published in the Royal Gazette [Part 1] on November 4, 1964, the Nova Scotia Water Authority defined and prescribed an area surrounding Lake George, Yarmouth County as the public water supply for the Town of Yarmouth;

And whereas subsections 106(4) and (5) of the *Environment Act* provide:

- (4) When requested by an operator of a water works or proposed water works, the Minister may cancel a designation made pursuant to this section, in whole or in part.
- (5) Any protected water area designated pursuant to the *Water Act* prior to the coming into force of this *Act* remains so designated;

And whereas the Town of Yarmouth Water Utility, operator of the Lake George Water Treatment Plant, has requested that the Minister of Environment and Labour cancel the November 2, 1964 designation;

And whereas Section 106 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, provides for the designation by the Minister of Environment and Labour of a protected water area and the making of regulations under subsection (6) to prohibit, regulate or require the doing of any act or acts in a protected water area that

may impair or prevent the impairment, as the case may be, of the quality of the water in the Protected Water Area;

And whereas the Town of Yarmouth Water Utility, operator of the Lake George Water Treatment Plant, has requested that the Minister of Environment and Labour designate the Lake George watershed as a Protected Water Area in order to protect the quality of the surface water and groundwater resource as a water supply;

And whereas the Town of Yarmouth Water Utility has provided opportunities for public consultation, including public meetings and the establishment of the Lake George Watershed Management Committee, an advisory committee comprising representatives of the Province of Nova Scotia, the Town of Yarmouth, members of the general public and landowners;

Therefore pursuant to Section 106 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, the undersigned, Mark Parent, Minister of Environment and Labour hereby

- (a) cancels the area defined and prescribed on November 2, 1964 and designates as a protected water area, to be known as the “Lake George Watershed Protected Water Area”, the area comprising the topographic drainage area surrounding Lake George and more fully described in Schedule “A”, which corresponds to the area designated as of May 12, 2005, as the Lake George Watershed Zone by the Municipality of the District of Yarmouth in its Municipal Planning Strategy and Land Use By-law effective March 20, 2001; and
- (b) makes regulations respecting activity in the Lake George Watershed Protected Water Area, in the form set forth in Schedule “B”.

Sgd.: *Mark Parent*
Honourable Mark Parent
Minister of Environment and Labour

Halifax, Nova Scotia Oct 16, 2006

N.S. Reg. 196/2006

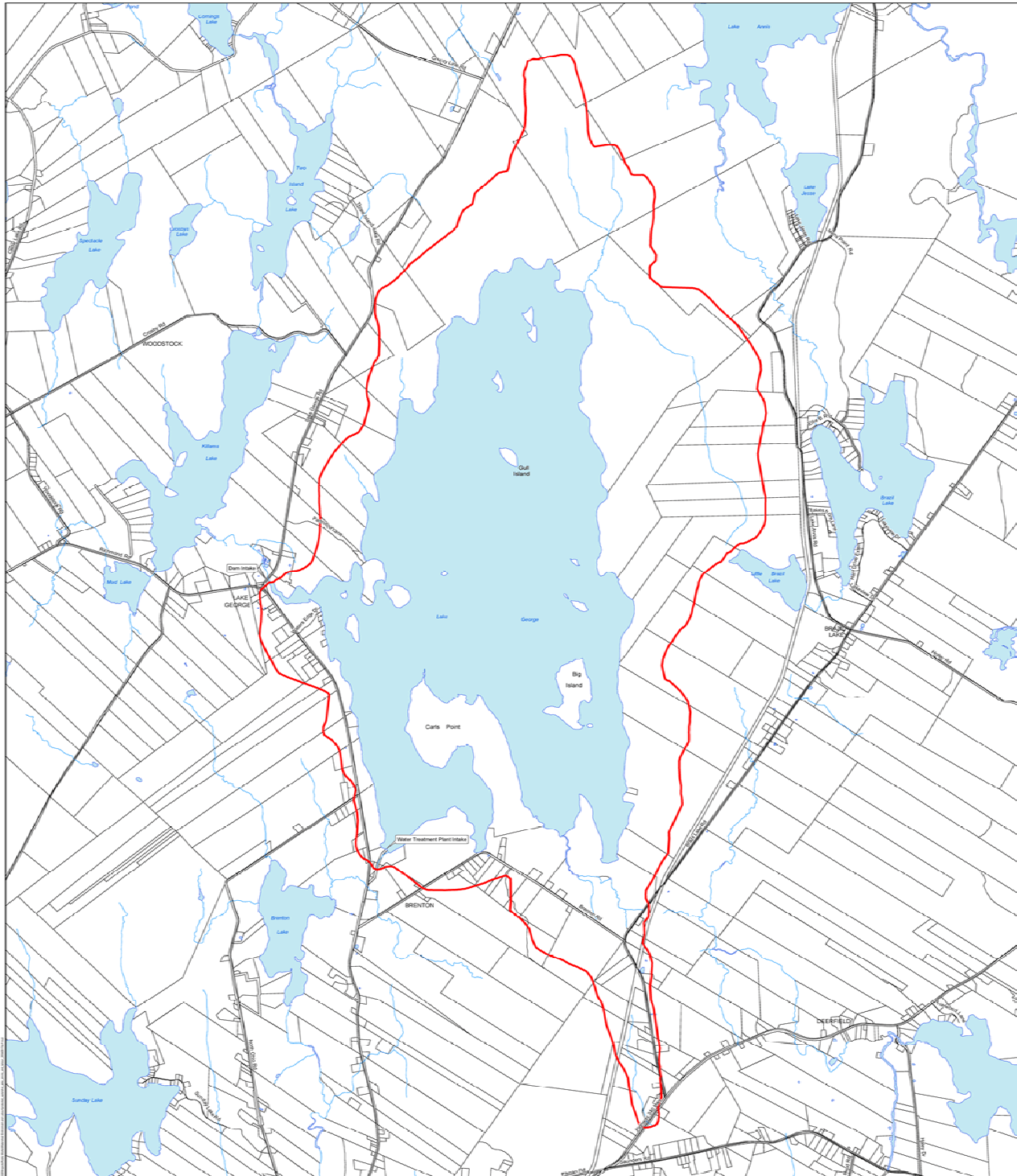
Lake George Watershed Protected Water Area Designation

Schedule “A”

Lake George Watershed Protected Water Area Boundary Description

All and singular that certain lot, piece, parcel or tract of land and land covered by water located at or near Brenton, Yarmouth County, in the Municipality of the District of Yarmouth, Province of Nova Scotia, shown outlined in red on the attached Map “A” - Lake George Watershed Protected Water Area, dated May 12, 2005, prepared by the Town of Yarmouth and filed with the office of the Town Engineer.

Lake George Watershed Protected Water Area - Map 'A' Yarmouth County



Legend

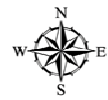
- Property boundaries
- Waterbodies
- Lake George Watershed Protected Water Area boundary designated under the Environment Act
- Hydrology

Date: May 12, 2005
 Projection: NAD83 / UTM zone 20



PROPERTY BOUNDARY MAPPING SOURCE: © 1998 INSPIRE NUNAVUT, GEODETIC CENTRE, ALBERTA
 "CORRECT TO DECIMETRE SCALE, PROPERTY BOUNDARIES SUBJECT TO CHANGE"
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NOTE: Information contained on this map is subject to change.



N.S. Reg. 197/2006

Lake George Watershed Protected Water Area Regulations

Schedule "B"**Regulations Respecting Activities in the Lake George Watershed Protected Water Area made by the Minister of Environment and Labour pursuant to subsection 106(6) of Chapter 1 of the Acts of 1994-95, the *Environment Act*****Citation**

1 These regulations may be cited as the *Lake George Watershed Protected Water Area Regulations*.

Interpretation

2 In these regulations,

- (a) "Act" means the *Environment Act*;
- (b) "agricultural operation" means a farming unit other than a household garden that
 - (i) houses livestock or where livestock graze or are pastured,
 - (ii) has greater than 2 ha of land in forage production,
 - (iii) has greater than 2 ha of land in annual crop production, or
 - (iv) grows and harvests Christmas trees on a commercial basis,or to which any combination of subclauses (i) to (iv) applies;
- (c) "Committee" means the Lake George Watershed Management Committee;
- (d) "Department" means the Department of Environment and Labour;
- (e) "forestry operation" means any activity related to the use of a forest for producing timber, wood fiber or Christmas trees, including but not limited to the following activities:
 - (i) forest management planning,
 - (ii) silviculture,
 - (iii) harvesting,
 - (iv) road construction, and
 - (v) operation, storage and use of equipment and supplies used in any aspect of the activity;
- (f) "Minister" means the Minister of Environment and Labour;
- (g) "nutrient management plan" means a plan for collecting, storing, handling, transporting, applying, treating, using and disposing of agricultural fertilizer, compost, manure and other materials containing nutrients that may be applied to lands, in a manner that prevents the impairment of the quality of the water in the Protected Water Area;

- (h) “open fire” means a fire that is not fully contained within a stove or other device in common usage for the burning of wood as a fuel source for domestic cooking or heat;
- (i) “pest control product” has the same meaning as set out in clause 2(q) of the *Pesticide Regulations* made under the Act;
- (j) “professional forester” means a graduate from a Canadian university with at least a bachelor’s degree in forestry;
- (k) “Protected Water Area” means the land and water designated by the Minister pursuant to subsection 106(1) of the Act as the Lake George Watershed Protected Water Area as described in the designation;
- (l) “release” means to spill, discharge, dispose of, spray, inject, inoculate, abandon, deposit, leak, seep, pour, emit, empty, throw, dump, place, drain, pump or exhaust;
- (m) “Water Works Operator” means the Town of Yarmouth Water Utility, operator of the Lake George municipal water works.

Public notification

- 3 (1) The Water Works Operator must post signs at appropriate locations around the perimeter of the Protected Water Area to provide notice to the general public of the designation of the Protected Water Area.
- (2) The Water Works Operator must replace any signs posted under subsection (1) that have been damaged or removed.
- (3) The Water Works Operator must take appropriate measures to advertise and provide notice to the general public of these regulations.
- (4) No person is permitted to remove or alter any sign, notice or advertisement posted under these regulations.

Activity restrictions

- 4 (1) No person is permitted to swim in Lake George except within 100 m of the dam.
- (2) No person is permitted to wash a vehicle or equipment in any watercourse or within 60 m of the shoreline or bank of any watercourse within the Protected Water Area.
- (3) No person is permitted to fish within 100 m of the intake for the water treatment plant.
- (4) No person is permitted to operate a motorized vessel or vehicle of any kind, including but not limited to
- (a) motorized boat;
 - (b) jetskis;
 - (c) a hovercraft; or
 - (d) an amphibious vehicle

on, through, or over Lake George other than for the protection of the Protected Water Area and unless authorized by the Water Works Operator.

- (5) No person is permitted to operate a snowmobile, all-terrain vehicle, or other off-highway vehicle on Lake George or any watercourse, whether covered by ice or not, other than for the protection of the Protected Water Area and unless authorized by the Water Works Operator.
- (6) No person is permitted to skate or participate in ice surface recreational activities on Lake George
 - (a) within 1000 m of the water treatment plant intake; and
 - (b) within 100 m of the dam.

Fire restrictions

- 5 (1) No person is permitted to light or be responsible for an open fire in the Protected Water Area from April 1 to October 15, inclusive, in any year.
- (2) No person is permitted to burn a product other than wood or charcoal during a time when an open fire is permitted.
- (3) Persons involved in a forestry operation within the Protected Water Area must comply with the *Forests Act* and regulations made pursuant thereto, including the *Forest Fire Protection Regulations*.

Forestry restrictions

- 6 (1) No person owning property in excess of 5 ha is permitted to undertake any type of forestry operation within the Protected Water Area unless the operation is conducted pursuant to a forest management plan that is
 - (a) prepared by a professional forester in accordance with the objectives and policies described in the “Lake George Watershed Management and Protection Strategy” issued by the Water Works Operator; and
 - (b) approved in advance by the Water Works Operator.
- (2) Despite subsection (1), a person who owns or occupies property in the Protected Water Area may harvest from the property
 - (a) less than 20 cords of wood in any one year; or
 - (b) any amount of wood so long as it is for their own personal use.
- (3) A forestry operation within the Protected Water Area must be conducted in accordance with the *Wildlife Habitat and Watercourses Protection Regulations* made under the *Forests Act* and the “Forest/Wildlife Guidelines and Standards for Nova Scotia” issued by the Department of Natural Resources, or its successor document or code of practice, as amended from time to time.

Road construction and watercourse alteration

- 7 No person is permitted to construct a forest access road within the Protected Water Area unless the route location and construction methods are approved in writing by the Water Works Operator.

- 8 A forest access road within the Protected Water Area must be constructed in accordance with the publication "Wood Lot Roads, Stream Crossings" issued by the Department of Natural Resources, or its successor document or code of practice, as amended from time to time.
- 9 No person is permitted to construct or remove a bridge or culvert or otherwise alter a watercourse within the Protected Water Area without first obtaining all necessary approvals from the Department and providing the Water Works Operator with copies of such approvals.
- 10 An owner, operator or person who is responsible for an approved forest access road, bridge or culvert must maintain and repair the road, bridge or culvert to the satisfaction of the Water Works Operator.

Pest control restrictions

- 11 No person is permitted to use a pest control product within the Protected Water Area without first obtaining
 - (a) written permission from the Water Works Operator; and
 - (b) an approval from the Department.

Refuse, waste and discharge restrictions

- 12 (1) No person is permitted to install an on-site sewage disposal system within the Protected Water Area unless
 - (a) the person has obtained an approval from the Department; and
 - (b) the system is constructed in conformance with the *On-site Sewage Disposal Systems Regulations* made under the Act.
- (2) An on-site sewage disposal system in the Protected Water Area must be pumped and inspected every 3 years.
- (3) No person is permitted to release or cause or permit the release of oil, petroleum products, soap, detergent, toxic chemicals, pest control product waste, garbage, litter, solid or liquid waste, or any other material that causes or may cause an adverse effect to a watercourse or any other area within the Protected Water Area.
- (4) No person is permitted to establish a dump, landfill, an open windrow compost operation, or waste disposal site within the Protected Water Area.

Agriculture restrictions

- 13 (1) An agricultural operation undertaken within the Protected Water Area must be conducted according to a nutrient management plan prepared by a qualified nutrient management planner and approved by the Water Works Operator.
- (2) No person is permitted to conduct agricultural operations in the Protected Water Area within 100 m of any watercourse, well, or drainage ditch, including a public highway ditch.
- (3) No person is permitted to house livestock, or store manure, pest control products, or fertilizer as part of an agricultural operation in the Protected Water Area, within 100 m of a watercourse, well, or drainage ditch, including a public highway ditch or private roadway ditch.

- (4) No person is permitted to import manure or biosolids for application on land or storage for an agricultural operation in the Protected Water Area.
- (5) Agricultural operations are subject to the soil erosion and sedimentation control restrictions of Section 16.

Easement restrictions

- 14** No person is permitted to construct a road, pipeline, railway, telephone line, power line, or other similar undertakings or grant an easement on, over, under, or across the Protected Water Area without first obtaining the written approval of the Water Works Operator, which the Water Works Operator will not unreasonably refuse.

Pit, mine, quarry restrictions

- 15** No person is permitted to extract peat, gravel, rock, minerals, aggregate materials, top soil or any non-renewable resources within the Protected Water Area.

Soil erosion and sedimentation control

- 16 (1)** No owner, occupier, contractor or person responsible for a construction project or other activity within the Protected Water Area requiring grubbing or earth moving that would expose more than 250 m² of soil at any time is permitted to proceed unless they have
- (a) developed an erosion and sedimentation control plan as described in the “Erosion and Sedimentation Control Handbook for Construction Sites”, published by the Department; and
 - (b) obtained prior written approval of the Water Works Operator.
- (2)** No person is permitted to release at any time water that has a suspended solid concentration greater than 25 mg/L from any construction site within the Protected Water Area.

Home heating oil tanks and fuel storage tanks

- 17 (1)** No person is permitted to install a home heating oil tank, a gasoline fuel storage tank, or a diesel fuel storage tank within the Protected Water Area unless the tank is
- (a) made of stainless steel;
 - (b) constructed with double walls; or
 - (c) approved prior to installation in writing by the Water Works Operator.
- (2)** No person is permitted to install a petroleum storage tank within the Protected Water Area that is not located inside a dwelling or other building unless the tank is
- (a) supported by concrete footings;
 - (b) equipped with a fuel line guard;
 - (c) securely fastened to the dwelling or other building; and
 - (d) surrounded by a concrete containment capable of holding 110% of the volume of the tank.
- (3)** No person is permitted to install a gasoline petroleum storage tank or a diesel petroleum storage tank within the Protected Water Area that holds more than 1135 L.

- (4) No person is permitted to install an underground petroleum storage tank within the Protected Water Area.
- (5) A person who is using mechanical equipment or transporting gasoline or oil within the Protected Water Area is not permitted to release, and must take precautions to prevent the release of, a petroleum product onto the ground or into a watercourse or runoff from the area.

Consultation with the Committee

- 18 (1) The Water Works Operator must consult with the Committee before granting any authorization or approval required by these regulations.
- (2) A permit or approval issued by the water works operator under these regulations may contain terms and conditions respecting time and other restrictions if the terms, conditions, or restrictions are deemed necessary to protect water quality in the Protected Water Area.

Approval by Water Works Operator

- 19 Any decisions regarding approvals made by the Water Works Operator under these regulations must be made no later than 60 days after the application is submitted.

N.S. Reg. 198/2006

Made: September 27, 2006

Approved: October 17, 2006

Filed: October 20, 2006

Special Operating Agency Designation – Conserve Nova Scotia

Order in Council 2006-443 dated October 17, 2006

Designation made by Treasury and Policy Board and approved by the Governor in Council pursuant to clause 16(1)(a) of the *Public Service Act*

The Governor in Council on the report and recommendation of the Minister of Energy dated September 27, 2006 and pursuant to Section 16 of Chapter 376 of the Revised Statutes of Nova Scotia, 1989, the *Public Service Act*, and Section 10 of Chapter 70 of the Revised Statutes of Nova Scotia, 1989, the *Civil Service Act*, is pleased, effective on and after January 1, 2007, to:

- (a) approve the designation of Conserve Nova Scotia as a special operating agency made by Treasury and Policy Board in the form set out in Schedule “A” attached to and forming part of the report and recommendation; [**This clause only filed as N.S. Reg. 198/2006**]
- (b) approve the establishment of an operating charter for Conserve Nova Scotia containing the objects of the special operating agency, and terms, conditions and other provisions governing its operations established by Treasury and Policy Board in the form set forth in Schedule “B” attached to and forming part of the report and recommendation; and
- (c) designate the President/Chief Executive Officer of Conserve Nova Scotia as a deputy head ~~withing~~ [within] the meaning of the *Civil Service Act*.

Schedule "A"

**In the Matter of a Designation by Treasury and Policy Board
made pursuant to Section 16 of Chapter 376 of the
Revised Statutes of Nova Scotia, 1989,
the *Public Service Act***

The Treasury and Policy Board, pursuant to clause 16(1)(a) of Chapter 376 of the Revised Statutes of Nova Scotia, 1989, the *Public Service Act*, hereby designates Conserve Nova Scotia as a special operating agency.

Dated and made at Halifax, Nova Scotia, September 27, 2006.

Sgd.: *J. Muir* Acting Minister
Honourable Angus MacIsaac
Chair of Treasury and Policy Board

N.S. Reg. 199/2006

Made: September 29, 2006

Approved: October 17, 2006

Filed: October 23, 2006

Bulk Haulage Regulations

Order dated September 29, 2006
Amendment to regulations made by the Dairy Farmers of Nova Scotia
and approved by the Natural Products Marketing Council
pursuant to clause 15(1)(b) of the *Dairy Industry Act*

Dairy Farmers of Nova Scotia

The Dairy Farmers of Nova Scotia, pursuant to clause 15(1)(b) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, at a meeting held on September 29, 2006, amended the *Bulk Haulage Regulations* in the manner set out in the form attached to this certificate as Schedule "A", effective on and after November 1, 2006.

Dated and signed at Truro, Nova Scotia Oct. 11, 2006.

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

Approved by the Natural Products Marketing Council at Truro, Nova Scotia, October 17, 2006.

Sgd.: *E. A. Crouse*
Elizabeth A. Crouse
Acting General Manager
Natural Products Marketing Council

Schedule "A"**Amendments to the *Bulk Haulage Regulations*
made by the Dairy Farmers of Nova Scotia
pursuant to clause 15(1)(b) of Chapter 24 of the Acts of 2000,
the *Dairy Industry Act***

Clause 7(a) of the *Bulk Haulage Regulations* made by the Dairy Farmers of Nova Scotia and approved by the Natural Products Marketing Council on August 13, 2002, is amended by

- (a) striking out "\$2.32" directly opposite "Bedford Transport Limited" and substituting "\$2.31";
- (b) striking out "\$3.03" directly opposite "Scotsburn Co-operative Services Limited" and substituting "\$3.05";
- (c) striking out "\$1.78" directly opposite "Fisher Transport Limited" and substituting "\$1.79";
- (d) striking out "\$2.60" directly opposite "Winterthur Farm - Rudolph Burghardt" and substituting "\$2.61";
- (e) striking out "1.84" directly opposite "Cook's Dairy Farm Limited" and substituting "\$1.85"

N.S. Reg. 200/2006

Made: October 25, 2006

Filed: October 25, 2006

Employment Support and Income Assistance Regulations

Order in Council 2006-444 dated October 25, 2006

Amendment to regulations made by the Governor in Council
pursuant to Section 21 of the *Employment Support and Income Assistance Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated July 18, 2006, and pursuant to Section 21 of Chapter 27 of the Acts of 2000, the *Employment Support and Income Assistance Act*, is pleased to amend the *Employment Support and Income Assistance Regulations*, N.S. Reg. 25/2001, made by Order in Council 2001-138 dated March 23, 2001, to allow participants in the Career Seek Pilot Project to be eligible for income assistance, in the manner set forth in Schedule "A" attached to and forming part of the Report and Recommendation, effective on and after October 25, 2006.

Schedule "A"**Amendment to the *Employment Support and Income Assistance Regulations*
made by the Governor in Council pursuant to Section 21 of Chapter 27
of the Acts of 2000, the *Employment Support and Income Assistance Act***

The *Employment Support and Income Assistance Regulations*, N.S. Reg. 25/2001, made by the Governor in Council by Order in Council 2001-138 dated March 23, 2001, are amended by repealing subsection 67(1) and substituting the following subsection:

- (1) A person attending a post-secondary education program of more than 2 years shall not receive assistance unless the person is
 - (a) funded to attend by the Employability Assistance for Persons with Disabilities Program, which is a program for adults with vocational handicaps funded by Human Resources Development Canada in partnership with the Government of Nova Scotia; or
 - (b) a participant in the Career Seek Pilot Project, which is a pilot project to support eligible individuals attending post-secondary education programs.
-

N.S. Reg. 201/2006

Made: October 27, 2006

Filed: October 30, 2006

Small Claims Court Forms and Procedures Regulations

Order in Council 2006-454 dated October 27, 2006
Amendment to regulations made by the Governor in Council
pursuant to Section 33 of the *Small Claims Court Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated October 4, 2006, and pursuant to Section 33 of Chapter 430 of the Revised Statutes of Nova Scotia, 1989, the *Small Claims Court Act*, is pleased to amend the regulations respecting Small Claims Court forms and procedures, N.S. Reg. 17/93, made by the Governor in Council by Order in Council 93-110 dated February 2, 1993, to reflect the increase in the monetary jurisdiction of the Small Claims Court and to increase the time for filing a defence, in the manner set forth in Schedule "A" attached to and forming part of the Report and Recommendation, effective on and after October 27, 2006.

Schedule "A"

**Amendment to the Regulations Respecting Small Claims
Court Forms and Procedures made under Section 33 of Chapter 430
of the Revised Statutes of Nova Scotia, 1989,
the *Small Claims Court Act***

- 1 The regulations respecting Small Claims Court forms and procedures, N.S. Reg. 17/93, made by the Governor in Council by Order in Council 93-110 dated February 2, 1993, are amended by
 - (a) striking out "\$15 000.00" in clause 2(b) and substituting "\$25 000.00"; and
 - (b) striking out "within ten days" in subsection 5(1) and substituting "within 20 days".
- 2 Form 1 of the regulations is amended by striking out "**within 10 days**" in each of items 1 and 2 under "To the Defendant(s)" at the end of the form and substituting "**within 20 days**".

N.S. Reg. 202/2006

Made: October 27, 2006

Filed: October 31, 2006

Deep Panuke Project Regulations

Order in Council 2006-455 dated October 27, 2006
Regulations made by the Governor in Council
pursuant to Sections 4, 5, 6 and 40 of the *Pipeline Act* and
Section 12 of the *Energy Resources Conservation Act*

The Governor in Council on the report and recommendation of the Minister of Energy dated October 13, 2006, pursuant to Sections 4, 5, 6 and 40 of Chapter 345 of the Revised Statutes of Nova Scotia, 1989, the *Pipeline Act*, and Section 12 of Chapter 147 of the Revised Statutes of Nova Scotia, 1989, the *Energy Resources Conservation Act*, is pleased, effective October 27, 2006, to:

- (a) withdraw from the application of the *Pipeline Act* or the regulations such Nova Scotia lands located in Nova Scotia and the Nova Scotia offshore area which may be required for any sales gas subsea pipeline from the Deep Panuke Project offshore production facility to connect to an onshore pipeline or other onshore facility or tie-in connection to the Sable Offshore Energy Project subsea pipeline, which subsea pipeline is regulated by the National Energy Board and the Canada-Nova Scotia Offshore Petroleum Board, subject to the purposes and conditions set out in the Order;
- (b) order that effective October 27, 2006, and for so long thereafter as any subsea pipeline required for the Deep Panuke Project remains in place, the *National Energy Board Act* (Canada) and any regulations made thereunder are applicable to the Nova Scotia lands withdrawn under clause (a) and such enactment shall have the same force and effect as if enacted by the Legislature;
- (c) order that effective October 27, 2006, and for so long thereafter as any subsea pipeline required for the Deep Panuke Project remains in place, the National Energy Board established by the *National Energy Board Act* (Canada) be granted jurisdiction over the regulation of any subsea pipeline on Nova Scotia lands withdrawn under clause (a), the said National Energy Board to have the same force and effect as if established by the Legislature;
- (d) approve the terms and conditions of an agreement with the Government of Canada and other parties in the form set forth in Schedule "A" attached to and forming part of the Report and Recommendation, respecting the administration of Nova Scotia lands withdrawn under clause (a);
- (e) order that the agreement under clause (d) shall have the same force and effect as if enacted by the Legislature and any board, agency or person referred to in the agreement shall be empowered to do all things necessary to effect the agreement; and
- (f) authorize the Minister of Energy to sign the agreement referred to in clause (d) or one to like effect.